

Side-by-Side Comparison

Section	Board of Trustees	State Board of Higher Education
1.1	<p>1.1 <u>Board Authority.</u> The Board of Trustees is the final University authority and has full control of the University and its property of various kinds. The Board may take any and all Board actions as it determines necessary or appropriate. Board actions have precedence over other policies, standards, directives and other actions of the University and its constituent parts. Any policies, standards, directives and other actions of the University and its constituent parts shall be consistent with Board actions. The Board may review and intervene in any and all aspects of the University; modify any policy, standard, or directive; amend or rescind any existing policy, standard or directive; and enact and issue such policies, standards and directives as it deems proper for the University. The Board shall adopt a mission statement for the University in consultation with the faculty, students and staff members.</p> <p><b>352.029 Definitions for ORS 351.365 to 351.379 and 352.025 to 352.146.</b> As used in ORS 351.365 to 351.379 and 352.025 to 352.146:</p> <p>(1) “Governing board” means a governing board established by a university under ORS 352.054 that 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.</p> <p>(2) “State bonds” means “bonds” as defined in ORS 286A.001 that are issued by the State Treasurer.</p> <p>(3) “University with a governing board” means a public university listed in ORS 352.054 that has established a governing board.</p>	<p><b>351.015 State Board of Higher Education.</b> The Oregon University System shall be conducted under the control of a board of 15 directors, to be known as the State Board of Higher Education. <b>Except as otherwise provided by law, the board has sole authority to govern, set policy and otherwise manage the affairs of the public universities listed in ORS 351.011.</b></p> <p><b>Note:</b> The amendments to 351.015 by section 37, chapter 768, Oregon Laws 2013, become operative July 1, 2014. See section 171, chapter 768, Oregon Laws 2013. The text that is operative until July 1, 2014, is set forth for the user’s convenience.</p> <p><b>351.015.</b> The Oregon University System shall be conducted under the control of a board of 15 directors, to be known as the State Board of Higher Education. <b>Except as otherwise provided by law, the board has sole authority to govern, set policy and otherwise manage the affairs of the public universities listed in ORS 352.002.</b></p> <p><b>Article I of SBHE Bylaws (revised 1/8/2010)</b></p> <p>The property and affairs of the Oregon Department of Higher Education will be managed and controlled by the Board of Higher Education. The Board has the power to make rules pursuant to the laws of the State of Oregon for the guidance of the officers and employees of the Department known as the Oregon University System (OUS) and for the governance of the educational institutions in OUS and the students thereof. It is expressly understood that nothing contained in these Bylaws will be deemed to limit or restrict the general authority vested in said Board for the management, control, and operation of the OUS.</p> <p><b>351.011 Oregon University System established.</b> (1) The Oregon University System is established as a public university system, consisting of the office of the Chancellor of the Oregon University System and the following public universities, and any related offices, departments or activities:</p> <ul style="list-style-type: none"> <li>(a) Oregon State University.</li> <li>(b) Oregon Institute of Technology.</li> <li>(c) Western Oregon University.</li> <li>(d) Southern Oregon University.</li> <li>(e) Eastern Oregon University.</li> </ul> <p><b>(2) The State Board of Higher Education, on behalf of the Oregon University System, shall exercise and carry out all of the powers, rights and duties that are expressly conferred upon the board or that are implied by law or incident to such powers, rights and duties.</b></p>

**352.033 Status of university with a governing board.** A university with a governing board is a governmental entity performing governmental functions and exercising governmental powers. A university with a governing board is not considered a unit of local or municipal government or a state agency, board, commission or institution for purposes of state statutes or constitutional provisions

**352.096 Appointment and removal of university president; roles of president; hiring of university personnel.**

(2) The president of the university is the president of the faculty. The president is also the executive and governing officer of the university, except as otherwise provided by statute or action of the governing board. Subject to the supervision of the governing board, the president of the university has authority to direct the affairs of the university.

**352.089 Achievement compacts; mission statements; process for approval of change to academic program; biennial funding requests; request for issuance of state bonds; responding to legislative request for data; rules.**

(2) The governing board shall adopt a mission statement for the university, and shall forward the statement to an office designated by the Higher Education Coordinating Commission as being responsible for university coordination.

**352.146 Faculty; status; powers.** The president and professors constitute the faculty and as such have the immediate government and discipline of a university with a governing board and the students therein, except as otherwise provided by law or action of the governing board. The faculty may, subject to the supervision of the governing board and ORS 352.089, prescribe the course

(3) The Oregon University System is an instrumentality of the state and a government entity performing governmental functions and exercising governmental powers. Notwithstanding the status of the Oregon University System as an instrumentality of the state, the Oregon University System is not eligible to request or receive legal services from the Attorney General and the Department of Justice pursuant to ORS chapter 180, except as otherwise expressly provided by law.

(4) The Oregon University System is not considered a unit of local or municipal government.

(5) Subsections (1) to (4) of this section apply only to listed public universities that do not become a university with a governing board under ORS 352.054 or section 168 or 168a, chapter 768, Oregon Laws 2013.

**Note:** The amendments to 351.011 by section 25, chapter 768, Oregon Laws 2013, become operative July 1, 2014. See section 171, chapter 768, Oregon Laws 2013. The text that is operative until July 1, 2014, is set forth for the user's convenience.

**351.011.** The Oregon University System is established as a public university system, consisting of the office of the Chancellor of the Oregon University System, the public universities listed in ORS 352.002 and any related offices, departments or activities. The State Board of Higher Education, on behalf of the Oregon University System, shall exercise and carry out all of the powers, rights and duties that are expressly conferred upon the board or that are implied by law or incident to such powers, rights and duties. The Oregon University System is an instrumentality of the state and a government entity performing governmental functions and exercising governmental powers. Notwithstanding the status of the Oregon University System as an instrumentality of the state, the Oregon University System is not eligible to request or receive legal services from the Attorney General and the Department of Justice pursuant to ORS chapter 180, except as otherwise expressly provided by law. The Oregon University System is not considered a unit of local or municipal government.

**351.049 Approval of mission statements by Higher Education Coordinating Commission.**

The State Board of Higher Education shall forward all mission statements of the public universities listed in ORS 351.011 to the Higher Education Coordinating Commission for approval.

**351.070 Board general powers as to Oregon University System and universities; standards.**

(3) The board may, for each public university listed in ORS 351.011:

(a) Appoint and employ a president and the requisite number of employees and prescribe their compensation and tenure of office or employment.

(b) Demand and receive all sums due and accruing for admission and tuition, and apply the same, or so much thereof as is necessary, to the payment of the compensation referred to in paragraph (a) of this subsection and the other current expenses.

(c) Confer, consistent with the mission and programs of each public university and on the

of study to be pursued in the university and the textbooks to be used.

recommendation of the faculty of the public university, such degrees as usually are conferred by public universities, or as the faculty deems appropriate.

(d) Prescribe the qualifications for admission.

(4) Subject to such delegation as the board may decide to make to the public universities and offices, departments and activities under its control, the board, for each public university, office, department or activity under its control:

(a) Shall supervise the general course of instruction therein, and the research, extension, educational and other activities thereof.

(b) Shall develop and adopt standards and bylaws for the government thereof, including the faculty, teachers, students and employees therein.

**Note:** The amendments to 351.070 by section 200, chapter 747, Oregon Laws 2013, and section 48, chapter 768, Oregon Laws 2013, become operative July 1, 2014. See section 204, chapter 747, Oregon Laws 2013, and section 171, chapter 768, Oregon Laws 2013. The text that is operative until July 1, 2014, including amendments by section 4, chapter 115, Oregon Laws 2013, is set forth for the user's convenience.

#### **351.070.**

(3) The board may, for each public university listed in ORS 352.002:

(a) Appoint and employ a president and the requisite number of employees and prescribe their compensation and tenure of office or employment.

(b) Demand and receive all sums due and accruing for admission and tuition, and apply the same, or so much thereof as is necessary, to the payment of the compensation referred to in paragraph (a) of this subsection and the other current expenses.

(c) Prescribe incidental fees for programs under the supervision or control of the board found by the board, upon its own motion or upon recommendation of the recognized student government, to be advantageous to the cultural or physical development of students. Fees realized in excess of amounts allocated and exceeding required reserves shall be considered surplus incidental fees and shall be allocated for programs under the control of the board and found to be advantageous to the cultural or physical development of students by the president upon the recommendation of the recognized student government.

(d) Upon recommendation of the recognized student government, collect optional fees for student activities not included in paragraph (c) of this subsection or ORS 351.063 as authorized by the president. The payment of such optional fees is at the option and selection of the student and is not a prerequisite of enrollment.

(e) Confer, consistent with the mission and programs of each public university and on the recommendation of the faculty of the public university, such degrees as usually are conferred by public universities, or as the faculty deems appropriate.

(f) Prescribe the qualifications for admission.

(4) Subject to such delegation as the board may decide to make to the public universities and offices, departments and activities under its control, the board, for each public

university, office, department or activity under its control:

(a) Shall supervise the general course of instruction therein, and the research, extension, educational and other activities thereof.

(b) Shall adopt rules and bylaws for the government thereof, including the faculty, teachers, students and employees therein.

**351.735 Duties and powers; rules.**

(3) The Higher Education Coordinating Commission shall:

(g) Approve or disapprove any significant change to the academic program of a community college or a public university listed in ORS 352.002. In reaching a decision under this paragraph, the commission shall consider the recommendation from the community college or public university seeking to make the change to an academic program that is issued pursuant to the obligation of the governing board of a community college or public university to review and approve academic programs. The commission shall ensure that approved programs:

(A) Are consistent with the mission statement of the community college or public university;

(B) Do not unnecessarily duplicate academic programs offered by Oregon's other community colleges or public universities;

(C) Are not located in a geographic area that will cause undue hardship to Oregon's other community colleges or public universities; and

(D) Are allocated among Oregon's community colleges and public universities to maximize the achievement of statewide needs and requirements.

(h) For public universities listed in ORS 352.002:

(A) Approve the mission statement adopted by a governing board of a public university or by the State Board of Higher Education.

(B) Review and determine whether a proposed annual increase of resident undergraduate enrollment fees, as described in ORS 351.063, of greater than five percent is appropriate.

(C) Advise the Governor and the Legislative Assembly on issues of university governance.

(D) Approve and authorize degrees.

**352.004 Presidents of public universities.** The president of each public university within the Oregon University System is also president of the faculty. The president is also the executive and governing officer of the public university, except as otherwise provided by statute or action of the State Board of Higher Education. Subject to the supervision of the board, the president of the public university has authority to control and give general directions to the practical affairs of the public university.

**352.010 Status of faculty.** The president and professors constitute the faculty of each of the

		<p>public universities listed in ORS 351.011 and as such have the immediate government and discipline of the public university and the students therein, except as otherwise provided by statute or action of the State Board of Higher Education. The faculty may, subject to the supervision of the board under ORS 351.070, prescribe the course of study to be pursued in the public university and the textbooks to be used.</p> <p><b>Note:</b> The amendments to 352.010 by section 86, chapter 768, Oregon Laws 2013, become operative July 1, 2014. See section 171, chapter 768, Oregon Laws 2013. The text that is operative until July 1, 2014, is set forth for the user's convenience.</p> <p><b>352.010.</b> The president and professors constitute the faculty of each of the public universities listed in ORS 352.002 and as such have the immediate government and discipline of the public university and the students therein, except as otherwise provided by statute or action of the State Board of Higher Education. The faculty may, subject to the supervision of the board under ORS 351.070, prescribe the course of study to be pursued in the public university and the textbooks to be used.</p>
1.2	<p>1.2 <u>Appointment of the President of the University.</u> In consultation with the Governor, or the Governor's designee, the Board shall appoint and employ a President of the University. The President reports exclusively to the Board, and the Board supervises the President. The Board shall prescribe the President's compensation and terms and conditions of employment and is responsible for the reappointment or removal of the President. The President shall perform such duties as are assigned by the Board. Except as otherwise provided by law or Board action, the President is the executive and governing officer of the University. The President shall, from time to time, report to the Board all significant matters within the President's knowledge related to the affairs of the University.</p> <p><b>352.096 Appointment and removal of university president; roles of president; hiring of university personnel.</b> (1)(a) In consultation with the Governor, or the Governor's designee, the governing board shall appoint and employ a president of the university.</p> <p>(b) The governing board shall prescribe the president's compensation and terms and conditions of employment.</p>	<p><b>351.015 State Board of Higher Education.</b> The Oregon University System shall be conducted under the control of a board of 15 directors, to be known as the State Board of Higher Education. Except as otherwise provided by law, the board has sole authority to govern, set policy and otherwise manage the affairs of the public universities listed in ORS 351.011.</p> <p><b>Note:</b> The amendments to 351.015 by section 37, chapter 768, Oregon Laws 2013, become operative July 1, 2014. See section 171, chapter 768, Oregon Laws 2013. The text that is operative until July 1, 2014, is set forth for the user's convenience.</p> <p><b>351.015.</b> The Oregon University System shall be conducted under the control of a board of 15 directors, to be known as the State Board of Higher Education. Except as otherwise provided by law, the board has sole authority to govern, set policy and otherwise manage the affairs of the public universities listed in ORS 352.002.</p> <p><b>351.070 Board general powers as to Oregon University System and universities; standards.</b></p> <p>(3) The board may, for each public university listed in ORS 351.011:</p> <p>(a) Appoint and employ a president and the requisite number of employees and prescribe their compensation and tenure of office or employment.</p> <p><b>Note:</b> The amendments to 351.070 by section 200, chapter 747, Oregon Laws 2013, and section 48, chapter 768, Oregon Laws 2013, become operative July 1, 2014. See section 204, chapter 747, Oregon Laws 2013, and section 171, chapter 768, Oregon Laws 2013. The text that is operative until July 1, 2014, including amendments by section 4, chapter 115, Oregon Laws 2013, is set forth for the user's convenience.</p>

	<p>(2) The president of the university is the president of the faculty. The president is also the executive and governing officer of the university, except as otherwise provided by statute or action of the governing board. Subject to the supervision of the governing board, the president of the university has authority to direct the affairs of the university.</p> <p>(3) Except in the case of an interim or acting president, the hiring committee for the president of a university with a governing board shall include representatives of the university community and at least one other president of a public university based in Oregon.</p> <p>(4) The governing board is responsible for the reappointment or removal of the president of the university.</p> <p>(5) A university with a governing board may appoint and employ any instructional, administrative, professional, trade, occupational and other personnel as are necessary or appropriate and establish their compensation and terms and conditions of employment, subject to the limitations set forth in ORS 352.124 (1) and (2).</p>	<p><b>351.070.</b></p> <p>(3) The board may, for each public university listed in ORS 352.002:</p> <p>(a) Appoint and employ a president and the requisite number of employees and prescribe their compensation and tenure of office or employment.</p> <p>Internal Management Directive 1.145</p> <p>The Board shall appoint the Presidents, upon recommendation from the Chancellor, to serve at its pleasure.</p> <p><b>Board Policy on Executive Leadership and Management</b></p> <p><b>(B)</b></p> <p>(1) The Chancellor will make recommendations to the Board—in which rests the sole power of decision—concerning the selection, appointment, reappointment, evaluation, salaries, and terminations of institution presidents.</p> <p><b>(E)</b></p> <p>(1) The institution president is the executive and governing officer of the institution and is president of the faculty pursuant to ORS 352.004. The institution president is responsible to the Chancellor for all matters concerning the institution and is an advisor to the Chancellor in matters of interinstitutional policy and administration. The institution president will participate in meetings called by the Chancellor to seek advice regarding OUS operations and policy. The institution president will implement and execute rules, policies, plans, directives, budgets, and guidelines as approved by the Chancellor.</p> <p><b>(F)</b></p> <p>(1) The institution president is delegated full authority and responsibility to manage and administer the affairs of the institution, except as otherwise provided for in Board rule, policy, IMD, and directive. The institution president is delegated full authority for determining the organizational structure of the institution, except as otherwise provided for in Board rule, policy, IMD, and directive.</p>
1.3	1.3 <u>University Budget.</u> The Board shall adopt the budget of the University.	<b>351.015 State Board of Higher Education.</b> The Oregon University System shall be conducted under the control of a board of 15 directors, to be known as the State Board of Higher Education. Except as otherwise provided by law, the board has sole authority to govern, set

