

Memorandum

TO: UA System Chancellors, Chief Academic Officers, and Faculty/Staff
Representatives

FROM: UA System Administration

RE: Summary of Proposed Revisions to Board Policy 100.4 Section 5

DATE: March 7, 2024

The following is a revised commentary on the proposed amendments to the Campus Governance section of Board Policy 100.4 *Rules and Regulations of the Board of Trustees of the University of Arkansas for Governance and Administration of the University of Arkansas*. **This is a follow-up draft of the policy that was produced after meetings with UA System faculty and staff representatives in early February.**

As part of the ongoing process to revise Board Policy to reflect current law and practice, the Office of Academic Affairs in consultation with the Office of General Counsel at the UA System reviewed and proposed revisions to Section 5 of Board Policy 100.4 to better align the policy with the current makeup and functions of the 20 campuses, divisions and units of the UA System. The current language of the policy has not been amended in many years, and thus reflects the workings of a smaller system with only a few campuses. Additionally, both the current and revised versions of the policy require Board of Trustees approval for campus governance plans and any amendments to such plans. There are several campuses across the system that do not have approved plans or that have not gained approval of revisions to plans currently being utilized on their campuses.

The revised version of the proposed policy is enclosed. The significant changes include:

The phrase “campus governance structure” is incorporated through the draft to acknowledge the difference among the campuses of the UA System and allow flexibility for structures to vary between larger universities and smaller two-year institutions. This intention is further advanced in Section 5.3 (1) where the following language has been inserted to allow for campus governance structures to involve various governance entities representing campus constituencies: “The campus may have a single governance entity or multiple governance entities with defined scopes of responsibility and defined constituencies so long as administrators, faculty, staff and students are represented.”

The current policy acknowledges in Section 5.2. the authority of the campus governance structure to “make recommendations” regarding “any matter of general faculty or campuswide

concern.” To ensure clarity of the ultimate governance authority of the Board of Trustees, the word “recommend” has replaced “establish” in section 5.1. This change provides both clarity and consistency with the principles of shared governance under which the Board invites campus governance structures to provide input on educational policy and process, while retaining “final institutional authority.” (See: <https://www.aaup.org/report/statement-government-colleges-and-universities>, AAUP)

For consistency and based on feedback from the faculty/staff meetings, several amendments were made to ensure clarity regarding the defined roles of the campus governance structure, the administration and the Board of Trustees. Based on feedback, section 5.1 now states the campus governance structure will “*develop and recommend policies and procedures*”. This language is also repeated in 5.2, which now states: “The campus governance structure shall be authorized to *develop and recommend education and academic policies and programs on that campus.*”

In Section 5.1, new language was inserted stating that representation of campus constituencies in the governance structure “may take place through a single campus-wide governance body or multiple entities which provide separate representation for the aforementioned constituencies.” This was added to clarify the flexibility necessary in a large system of diverse campuses and to provide a basis for appeal language that was re-inserted in section 5.4 based on feedback from the faculty/meetings. More detail on this change is below.

Additionally, to ensure clarity that the Board retains its ultimate governance authority, antiquated language was struck in 5.1 that stated authority “shall be vested” in the campus governance organization by the Board. The revised language states “The responsibility and authority described in this section shall be subject to review by the Board,” which is consistent with Section 5.5 of the policy.

In Section 5.2, to reflect the evolution of the UA System to a large multi-campus system, the language has been revised to align it with current practice allowing the campus governance structure to make recommendations to the campus Chancellor who then reports such action through to the President. In a System as large as the UA System, it is not practical for each campus governance structure to make recommendations directly to the President or Board of Trustees. Indeed, this has not been the practice in the system for many years.

Language in the first draft stating that the campus governance structure was not prevented from sharing its views with the President and Board through a majority vote has been deleted and replaced with a new section 5.4 discussed below.

As discussed above, Section 5.3 has been revised to acknowledge the varying approaches to campus governance among the campuses of the System. The current policy is quite prescriptive

and reflects a system with only a few universities. The revised language ensures broad representation of campus constituencies but allows flexibility necessary for a larger system. The phrase “the local organization shall be predominantly faculty” has been deleted for flexibility but this does not prevent a campus governance structure from being predominantly faculty driven. Some smaller community colleges or more specialized campuses may not have as much faculty involvement as a traditional university. For example, UA Grantham does not employ full-time faculty.

Additionally, based on feedback from the faculty/staff meetings language was added under No. 5 stated that meeting minutes “shall also be archived and made accessible to the public upon request.” New language was also added at the end of this section to clarify the Chancellor’s ability to implement policy necessary to the operation of the campus that are consistent with Board and System policy and with the executive authority vested in the Chancellor by the Board. This language is intended to acknowledge the fact that a lot of campus policy originates with the Chancellor/administration as a result of external regulation and does not always originate through the campus governance structure.

Section 5.4 *Actions Disapproved by the Chancellor* has been reinserted and revised based on feedback from the faculty/staff meeting. The new language states:

Recommendations Not Adopted by the Chancellor

Recommendations adopted through the campus governance structure shall be transmitted to the Chancellor. If the Chancellor declines to act favorably upon such a recommendation within two weeks of receipt of the recommendation, the campus governance structure may request that the President consider the matter upon a three-fifths vote of the campus-wide governing body referenced in Section 5.1 or by a three-fifths vote of all governing entities representing students, faculty, and staff if no campus-wide body exists. If a resolution is not achieved within 30 days, the President may submit the recommendation to the Board of Trustees for consideration.

Based on feedback from the faculty/staff meeting, this new language provides a specific process in the event of disputes among the campus governance structure of any campus. It also resolves the problem in the current policy that implies this three-fifths vote must be by a campus-wide governance body, which does not exist on many of the campuses of the system.

Section 5.5 has been revised to clearly state the role of the Chancellor to work with the campus constituencies to establish a campus governance plan. Additionally, the approval authority of the President is also acknowledged before submission to the Board of Trustees.

Language was added to clarify that the Chancellor and the President are to “review” campus governance plans before approval. Additionally, language was added to clarify that the Board “reserves discretion to amend or remand any local governance plan for further consideration.” This is consistent with the Board role as the final authority as noted previously.