



UNIVERSITY OF ARKANSAS SYSTEM

Memorandum

TO: Members of the Board of Trustees of the University of Arkansas
FROM: UA System Administration
RE: Summary of Proposed Revisions to Board Policy 100.4 Section 5
DATE: April 15, 2024

The following is a 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*.

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 proposed policy draft was vetted among UA System Chancellors, Chief Academic Officers, and Faculty/Staff leadership representatives from each campus, division, and unit. Feedback from these groups was incorporated in the enclosed drafts. 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 phrase “develop and 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) 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 the appeal language in section 5.4. 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.

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 received during the drafting process, 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 campus policy often originates with the Chancellor/administration because of external regulation and does not always originate through the campus governance structure.

Section 5.4 *Actions Disapproved by the Chancellor* has been revised and now 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 the time set out in the campus governance document or within two weeks of receiving it, 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.

This new language is consistent with the changes throughout the policy regarding campus governance recommendations and 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 structure. 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 structure 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.

5. Campus Governance

5.1 Scope and Purpose

~~The constituency of each~~Each principal campus shall develop a ~~system of~~ campus ~~governance~~government structure to ~~establish~~develop and recommend policies and procedures for ~~the~~ campus. ~~The campus shall design a campus governance structure and operate in a manner that provides broad representation consistent with the principles of sound democratic government and the provisions of this section. All campus policies and procedures shall be consistent with Board and UA System policies.~~ ~~governance.~~ The campus ~~governance structure~~purposes shall be to provide a ~~system that~~mechanism for ~~permits a broad-based~~ ~~representation of for governance of that campus through appropriate participating involvement of~~ the administration, students, faculty, and staff ~~to in the determination of guidelines and policies for campus affairs and to generate and promote understanding, collaboration and a sense of community on the campus. This representation may take place through a single campus-wide governance body or multiple entities which provide separate representation for the aforementioned constituencies.~~ The responsibility and authority ~~hereinafter~~ described in this section shall be ~~vested in the campus governance organization by the University of Arkansas Board of Trustees and shall~~ be subject to review by the Board.

5.2 Authority and Responsibility

The campus ~~governance~~ ~~organization~~structure ~~on each campus shall be, under the Board of Trustees, be the legislative body responsible for developing and recommending~~authorized to develop and recommend educational ~~and academic~~ policies and programs on that campus. ~~Among other matters, this responsibility includes such areas as:~~

- ~~(1) Admissions requirements~~
- ~~(2) Curriculum and courses~~
- ~~(3) Degrees and requirements for degrees~~
- ~~(4) Calendar and schedules~~
- ~~(5) Academic honors~~
- ~~(6) Student affairs~~
- ~~(7) Interpretation of its own legislation.~~

The campus ~~governance~~ ~~governance structure~~ shall have the authority to make recommendations ~~and provide input~~ to the Chancellor, ~~President, and the Board of Trustees~~ on any matter of general faculty, ~~or campuswide, or systemwide~~ concern, including such matters as appointment, promotion, tenure, dismissal, ~~annual review,~~ and non-reappointment ~~of faculty, admissions requirements, degrees and requirements for degrees, curriculum, the academic calendar, academic honors, and student academic affairs.~~ Through the Chancellor, action ~~on any matter under this paragraph may be is~~

reported to the President and, when ~~requested by the campus government or~~ considered necessary or desirable by the President, through the President to the Board of Trustees.

5.3 Organization and Operation

~~Each campus shall, consistent with provisions of this section, design any campus governmental structure and operate in any manner it determines consistent with the principles of sound democratic government.~~ The following features shall be included in the campus governance structure:

(1) Members of the administration, faculty, staff, and students under the administrative jurisdiction of each of the principal campuses shall have representation in the governance of that campus. 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.

~~(2) The local organization shall be predominantly faculty.~~

~~(3)~~ Meeting notices and the tentative agenda shall be publicized at least five (5) days in advance of the meeting.

~~(4)~~ Meetings shall be open to all represented persons, although floor privileges may be limited.

~~(5)~~ Minutes of the meetings ~~Summaries of the meetings~~ shall be made available to all members of the ~~local governing body promptly after the meeting.~~ governance structure and the Chancellor promptly following the meeting. The minutes shall also be archived and made accessible to the public upon request.

~~(6) Minutes of the meetings shall be forwarded promptly to the Chancellor and shall be deposited in the campus library.~~

Nothing herein shall be deemed to restrict the Chancellor's ability to implement policies necessary to the operation of the campus that are consistent with Board and UA System policies and with executive authority vested in the Chancellor by the Board.