	<p><b>ORS 352.107(2)</b></p> <p>The budget for a university with a governing board shall be prepared in accordance with generally accepted accounting principles and adopted by the governing board in accordance with ORS 192.610 to 192.710.</p>	<p>policy and otherwise manage the affairs of the public universities listed in ORS 351.011.</p> <p><b>Note:</b> The amendments to 351.015 by section 37, chapter 768, Oregon Laws 2013, become operative July 1, 2014. See section 171, chapter 768, Oregon Laws 2013. The text that is operative until July 1, 2014, is set forth for the user’s convenience.</p> <p><b>351.015.</b> The Oregon University System shall be conducted under the control of a board of 15 directors, to be known as the State Board of Higher Education. Except as otherwise provided by law, the board has sole authority to govern, set policy and otherwise manage the affairs of the public universities listed in ORS 352.002.</p> <p><b>351.085.</b> The Chancellor of the Oregon University System shall exercise, under the direction of the State Board of Higher Education, the administrative and management authority necessary to carry out the policies and directives of the board with respect to the public universities and offices, departments and activities under the control of the board. In carrying out the duties of the chancellor, the chancellor shall:</p> <p>(5) Prepare and submit to the board an annual operating budget for all public universities and offices, departments and activities under the control of the board, including but not limited to budget allocations to the public universities and offices, departments and activities.</p>
1.4	<p>1.4 <u>Tuition and Fees.</u> The Board shall determine tuition and mandatory enrollment fees (including incidental fees) for students who are enrolled in a degree program. The President determines all other fees, fines and charges, after providing notice to the Board.</p> <p><b>352.102 Tuition and mandatory enrollment fees.</b> (1) Except as set forth in this section, the governing board may authorize, establish, eliminate, collect, manage, use in any manner and expend all revenue derived from tuition and mandatory enrollment fees.</p> <p>(2) The governing board shall establish a process for determining tuition and mandatory enrollment fees. The process must provide for participation of enrolled students and the recognized student government of the university.</p> <p>(3) The governing board shall request that the president of the university transmit to the board the joint recommendation of the president and the recognized student government before the board</p>	<p><b>351.063 Setting of enrollment fees; fee remissions; standards; limit on enrollment fee increases.</b> (1) The State Board of Higher Education shall set enrollment fees for each public university listed in ORS 351.011. Enrollment fees include tuition for education and services and any other charges found by the State Board of Higher Education to be necessary to carry out the educational program of the Oregon University System.</p> <p><b>Note:</b> The amendments to 351.063 by section 45, chapter 768, Oregon Laws 2013, become operative July 1, 2014. See section 171, chapter 768, Oregon Laws 2013. The text that is operative until July 1, 2014, is set forth for the user’s convenience.</p> <p><b>351.063.</b> (1) The State Board of Higher Education shall set enrollment fees for each public university listed in ORS 352.002. Enrollment fees include tuition for education and services and any other charges found by the State Board of Higher Education to be necessary to carry out the educational program of the Oregon University System.</p> <p><b>351.070.</b></p> <p>(3) The board may, for each public university listed in ORS 352.002:</p> <p>(c) Prescribe incidental fees for programs under the supervision or control of the board found by the board, upon its own motion or upon recommendation of the recognized student government, to be advantageous to the cultural or physical development of</p>

authorizes, establishes or eliminates any incidental fees for programs under the supervision or control of the board and found by the board to be advantageous to the cultural or physical development of students.

(4) In determining tuition and mandatory enrollment fees for undergraduate students who are enrolled in a degree program and are qualified to pay resident tuition:

(a) The governing board may not increase the total of tuition and mandatory enrollment fees by more than five percent annually unless the board first receives approval from:

(A) The Higher Education Coordinating Commission; or

(B) The Legislative Assembly.

(b) The governing board shall attempt to limit annual increases in tuition and mandatory enrollment fees for undergraduate students who are enrolled in a degree program and have established residency in Oregon to a percentage that is not greater than the percentage increase in the Higher Education Price Index, as compiled by the Commonfund Institute.

(5) The governing board may not delegate authority to determine tuition and mandatory enrollment fees for undergraduate students who are enrolled in a degree program and are qualified to pay resident tuition.

### **352.105 Mandatory incidental fees; resolution of**

**disputes.** (1) The board for each public university listed in ORS 352.002 shall collect mandatory incidental fees upon the request of the recognized student government under a process established by the recognized student government of a university in consultation with the board. The process may include a student body referendum conducted under procedures established by the recognized student government. Mandatory incidental fees collected under this section shall be allocated by the recognized student government.

(2)(a) The mandatory incidental fee, use of the fee or decision to modify an existing fee may be refused by the board or the president of a university under the board's control if the board or president determines that:

students. Fees realized in excess of amounts allocated and exceeding required reserves shall be considered surplus incidental fees and shall be allocated for programs under the control of the board and found to be advantageous to the cultural or physical development of students by the president upon the recommendation of the recognized student government.

(d) Upon recommendation of the recognized student government, collect optional fees for student activities not included in paragraph (c) of this subsection or ORS 351.063 as authorized by the president. The payment of such optional fees is at the option and selection of the student and is not a prerequisite of enrollment.

### **Academic Year Fee Book**

[http://www.ous.edu/sites/default/files/dept/budget/files/revised\\_2013-14\\_ous\\_feebook\\_v2.pdf](http://www.ous.edu/sites/default/files/dept/budget/files/revised_2013-14_ous_feebook_v2.pdf)

### **INTRODUCTION**

The Oregon University System (OUS) 2013-14 Fee Book, adopted by the State Board of Higher Education through Oregon Administrative Rule (OAR) 580-040-0040 contains enrollment fee policies that are common to the institutions of the Oregon University System. This Fee Book contains policy statements and delegation of authority for a variety of OUS policies and fees and is published for public informational purposes. Effective July 1, 2014, the University of Oregon, Portland State University and Oregon State University will set their tuition and fee rates under the governance of their own institutional boards, separately from the State Board of Higher Education.

### **DELEGATION OF AUTHORITY**

The Oregon Legislature grants authority to the State Board of Higher Education to establish tuition and fees for enrollment at Oregon University System institutions. Based on recommendations from the institutions and the Chancellor, the Board annually sets fees for enrollment at the institutions, including:

- Tuition
- Building Fees
- Health Service Fees
- Incidental Fees
- Student Recreation Center Fees
- Student Union Fees
- Other Mandatory Enrollment Fees
- Other Special Fees as determined by the Board

The Board has delegated authority to the institution presidents to establish certain fees, fines, and charges for services and materials, including:

- Laboratory and Course fees
- Fees for workshops



	<p>(A) The recognized student government assessed or allocated the mandatory incidental fees in violation of applicable local, state or federal law;</p> <p>(B) The allocation conflicts with a preexisting contractual financial commitment;</p> <p>(C) The total mandatory incidental fees budget is an increase of more than five percent over the level of the previous year; or</p> <p>(D) The fee request is not advantageous to the cultural or physical development of students.</p> <p>(b) The mandatory incidental fee, use of the fee or decision to modify an existing fee may not be refused by the board or the president of a university based on considerations about the point of view that the funding seeks to advance.</p> <p>(3) The recognized student government and the board shall seek to reach agreement on any dispute involving mandatory incidental fees, if necessary with the aid of mediation, prior to a decision by the board.</p> <p>(4) If an agreement is not reached, the decision of the board may be appealed to the Higher Education Coordinating Commission by the recognized student government within seven days of the board's decision. The board shall submit its response within seven days of the appeal. The commission shall render its decision within seven days of its receipt of the board's response.</p> <p>(5) Mandatory incidental fees are not subject to ORS 352.102.</p> <p><b>352.107 Powers and duties of governing board and university with a governing board.</b> (1) A university with a governing board may:</p> <p>(d) Establish, collect and use charges, fines and fees for services, facilities, operations and programs.</p>	<ul style="list-style-type: none"> <li>• Instruction fees for Continuing Education, Extended Programs, and Distance Education</li> <li>• Residence Hall Room and Board Rates</li> <li>• Charges for auxiliary services, e.g., food services, student centers, and parking</li> <li>• Fines for violation of campus regulations</li> <li>• Charges for facilities use</li> <li>• Charges for other materials and services</li> </ul>
1.5	<p>1.5 <u>Student Conduct.</u> The Board has the authority to establish written standards of student conduct.</p> <p>See also, 3.5 <u>Students.</u> Subject to Board action, the President of the University shall act for the Board of</p>	<p><b>351.015 State Board of Higher Education.</b> The Oregon University System shall be conducted under the control of a board of 15 directors, to be known as the State Board of Higher Education. Except as otherwise provided by law, the board has sole authority to govern, set policy and otherwise manage the affairs of the public universities listed in ORS 351.011.</p>

Trustees in relation to all matters pertaining to students, the student body and other matters incident thereto.

**352.107 Powers and duties of governing board and university with a governing board.** (1) A university with a governing board may:

(q) Subject to the procedures set forth in ORS 352.089, 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, certificates and other forms of recognition.

**Note:** The amendments to 351.015 by section 37, chapter 768, Oregon Laws 2013, become operative July 1, 2014. See section 171, chapter 768, Oregon Laws 2013. The text that is operative until July 1, 2014, is set forth for the user's convenience.

**351.015.** The Oregon University System shall be conducted under the control of a board of 15 directors, to be known as the State Board of Higher Education. **Except as otherwise provided by law, the board has sole authority to govern, set policy and otherwise manage the affairs of the public universities listed in ORS 352.002.**

**351.070 Board general powers as to Oregon University System and universities; standards.**

**(4) Subject to such delegation as the board may decide to make to the public universities and offices, departments and activities under its control, the board, for each public university, office, department or activity under its control:**

**(a) Shall supervise the general course of instruction therein, and the research, extension, educational and other activities thereof.**

**(b) Shall develop and adopt standards and bylaws for the government thereof, including the faculty, teachers, students and employees therein.**

(c) Shall maintain cultural and physical development services and facilities therefor and, in connection therewith, may cooperate and enter into agreements with any person or governmental agency.

(d) May contract to provide health services at student health centers.

(e) Shall provide health services at student health centers to students.

(f) May provide health services at student health centers to any of the following:

(A) Dependents of students.

(B) Staff.

(C) Faculty.

(g) Shall prescribe and collect charges.

(h) Shall adopt standards relating to the creation, use, custody and disclosure, including access, of student education records that are consistent with the requirements of applicable state and federal law. Whenever a student has attained 18 years of age or is attending a public university listed in ORS 351.011, the permission or consent required of and the rights accorded to a parent of the student regarding education records shall thereafter be required of and accorded to only the student.

(5) For each public university listed in ORS 351.011, the board shall provide opportunities for part-time students to obtain complete undergraduate degrees at unconventional times, which include but are not limited to early morning and noon hours, evenings and weekends. In administering these degree programs, the public university may use any educational facility available for the use of the public university.

(6) For all public universities under the board's control, the board shall, to the extent feasible and cost beneficial, develop and implement a common admissions process that permits applicants to be considered for admission to more than one public university.

		<p><b>Note:</b> The amendments to 351.070 by section 200, chapter 747, Oregon Laws 2013, and section 48, chapter 768, Oregon Laws 2013, become operative July 1, 2014. See section 204, chapter 747, Oregon Laws 2013, and section 171, chapter 768, Oregon Laws 2013. The text that is operative until July 1, 2014, including amendments by section 4, chapter 115, Oregon Laws 2013, is set forth for the user’s convenience.</p> <p><b>351.070.</b></p> <p>(4) Subject to such delegation as the board may decide to make to the public universities and offices, departments and activities under its control, the board, for each public university, office, department or activity under its control:</p> <p>(a) Shall supervise the general course of instruction therein, and the research, extension, educational and other activities thereof.</p> <p>(b) Shall adopt rules and bylaws for the government thereof, including the faculty, teachers, students and employees therein.</p> <p><b>Internal Management Directive 1.130</b></p> <p><b>1.130 Responsibility for Student Conduct and Discipline</b></p> <p>(1) The President is responsible for development and administration of institutional policies and rules governing the role of students and their conduct. In carrying out this responsibility, the President shall take into account the views of students, faculty, and others.</p> <p>(2) Institutional rules shall establish guidelines for student conduct which set forth prohibited conduct and provide for appropriate disciplinary hearings and sanctions for violations of institutional rules, consistent with standards of procedural fairness.</p> <p>(3) The Board recognizes and affirms the importance of active student involvement in the deliberative and decision-making processes.</p>
1.6/3.6	<p>1.6 <u>Employees and Volunteers.</u></p> <p>1.6.1 The Board has the ultimate authority to appoint and employ any instructional, research, administrative, professional, trade, occupational and other personnel as are necessary or appropriate and establish their compensation and other terms and conditions of employment. The Board also has the</p>	<p><b>351.015 State Board of Higher Education.</b> The Oregon University System shall be conducted under the control of a board of 15 directors, to be known as the State Board of Higher Education. Except as otherwise provided by law, the board has sole authority to govern, set policy and otherwise manage the affairs of the public universities listed in ORS 351.011.</p> <p><b>Note:</b> The amendments to 351.015 by section 37, chapter 768, Oregon Laws 2013, become operative July 1, 2014. See section 171, chapter 768, Oregon Laws 2013. The text that is operative until July 1, 2014, is set forth for the user’s convenience.</p> <p><b>351.015.</b> The Oregon University System shall be conducted under the control of a board</p>

- ultimate authority to appoint volunteers as necessary or appropriate and establish the terms and conditions of the activities of such appointed volunteers. The Board has delegated the authority described in this subsection as set forth in Board actions.
- 1.6.2 The Board has the authority to establish written codes of conduct for instructional, research, administrative, professional, trade, occupational and other personnel, including volunteers.
- See also, 3.6. University Personnel.
- 3.6.1 The President of the University shall act for the Board of Trustees regarding all personnel and employment matters, including labor relations and approval of collective bargaining agreements. Subject to Board action, the President has the exclusive authority to and shall establish necessary or appropriate written policies, standards and directives covering all employees not represented by a collective bargaining organization and necessary or appropriate written policies, standards and directives covering employees represented by a collective bargaining organization, subject to any legal obligation to negotiate the terms and conditions of such policies, standards and directives with the exclusive representative of the relevant bargaining unit.
- 3.6.2 The President may appoint any instructional, research, administrative, professional, trade, occupational and other personnel as are necessary or appropriate and establish their compensation and other terms and conditions of employment.
- 3.6.3 The President may appoint volunteers as necessary or appropriate and establish the terms and conditions of the activities of such

of 15 directors, to be known as the State Board of Higher Education. Except as otherwise provided by law, the board has sole authority to govern, set policy and otherwise manage the affairs of the public universities listed in ORS 352.002.

**351.070 Board general powers as to Oregon University System and universities; standards.**

(1) The State Board of Higher Education shall develop standards to implement a personnel system for the Oregon University System and may engage in collective bargaining with the employees. All collective bargaining with any certified or recognized exclusive employee representative shall be under the direction and supervision of the Chancellor of the Oregon University System. The board and the Oregon University System shall have payroll authority.

(3) The board may, for each public university listed in ORS 352.002:

(a) Appoint and employ a president and the requisite number of employees and prescribe their compensation and tenure of office or employment.

(4) Subject to such delegation as the board may decide to make to the public universities and offices, departments and activities under its control, the board, for each public university, office, department or activity under its control:

(a) Shall supervise the general course of instruction therein, and the research, extension, educational and other activities thereof.

