

## Is the University of Oregon Charter Viable in the 21st Century?

Wayne Westling Award Acceptance Speech

John E. Bonine  
B.B. Kliks Professor of Law  
University of Oregon

Thank you, University of Oregon Senate, for bestowing upon me the 2011 Wayne Westling Award for University Leadership and Service.

I want to thank my wife, Professor Svitlana Kravchenko, who is very much responsible for giving me the support for what I do. I also want to thank Nathan Tublitz, our Senate President, for great leadership in faculty governance this year. And I want to thank Shelley Elliot and Carla McNelly for their significant service to the University.

This award bears the name of one of the most generous persons I have known. Wayne Westling spent the best years of his professional career here at our University and he worked hard to make it better, giving deep meaning to the terms “leadership” and “service.”

Wayne’s energy was always engaged on behalf of all of us. Wayne was taken from this Earth by illness at much too young an age. He is no longer here to instruct us by example in what it means to love this University through action.

I believe that an important part of what makes the University of Oregon a special place to work and live is action – in the form of participation in “governance.”

It is not as exciting to talk about governance as to talk about academic freedom or what can happen to the green spaces along the Willamette River. But having an impact on any of those issues is related to governance.

Each of us on the faculty, on the staff, or in the student body knows about governance when she labors for days, weeks, months inside or outside the Senate, on the committees of this institution, or in meetings in our various schools and departments.

Each of us knows about governance when you take up an issue on your own—without it having been assigned to you in the job description, employment contract, course syllabus, or committee assignment.

Our university is not a corporation or a business, although the pressures surely push the institution in that direction. Each of you is part of the *push-back*. I want to ask you this question: “Is the University of Oregon Charter Viable in the 21st Century?”

Let me to read the most salient words of the Charter, enacted in 1876:

**ORS § 352.010** The president *and professors* constitute the faculty [of the University] *and as such have the immediate government and discipline of it* and the students therein. . . .<sup>1</sup>

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<sup>1</sup> Oregon Revised Statutes (ORS) § 352.010; originally section 14 of Law No. 9, Oregon Laws 1876.

This language came directly from Section 14 of the law enacted by the State Legislature 135 years ago.<sup>2</sup>

A second provision delineates the power of the President:

**ORS § 352.004** The president [of the University] . . . is also president of the faculty . . . ; . . . [The] president has authority to control and give general directions to the *practical affairs of the institution*.<sup>3</sup>

So the University has both matters that involve the “immediate government and discipline of it” and other matters, which are those of “practical affairs.” Matters in the first category belong to the faculty (which consists of the president and the professors) and matters in the second category simply belong to the president and his or her Administration. The president may *choose* to involve others beyond Johnson Hall in the second category.

Those in the *first* category are mandated by law to be our business. They are in particular matters of “shared governance”--and they are shared even more widely with the delegation of governance to this University Senate.

Shared governance between the Administration and this Senate and the faculty generally requires good faith and consultation on all sides, and a resolve by all not to press too hard on a precise drawing of the line.

The winner in any line-drawing battle is likely to be the loser in a larger sense, in terms of loss of morale or face by colleagues who have lost.

For example, denying to the faculty (and its delegate, the University Senate) its proper authority can lead to the departure of important members of the faculty and an inability to attract top talent. Our president knows this.

For another example, insistence on Senate involvement in non-academic matters is a prescription for being sidelined. Ultimately it will lead to the loss of important faculty or Senate authority in areas where our participation is needed for the health of the institution. We in the Senate know this.

Fortunately, a number of colleagues, including several here in the Senate, are working together and with the Administration to elaborate more carefully our governing procedures at the University of Oregon. Faculty, staff, and students will continue to play vital roles and have a real voice in the shared governance of this institution where it is appropriate to do so. That process will continue into the early Fall.

But we do not get true shared governance merely by an action or decision in this Senate, in the Statutory Faculty, or in the Administration.

Whatever we decide formally in documents must be reiterated and acted upon with the attention we pay and the work that some of you—indeed, all of you—are willing to undertake. Please keep your eyes open.

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<sup>2</sup> Later, the words “the University” in the original Charter were changed to “each of the state institutions of higher education.”

<sup>3</sup> Oregon Revised Statutes (ORS) § 352.004; originally section 15 of Law No. 9, Oregon Laws 1876.

Let me read the words of the University of Oregon Charter to you one more time:

The president *and professors* constitute the faculty . . . *and as such have the immediate government and discipline of it* and the students therein. . . .

You may have noticed that I have not answered my question: “Is the University of Oregon Charter Viable in the 21st Century?”

That is up to you.

Thank you.