5.4 Actions Recommendations Not Adopted/Disapproved by the Chancellor

~~The Chancellor of the campus may disapprove any action of the local government within two (2) weeks after receipt of same. If the Chancellor and the campus organization are unable to reconcile their differences, the local organization may, by at least three-fifths (3/5) vote of those present and voting, provided that a quorum is present, appeal these differences to the President for mediation and to the Board of Trustees. If settlement is not achieved within thirty (30) days, the President shall submit the issue to the Board of Trustees for resolution.~~

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 the time set out in the campus governance document or within two weeks of receiving it, 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.

5.5 Implementation of Local Governance

The ~~campus constituency of each campus~~ shall submit a proposed ~~plan campus governance structure to through~~ the Chancellor ~~for review and approval. Once approved, the Chancellor shall transmit the proposed plan campus governance structure to and~~ the President ~~for review, approval, and transmission~~ to the Board of Trustees. Upon review and ~~recommendation by the Chancellor and the President and approval by the Board of Trustees~~, the proposed ~~plan campus governance structure~~ shall be adopted and shall supersede all existing instruments of governance pertaining to that campus. Subsequent amendments shall follow the same procedure. Any proposed new or revised plan campus governance structure shall take effect upon approval of the Board, which reserves the discretion to amend or remand any proposed campus governance structure for further consideration. Until such a plan is submitted and approved, all rights, privileges, and obligations granted to faculties and other groups by existing documents relating to campus governance shall remain in effect.

6. Universitywide Governance

No provision of these regulations shall be interpreted to prohibit establishment of a universitywide government to consider matters of universitywide impact and concern.

5. Campus Governance

5.1 Scope and Purpose

Each campus shall develop a campus governance structure to develop and recommend policies and procedures for the campus. The campus shall design a campus governance structure that provides broad representation consistent with the principles of sound democratic government and the provisions of this section. All campus policies and procedures shall be consistent with Board and UA System policies. The campus governance structure shall provide a mechanism for broad-based representation of the administration, students, faculty, and staff to promote understanding, collaboration, and a sense of community on the campus. This representation may take place through a single campus-wide governance body or multiple entities which provide separate representation for the aforementioned constituencies. The responsibility and authority described in this section shall be subject to review by the Board.

5.2 Authority and Responsibility

The campus governance structure shall be authorized to develop and recommend educational and academic policies and programs on that campus.

The campus governance structure shall have the authority to make recommendations and provide input to the Chancellor on any matter of general faculty, campuswide, or systemwide concern, including such matters as appointment, promotion, tenure, dismissal, annual review, and non-reappointment of faculty, admissions requirements, degrees and requirements for degrees, curriculum, the academic calendar, academic honors, and student academic affairs. Through the Chancellor, action may be reported to the President and, when considered necessary or desirable by the President, through the President to the Board of Trustees.

5.3 Organization and Operation

The following features shall be included in the campus governance structure.:

- (1) Members of the administration, faculty, staff, and students under the administrative jurisdiction of each of the principal campuses shall have representation in the governance of that campus. 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.
- (2) Meeting notices and the tentative agenda shall be publicized at least five (5) days in advance of the meeting.
- (3) Meetings shall be open to all represented persons, although floor privileges may be limited.

- (4) Minutes of the meetings shall be made available to all members of the governance structure and the Chancellor promptly following the meeting. The minutes shall also be archived and made accessible to the public upon request.

Nothing herein shall be deemed to restrict the Chancellor's ability to implement policies necessary to the operation of the campus that are consistent with Board and UA System policies and with executive authority vested in the Chancellor by the Board.

5.4 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 the time set out in the campus governance document or within two weeks of receiving it, 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.

5.5 Implementation of Local Governance

The campus shall submit a proposed campus governance structure to the Chancellor for review and approval. Once approved, the Chancellor shall transmit the proposed campus governance structure to the President for review, approval, and transmission to the Board of Trustees. Upon review and approval by the Board of Trustees, the proposed campus governance structure shall be adopted and shall supersede all existing instruments of governance pertaining to that campus. Subsequent amendments shall follow the same procedure. Any proposed new or revised campus governance structure shall take effect upon approval of the Board, which reserves the discretion to amend or remand any proposed campus governance structure for further consideration.

6. Universitywide Governance

No provision of these regulations shall be interpreted to prohibit establishment of a universitywide government to consider matters of universitywide impact and concern.