(b) Shall adopt rules and bylaws for the government thereof, including the faculty, teachers, students and employees therein.

**580-021-0005**

**Appointment Procedures**

(1) Each person to be appointed or reappointed as a member of the faculty shall be sent written notification of appointment and conditions and terms thereof for each period of employment. The notification shall be signed by the president or, for noninstitutional personnel, by the Chancellor or a designee. All appointments for a period in excess of one year must be authorized by the Chancellor.

**Board Policy on Executive Leadership and Management (F)**

(2) The Board delegates to institution presidents the authority for the terms and conditions of employment of all institution employees to the extent that the exercise of such authority is consistent with Board rules, policies, internal management directives, and, when applicable, collective bargaining agreements.

	<p>appointed volunteers.</p> <p><b>ORS 352.096(5)</b>  A university with a governing board may appoint and employ any instructional, administrative, professional, trade, occupational and other personnel as are necessary or appropriate and establish their compensation and terms and conditions of employment, subject to the limitations set forth in ORS 352.124 (1) and (2).</p>	
1.7.1	<p>1.7 <u>Business and Administrative Affairs.</u> The Board retains authority for the following:</p> <p>1.7.1 The approval of the naming of University buildings or outdoor areas in recognition of individuals or organizations.</p>	<p>OAR 580-060-0055</p> <p><b>Naming Buildings</b>  A President is authorized to name buildings. No building or structure of the Oregon University System will be named after a living person. However, the Chancellor, or designee may make exceptions to this rule if a donor contributes a substantial share of the cost of construction or if other unusually meritorious reasons exist.</p>
1.7.2	<p>1.7 <u>Business and Administrative Affairs.</u> The Board retains authority for the following:</p> <p>1.7.2 The approval of the execution of instruments relating to real property where the anticipated cost or value to the University exceeds \$5,000,000.</p> <p><b>352.113 Real property held by university with a governing board; legal title; custody; sale and transfer.</b>  (1) Legal title to all real property acquired by a university with a governing board shall be taken and held in the name of the State of Oregon, acting by and through the governing board. Legal title to all real property conveyed to a university with a governing board is considered to be conveyed to and vested in the State of Oregon, acting by and through the governing board. Authorized conveyances of all real property, other than university lands, acquired by or vested in the State of Oregon for the use or benefit of the university must be executed in the name of the State of Oregon, acting by and through the governing board, by the chairperson of the governing board.  (2) The governing board has custody and control of</p>	<p><b>351.150 University realty.</b></p> <p>(2) Legal title to all real property acquired by any of the public universities under the control of the State Board of Higher Education shall be taken and held in the name of the State of Oregon. Legal title to all real property heretofore or hereafter conveyed to any of the public universities is deemed to be conveyed to and vested in the State of Oregon. Authorized conveyances of all real property, other than university lands, acquired by or vested in the State of Oregon for the use or benefit of any of the public universities shall be executed in the name of the State of Oregon by the chairperson and secretary of the board. Nothing in this section or in ORS 351.060 shall be considered as exempting such property from taxation.</p> <p>(3) The Oregon University System shall have custody and control of and shall care for all real property used for public university purposes. Management, maintenance and preservation of all real property used for public university purposes is the responsibility of the Oregon University System.</p> <p><b>580-060-0020</b>  <b>Purchase of Real Property</b>  (1) All purchases of real property will be for the present or future development of the Public University.  (2) Legal title to all real property purchased must be taken and held in the name of the State of Oregon.  (3) The President is delegated the authority to execute conveyances for the purchase of real</p>

and shall care for all real property used for university purposes. Management, maintenance, encumbrance, disposal and preservation of all real property used for university purposes, whether the real property is acquired before or after the establishment of a governing board, is the responsibility of the governing board. Unless the governing board has granted prior consent, real property taken and held under this section may only be encumbered by the State of Oregon in accordance with state law and in a manner that would not impair the financial condition of the university or the rights of the holders of any obligations of the university issued or incurred under any master indenture or other financing agreement.

(3) Unless the State Treasurer has granted prior consent, real or personal property held in the name of the State of Oregon, or in which the State of Oregon has an ownership or other legal interest, that was acquired, constructed, improved with or otherwise directly benefited by the proceeds of outstanding state bonds, may not be:

(a) Used by a governing board in a manner that would give rise to private business use; or

(b) Sold, transferred, encumbered, leased or otherwise disposed of by a governing board. The reference to leases in this paragraph does not apply to residential leases that a governing board enters into with students, faculty or employees of the university.

property after the following have been performed to satisfaction of the President:

(a) Obtain at least one appraisal by a licensed and experienced real estate appraiser estimating the fair market value;

(b) Complete an environmental assessment and determine that any risk associated with the real property is reasonable;

(c) Determine that sufficient ongoing revenues are available to operate and maintain the property

(4) If the consideration for the purchase is \$5,000,000.00 or more, the President must receive the prior approval of the State Board of Higher Education or an appropriate standing committee of the Board.

#### **580-060-0035**

##### **Sale of Real Property**

(1) The university president is delegated the authority to execute conveyances for the sale of real property after the following have been performed to satisfaction of the university president:

(a) Obtain at least one appraisal by a licensed and experienced real estate appraiser estimating the fair market value;

(b) Verify with the Chancellor's Office regarding whether any tax exempt financing was used to purchase or improve the property and, if any such debt remains outstanding, coordinate with the Chancellor's Office to ensure continued compliance with IRS regulations.

(2) If the consideration for the sale is \$5,000,000.00 or more, the university president must receive the prior approval of the State Board of Higher Education or an appropriate standing committee of the Board.

#### **580-060-0040**

##### **Easements**

(1) The President is delegated the authority to execute easements and other nonpossessory interests in real estate.

(2) If granting an easement, the President shall first verify with the Chancellor's Office regarding whether any tax exempt financing was used to purchase or improve the property and, if any such debt remains outstanding, coordinate with the Chancellor's Office to ensure continued compliance with IRS regulations.

#### **580-060-0050**

##### **Leases**

(1) A President is delegated the authority to execute leases of real property.

(2) If the consideration for the lease is from \$5,000,000 to \$15,000,000 or the term of the lease is over 10 years but less than 15 years, the President must receive the prior approval of the Chancellor.

(3) If the consideration for the lease is over \$15,000,000 or the term of the lease is over 15

		years, the President must receive the prior approval of the State Board of Higher Education or an appropriate standing committee of the Board. (4) Prior to executing an amendment to a lease, the President must receive approval under subsection (2) or (3) based on the consideration or term of the amended lease.
1.7.3	<p>1.7 <u>Business and Administrative Affairs.</u> The Board retains authority for the following:</p> <p>1.7.3 The approval of the appointment of external auditors.</p> <p><b>352.124 Collective bargaining; audits of public accounts.</b></p> <p>(3) Subject to the authority of the Secretary of State to audit public accounts, a university with a governing board may conduct an independent audit if the governing board considers the audit advisable. Subject to ORS 297.250, the independent audit is subject to the exclusive discretion and control of the university. The independent audit is subject to disclosure pursuant to ORS 192.410 to 192.505</p>	State Board of Higher Education lacks this authority.
1.7.4	<p>1.7 <u>Business and Administrative Affairs.</u> The Board retains authority for the following:</p> <p>1.7.4 The approval of a capital project budget that is anticipated to exceed \$5,000,000, including for architects, construction managers, engineers and other professional consultants; and approval of any increase to a capital project budget that causes the total of all increases to the capital project budget to exceed \$5,000,000.</p> <p><b>352.107 Powers and duties of governing board and university with a governing board.</b> (1) A university with a governing board may:</p> <p>(i) Spend all available moneys without appropriation</p>	<p><b>580-063-0005</b></p> <p><b>Authorization to Undertake Capital Construction Projects</b></p> <p>Before an Institution contracts for Capital Construction on land owned or controlled by the Board, or prepares other than conceptual plans or preconstruction design, the Institution will obtain approval as set out in this rule, regardless of the source of funds or method by which the project is to be financed. To obtain approval, the Institution will describe the project, the financing plan for design and construction, and the operation and maintenance cost of the proposed project.</p> <p>(1) If appropriate Systemwide limitation exists for a Capital Construction project that totals \$500,000 or more but less than \$5 million, inclusive of all fund sources, the Chancellor or designee may approve the allocation of the existing expenditure authority to the Institution.</p> <p>(2) Any Capital Construction project that does not meet the criteria in subsection (1) of this section shall be approved by the Finance and Administration Committee of the Board and submitted to the Legislature.</p>

	<p>or expenditure limitation approval from the Legislative Assembly, except for moneys received by a university with a governing board pursuant to a funding request submitted under ORS 352.089 (4) and the proceeds of state bonds issued for the benefit of a university with a governing board. The proceeds of state bonds issued for the benefit of a university with a governing board must be held pursuant to an agreement entered into by the State Treasurer and a university with a governing board under ORS 352.135 (2). The provisions of ORS 351.450, 351.455 and 351.460 do not apply to state bonds issued for the benefit of a university with a governing board pursuant to Article XI-F(1) or XI-G of the Oregon Constitution.</p> <p>(k) Erect, construct, improve, remodel, develop, repair, maintain, equip, furnish, lease, lend, convey, sell, manage, operate, use and dispose of any building, structure, land or project.</p>	
<p>1.7.5</p>	<p>1.7 <u>Business and Administrative Affairs.</u> The Board retains authority for the following:</p> <p>1.7.5 The approval of the execution of instruments relating to any borrowing or debt finance transactions which are or may be in excess of \$5,000,000, singularly or in the aggregate.</p> <p><b>352.107 Powers and duties of governing board and university with a governing board.</b> (1) A university with a governing board may:</p> <p>(a) Acquire, receive, hold, keep, pledge, control, convey, manage, use, lend, expend and invest all moneys, appropriations, gifts, bequests, stock and revenue from any source.</p> <p>(b) Borrow money for the needs of the university in such amounts and for such time and upon such terms as may be determined by the university or the governing board.</p>	<p><b>Board Policy on Debt, Section XI (Approval Process)</b></p> <p>The System, through the Oregon State Treasury, issues debt under Articles XI-F(1) and XI-G of the Oregon Constitution. The System may also enter into other financing agreements (e.g., capital leases) with external entities for amounts in excess of \$100,000 with the approval of the State Treasurer and the Director of the Oregon Department of Administrative Services (DAS). Should the System be granted authority in the future to establish a revenue bond program, it is anticipated that such debt would be issued through the Oregon State Treasury as well.</p> <p><b>All debt issued by the System must be authorized through a board resolution (or the Finance and Administration Committee as authorized by the board).</b> When the System issues debt under Article XI-F(1) of the Oregon Constitution, the board’s authorizing resolution must include its finding, based on the analysis of debt affordability and capacity delineated in section IV above, that the XI-F(1) debt financed projects are both self-liquidating and self-supporting.</p> <p>The Board delegates the authority to approve the pricing of System-issued debt to the Vice Chancellor for Finance and Administration.</p> <p>Other State-issued debt is approved as follows:</p> <ul style="list-style-type: none"> <li>• DAS issues Certificates of Participation on behalf of the System.</li> <li>• The Oregon Lottery issues Lottery bonds on behalf of the System.</li> </ul>



		<ul style="list-style-type: none"> <li>• The Oregon Department of Energy loans money to System institutions for energy savings projects.</li> </ul> <p>When the System participates in debt programs that are administered by other State agencies, such bonds are issued by the State Treasurer who also possesses the authority to price such bonds.</p>
1.7.6	<p>1.7 <u>Business and Administrative Affairs.</u> The Board retains authority for the following:</p> <p>1.7.6 The approval of the execution of instruments relating to any shares, stock or other equity or interests in or obligations of any entity other than the University in excess of \$5,000,000, unless the shares, stock or other equity or interests in or obligations of the entity are publicly traded or provided through the State Treasurer, University of Oregon Foundation or a brokerage firm, investment bank, depository or other licensed firm.</p> <p><b>352.107 Powers and duties of governing board and university with a governing board.</b> (1) A university with a governing board may:</p> <p>(e) Purchase, receive, subscribe for or otherwise acquire, own, hold, vote, use, sell, mortgage, lend, pledge, invest in or otherwise dispose of and deal in or with the shares, stock or other equity or interests in or obligations of any other entity. The State of Oregon may not have any proprietary or other interest in investments or funds referenced in this paragraph.</p>	<p><b>Oregon Constitution, Article XI, Sec. 6.</b></p> <p>State not to be stockholder in company; exceptions. (1) The state shall not subscribe to, or be interested in the stock of any company, association or corporation. However, as provided by law the state may hold and dispose of stock, including stock already received, that is donated or bequeathed; and may invest, in the stock of any company, association or corporation, any funds or moneys that:</p> <p>(a) Are donated or bequeathed for higher education purposes;</p> <p>(b) Are the proceeds from the disposition of stock that is donated or bequeathed for higher education purposes, including stock already received; or</p> <p>(c) Are dividends paid with respect to stock that is donated or bequeathed for higher education purposes, including stock already received.</p> <p>(2) Notwithstanding the limits contained in subsection (1) of this section, the state may hold and dispose of stock:</p> <p>(a) Received in exchange for technology created in whole or in part by a public institution of post-secondary education; or</p> <p>(b) Received prior to December 5, 2002, as a state asset invested in the creation or development of technology or resources within Oregon.</p>
1.7.7	<p>1.7 <u>Business and Administrative Affairs.</u> The Board retains authority for the following:</p> <p>1.7.7 Consent to the encumbrance of University real property by the State of Oregon.</p> <p><b>352.113 Real property held by university with a governing board; legal title; custody; sale and transfer.</b></p> <p>(2) The governing board has custody and control of and shall care for all real property used for university</p>	<p>No analogous provision in SBHE statutes.</p>

	<p>purposes. Management, maintenance, encumbrance, disposal and preservation of all real property used for university purposes, whether the real property is acquired before or after the establishment of a governing board, is the responsibility of the governing board. Unless the governing board has granted prior consent, real property taken and held under this section may only be encumbered by the State of Oregon in accordance with state law and in a manner that would not impair the financial condition of the university or the rights of the holders of any obligations of the university issued or incurred under any master indenture or other financing agreement.</p>	
<p>1.7.8</p>	<p>1.7 <u>Business and Administrative Affairs.</u> The Board retains authority for the following:</p> <p>1.7.8 The approval of the execution of any other instruments, including but not limited to instruments related to the acquisition, disposal or provision of goods and services, where the anticipated cost or value to the University exceeds \$5,000,000; and approval of any increase or decrease in cost or value that causes the total of all increases or decreases in cost or value to exceed \$5,000,000. When the ultimate aggregate cost to the University is not known in advance for instruments relating to the acquisition, disposal or provision of goods or services on a continuing or intermittent basis (e.g. rental, service, or supply contracts), the amounts set forth in this paragraph shall be calculated on an annual basis.</p> <p>Execution of instruments</p>	<p>Various depending on subject matter.</p>
<p>1.7.9</p>	<p>1.7 <u>Business and Administrative Affairs.</u> The Board retains authority for the following:</p> <p>1.7.9 The approval of the execution of any instrument that the President, Treasurer, Chair of the</p>	<p>No analogous provision in SBHE policies.</p>

