

REPORT ON ARTICLE XV OF UNIVERSITY STATUTES
FROM COMMITTEE ON STATUTES, BYLAWS AND COMMITTEES

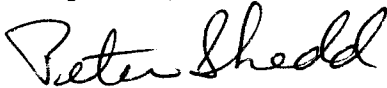
On February 9 and March 23, 2006, the University Council approved the attached amendment to Article XV of the University Statutes. This amendment was recommended by the Committee on Statutes, Bylaws and Committee in response to the President's request for more time (than the four weeks provided in the current Article XV) to consult with the Board of Regents, Chancellor, or others concerning potentially controversial actions of the Council.

As is required with any amendment to the University Statutes, this amendment to Article XV was submitted to the Board of Regents for approval. On September 26, 2006, Stephen Shoemaker received the attached letter from Elizabeth Neely. In short, this letter rejects the Council's amendment to Article XV.

Following receipt of a copy of Ms. Neely's letter, Peter Shedd visited with her (via phone) on October 16. After he explained the intent of the amendment and she shared the reasons for its rejection, Ms. Neely expressed her view that the current Article XV, which is also attached, appears to provide sufficient time for the President to decide to approve or veto Council's actions.

During its meeting on October 16, the members of the Committee on Statutes, Bylaws and Committees agreed that the current Article XV is appropriate and does not require amending. On the occasion when a veto is not communicated within the four weeks provided, the action will become University policy as stated in the Statutes. At that time the President will take whatever steps necessary to implement the policy. If this implementation is not forthcoming, the University Council must be prepared to take the necessary action to hold the President accountable by insisting that the President implement the Council's action.

Respectfully submitted,



Peter Shedd
Chair, Committee on Statutes, Bylaws and Committees

ARTICLE XV VETO

All actions of the University Council are subject to the review of the President of the University. Actions of the University Council will be deemed approved unless the President vetoes such action within four weeks. A veto from the President shall be in writing and delivered to the Chair of the Executive Committee. The University Council, by a majority vote taken prior to the end of the subsequent academic semester (excluding summer semester), may direct the Executive Committee to appeal a veto to the Board of Regents.

The President may decide that an action of the University Council requires review by the Board of Regents to ensure consistency with Board Policy. Under these special circumstances, the President may seek clarification from the Board of Regents prior to approving or vetoing the action of Council. Within four weeks of the Council's action, the President shall send to the Chair of the Executive Committee a copy of any communication to the Board of Regents. If the Board of Regents finds that the University Council's action is inconsistent with their policies, the President shall communicate this decision to the faculty, and the resolution will be deemed vetoed by the Board of Regents. However, if the Board of Regents finds the University Council's action to be consistent with their policies or does not respond within 6 months, the University Council action will become University of Georgia policy, unless the President vetoes it at that time. If the President exercises the right to veto, the requirements, as set forth in the preceding paragraph, for communicating this veto and any possible University Council appeal shall be followed.



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September 26, 2006

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Re: UGA University Council to Amend ARTICLE XV.VETO of its Statutes

Dear Steve:

Thank you for the opportunity to review the proposed action of the UGA University Council to amend ARTICLE XV.VETO of its Statutes. The Offices of Legal Affairs and Academic Affairs have collaborated on this response.

First, let us comment on the replacement of the word *approval* with *review* in the first paragraph. Under the Policies of the Board of Regents, several authorities are delegated to University System presidents. As long as it is understood that these Board-approved authorities take precedence over those of the UGA University Council Statutes, we have no additional reactions to this change

With regard to the rest of the proposal, we are providing more focused commentary. Part of the proposed change seems to confuse action by the Board of Regents with advice from the staff of the Board. Here is the statement that we believe is at the center of problem.

If the Board of Regents finds the University Council's action is inconsistent with their policies, the President shall communicate this decision to the faculty, and the resolution will be deemed vetoed by the Board of Regents. However, if the Board of Regents finds the University Council's action to be consistent with their policies or does not respond within 6 months, the University Council action will become University of Georgia policy, unless the President vetoes it at that time.

It is important to realize that this language would invite the Board into virtually each and every governance action of the University Council. We believe neither the Board nor the Faculty of the University of Georgia would relish this role.

Attorney Stephen Shewmaker

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We think what is really meant by this statement is that the appropriate staff members in the System Office would render their best judgment on the interpretation of the Council's action vis-à-vis the relevant policies of the Board. The System Office is more than happy to do this, and indeed we do this sort of thing with great regularity. On the more complex questions, we work in teams, usually Academic Affairs and Legal Affairs - but in other combinations as appropriate.

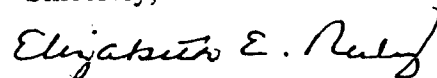
If, in fact, we are interpreting the intent of the change correctly, any statement that refers to "action" by the Board of Regents is entirely inappropriate unless the Board actually acts. On the other hand, we would not object if the President were to indicate to the Faculty that he/she had received an interpretation from the staff of the Board and is using it as input in structuring his response.

We certainly believe we are able to respond much more quickly than six months to any interpretation of policy. Still it should be obvious that even if we don't respond, this makes no statement whatsoever (endorsement or repudiation) about the UGA University Council's action and its relationship to BOR policies.

In short, we are not in support of the proposed language that uses action of the Board as part of the President's response.

We hope this is a helpful reply as UGA goes about the important work of refining its faculty governance.

Sincerely,



Elizabeth E. Neely

Associate Vice Chancellor for Legal Affairs

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