Date: January 30, 1974
From: Office of the Chancellor

Subject: Campus Bylaws

At its fall meeting, the University Faculty Senate adopted two resolutions relating to campus bylaws.

The first urged that my statement on governance, which was issued in April, 1973, be included in the college handbook of each campus. As you know, the statement was intended to clarify the application of Article X of the Policies of the Board of Trustees. I believe the Senate's proposal should be accepted and, accordingly, I authorize the inclusion of the statement in the college handbook in the manner you deem appropriate. A copy of the statement is attached.

The second proposal asked that I report to the Senate the current status of the bylaws of each campus, that is, whether the provisions of the bylaws concerning consultation with the faculty have been approved by the President. I'd like to present such a report at the next Senate meeting.

Within the next week or so, would you inform Murray Block of the status of the bylaws at your campus.

Thanks very much.

Ernest D. Boyer

Attachment

This memorandum addressed to:
Presidents, State-operated campuses

Copies for information only to:
Presidents, Community Colleges
Chancellor Kibbee
Dean McGrath
STATEMENT ON CAMPUS GOVERNANCE

In the light of recent challenges to the basic structural elements of the University, I join with the Faculty Senate in reaffirming the validity of governance as the appropriate and organic process for the involvement of constituent groups in campus decision making. By this statement, University faculty, staff and administration are reminded of the charge contained in the 1972 Master Plan that

[the governance arrangements within the University will be increasingly clarified and improved methods of consultation will be developed to reflect the need for effective governance based upon widespread participation....]

Since these challenges go to the very heart of the University, it is appropriate to underscore the traditional legal framework which establishes and protects University governance.

The Education Law established the Board of Trustees and charges it with the responsibility for and conduct of the University. The Trustees, in turn, have promulgated Policies that represent a constitution which provides basic principles of policy and organization. These Policies vest authority in the Chancellor of the University and in Campus Presidents and legally establish governance as the appropriate vehicle for the involvement of all constituents: faculty, staff, administration and students. In this regard, the Policies accord official recognition to the close interrelation between the exercise of the legal authority of the President and his obligation to accept constituent participation through governance.

Article X of the Policies, among other provisions, empowers and directs the faculty to develop bylaws for the conduct of its affairs. Substantive actions taken in the course of that conduct are advisory upon the President and are a recognition of his legal authority. Furthermore, those provisions of bylaws concerning consultation -- how, when and where the President consults with his faculty -- are subject to his approval. It is understood, of course, that bylaws often contain procedures for consultation among
faculty in addition to provisions for presidential consultation with faculty. The latter only is [spoken to in]
Article X.

When the President accepts provisions of local by-

laws concerning consultation, the Trustees, through Article X,
and the Chancellor respect this endorsement and these provi-
sions become, thereby, part of local policy and must provide
a reliable framework for campus governance. In this regard,
a President is expected to adhere to policies which he has ac-
cepted for his administration.

Since governance must remain responsive to changing
conditions on each campus, the validity of bylaws rests
firmly upon the continuing confidence in which they are held.
Bylaws, once approved, should not be used to require adherence
to outmoded or bad practice by either the faculty or the Pres-
ident. The campus community must remain ready to recognize
legitimate objections to practices or procedures which no
longer adequately meet the needs for which they were designed.
In order for governance to operate effectively, provisions
must exist in each set of bylaws to permit the President and
any constituent included in the governance vehicle to initiate
review and modification when bylaws fail to command the confi-
dence of those who are expected to observe them.

Bylaws are the manifestation of the University's com-
mitment to governance. They have their legal basis in autho-
rization by the Board of Trustees and their effectiveness re-
sults, in the most practical sense, from the confidence they
enjoy in the campus community. If governance is to survive,
it must draw strength from its success in meeting the needs for
which it was designed. It must not rely upon external forces.
Its validity is adequately supported in the legal recognition
of governance by the Trustees Policies as essential to the
proper conduct of a University.

Ernest L. Boyer

April 9, 1973