	<p>Board of Trustees, or a majority of the Trustees deems appropriate for consideration by the Board or a Board committee, so long as the instrument has not been executed.</p>	
<p>1.8.1</p>	<p>1.8.1 The Board has the ultimate authority to establish, eliminate, control or substantially reorganize academic programs and units of operation. Any significant change in the University's academic programs as defined by the Higher Education Coordinating Commission must be approved by the Board prior to submission to the Commission.</p> <p><b>352.107 Powers and duties of governing board and university with a governing board.</b> (1) A university with a governing board may:</p> <p>(q) Subject to the procedures set forth in ORS 352.089, 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, certificates and other forms of recognition.</p> <p><b>352.089 Achievement compacts; mission statements; process for approval of change to academic program; biennial funding requests; request for issuance of state bonds; responding to legislative request for data; rules.</b></p> <p>(3) A university with a governing board shall submit any significant change in the university's academic programs to an office designated by the Higher Education Coordinating Commission as being responsible for university coordination. The office shall establish a process for reviewing the program change and submitting it to the Higher Education Coordinating</p>	<p><b>351.015 State Board of Higher Education.</b> The Oregon University System shall be conducted under the control of a board of 15 directors, to be known as the State Board of Higher Education. Except as otherwise provided by law, the board has sole authority to govern, set policy and otherwise manage the affairs of the public universities listed in ORS 351.011.</p> <p><b>Note:</b> The amendments to 351.015 by section 37, chapter 768, Oregon Laws 2013, become operative July 1, 2014. See section 171, chapter 768, Oregon Laws 2013. The text that is operative until July 1, 2014, is set forth for the user's convenience.</p> <p><b>351.015.</b> The Oregon University System shall be conducted under the control of a board of 15 directors, to be known as the State Board of Higher Education. Except as otherwise provided by law, the board has sole authority to govern, set policy and otherwise manage the affairs of the public universities listed in ORS 352.002.</p> <p><b>Internal Management Directive 1.305</b></p> <p>Establishing and Naming Schools or Colleges</p> <p>(1) The Board shall delegate to the Chancellor the establishment or elimination of schools or colleges. (Amended by the Board, Meeting #713, February 21, 2003, pp. 53-54)</p> <p>(2) Institution presidents shall have authority to name schools and colleges, provided that the Board shall approve the naming of a school or college after a living person.</p> <p>Internal Management Directive 2.015</p> <p>Approval of New Academic Programs</p> <p>(1) Upon recommendation by the Chancellor, the Board will approve new academic degree programs. Academic degree programs include baccalaureate, professional, and graduate degrees of all types; certificates; and educator endorsements.</p> <p><b>ACADEMIC DEGREE PROGRAM PLANNING AND IMPLEMENTATION PROGRAM DEVELOPMENT REVIEW</b> (Excerpts)</p> <p>(Adopted by Oregon State Board of Higher Education, Meeting #643, July 21, 1995, pp. 312-</p>

Commission for approval. The commission shall establish, by rule, what constitutes a significant change to a university's academic program. The commission shall further ensure that approved programs:

(a) Are consistent with the mission statement of the university;

(b) Do not unnecessarily duplicate academic programs offered by Oregon's other public universities;

(c) Are not located in a geographic area that will cause undue hardship to Oregon's other public universities; and

(d) Are allocated among Oregon's public universities to maximize the achievement of statewide needs and requirements.

315.)  
Purpose

The intention of the Program Development Review process is to create regular opportunities for the Board, the Board's staff, and the leadership of the campuses to discuss collectively program development planning on the respective campuses. Program plans will be considered within the context of the mission and strategic directions of the System and the individual campuses. Further, the process would enable the Board of Higher Education to exercise its policy role by balancing System and campus considerations, mindful of the efficient use of resources.

D. When a new degree program is ready for implementation (i.e., analyzed, reviewed, and ready for staff recommendation to the Board), the Board will review the recommendation for authorization to implement the new degree program.

1. The Board will not consider any request for authorization to begin a new degree program that was not previously approved for planning, except under extraordinary circumstances of clearly demonstrated urgency.

3. That institutions have the authority to establish centers and institutes that do not grant degrees, consistent with their role and mission. The exception would be if an institution wanted to name the center or institute after a living person. In those cases, OAR 580-050-0025 requires Board approval.

(1) The Board of Higher Education shall visit the University of Oregon and Oregon State University for the purpose of inquiring as to the work offered and conducted at such institutions, whenever and as often as it may deem necessary. The Board shall specifically determine, from time to time as occasion may require, what courses or departments, if any, shall not, in their judgment, be duplicated in the several higher educational institutions. The Board may direct the elimination of duplicate work from any institution, and determine and define the courses of study and departments to be offered and conducted by each institution.

**ORS 351.070(4)(a) and (b)**

(4) Subject to such delegation as the board may decide to make to the public universities and offices, departments and activities under its control, the board, for each public university, office, department or activity under its control:

(a) Shall supervise the general course of instruction therein, and the research, extension, educational and other activities thereof.

(b) Shall adopt rules and bylaws for the government thereof, including the faculty, teachers, students and employees therein.

		<p><b>351.735 Duties and powers; rules.</b></p> <p><b>(3) The Higher Education Coordinating Commission shall:</b></p> <p>(g) Approve or disapprove any significant change to the academic program of a community college or a public university listed in ORS 352.002. In reaching a decision under this paragraph, the commission shall consider the recommendation from the community college or public university seeking to make the change to an academic program that is issued pursuant to the obligation of the governing board of a community college or public university to review and approve academic programs. The commission shall ensure that approved programs:</p> <p>(A) Are consistent with the mission statement of the community college or public university;</p> <p>(B) Do not unnecessarily duplicate academic programs offered by Oregon’s other community colleges or public universities;</p> <p>(C) Are not located in a geographic area that will cause undue hardship to Oregon’s other community colleges or public universities; and</p> <p>(D) Are allocated among Oregon’s community colleges and public universities to maximize the achievement of statewide needs and requirements.</p> <p><b>(h) For public universities listed in ORS 352.002:</b></p> <p>(A) Approve the mission statement adopted by a governing board of a public university or by the State Board of Higher Education.</p> <p>(B) Review and determine whether a proposed annual increase of resident undergraduate enrollment fees, as described in ORS 351.063, of greater than five percent is appropriate.</p> <p>(C) Advise the Governor and the Legislative Assembly on issues of university governance.</p> <p><b>(D) Approve and authorize degrees.</b></p>
1.8.2	1.8.2 The Board confers academic degrees, certificates and other forms of recognition upon the recommendation of the faculty. Such academic degrees, certificates and other forms of recognition are granted in the name of the Board of Trustees of the University of Oregon and are executed by the Board Chair and the University President. The Board reserves the right to review and approve the granting of any degree, certificate or recognition. The Board shall have the exclusive authority to approve honorary degrees.	<p><b>351.070 Board general powers as to Oregon University System and universities; standards.</b></p> <p><b>(3) The board may, for each public university listed in ORS 351.011:</b></p> <p>(a) Appoint and employ a president and the requisite number of employees and prescribe their compensation and tenure of office or employment.</p> <p>(b) Demand and receive all sums due and accruing for admission and tuition, and apply the same, or so much thereof as is necessary, to the payment of the compensation referred to in paragraph (a) of this subsection and the other current expenses.</p> <p><b>(c) Confer, consistent with the mission and programs of each public university and on the recommendation of the faculty of the public university, such degrees as usually are conferred by public universities, or as the faculty deems appropriate.</b></p>

ORS 352.107(1)(q)

**352.107 Powers and duties of governing board and university with a governing board.** (1) A university with a governing board may:

(q) Subject to the procedures set forth in ORS 352.089, 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, certificates and other forms of recognition.

#### **Current UO Policy on Honorary Degrees**

<http://policies.uoregon.edu/policy/by/1/01-administration-and-governance/honorary-degrees-granting>

(2)(h) From among the group of candidates approved by the University Senate for an Honorary Degree, the President will forward up to two nominees to the Oregon State Board of Higher Education. When the State Board of Higher Education has approved of name(s) submitted by the University of Oregon for this honor the President of the University shall formally notify the candidate(s) and invite them to take part in the honoring ceremony. Names of successful candidates must be forwarded to the State Board of Higher Education at least 90 days prior to the awarding of the degree(s).

**Note:** The amendments to 351.070 by section 200, chapter 747, Oregon Laws 2013, and section 48, chapter 768, Oregon Laws 2013, become operative July 1, 2014. See section 204, chapter 747, Oregon Laws 2013, and section 171, chapter 768, Oregon Laws 2013. The text that is operative until July 1, 2014, including amendments by section 4, chapter 115, Oregon Laws 2013, is set forth for the user's convenience.

#### **351.070.**

**(3) The board may, for each public university listed in ORS 352.002:**

(a) Appoint and employ a president and the requisite number of employees and prescribe their compensation and tenure of office or employment.

(b) Demand and receive all sums due and accruing for admission and tuition, and apply the same, or so much thereof as is necessary, to the payment of the compensation referred to in paragraph (a) of this subsection and the other current expenses.

(c) Prescribe incidental fees for programs under the supervision or control of the board found by the board, upon its own motion or upon recommendation of the recognized student government, to be advantageous to the cultural or physical development of students. Fees realized in excess of amounts allocated and exceeding required reserves shall be considered surplus incidental fees and shall be allocated for programs under the control of the board and found to be advantageous to the cultural or physical development of students by the president upon the recommendation of the recognized student government.

(d) Upon recommendation of the recognized student government, collect optional fees for student activities not included in paragraph (c) of this subsection or ORS 351.063 as authorized by the president. The payment of such optional fees is at the option and selection of the student and is not a prerequisite of enrollment.

(e) Confer, consistent with the mission and programs of each public university and on the recommendation of the faculty of the public university, such degrees as usually are conferred by public universities, or as the faculty deems appropriate.

#### **Honorary Degrees—Amended 03/04/11**

(Adopted by the Oregon State Board of Higher Education, Meeting #109, January 28, 1941, p. 8; amended Meeting #520, January 18, 1985, pp. 7-8; amended Meeting #845, March 4, 2011)

(1) Each institution, with concurrence of its faculty, may decide to award honorary degrees.

(2) An institution wishing to award honorary degrees shall adopt criteria and procedures for selection that will assure that the award will honor outstanding contribution to the institution, state, or society or distinguished achievement.

<p>1.8.3</p>	<p>1.8.3 The Board has the ultimate authority to establish standards, qualifications, policies and practices relating to admission to study at the University and the curriculum, grading, credits, scholarships, and academic standards of the University. Except as set forth in law or Board action, the Board has delegated to the faculty (the "president and professors") the immediate government and discipline of the university and the students therein and the authority to prescribe the course of study to be pursued in the University and the textbooks to be used.</p> <p><b>352.107 Powers and duties of governing board and university with a governing board.</b> (1) A university with a governing board may:</p> <p>(q) Subject to the procedures set forth in ORS 352.089, 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, certificates and other forms of recognition.</p> <p><b>352.146 Faculty; status; powers.</b> The president and professors constitute the faculty and as such have the immediate government and discipline of a university with a governing board and the students therein, except as otherwise provided by law or action of the governing board. The faculty may, subject to the supervision of the governing board and ORS 352.089, prescribe the course of study to be pursued in the university and the textbooks to be used.</p>	<p><b>351.015 State Board of Higher Education.</b> The Oregon University System shall be conducted under the control of a board of 15 directors, to be known as the State Board of Higher Education. Except as otherwise provided by law, the board has sole authority to govern, set policy and otherwise manage the affairs of the public universities listed in ORS 351.011.</p> <p><b>Note:</b> The amendments to 351.015 by section 37, chapter 768, Oregon Laws 2013, become operative July 1, 2014. See section 171, chapter 768, Oregon Laws 2013. The text that is operative until July 1, 2014, is set forth for the user's convenience.</p> <p><b>351.015.</b> The Oregon University System shall be conducted under the control of a board of 15 directors, to be known as the State Board of Higher Education. Except as otherwise provided by law, the board has sole authority to govern, set policy and otherwise manage the affairs of the public universities listed in ORS 352.002.</p> <p><b>351.070 Board general powers as to Oregon University System and universities; standards.</b></p> <p>(3) The board may, for each public university listed in ORS 351.011:</p> <p>(a) Appoint and employ a president and the requisite number of employees and prescribe their compensation and tenure of office or employment.</p> <p>(b) Demand and receive all sums due and accruing for admission and tuition, and apply the same, or so much thereof as is necessary, to the payment of the compensation referred to in paragraph (a) of this subsection and the other current expenses.</p> <p>(c) Confer, consistent with the mission and programs of each public university and on the recommendation of the faculty of the public university, such degrees as usually are conferred by public universities, or as the faculty deems appropriate.</p> <p>(d) Prescribe the qualifications for admission.</p> <p>(4) Subject to such delegation as the board may decide to make to the public universities and offices, departments and activities under its control, the board, for each public university, office, department or activity under its control:</p> <p>(a) Shall supervise the general course of instruction therein, and the research, extension, educational and other activities thereof.</p> <p>(b) Shall develop and adopt standards and bylaws for the government thereof, including the faculty, teachers, students and employees therein.</p> <p>(6) For all public universities under the board's control, the board shall, to the extent feasible and cost beneficial, develop and implement a common admissions process that permits applicants to be considered for admission to more than one public university.</p> <p><b>Note:</b> The amendments to 351.070 by section 200, chapter 747, Oregon Laws 2013, and section 48, chapter 768, Oregon Laws 2013, become operative July 1, 2014. See section 204, chapter 747, Oregon Laws 2013, and section 171, chapter 768, Oregon Laws 2013. The text that is operative until July 1, 2014, including amendments by section 4, chapter 115, Oregon Laws 2013, is set forth for the user's convenience.</p>
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**351.070.**

**(3) The board may, for each public university listed in ORS 352.002:**

(a) Appoint and employ a president and the requisite number of employees and prescribe their compensation and tenure of office or employment.

(b) Demand and receive all sums due and accruing for admission and tuition, and apply the same, or so much thereof as is necessary, to the payment of the compensation referred to in paragraph (a) of this subsection and the other current expenses.

(c) Prescribe incidental fees for programs under the supervision or control of the board found by the board, upon its own motion or upon recommendation of the recognized student government, to be advantageous to the cultural or physical development of students. Fees realized in excess of amounts allocated and exceeding required reserves shall be considered surplus incidental fees and shall be allocated for programs under the control of the board and found to be advantageous to the cultural or physical development of students by the president upon the recommendation of the recognized student government.

(d) Upon recommendation of the recognized student government, collect optional fees for student activities not included in paragraph (c) of this subsection or ORS 351.063 as authorized by the president. The payment of such optional fees is at the option and selection of the student and is not a prerequisite of enrollment.

(e) Confer, consistent with the mission and programs of each public university and on the recommendation of the faculty of the public university, such degrees as usually are conferred by public universities, or as the faculty deems appropriate.

