



In the course of its organizing work, the Policy Advisory Council will review a significant number of policies inherited as a part of the governance transition. The following legislative reference informs our work in two ways: 1) on July 1, 2014, the University of Oregon inherited management of all “rules and policies” in effect prior to the governance transition; and 2) references to “State Board” or OUS “officer or employee” are now considered references to the Institutional Board of Trustees or equivalent officer of the university.

#### Senate Bill 270, Section 170 (8), (2013)

Notwithstanding any other provision of this section, the lawfully adopted rules and policies of the State Board of Higher Education pertaining to a university with a governing board that are in effect on the effective date of this 2013 Act continue in effect until lawfully superseded or repealed by the standards or policies of the governing board or the university. References in rules or policies of the State Board of Higher Education to the state board or an officer or employee of the state board are considered to be references to the governing board or an officer or employee of a university with a governing board.

It is important to note that the University of Oregon was subject to these policies prior to the governance transition and they remain in effect until “lawfully superseded or repealed.” The unique opportunity available to the institution post-transition is an ability to reconsider and redraft policies formerly managed by the State Board and Chancellor’s Office into a cohesive body that best serves our community.

#### Policy Authorities

There are five primary bodies of policy that make up the current UO policy universe. Each body of policy was uniquely promulgated and they fell into an order of precedent based on the effecting authority. The following is a summary of these policy bodies and their former adoption, revision, and repeal requirements.

#### Oregon Administrative Rules (OAR) impacting the UO

Oregon Administrative Rules are “any agency directive, standard, regulation or statement of general applicability that implements, interprets or prescribes law or policy, or describes the procedure or practice requirements of any agency” - ORS 183.310(9). Every OARs uses a three-digit chapter number indicating managing agency, followed by a three-digit division number indicating (mostly) content area, and a four-digit rule number. For example, Oregon Administrative Rules, chapter 580 (OUS), division 013 (Student Records), rule 0005 is cited as OAR 580-013-0005.

- OAR chapter 580: Chancellor’s Office served as agency on behalf of the OSBHE
  - These rules became UO policies on July 1, 2014 per SB270
- OAR chapter 571: UO served as agency based on a delegated authority to the president.
  - 571 rules were repealed by UO 1-2014, f. 6-26-14, cert. ef. 6-30-14 and adopted as UO Policy
- OAR chapter 166, Division 475 (records retention schedule): Secretary of State served as agency
  - These rules became UO policies on July 1, 2014 per SB270

#### *Former Adoption, Revision or Repeal Requirements*

Prior to the governance transition, system and institution-specific rules were promulgated, amended or repealed by a majority vote of the OSBHE or through delegated authority to university presidents using procedures outlined in the Oregon Administrative Law Manual. The University of Oregon is no longer subject to rule making processes.

#### Oregon State Board of Higher Education (OSBHE) Policies impacting the UO

Board of Higher Education policies were broad, strategic statements memorializing expectations for the Chancellor's Office or Oregon University System (OUS) institutions. Board policies were intended to communicate the fundamental strategic, fiduciary, and structural expectations of the Board.

#### *Former Adoption, Revision or Repeal Requirements*

OSBHE policies were formerly promulgated, amended or repealed by a majority vote of the Board.

#### Internal Management Directives (IMD) impacting the UO

Internal management directives were operational documents that memorialized operational or transactional authority, requirements, or expectations. Examples include, but are not limited to: business practices, human resources practices, and information technology practices.

#### *Former Adoption, Revision or Repeal Requirements*

IMDs were formerly promulgated, amended or repealed by the Chancellor or his/her authorized designee. Although an OSBHE standing committee or the Office of the Chancellor could, at its discretion, forward a proposed IMD to the full Board for consideration, the OSBHE did not consider management directives on a routine basis. A noted exception to this practice relates to IMDs pertaining to the Chancellor's authority or terms and conditions of his/her employment. In these cases, the directives were promulgated, amended or repealed by a majority vote of the State Board of Higher Education.

#### Fiscal Policy Manual (FPM) impacting the UO

The Fiscal Policy Manual was an online collection of system fiscal policies managed by the OUS Controller's Office. The manual directed common business practices across seven institutions and promoted compliance with federal, state, and system laws, rules and policy. Criteria for inclusion in the manual included:

- Broad application throughout the system
- Under the authority of the Senior Vice Chancellor for Finance and Administration
- Ensure compliance with applicable laws and regulations, promotes operational efficiencies, supports the System's mission, and/or reduces System risks
- Mandates actions or constraints and contains specific procedures for compliance
- Requires review and approval by the Board, the Budget and Finance Committee of the Board, the Investment Committee of the Board, or the Senior Vice Chancellor for Finance and Administration (or designee), depending upon delegated authority, for policy issuance

The OUS Controller's Division developed and maintained the Fiscal Policy Manual which was directed primarily to university business and financial administration.

### *Former Adoption, Revision or Repeal Requirements*

Fiscal policies, depending on topic, were formerly enacted by the Board, Board F&A Committee, or Vice Chancellor of Finance and Administration. The Fiscal Policy Manual – an online policy library which included OARS, IMDs, Board Policies, etc. – was managed exclusively by the Controller’s Division.

### UO Policy Statements

Policy Statements are a set of basic principles or rules formulated and enforced by the University of Oregon to direct effective management and operation of the institution. Policy Statements are policies that affect the entire University. A document that pertains only to the operation of a specific unit within the University (college, school, department, office, etc.) is a Unit Policy.

Policy Statements must meet at least one of the following criteria:

- Seeks to ensure compliance with applicable laws, regulations, and standards;
- Has broad application or impact throughout the University; or
- Promotes consistency, operational efficiency, enhancement of the University's mission and/or mitigates significant institutional risk.

### *Adoption, Revision or Repeal Requirements*

Policy Statements, because they create University-level policies, must be approved by the President or the Board of Trustees.

### Policy Considerations

#### University Senate

The University Senate, on behalf of the Statutory Faculty, develops policy for consideration by the University President. UO Constitution, Section 7, charges the University Senate with “effective execution of the authority delegated to it” by the Statutory Faculty “through appropriate Legislation, Policy Proposals, and Resolutions.”

- **Legislation** is “limited to issues that relate to academic matters as commonly understood in higher education” and becomes “effective in 60 days unless otherwise specified” or vetoed by the University President. Legislation is not “policy” per se but may influence policy development.
- **Policy Proposals** may be generated by the University Senate and/or the administration.
  - Policies proposed by the administration are sent to the Senate President and reviewed by the Senate Executive Committee to “determine whether the proposal warrants being brought before the University Senate.” The Senate President as a PAC member will help to guide this process point.
  - Policy proposals approved by the University Senate are “immediately forwarded to the President for his/her action” within 60 days. Senate-approved policies will be forwarded by the President to the PAC for review and recommendation to inform his/her actions.
- **Resolutions** are “unrestricted in scope” and guide institution activities. Resolutions are not “policy” but like legislation, may guide policy development.

### Collective Bargaining Agreements

The University of Oregon has five distinct bargaining units: Service Employee International Union (SEIU), University of Oregon Police Department (UOPD); Teamsters Local 2010, Graduate Teaching Fellows Federation (GTFF), and United Academics (UA). Collective bargaining agreements establish the terms and working conditions of bargaining unit members and can inform University of Oregon policy development. Collective bargaining agreements for represented groups of employees take precedence over university policy when a conflict exists.