Ad Hoc Committee on Delegation of Authority Policy
April 16, 2014

Committee Members Present: John Ahlen, John Bonine, Michael Dreiling, Robert Kyr, Margie Paris, Lisa Raleigh, Helena Schlegel [undergraduate student]

Guests Present: Frank Stahl, Richard Wagner [GTF], Kurt Willcox

Notes
Wagner noted that the GTFF CBA is not between the President and the union, but between the union and the State Board of Higher Education. He felt it preferable to retain that approval at the Board level. [See changes to 3.6 to accommodate this.] He also would change 1.6 to add board authority to designate negotiators for CBAs, but not to delegate authority to give final approval to CBAs. In other words, CBA signatories should include the UO President, the Board, and the union. It’s a triangle, not a duality. Final ratification should be affirmed by the Board.

Raleigh noted that the committee’s current annotated version pointed out a similar situation vis-à-vis the SEIU. [See notes to 3.6.1.]

Willcox indicated that the delegation to the President seems appropriate and in line with analogous boards with which he is familiar. But ratification of CBAs by the Board is appropriate and helps Board keep apprised of developments. For example, the Board currently has not been advised about ongoing negotiations between the GTFF and the UO, or between the Pac-12 network and its employees. So perhaps the functions of negotiating and ratification should be separated. On the other hand, we need to remember that the SEIU bargains state-wide, and it may be difficult to mesh ratification needs with Board’s quarterly meeting schedule. State Board of Education may have accommodated this timing issue by delegating its ratification authority to Jay Kenton.

Bonine recommended that the preamble include a statement to the effect that “future delegations of authority shall be inserted as amendments to this policy,” in order to ensure that one document maintains a record of all delegations.

Stahl provided an insert to 2.1.3 [see changes to that section]. He suggested that citations to statutory authority be added throughout the document. Bonine also suggested additions to 2.1.3 [see changes to that section] reflecting policies established by the faculty and approved by the President.

Bonine suggested that citations to the Oregon Administrative Procedure Act be added to sections 2.2 through 2.5, with respect to a 6-month limit on emergency powers. He also suggested adding a reference to the Policy on Policy Writing. Paris offered to start an email stream with Bonine and Dreiling on this addition.
Dreiling suggested changes to 3.2, including modifying “should consult” to “shall consult” and removing “as deemed appropriate.” [See changes to that section.] He suggested adding a reference to the UO Constitution here.

Raleigh has suggested changes to 3.4, which are incorporated into the current draft.

Schlegel will work on language for 3.5, which probably should be moved to § 4, as (perhaps) 4.3.

Several people noted that the language about volunteers needs to be clarified and made consistent throughout.

Paris noted with respect to 3.6.1 that we need to tinker with the Board authority section in order to preserve Board authority to ratify CBAs.

Stahl noted that 3.8.2 should include the language “subject to university policies.” [See changes to that section.]

Bonine suggested that we consider adding something to 3.9 to accommodate the legal services policy and notice from General Counsel to Senate if/when UO is considering taking an amicus position.

Schlegel will draft something for 3.11 (and 1.4) about ASUO process and power with respect to recommending student fees to the Board.