**(f) Prescribe the qualifications for admission.**

**(4) Subject to such delegation as the board may decide to make to the public universities and offices, departments and activities under its control, the board, for each public university, office, department or activity under its control:**

**(a) Shall supervise the general course of instruction therein, and the research, extension, educational and other activities thereof.**

**(b) Shall adopt rules and bylaws for the government thereof, including the faculty, teachers, students and employees therein.**

**Internal Management Directives**

**2.001 Board Oversight of Higher Education Curricula and Institutions**

**(1) The Board shall exercise general oversight of curricula and instruction in the System including, but not limited to, approval and deletion of curricular allocations. The Board's primary consideration, in meeting curricular responsibilities, shall be to ensure that high-quality educational opportunities are provided to qualified citizens in as accessible and cost-effective manner as possible. (Amended by the Board, Meeting #713, February 21, 2003, pp. 53-54)**



		<p>(2) The Chancellor’s Office shall keep the Board informed of state educational needs and shall encourage vigorous institutional planning to meet these needs.</p> <p>(3) The Chancellor’s Office shall act in other capacities regarding curricula and instruction as the Board may determine.</p> <p><b>3.001</b></p> <p><b>3.001 Review of Undergraduate Admission Requirements</b></p> <p>(1) The Board shall review and set undergraduate academic admission requirements for the institutions. To enable timely institutional planning, program implementation, publications, and notice to prospective students, the Board shall approve admission requirements for each academic year not later than in February of the preceding calendar year.</p> <p>(2) Institution and Chancellor’s Office staff shall work with Oregon schools, the Oregon Department of Education and others, on effecting a coordinated transition from the traditional admission policy to the proficiency-based admission standards system (PASS) that aligns with legislatively-mandated changes in public K-12 education.</p> <p><b>3.005 Establishment of Minimum Standards for Entry Into Programs</b></p> <p>Each institution may establish minimum academic and other standards for entry into particular programs in excess of those established for the institution by general Board policy. In addition, the institution may selectively admit students into these programs on the basis of established standards. All standards established pursuant to this directive and the procedures applying to them shall comply with OAR 580-015-0025.</p> <p><b>ORS 352.010</b></p> <p>The president and professors constitute the faculty of each of the public universities listed in ORS 352.002 and as such have the immediate government and discipline of the public university and the students therein, except as otherwise provided by statute or action of the State Board of Higher Education. The faculty may, subject to the supervision of the board under ORS 351.070, prescribe the course of study to be pursued in the public university and the textbooks to be used.</p>
1.9	<p>1.9 <u>Gifts</u>. The Board retains authority for the acceptance of the following gifts:</p> <p>1.9.1 Gifts that create obligations on the part of the</p>	<p><b>580-042-0005</b></p> <p><b>General Authority</b></p> <p>The Board encourages gifts by faithfully devoting them, subject to the terms of the gift, to the</p>

	<p>University for which there is no established funding source.</p> <p>1.9.2 Gifts with a value exceeding \$5,000,000 which involve: (1) Construction of facilities not previously approved; or (2) Non-traditional investment assets (such as real estate, debt instruments, closely held stock, partnership interests, permanent insurance policies, royalties, copyrights, licenses, and other illiquid assets); provided that gifts described in this subsection with a value between \$1,000,000 and \$5,000,000 will be reported to the Board of Trustees quarterly.</p> <p>1.9.3 A gift requiring naming of a University building or outdoor area.</p> <p>1.9.4 Any other gift that the President, Treasurer, or a majority of the Board of Trustees deems appropriate for Board consideration.</p> <p>1.9.5 Current gifts of non-traditional investment assets, charitable lead trusts where the University is to act as trustee, bargain sale gifts of property, and partial interest gifts.</p> <p>1.9.6 Deferred gifts, if the University is to act as trustee or custodian of the deferred gift.</p> <p>1.9.7 Gifts of real estate, interests in real estate, or gifts of debt instruments secured by real estate from other than the University of Oregon Foundation. The Treasurer shall determine in each such case, including when the gift is from the University of Oregon Foundation, whether a hazardous waste inquiry or other due diligence is required, and the scope and extent of such inquiry. The President and the Treasurer, in consultation with the Vice President for Advancement, shall establish further policies and procedures regarding evaluation of gifts of real estate, as may be necessary or desirable from time to time.</p>	<p>institution or program for which intended, and by other suitable means.</p> <p><b>580-042-0015</b>  <b>Institutional Responsibility</b>  Requests for gift, grant, or contract funds may be initiated by an institution, division or statewide service, acting for the Board, subject to the following considerations:  (1) A request obligating the Board to increase an allocation of state appropriations or seek additional state funds where the gift, grant or contract to be discontinued is subject to Board approval before the request is submitted to the granting agency.  (2) When all or a major portion of project performance requires the services of institutional personnel or use of its property or if project funding includes indirect cost allowances, funding is to be requested in the name of the Board.</p> <p><b>580-042-0020</b>  <b>Board Acceptance of Scholarship Gifts</b>  (1) Gifts made to an institution by any donor to provide scholarships on a competitive basis shall be reported to the Board as scholarship gifts, provided the institution participates in the selection of the recipients.  (2) Gifts made to an institution by nonprofit organizations for the benefit of designated students shall be reported as scholarship gifts to the institution on the assumption that the recipients were selected on a competitive basis.  (3) Gifts made by individuals, or by partnerships and corporations operated for profit, for designated students not selected on some competitive basis ordinarily used in selecting scholarship recipients, shall not be accepted as scholarship gifts to the institution. These payments may be deposited to the credit of the student in the institutional business office in an agency account known as "Student Safekeeping." These contributions or payments shall be considered gifts to the recipient and not to the institution and will not be reported to the Board.</p>
1.10	1.10 <u>Gifts to the University of Oregon Foundation.</u> Gifts to the University of Oregon Foundation shall be	<b>580-046</b> <b>Recognition of a Foundation</b>

	<p>accepted by the University of Oregon Foundation in accordance with then-current agreements between the University and the Foundation (as may be amended from time to time).</p>	<p><a href="http://arcweb.sos.state.or.us/pages/rules/oars_500/oar_580/580_046.html">http://arcweb.sos.state.or.us/pages/rules/oars_500/oar_580/580_046.html</a></p>
<p>2.1.1</p>	<p>2.1 <u>Governing Documents.</u> The University shall have the following governing documents:</p> <p>2.1.1 Bylaws of the University of Oregon, policies, standards, directives and other actions approved by the Board of Trustees or a committee of the Board as appropriate ("Board actions").</p> <p><b>352.107 Powers and duties of governing board and university with a governing board.</b> (1) A university with a governing board may:</p> <p>(m) Establish policies for the organization, administration and development of the university which, to the extent set forth in those policies, shall have the force of law and may be enforced through university procedures that include an opportunity for appeal and in any court of competent jurisdiction.</p>	<p><b>351.015 State Board of Higher Education.</b> The Oregon University System shall be conducted under the control of a board of 15 directors, to be known as the State Board of Higher Education. Except as otherwise provided by law, the board has sole authority to govern, set policy and otherwise manage the affairs of the public universities listed in ORS 351.011.</p> <p><b>Note:</b> The amendments to 351.015 by section 37, chapter 768, Oregon Laws 2013, become operative July 1, 2014. See section 171, chapter 768, Oregon Laws 2013. The text that is operative until July 1, 2014, is set forth for the user's convenience.</p> <p><b>351.015.</b> The Oregon University System shall be conducted under the control of a board of 15 directors, to be known as the State Board of Higher Education. Except as otherwise provided by law, the board has sole authority to govern, set policy and otherwise manage the affairs of the public universities listed in ORS 352.002.</p> <p><b>351.070 Board general powers as to Oregon University System and universities; standards.</b></p> <p>(4) Subject to such delegation as the board may decide to make to the public universities and offices, departments and activities under its control, the board, for each public university, office, department or activity under its control:</p> <p>(a) Shall supervise the general course of instruction therein, and the research, extension, educational and other activities thereof.</p> <p>(b) Shall develop and adopt standards and bylaws for the government thereof, including the faculty, teachers, students and employees therein.</p> <p><b>Note:</b> The amendments to 351.070 by section 200, chapter 747, Oregon Laws 2013, and section 48, chapter 768, Oregon Laws 2013, become operative July 1, 2014. See section 204, chapter 747, Oregon Laws 2013, and section 171, chapter 768, Oregon Laws 2013. The text that is operative until July 1, 2014, including amendments by section 4, chapter 115, Oregon Laws 2013, is set forth for the user's convenience.</p> <p><b>351.070.</b></p> <p>(4) Subject to such delegation as the board may decide to make to the public universities and offices, departments and activities under its control, the board, for each public university, office, department or activity under its control:</p> <p>(a) Shall supervise the general course of instruction therein, and the research, extension,</p>

		<p>educational and other activities thereof.  (b) Shall adopt rules and bylaws for the government thereof, including the faculty, teachers, students and employees therein.</p> <p><b>OUS Policy on Policies</b>  <a href="http://www.ous.edu/sites/default/files/about/polipro/files/PolicyonPolicies100105.pdf">http://www.ous.edu/sites/default/files/about/polipro/files/PolicyonPolicies100105.pdf</a></p>
2.1.2	<p>2.1 <u>Governing Documents.</u> The University shall have the following governing documents:</p> <p>2.1.2 Policies, standards and directives approved by the President of the University regarding matters within the authority of the President ("Presidential actions").</p> <p><b>352.107 Powers and duties of governing board and university with a governing board.</b> (1) A university with a governing board may:</p> <p>(m) Establish policies for the organization, administration and development of the university which, to the extent set forth in those policies, shall have the force of law and may be enforced through university procedures that include an opportunity for appeal and in any court of competent jurisdiction.</p>	<p><b>351.015 State Board of Higher Education.</b> The Oregon University System shall be conducted under the control of a board of 15 directors, to be known as the State Board of Higher Education. Except as otherwise provided by law, the board has sole authority to govern, set policy and otherwise manage the affairs of the public universities listed in ORS 351.011.</p> <p><b>Note:</b> The amendments to 351.015 by section 37, chapter 768, Oregon Laws 2013, become operative July 1, 2014. See section 171, chapter 768, Oregon Laws 2013. The text that is operative until July 1, 2014, is set forth for the user's convenience.</p> <p><b>351.015.</b> The Oregon University System shall be conducted under the control of a board of 15 directors, to be known as the State Board of Higher Education. Except as otherwise provided by law, the board has sole authority to govern, set policy and otherwise manage the affairs of the public universities listed in ORS 352.002. Board Policy on Executive Leadership and Management</p> <p>(E)(2) The institution president will develop and implement, in consultation with the appropriate institution committees, groups, and employees, the policies, plans, proposals, budgets, and guidelines affecting the institution as deemed necessary and/or advisable, as consistent with Board rule, policy, IMD, or direction from the Chancellor. The institution president will advise the Chancellor of any institution events that substantially affect the well-being of the institution or system or of any major proposed changes of institution policies, plans, budgets, or standards.</p> <p><b>OUS Policy on Policies</b>  <a href="http://www.ous.edu/sites/default/files/about/polipro/files/PolicyonPolicies100105.pdf">http://www.ous.edu/sites/default/files/about/polipro/files/PolicyonPolicies100105.pdf</a></p>
2.1.3	<p>2.1 <u>Governing Documents.</u> The University shall have the following governing documents:</p> <p>2.1.3 A constitution as described in this policy.</p> <p><b>352.107 Powers and duties of governing board and university with a governing board.</b> (1) A university with a governing board may:</p>	<p><b>351.015 State Board of Higher Education.</b> The Oregon University System shall be conducted under the control of a board of 15 directors, to be known as the State Board of Higher Education. Except as otherwise provided by law, the board has sole authority to govern, set policy and otherwise manage the affairs of the public universities listed in ORS 351.011.</p> <p><b>Note:</b> The amendments to 351.015 by section 37, chapter 768, Oregon Laws 2013, become operative July 1, 2014. See section 171, chapter 768, Oregon Laws 2013. The text that is operative until July 1, 2014, is set forth for the user's convenience.</p> <p><b>351.015.</b> The Oregon University System shall be conducted under the control of a board</p>

(m) Establish policies for the organization, administration and development of the university which, to the extent set forth in those policies, shall have the force of law and may be enforced through university procedures that include an opportunity for appeal and in any court of competent jurisdiction.

**352.146 Faculty; status; powers.** The president and professors constitute the faculty and as such have the immediate government and discipline of a university with a governing board and the students therein, except as otherwise provided by law or action of the governing board. The faculty may, subject to the supervision of the governing board and ORS 352.089, prescribe the course of study to be pursued in the university and the textbooks to be used.

of 15 directors, to be known as the State Board of Higher Education. Except as otherwise provided by law, the board has sole authority to govern, set policy and otherwise manage the affairs of the public universities listed in ORS 352.002.

**351.070 Board general powers as to Oregon University System and universities; standards.**

(4) Subject to such delegation as the board may decide to make to the public universities and offices, departments and activities under its control, the board, for each public university, office, department or activity under its control:

(a) Shall supervise the general course of instruction therein, and the research, extension, educational and other activities thereof.

(b) Shall develop and adopt standards and bylaws for the government thereof, including the faculty, teachers, students and employees therein.

**Note:** The amendments to 351.070 by section 200, chapter 747, Oregon Laws 2013, and section 48, chapter 768, Oregon Laws 2013, become operative July 1, 2014. See section 204, chapter 747, Oregon Laws 2013, and section 171, chapter 768, Oregon Laws 2013. The text that is operative until July 1, 2014, including amendments by section 4, chapter 115, Oregon Laws 2013, is set forth for the user's convenience.

**351.070.**

(4) Subject to such delegation as the board may decide to make to the public universities and offices, departments and activities under its control, the board, for each public university, office, department or activity under its control:

(a) Shall supervise the general course of instruction therein, and the research, extension, educational and other activities thereof.

(b) Shall adopt rules and bylaws for the government thereof, including the faculty, teachers, students and employees therein.

**Board Policy on Executive Leadership and Management**

(F)(6) As outlined in ORS 352.004, the institution president is the president of the institution faculty. The institution president is authorized to convene and preside over the faculty and to veto any decisions of the faculty or its representative bodies. The institution president will define the scope of faculty authority—including its councils, committees, and officers, subject to review by the Chancellor—except as provided in Board rule, policy, or IMD.

(F)(7) Each institution is authorized to formulate a statement of internal governance expressed as a constitution or in another appropriate format which will be ratified as the official statement of internal governance by the relevant institutional body or bodies and the institution president. All statements of internal governance will be consistent with statutes

		<p>governing the Oregon State Board of Higher Education, the Oregon University System, and any applicable Board rules, policies, or IMD.</p> <p>(8) The statement of internal governance is subject to review and amendment when a new institution president assumes office or at other such times provided for in the internal governance statement. Any amendment to the statement of internal governance will be subject to ratification by the relevant institutional body or bodies and the institution president.</p>
2.2	<p>2.2 <u>Force of Law; Emergency and Temporary Actions.</u> Board actions shall have the force of law to the extent set forth therein. Emergency and temporary Presidential actions may have the force of law to the extent set forth therein. Any Board action or Presidential action that is intended to have the force of law must include an opportunity for appeal.</p> <p><b>352.107 Powers and duties of governing board and university with a governing board.</b> (1) A university with a governing board may:</p> <p>(m) Establish policies for the organization, administration and development of the university which, to the extent set forth in those policies, shall have the force of law and may be enforced through university procedures that include an opportunity for appeal and in any court of competent jurisdiction.</p>	<p><b>Board Policy on Executive Leadership and Management</b></p> <p><b>(E)</b></p> <p>(1) The institution president is the executive and governing officer of the institution and is president of the faculty pursuant to ORS 352.004. The institution president is responsible to the Chancellor for all matters concerning the institution and is an advisor to the Chancellor in matters of interinstitutional policy and administration. The institution president will participate in meetings called by the Chancellor to seek advice regarding OUS operations and policy. The institution president will implement and execute rules, policies, plans, directives, budgets, and guidelines as approved by the Chancellor.</p> <p><b>(F)</b></p> <p>(1) The institution president is delegated full authority and responsibility to manage and administer the affairs of the institution, except as otherwise provided for in Board rule, policy, IMD, and directive. The institution president is delegated full authority for determining the organizational structure of the institution, except as otherwise provided for in Board rule, policy, IMD, and directive.</p>
2.3	<p>2.3 <u>Enforcement.</u> Any Board action or Presidential action may be enforced by the University through internal procedures and in any court of competent jurisdiction. All Board actions and Presidential actions are binding on University employees, students, volunteers, contractors and members of the public, except as set forth therein.</p> <p><b>352.107 Powers and duties of governing board and university with a governing board.</b> (1) A university with a governing board may:</p>	<p><b>351.060 Board general powers as to control and management of property; legal proceedings; financing agreements; rules.</b> The State Board of Higher Education may:</p> <p>(7) Institute, maintain and participate in suits and actions and other judicial proceedings, in the name of the State of Oregon, for the foreclosure of such mortgages or for the purpose of carrying into effect any and all of the powers, rights and duties of the State Board of Higher Education. Except as otherwise provided by ORS 30.260 to 30.300, the board has the authority to defend and indemnify its employees, officers and agents when they are acting in good faith within the course and scope of their duties for public purposes.</p>

	(m) Establish policies for the organization, administration and development of the university which, to the extent set forth in those policies, shall have the force of law and may be enforced through university procedures that include an opportunity for appeal and in any court of competent jurisdiction.	
2.4	2.4 <u>Public Notice.</u> Except for emergency and temporary Board actions and Presidential actions, all Board actions and Presidential actions shall be approved in a manner reasonably calculated to provide public notice of the proposed and final approval.	<b>192.640 Public notice required; special notice for executive sessions, special or emergency meetings.</b> (1) The governing body of a public body shall provide for and give public notice, reasonably calculated to give actual notice to interested persons including news media which have requested notice, of the time and place for holding regular meetings. <b>The notice shall also include a list of the principal subjects anticipated to be considered at the meeting, but this requirement shall not limit the ability of a governing body to consider additional subjects.</b> (2) If an executive session only will be held, the notice shall be given to the members of the governing body, to the general public and to news media which have requested notice, stating the specific provision of law authorizing the executive session. (3) No special meeting shall be held without at least 24 hours' notice to the members of the governing body, the news media which have requested notice and the general public. In case of an actual emergency, a meeting may be held upon such notice as is appropriate to the circumstances, but the minutes for such a meeting shall describe the emergency justifying less than 24 hours' notice.
2.5	2.5 <u>Posting.</u> After approval, emergency and temporary Board actions and Presidential actions shall be posted on the University website in a manner reasonably calculated to provide public notice of the approval.	<b>192.640 Public notice required; special notice for executive sessions, special or emergency meetings.</b> (1) The governing body of a public body shall provide for and give public notice, reasonably calculated to give actual notice to interested persons including news media which have requested notice, of the time and place for holding regular meetings. <b>The notice shall also include a list of the principal subjects anticipated to be considered at the meeting, but this requirement shall not limit the ability of a governing body to consider additional subjects.</b> (2) If an executive session only will be held, the notice shall be given to the members of the governing body, to the general public and to news media which have requested notice, stating the specific provision of law authorizing the executive session. (3) No special meeting shall be held without at least 24 hours' notice to the members of the governing body, the news media which have requested notice and the general public. <b>In case of an actual emergency, a meeting may be held upon such notice as is appropriate to the circumstances, but the minutes for such a meeting shall describe the emergency justifying less than 24 hours' notice.</b>
3.1	3.1 <u>Executive and Governing Officer; Delegation.</u> The President of the University is the executive and governing officer of the University, except as otherwise	<b>351.015 State Board of Higher Education.</b> The Oregon University System shall be conducted under the control of a board of 15 directors, to be known as the State Board of Higher Education. <b>Except as otherwise provided by law, the board has sole authority to govern, set</b>

provided by statute or Board actions. Subject to the supervision of the Board and Board action, the President shall direct the affairs of the University. The authorities and responsibilities of the President of the University include, but are not limited to, the authorities and responsibilities set forth in and modified by section 1.0 and this section 3.0, and the President may delegate any authorities and responsibilities, except as provided by Board actions. Any delegation must be consistent with Board actions. The President remains responsible for the proper functioning of the University, notwithstanding any delegation by him or her.

**352.096 Appointment and removal of university president; roles of president; hiring of university personnel.**

(2) The president of the university is the president of the faculty. The president is also the executive and governing officer of the university, except as otherwise provided by statute or action of the governing board. Subject to the supervision of the governing board, the president of the university has authority to direct the affairs of the university.

policy and otherwise manage the affairs of the public universities listed in ORS 351.011.

**Note:** The amendments to 351.015 by section 37, chapter 768, Oregon Laws 2013, become operative July 1, 2014. See section 171, chapter 768, Oregon Laws 2013. The text that is operative until July 1, 2014, is set forth for the user's convenience.

**351.015.** The Oregon University System shall be conducted under the control of a board of 15 directors, to be known as the State Board of Higher Education. Except as otherwise provided by law, the board has sole authority to govern, set policy and otherwise manage the affairs of the public universities listed in ORS 352.002.

**352.004 Presidents of public universities.** The president of each public university within the Oregon University System is also president of the faculty. The president is also the executive and governing officer of the public university, except as otherwise provided by statute or action of the State Board of Higher Education. Subject to the supervision of the board, the president of the public university has authority to control and give general directions to the practical affairs of the public university.

**351.085 Duties and powers of chancellor.** The Chancellor of the Oregon University System shall exercise, under the direction of the State Board of Higher Education, the administrative and management authority necessary to carry out the policies and directives of the board with respect to the public universities and offices, departments and activities under the control of the board. In carrying out the duties of the chancellor, the chancellor shall:

(1) Serve as chief executive officer of the Oregon University System and administrative officer of the State Board of Higher Education.

(2) Supervise the presidents of the public universities listed in ORS 351.011 and recommend the terms and conditions of their employment to the board, including but not limited to appointment, compensation and termination.

**Note:** The amendments to 351.085 by section 49, chapter 768, Oregon Laws 2013, become operative July 1, 2014. See section 171, chapter 768, Oregon Laws 2013. The text that is operative until July 1, 2014, is set forth for the user's convenience.

**351.085.** The Chancellor of the Oregon University System shall exercise, under the direction of the State Board of Higher Education, the administrative and management authority necessary to carry out the policies and directives of the board with respect to the public universities and offices, departments and activities under the control of the board. In carrying out the duties of the chancellor, the chancellor shall:

(1) Serve as chief executive officer of the Oregon University System and administrative officer of the State Board of Higher Education.

(2) Supervise the presidents of the public universities listed in ORS 352.002 and recommend the terms and conditions of their employment to the board, including but not limited to appointment, compensation and termination.



<p>3.2</p>	<p>3.2 <u>Policies, Standards and Directives; Consultation.</u> The President of the University shall formulate, prescribe and issue Presidential actions regarding matters within the authority of the President when the Board or the President deems it necessary or appropriate. Any Presidential actions are subordinate to and must be consistent with Board actions. In carrying out these duties, the President should consult with the faculty, other employees, and students as deemed appropriate by the President, but it is not intended that consultation shall remove from the President the authority and the responsibility vested in the President by law and Board actions.</p>	<p><b>351.015 State Board of Higher Education.</b> The Oregon University System shall be conducted under the control of a board of 15 directors, to be known as the State Board of Higher Education. <b>Except as otherwise provided by law, the board has sole authority to govern, set policy and otherwise manage the affairs of the public universities listed in ORS 351.011.</b></p> <p><b>Note:</b> The amendments to 351.015 by section 37, chapter 768, Oregon Laws 2013, become operative July 1, 2014. See section 171, chapter 768, Oregon Laws 2013. The text that is operative until July 1, 2014, is set forth for the user’s convenience.</p> <p><b>351.015.</b> The Oregon University System shall be conducted under the control of a board of 15 directors, to be known as the State Board of Higher Education. <b>Except as otherwise provided by law, the board has sole authority to govern, set policy and otherwise manage the affairs of the public universities listed in ORS 352.002.</b></p> <p>Board Policy on Executive Leadership and Management</p> <p>(E)(2) The institution president will develop and implement, in consultation with the appropriate institution committees, groups, and employees, the policies, plans, proposals, budgets, and guidelines affecting the institution as deemed necessary and/or advisable, as consistent with Board rule, policy, IMD, or direction from the Chancellor. The institution president will advise the Chancellor of any institution events that substantially affect the well-being of the institution or system or of any major proposed changes of institution policies, plans, budgets, or standards.</p> <p><b>352.004 Presidents of public universities.</b> The president of each public university within the Oregon University System is also president of the faculty. The president is also the executive and governing officer of the public university, except as otherwise provided by statute or action of the State Board of Higher Education. Subject to the supervision of the board, the president of the public university has authority to control and give general directions to the practical affairs of the public university.</p> <p><b>351.085 Duties and powers of chancellor.</b> The Chancellor of the Oregon University System shall exercise, under the direction of the State Board of Higher Education, the administrative and management authority necessary to carry out the policies and directives of the board with respect to the public universities and offices, departments and activities under the control of the board. In carrying out the duties of the chancellor, the chancellor shall:</p> <ol style="list-style-type: none"> <li>(1) Serve as chief executive officer of the Oregon University System and administrative officer of the State Board of Higher Education.</li> <li>(2) Supervise the presidents of the public universities listed in ORS 351.011 and recommend the terms and conditions of their employment to the board, including but not limited to appointment, compensation and termination.</li> </ol> <p><b>Note:</b> The amendments to 351.085 by section 49, chapter 768, Oregon Laws 2013, become</p>
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		<p>operative July 1, 2014. See section 171, chapter 768, Oregon Laws 2013. The text that is operative until July 1, 2014, is set forth for the user's convenience.</p> <p><b>351.085.</b> The Chancellor of the Oregon University System shall exercise, under the direction of the State Board of Higher Education, the administrative and management authority necessary to carry out the policies and directives of the board with respect to the public universities and offices, departments and activities under the control of the board. In carrying out the duties of the chancellor, the chancellor shall:</p> <p>(1) Serve as chief executive officer of the Oregon University System and administrative officer of the State Board of Higher Education.</p> <p>(2) Supervise the presidents of the public universities listed in ORS 352.002 and recommend the terms and conditions of their employment to the board, including but not limited to appointment, compensation and termination.</p> <p><b>OUS Policy on Policies</b>  <a href="http://www.ous.edu/sites/default/files/about/polipro/files/PolicyonPolicies100105.pdf">http://www.ous.edu/sites/default/files/about/polipro/files/PolicyonPolicies100105.pdf</a></p>
3.3	<p>3.3 <u>Emergency and Temporary Actions; Technical Corrections.</u> The President of the University shall establish emergency and temporary policies, standards and directives when the Board or the President deems it necessary or appropriate. Such policies, standards and directives may have the scope and force of Board actions and must be reported to the Board expeditiously. Pursuant to expedited procedures, the President of the University may amend Board actions and Presidential actions in order to correct typographical errors, make address or formatting changes, or clarify language without changing their effect. Such amendments must be reported to the Board quarterly. The President may make expedited repeals of Board actions and Presidential actions, provided that expedited repeals of Board actions are contemporaneously reported to the Board and ratified at the next Board meeting.</p>	<p><b>351.015 State Board of Higher Education.</b> The Oregon University System shall be conducted under the control of a board of 15 directors, to be known as the State Board of Higher Education. Except as otherwise provided by law, the board has sole authority to govern, set policy and otherwise manage the affairs of the public universities listed in ORS 351.011.</p> <p><b>Note:</b> The amendments to 351.015 by section 37, chapter 768, Oregon Laws 2013, become operative July 1, 2014. See section 171, chapter 768, Oregon Laws 2013. The text that is operative until July 1, 2014, is set forth for the user's convenience.</p> <p><b>351.015.</b> The Oregon University System shall be conducted under the control of a board of 15 directors, to be known as the State Board of Higher Education. Except as otherwise provided by law, the board has sole authority to govern, set policy and otherwise manage the affairs of the public universities listed in ORS 352.002.</p> <p><b>Board Policy on Executive Leadership and Management (F)(1)</b></p> <p>The institution president is delegated full authority and responsibility to manage and administer the affairs of the institution, except as otherwise provided for in Board rule, policy, IMD, and directive. The institution president is delegated full authority for determining the organizational structure of the institution, except as otherwise provided for in Board rule, policy, IMD, and directive.</p>
3.4	<p>3.4 <u>Committees, Councils and Advisory Groups.</u> The President of the University shall establish and define the charge of any and all University committees,</p>	<p><b>351.015 State Board of Higher Education.</b> The Oregon University System shall be conducted under the control of a board of 15 directors, to be known as the State Board of Higher Education. Except as otherwise provided by law, the board has sole authority to govern, set</p>

	<p>councils, and advisory groups. The establishment and charge of any and all University committees, councils and advisory groups shall be consistent with law and Board actions. The recommendations and reports of all committees, councils and advisory groups shall be made to the President.</p>	<p>policy and otherwise manage the affairs of the public universities listed in ORS 351.011.</p> <p><b>Note:</b> The amendments to 351.015 by section 37, chapter 768, Oregon Laws 2013, become operative July 1, 2014. See section 171, chapter 768, Oregon Laws 2013. The text that is operative until July 1, 2014, is set forth for the user’s convenience.</p> <p><b>351.015.</b> The Oregon University System shall be conducted under the control of a board of 15 directors, to be known as the State Board of Higher Education. Except as otherwise provided by law, the board has sole authority to govern, set policy and otherwise manage the affairs of the public universities listed in ORS 352.002.</p> <p><b>Board Policy on Executive Leadership and Management (F)(6)</b></p> <p>As outlined in ORS 352.004, the institution president is the president of the institution faculty. The institution president is authorized to convene and preside over the faculty and to veto any decisions of the faculty or its representative bodies. The institution president will define the scope of faculty authority—including its councils, committees, and officers, subject to review by the Chancellor—except as provided in Board rule, policy, or IMD.</p>
<p>3.5</p>	<p>3.5 <u>Students.</u> Subject to Board action, the President of the University shall act for the Board of Trustees in relation to all matters pertaining to students, the student body and other matters incident thereto.</p>	<p><b>351.015 State Board of Higher Education.</b> The Oregon University System shall be conducted under the control of a board of 15 directors, to be known as the State Board of Higher Education. Except as otherwise provided by law, the board has sole authority to govern, set policy and otherwise manage the affairs of the public universities listed in ORS 351.011.</p> <p><b>Note:</b> The amendments to 351.015 by section 37, chapter 768, Oregon Laws 2013, become operative July 1, 2014. See section 171, chapter 768, Oregon Laws 2013. The text that is operative until July 1, 2014, is set forth for the user’s convenience.</p> <p><b>351.015.</b> The Oregon University System shall be conducted under the control of a board of 15 directors, to be known as the State Board of Higher Education. Except as otherwise provided by law, the board has sole authority to govern, set policy and otherwise manage the affairs of the public universities listed in ORS 352.002.</p> <p><b>351.070 Board general powers as to Oregon University System and universities; standards.</b></p> <p>(4) Subject to such delegation as the board may decide to make to the public universities and offices, departments and activities under its control, the board, for each public university, office, department or activity under its control:</p> <p>(a) Shall supervise the general course of instruction therein, and the research, extension, educational and other activities thereof.</p> <p>(b) Shall develop and adopt standards and bylaws for the government thereof, including the faculty, teachers, students and employees therein.</p> <p>(c) Shall maintain cultural and physical development services and facilities therefor and, in</p>

connection therewith, may cooperate and enter into agreements with any person or governmental agency.

- (d) May contract to provide health services at student health centers.
- (e) Shall provide health services at student health centers to students.
- (f) May provide health services at student health centers to any of the following:
  - (A) Dependents of students.
  - (B) Staff.
  - (C) Faculty.
- (g) Shall prescribe and collect charges.

**Note:** The amendments to 351.070 by section 200, chapter 747, Oregon Laws 2013, and section 48, chapter 768, Oregon Laws 2013, become operative July 1, 2014. See section 204, chapter 747, Oregon Laws 2013, and section 171, chapter 768, Oregon Laws 2013. The text that is operative until July 1, 2014, including amendments by section 4, chapter 115, Oregon Laws 2013, is set forth for the user's convenience.

#### **351.070.**

(4) Subject to such delegation as the board may decide to make to the public universities and offices, departments and activities under its control, the board, for each public university, office, department or activity under its control:

(a) Shall supervise the general course of instruction therein, and the research, extension, educational and other activities thereof.

(b) Shall adopt rules and bylaws for the government thereof, including the faculty, teachers, students and employees therein.

(c) Shall maintain cultural and physical development services and facilities therefor and, in connection therewith, may cooperate and enter into agreements with any person or governmental agency.

- (d) May contract to provide health services at student health centers.
- (e) Shall provide health services at student health centers to students.
- (f) May provide health services at student health centers to any of the following:
  - (A) Dependents of students.
  - (B) Staff.
  - (C) Faculty.
- (g) Shall prescribe and collect charges.

#### **Internal Management Directive 1.130**

##### **1.130 Responsibility for Student Conduct and Discipline**

(1) The President is responsible for development and administration of institutional policies and rules governing the role of students and their conduct. In carrying out this responsibility,

		<p>the President shall take into account the views of students, faculty, and others.</p> <p>(2) Institutional rules shall establish guidelines for student conduct which set forth prohibited conduct and provide for appropriate disciplinary hearings and sanctions for violations of institutional rules, consistent with standards of procedural fairness.</p> <p>(3) The Board recognizes and affirms the importance of active student involvement in the deliberative and decision-making processes.</p>
3.6	<p>3.6. <u>University Personnel.</u></p> <p>3.6.1 The President of the University shall act for the Board of Trustees regarding all personnel and employment matters, including labor relations and approval of collective bargaining agreements. Subject to Board action, the President has the exclusive authority to and shall establish necessary or appropriate written policies, standards and directives covering all employees not represented by a collective bargaining organization and necessary or appropriate written policies, standards and directives covering employees represented by a collective bargaining organization, subject to any legal obligation to negotiate the terms and conditions of such policies, standards and directives with the exclusive representative of the relevant bargaining unit.</p> <p>3.6.2 The President may appoint any instructional, research, administrative, professional, trade, occupational and other personnel as are necessary or appropriate and establish their compensation and other terms and conditions of employment.</p> <p>3.6.3 The President may appoint volunteers as necessary or appropriate and establish the terms and conditions of the activities of such appointed volunteers.</p>	<p><b>351.015 State Board of Higher Education.</b> The Oregon University System shall be conducted under the control of a board of 15 directors, to be known as the State Board of Higher Education. Except as otherwise provided by law, the board has sole authority to govern, set policy and otherwise manage the affairs of the public universities listed in ORS 351.011.</p> <p><b>Note:</b> The amendments to 351.015 by section 37, chapter 768, Oregon Laws 2013, become operative July 1, 2014. See section 171, chapter 768, Oregon Laws 2013. The text that is operative until July 1, 2014, is set forth for the user's convenience.</p> <p><b>351.015.</b> The Oregon University System shall be conducted under the control of a board of 15 directors, to be known as the State Board of Higher Education. Except as otherwise provided by law, the board has sole authority to govern, set policy and otherwise manage the affairs of the public universities listed in ORS 352.002.</p> <p><b>351.070 Board general powers as to Oregon University System and universities; standards.</b></p> <p>(1) The State Board of Higher Education shall develop standards to implement a personnel system for the Oregon University System and may engage in collective bargaining with the employees. All collective bargaining with any certified or recognized exclusive employee representative shall be under the direction and supervision of the Chancellor of the Oregon University System. The board and the Oregon University System shall have payroll authority.</p> <p>(3) The board may, for each public university listed in ORS 352.002:</p> <p>(a) Appoint and employ a president and the requisite number of employees and prescribe their compensation and tenure of office or employment.</p> <p><b>Board Policy on Executive Leadership and Management (F)(2)</b></p> <p>The Board delegates to institution presidents the authority for the terms and conditions of employment of all institution employees to the extent that the exercise of such authority is consistent with Board rules, policies, internal management directives, and, when applicable, collective bargaining agreements.</p>

	<p><b>ORS 352.096(5)</b>  A university with a governing board may appoint and employ any instructional, administrative, professional, trade, occupational and other personnel as are necessary or appropriate and establish their compensation and terms and conditions of employment, subject to the limitations set forth in ORS 352.124 (1) and (2).</p>	
3.7	<p>3.7 <u>Research Grants and Contracts.</u> The President of the University shall act for the Board of Trustees regarding grants and contracts for research, development, service, and training. However, a quarterly report to the Board is required for each initial contract or grant award that exceeds \$5,000,000, and when any increase or decrease to a contract or grant award causes the total of all increases or decreases to the contract or grant award to exceed \$5,000,000.</p>	<p><b>580-042-0010</b>  <b>Delegation</b></p> <p>(1) Institutions are authorized to apply for and accept, on behalf of the Board, gifts or grants and to negotiate contracts that will not result in:</p> <ul style="list-style-type: none"> <li>(a) Enrollments in excess of those on which budgets have been based;</li> <li>(b) Commitment of funds beyond those available in budgets approved by the Board, or the normal continuation thereof;</li> <li>(c) Creating a commitment for the institution or the state to continue support of a program funded through gifts, grants or contracts, in the event such funds are discontinued;</li> <li>(d) Development or support of activities inconsistent with the approved mission of the department and/or institution;</li> <li>(e) Launching of new curricular programs that have not received prior Board approval;</li> <li>(f) Establishing or significantly expanding a clientele for services of an essentially nonresearch or noninstructional nature.</li> </ul> <p>(2) The Vice Chancellor for Finance and Administration or a designee is authorized to approve applications for and acceptance of other gifts, grants or contracts.</p>
3.8	<p>3.8 <u>Execution and Administration of University Affairs.</u> Except as provided by Board action, the President of the University shall act for the Board regarding the execution and administration of instruments and the affairs of the University. Notwithstanding the dollar limits specified in section 1.0 above, the President shall act for the Board of Trustees regarding the execution and administration of all instruments, business affairs, and operations relating to:</p> <p>3.8.1 Acquisition of electricity, natural gas, sewer, water, and all other utility services;</p> <p>3.8.2 Subcontracts for collaborative research</p>	<p><b>351.015 State Board of Higher Education.</b> The Oregon University System shall be conducted under the control of a board of 15 directors, to be known as the State Board of Higher Education. Except as otherwise provided by law, the board has sole authority to govern, set policy and otherwise manage the affairs of the public universities listed in ORS 351.011.</p> <p><b>Note:</b> The amendments to 351.015 by section 37, chapter 768, Oregon Laws 2013, become operative July 1, 2014. See section 171, chapter 768, Oregon Laws 2013. The text that is operative until July 1, 2014, is set forth for the user's convenience.</p> <p><b>351.015.</b> The Oregon University System shall be conducted under the control of a board of 15 directors, to be known as the State Board of Higher Education. Except as otherwise provided by law, the board has sole authority to govern, set policy and otherwise manage the affairs of the public universities listed in ORS 352.002.</p>



3.9	<p>3.9 <u>Legal Action.</u> The President of the University shall act for the Board of Trustees regarding all legal action necessary or appropriate to protect the interests of the University. However, no litigation shall be instituted against a public entity or official or in exercise of the power of eminent domain without approval by the Board of Trustees. The Board Chair may authorize the institution of other litigation.</p>	<p><b>351.015 State Board of Higher Education.</b> The Oregon University System shall be conducted under the control of a board of 15 directors, to be known as the State Board of Higher Education. Except as otherwise provided by law, the board has sole authority to govern, set policy and otherwise manage the affairs of the public universities listed in ORS 351.011.</p> <p><b>Note:</b> The amendments to 351.015 by section 37, chapter 768, Oregon Laws 2013, become operative July 1, 2014. See section 171, chapter 768, Oregon Laws 2013. The text that is operative until July 1, 2014, is set forth for the user’s convenience.</p> <p><b>351.015.</b> The Oregon University System shall be conducted under the control of a board of 15 directors, to be known as the State Board of Higher Education. Except as otherwise provided by law, the board has sole authority to govern, set policy and otherwise manage the affairs of the public universities listed in ORS 352.002.</p> <p><b>OUS Legal Services Policy</b></p> <p><a href="http://www.ous.edu/sites/default/files/state_board/polipro/LegalServices.pdf">http://www.ous.edu/sites/default/files/state_board/polipro/LegalServices.pdf</a></p>
3.10	<p>3.10 <u>Gifts.</u> Subject to Board action, the President of the University shall act for the Board of Trustees regarding all current and deferred gifts to the University, including gifts to establish quasi-endowed or permanently endowed funds. Notwithstanding any delegation by the President, a gift with unusual terms or conditions affecting an academic program shall be accepted only with the concurrence of the President to the proposed terms or conditions. The proceeds of any gift, devise, bequest, or contribution received by the University shall be administered in accordance with the intention of the donor and any directions of the Board of Trustees in accepting the gift. Wherever possible, the University of Oregon Foundation shall manage gifts. The President of the University is authorized to act for the Board of Trustees regarding the disposition of gifts.</p>	<p><b>351.015 State Board of Higher Education.</b> The Oregon University System shall be conducted under the control of a board of 15 directors, to be known as the State Board of Higher Education. Except as otherwise provided by law, the board has sole authority to govern, set policy and otherwise manage the affairs of the public universities listed in ORS 351.011.</p> <p><b>Note:</b> The amendments to 351.015 by section 37, chapter 768, Oregon Laws 2013, become operative July 1, 2014. See section 171, chapter 768, Oregon Laws 2013. The text that is operative until July 1, 2014, is set forth for the user’s convenience.</p> <p><b>351.015.</b> The Oregon University System shall be conducted under the control of a board of 15 directors, to be known as the State Board of Higher Education. Except as otherwise provided by law, the board has sole authority to govern, set policy and otherwise manage the affairs of the public universities listed in ORS 352.002.</p> <p>OAR 580-042</p> <p><b>Gift, Grant, and Contract Management</b> OAR 580-042 <a href="http://arcweb.sos.state.or.us/pages/rules/oars_500/oar_580/580_042.html">http://arcweb.sos.state.or.us/pages/rules/oars_500/oar_580/580_042.html</a></p> <p><b>580-060-0025</b> <b>Gifts of Real Property</b> (1) Legal title to all real property gifted to a Public University must be taken and held in the name of the State of Oregon.</p>



		<p>(2) The President is delegated the authority to execute conveyances for the gift of real property after the following have been performed to satisfaction of the President:</p> <p>(a) Complete an environmental assessment and determine that any risk associated with the real property is reasonable under the circumstances;</p> <p>(b) Determine that sufficient ongoing revenues are available to operate and maintain the property.</p>
3.11	<p>3.11 <u>Fees, Fines and Charges.</u> Subject to Board action, the President of the University shall establish fees, fines, and charges. The President shall enforce the collection of tuition, mandatory enrollment fees, other fees, fines, charges, and all other amounts due to the University.</p>	Delegation contained in Academic Year Fee Book (see 1.4 above)
4.1	<p>4.1 <u>Role of the Faculty.</u> Except as set forth in law or Board action, the faculty has:</p> <p>4.1.1 The immediate government and discipline of the university and the students therein.</p> <p><b>352.029 Definitions for ORS 351.365 to 351.379 and 352.025 to 352.146.</b> As used in ORS 351.365 to 351.379 and 352.025 to 352.146:</p> <p>(1) "Governing board" means a governing board established by a university under ORS 352.054 that 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.</p> <p><b>352.096 Appointment and removal of university president; roles of president; hiring of university personnel.</b> (1)(a) In consultation with the Governor, or the Governor's designee, the governing board shall appoint and employ a president of the university.</p> <p>(b) The governing board shall prescribe the president's compensation and terms and conditions of employment.</p>	<p><b>351.015 State Board of Higher Education.</b> The Oregon University System shall be conducted under the control of a board of 15 directors, to be known as the State Board of Higher Education. <b>Except as otherwise provided by law, the board has sole authority to govern, set policy and otherwise manage the affairs of the public universities listed in ORS 351.011.</b></p> <p><b>Note:</b> The amendments to 351.015 by section 37, chapter 768, Oregon Laws 2013, become operative July 1, 2014. See section 171, chapter 768, Oregon Laws 2013. The text that is operative until July 1, 2014, is set forth for the user's convenience.</p> <p><b>351.015.</b> The Oregon University System shall be conducted under the control of a board of 15 directors, to be known as the State Board of Higher Education. <b>Except as otherwise provided by law, the board has sole authority to govern, set policy and otherwise manage the affairs of the public universities listed in ORS 352.002.</b></p> <p><b>352.010 Status of faculty.</b> The president and professors constitute the faculty of each of the public universities listed in ORS 351.011 and as such have the immediate government and discipline of the public university and the students therein, except as otherwise provided by statute or action of the State Board of Higher Education. The faculty may, subject to the supervision of the board under ORS 351.070, prescribe the course of study to be pursued in the public university and the textbooks to be used.</p> <p><b>Note:</b> The amendments to 352.010 by section 86, chapter 768, Oregon Laws 2013, become operative July 1, 2014. See section 171, chapter 768, Oregon Laws 2013. The text that is operative until July 1, 2014, is set forth for the user's convenience.</p> <p><b>352.010.</b> The president and professors constitute the faculty of each of the public universities listed in ORS 352.002 and as such have the immediate government and discipline of the public university and the students therein, except as otherwise provided by statute or action of the State Board of Higher Education. The faculty may, subject to the supervision of</p>

<p>(2) The president of the university is the president of the faculty. The president is also the executive and governing officer of the university, except as otherwise provided by statute or action of the governing board. Subject to the supervision of the governing board, the president of the university has authority to direct the affairs of the university.</p> <p><b>352.146 Faculty; status; powers.</b> The president and professors constitute the faculty and as such have the immediate government and discipline of a university with a governing board and the students therein, except as otherwise provided by law or action of the governing board. The faculty may, subject to the supervision of the governing board and ORS 352.089, prescribe the course of study to be pursued in the university and the textbooks to be used.</p>	<p>the board under ORS 351.070, prescribe the course of study to be pursued in the public university and the textbooks to be used.</p>
<p>4.2</p> <p>4.1 <u>Role of the Faculty.</u> Except as set forth in law or Board action, the faculty has:</p> <p>4.1.2 The authority to prescribe the course of study to be pursued in the University and the textbooks to be used.</p> <p><b>352.029 Definitions for ORS 351.365 to 351.379 and 352.025 to 352.146.</b> As used in ORS 351.365 to 351.379 and 352.025 to 352.146:</p> <p>(1) "Governing board" means a governing board established by a university under ORS 352.054 that 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.</p> <p><b>352.096 Appointment and removal of university president; roles of president; hiring of university personnel.</b></p> <p>(2) The president of the university is the president of</p>	<p><b>351.015 State Board of Higher Education.</b> The Oregon University System shall be conducted under the control of a board of 15 directors, to be known as the State Board of Higher Education. Except as otherwise provided by law, the board has sole authority to govern, set policy and otherwise manage the affairs of the public universities listed in ORS 351.011.</p> <p><b>Note:</b> The amendments to 351.015 by section 37, chapter 768, Oregon Laws 2013, become operative July 1, 2014. See section 171, chapter 768, Oregon Laws 2013. The text that is operative until July 1, 2014, is set forth for the user's convenience.</p> <p><b>351.015.</b> The Oregon University System shall be conducted under the control of a board of 15 directors, to be known as the State Board of Higher Education. Except as otherwise provided by law, the board has sole authority to govern, set policy and otherwise manage the affairs of the public universities listed in ORS 352.002.</p> <p><b>352.004 Presidents of public universities.</b> The president of each public university within the Oregon University System is also president of the faculty. The president is also the executive and governing officer of the public university, except as otherwise provided by statute or action of the State Board of Higher Education. Subject to the supervision of the board, the president of the public university has authority to control and give general directions to the practical affairs of the public university.</p> <p><b>352.010 Status of faculty.</b> The president and professors constitute the faculty of each of the public universities listed in ORS 351.011 and as such have the immediate government and discipline of the public university and the students therein, except as otherwise provided by statute or action of the State Board of Higher Education. The faculty may, subject to the</p>

<p>the faculty. The president is also the executive and governing officer of the university, except as otherwise provided by statute or action of the governing board. Subject to the supervision of the governing board, the president of the university has authority to direct the affairs of the university.</p> <p><b>352.146 Faculty; status; powers.</b> The president and professors constitute the faculty and as such have the immediate government and discipline of a university with a governing board and the students therein, except as otherwise provided by law or action of the governing board. The faculty may, subject to the supervision of the governing board and ORS 352.089, prescribe the course of study to be pursued in the university and the textbooks to be used.</p>	<p>supervision of the board under ORS 351.070, prescribe the course of study to be pursued in the public university and the textbooks to be used.</p> <p><b>Note:</b> The amendments to 352.010 by section 86, chapter 768, Oregon Laws 2013, become operative July 1, 2014. See section 171, chapter 768, Oregon Laws 2013. The text that is operative until July 1, 2014, is set forth for the user's convenience.</p> <p><b>352.010.</b> The president and professors constitute the faculty of each of the public universities listed in ORS 352.002 and as such have the immediate government and discipline of the public university and the students therein, except as otherwise provided by statute or action of the State Board of Higher Education. The faculty may, subject to the supervision of the board under ORS 351.070, prescribe the course of study to be pursued in the public university and the textbooks to be used.</p>
<p>4.3 <u>Higher Education Coordinating Commission.</u> Any significant change in the University's academic programs as defined by the Higher Education Coordinating Commission must be approved by the Board prior to submission to the Commission.</p> <p><b>352.089 Achievement compacts; mission statements; process for approval of change to academic program; biennial funding requests; request for issuance of state bonds; responding to legislative request for data; rules.</b></p> <p>(3) A university with a governing board shall submit any significant change in the university's academic programs to an office designated by the Higher Education Coordinating Commission as being responsible for university coordination. The office shall establish a process for reviewing the program change and submitting it to the Higher Education Coordinating Commission for approval. The commission shall establish, by rule, what constitutes a significant change to a university's academic program. The commission shall further ensure that approved programs:</p> <p>(a) Are consistent with the mission statement of the</p>	<p><b>351.735 Duties and powers; rules.</b></p> <p>(3) The Higher Education Coordinating Commission shall:</p> <p>(g) Approve or disapprove any significant change to the academic program of a community college or a public university listed in ORS 352.002. In reaching a decision under this paragraph, the commission shall consider the recommendation from the community college or public university seeking to make the change to an academic program that is issued pursuant to the obligation of the governing board of a community college or public university to review and approve academic programs. The commission shall ensure that approved programs:</p> <p>(A) Are consistent with the mission statement of the community college or public university;</p> <p>(B) Do not unnecessarily duplicate academic programs offered by Oregon's other community colleges or public universities;</p> <p>(C) Are not located in a geographic area that will cause undue hardship to Oregon's other community colleges or public universities; and</p> <p>(D) Are allocated among Oregon's community colleges and public universities to maximize the achievement of statewide needs and requirements.</p> <p>(h) For public universities listed in ORS 352.002:</p> <p>(D) Approve and authorize degrees.</p>

	<p>university;</p> <p>(b) Do not unnecessarily duplicate academic programs offered by Oregon’s other public universities;</p> <p>(c) Are not located in a geographic area that will cause undue hardship to Oregon’s other public universities; and</p> <p>(d) Are allocated among Oregon’s public universities to maximize the achievement of statewide needs and requirements.</p>	<p><b>351.070 Board general powers as to Oregon University System and universities; standards.</b></p> <p>(4) Subject to such delegation as the board may decide to make to the public universities and offices, departments and activities under its control, the board, for each public university, office, department or activity under its control:</p> <p>(a) Shall supervise the general course of instruction therein, and the research, extension, educational and other activities thereof.</p> <p>(b) Shall develop and adopt standards and bylaws for the government thereof, including the faculty, teachers, students and employees therein.</p> <p><b>Note:</b> The amendments to 351.070 by section 200, chapter 747, Oregon Laws 2013, and section 48, chapter 768, Oregon Laws 2013, become operative July 1, 2014. See section 204, chapter 747, Oregon Laws 2013, and section 171, chapter 768, Oregon Laws 2013. The text that is operative until July 1, 2014, including amendments by section 4, chapter 115, Oregon Laws 2013, is set forth for the user’s convenience.</p> <p><b>351.070.</b></p> <p>(4) Subject to such delegation as the board may decide to make to the public universities and offices, departments and activities under its control, the board, for each public university, office, department or activity under its control:</p> <p>(a) Shall supervise the general course of instruction therein, and the research, extension, educational and other activities thereof.</p> <p>(b) Shall adopt rules and bylaws for the government thereof, including the faculty, teachers, students and employees therein.</p>
4.4	<p>4.4 <u>Faculty Constitution.</u> The faculty has adopted a constitution, which is subject to ratification by the President and approval by the Board of Trustees. A constitution, and any amendments to it, must be consistent with law and Board actions.</p> <p><b>352.029 Definitions for ORS 351.365 to 351.379 and 352.025 to 352.146.</b> As used in ORS 351.365 to 351.379 and 352.025 to 352.146:</p> <p>(1) “Governing board” means a governing board established by a university under ORS 352.054 that</p>	<p><b>351.015 State Board of Higher Education.</b> The Oregon University System shall be conducted under the control of a board of 15 directors, to be known as the State Board of Higher Education. Except as otherwise provided by law, the board has sole authority to govern, set policy and otherwise manage the affairs of the public universities listed in ORS 351.011.</p> <p><b>Note:</b> The amendments to 351.015 by section 37, chapter 768, Oregon Laws 2013, become operative July 1, 2014. See section 171, chapter 768, Oregon Laws 2013. The text that is operative until July 1, 2014, is set forth for the user’s convenience.</p> <p><b>351.015.</b> The Oregon University System shall be conducted under the control of a board of 15 directors, to be known as the State Board of Higher Education. Except as otherwise provided by law, the board has sole authority to govern, set policy and otherwise manage the affairs of the public universities listed in ORS 352.002.</p>

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.

**352.096 Appointment and removal of university president; roles of president; hiring of university personnel.**

(1)(a) In consultation with the Governor, or the Governor's designee, the governing board shall appoint and employ a president of the university.

(b) The governing board shall prescribe the president's compensation and terms and conditions of employment.

(2) The president of the university is the president of the faculty. The president is also the executive and governing officer of the university, except as otherwise provided by statute or action of the governing board. Subject to the supervision of the governing board, the president of the university has authority to direct the affairs of the university.

**352.146 Faculty; status; powers.** The president and professors constitute the faculty and as such have the immediate government and discipline of a university with a governing board and the students therein, except as otherwise provided by law or action of the governing board. The faculty may, subject to the supervision of the governing board and ORS 352.089, prescribe the course of study to be pursued in the university and the textbooks to be used.

**351.070 Board general powers as to Oregon University System and universities; standards.**

(4) Subject to such delegation as the board may decide to make to the public universities and offices, departments and activities under its control, the board, for each public university, office, department or activity under its control:

(a) Shall supervise the general course of instruction therein, and the research, extension, educational and other activities thereof.

(b) Shall develop and adopt standards and bylaws for the government thereof, including the faculty, teachers, students and employees therein.

**Note:** The amendments to 351.070 by section 200, chapter 747, Oregon Laws 2013, and section 48, chapter 768, Oregon Laws 2013, become operative July 1, 2014. See section 204, chapter 747, Oregon Laws 2013, and section 171, chapter 768, Oregon Laws 2013. The text that is operative until July 1, 2014, including amendments by section 4, chapter 115, Oregon Laws 2013, is set forth for the user's convenience.

**351.070.**

(4) Subject to such delegation as the board may decide to make to the public universities and offices, departments and activities under its control, the board, for each public university, office, department or activity under its control:

(a) Shall supervise the general course of instruction therein, and the research, extension, educational and other activities thereof.

(b) Shall adopt rules and bylaws for the government thereof, including the faculty, teachers, students and employees therein.

**Board Policy on Executive Leadership and Management**

(F)(6) As outlined in ORS 352.004, the institution president is the president of the institution faculty. The institution president is authorized to convene and preside over the faculty and to veto any decisions of the faculty or its representative bodies. The institution president will define the scope of faculty authority—including its councils, committees, and officers, subject to review by the Chancellor—except as provided in Board rule, policy, or IMD.

(F)(7) Each institution is authorized to formulate a statement of internal governance expressed as a constitution or in another appropriate format which will be ratified as the official statement of internal governance by the relevant institutional body or bodies and the institution president. All statements of internal governance will be consistent with statutes governing the Oregon State Board of Higher Education, the Oregon University System, and any applicable Board rules, policies, or IMD.

		<p>(F)(8) The statement of internal governance is subject to review and amendment when a new institution president assumes office or at other such times provided for in the internal governance statement. Any amendment to the statement of internal governance will be subject to ratification by the relevant institutional body or bodies and the institution president.</p>
4.5	<p>4.5 <u>Modification.</u> The faculty constitution is subject to modification by the Board of Trustees in consultation with the President and the professors.</p> <p><b>352.029 Definitions for ORS 351.365 to 351.379 and 352.025 to 352.146.</b> As used in ORS 351.365 to 351.379 and 352.025 to 352.146:</p> <p>(1) “Governing board” means a governing board established by a university under ORS 352.054 that 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.</p> <p><b>352.096 Appointment and removal of university president; roles of president; hiring of university personnel.</b></p> <p>(2) The president of the university is the president of the faculty. The president is also the executive and governing officer of the university, except as otherwise provided by statute or action of the governing board. Subject to the supervision of the governing board, the president of the university has authority to direct the affairs of the university.</p> <p><b>352.146 Faculty; status; powers.</b> The president and professors constitute the faculty and as such have the immediate government and discipline of a university with a governing board and the students therein, except as otherwise provided by law or action of the governing board. The faculty may, subject to the supervision of the governing board and ORS 352.089, prescribe the course</p>	<p><b>351.015 State Board of Higher Education.</b> The Oregon University System shall be conducted under the control of a board of 15 directors, to be known as the State Board of Higher Education. Except as otherwise provided by law, the board has sole authority to govern, set policy and otherwise manage the affairs of the public universities listed in ORS 351.011.</p> <p><b>Note:</b> The amendments to 351.015 by section 37, chapter 768, Oregon Laws 2013, become operative July 1, 2014. See section 171, chapter 768, Oregon Laws 2013. The text that is operative until July 1, 2014, is set forth for the user’s convenience.</p> <p><b>351.015.</b> The Oregon University System shall be conducted under the control of a board of 15 directors, to be known as the State Board of Higher Education. Except as otherwise provided by law, the board has sole authority to govern, set policy and otherwise manage the affairs of the public universities listed in ORS 352.002.</p> <p><b>351.070 Board general powers as to Oregon University System and universities; standards.</b></p> <p>(4) Subject to such delegation as the board may decide to make to the public universities and offices, departments and activities under its control, the board, for each public university, office, department or activity under its control:</p> <p>(a) Shall supervise the general course of instruction therein, and the research, extension, educational and other activities thereof.</p> <p>(b) Shall develop and adopt standards and bylaws for the government thereof, including the faculty, teachers, students and employees therein.</p> <p><b>Note:</b> The amendments to 351.070 by section 200, chapter 747, Oregon Laws 2013, and section 48, chapter 768, Oregon Laws 2013, become operative July 1, 2014. See section 204, chapter 747, Oregon Laws 2013, and section 171, chapter 768, Oregon Laws 2013. The text that is operative until July 1, 2014, including amendments by section 4, chapter 115, Oregon Laws 2013, is set forth for the user’s convenience.</p> <p><b>351.070.</b></p> <p>(4) Subject to such delegation as the board may decide to make to the public universities and offices, departments and activities under its control, the board, for each public university, office, department or activity under its control:</p> <p>(a) Shall supervise the general course of instruction therein, and the research, extension,</p>

of study to be pursued in the university and the textbooks to be used.

educational and other activities thereof.

(b) Shall adopt rules and bylaws for the government thereof, including the faculty, teachers, students and employees therein.

#### **Board Policy on Executive Leadership and Management**

(6) As outlined in ORS 352.004, the institution president is the president of the institution faculty. The institution president is authorized to convene and preside over the faculty and to veto any decisions of the faculty or its representative bodies. The institution president will define the scope of faculty authority—including its councils, committees, and officers, subject to review by the Chancellor—except as provided in Board rule, policy, or IMD.

(7) Each institution is authorized to formulate a statement of internal governance expressed as a constitution or in another appropriate format which will be ratified as the official statement of internal governance by the relevant institutional body or bodies and the institution president. All statements of internal governance will be consistent with statutes governing the Oregon State Board of Higher Education, the Oregon University System, and any applicable Board rules, policies, or IMD.

(8) The statement of internal governance is subject to review and amendment when a new institution president assumes office or at other such times provided for in the internal governance statement. Any amendment to the statement of internal governance will be subject to ratification by the relevant institutional body or bodies and the institution president.

#### **United Academics Collective Bargaining Agreement**

##### **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 among 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 independent of collective bargaining.

**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

		<p>affirms that in these areas the power of supervision, review, and final decision lodged in the Board of Trustees of the University of Oregon will depart from the faculty judgment on these matters only in rare instances and for compelling reasons communicated to the faculty.</p> <p><b>Section 2.</b> The parties agree that the faculty of each department or unit should have the opportunity to participate in the system of shared governance of that department or unit, according to policies initially developed and recommended by the faculty in accordance with Article 4 of this Agreement</p> <p><b>Section 3.</b> The University of Oregon Constitution shall remain in existence for the duration of this Agreement subject to the review and modification by the Board of Trustees in accordance with the Board’s authority and in consultation with the President and the faculty.</p> <p><b>Section 4.</b> The purpose of this Article is for the parties to affirm their commitment to shared governance; as such, violations of this Article are neither grievable nor arbitrable. If the Union perceives a violation of this Article, it may invoke its right to consult with the President under Article 2 of this Agreement.</p>
5.0	<p><b>5.0 Channel of Authority</b></p> <p>The faculty and officers and employees of the University shall, through appropriate channels, be responsible to the President of the University and through the President to the Board of Trustees, except that the Treasurer, General Counsel and Secretary are responsible to the Board in relation to the business of the Board.</p>	<p><b>351.015 State Board of Higher Education.</b> The Oregon University System shall be conducted under the control of a board of 15 directors, to be known as the State Board of Higher Education. Except as otherwise provided by law, the board has sole authority to govern, set policy and otherwise manage the affairs of the public universities listed in ORS 351.011.</p> <p><b>Note:</b> The amendments to 351.015 by section 37, chapter 768, Oregon Laws 2013, become operative July 1, 2014. See section 171, chapter 768, Oregon Laws 2013. The text that is operative until July 1, 2014, is set forth for the user’s convenience.</p> <p><b>351.015.</b> The Oregon University System shall be conducted under the control of a board of 15 directors, to be known as the State Board of Higher Education. Except as otherwise provided by law, the board has sole authority to govern, set policy and otherwise manage the affairs of the public universities listed in ORS 352.002.</p> <p>Internal Management Directive 1.205(1)</p> <p>Official communications from staff members of System institutions and Chancellor’s Office to the Board shall be made through the respective presidents and the Chancellor.</p> <p><b>351.085 Duties and powers of chancellor.</b> The Chancellor of the Oregon University System shall exercise, under the direction of the State Board of Higher Education, the administrative and management authority necessary to carry out the policies and directives of the board with respect to the public universities and offices, departments and activities under the control of the board. In carrying out the duties of the chancellor, the chancellor shall:</p>



(1) Serve as chief executive officer of the Oregon University System and administrative officer of the State Board of Higher Education.

(2) Supervise the presidents of the public universities listed in ORS 351.011 and recommend the terms and conditions of their employment to the board, including but not limited to appointment, compensation and termination.

**Note:** The amendments to 351.085 by section 49, chapter 768, Oregon Laws 2013, become operative July 1, 2014. See section 171, chapter 768, Oregon Laws 2013. The text that is operative until July 1, 2014, is set forth for the user's convenience.

**351.085.** The Chancellor of the Oregon University System shall exercise, under the direction of the State Board of Higher Education, the administrative and management authority necessary to carry out the policies and directives of the board with respect to the public universities and offices, departments and activities under the control of the board. In carrying out the duties of the chancellor, the chancellor shall:

(1) Serve as chief executive officer of the Oregon University System and administrative officer of the State Board of Higher Education.

(2) Supervise the presidents of the public universities listed in ORS 352.002 and recommend the terms and conditions of their employment to the board, including but not limited to appointment, compensation and termination.