

**B-Engrossed**  
**House Bill 3118**

Ordered by the Senate June 2  
Including House Amendments dated April 29 and Senate Amendments  
dated June 2

Sponsored by Representative GREENLICK; Representatives BUCKLEY, READ, SHIELDS, Senator BONAMICI (at the request of Sam Sachs)

**SUMMARY**

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

Requires public institutions of higher education to interview qualified minority candidate when hiring head coach or athletic director unless [*institution is bound by contract to promote member of current coaching staff*] **institution was unable to identify qualified minority candidate willing to interview for position.**

**Sunsets on January 2, 2020.**

**A BILL FOR AN ACT**

1  
2 Relating to hiring practices of institutions of higher education; creating new provisions; and  
3 amending ORS 352.380.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1.** ORS 352.380 is amended to read:

6 352.380. (1) **As used in this section, "minority" means:**

7 (a) **A person having origins in any of the black racial groups of Africa but who is not**  
8 **Hispanic;**

9 (b) **A person of Hispanic culture or origin;**

10 (c) **A person having origins in any of the original peoples of the Far East, Southeast Asia,**  
11 **the Indian subcontinent or the Pacific Islands; or**

12 (d) **An American Indian or Alaskan Native having origins in any of the original peoples**  
13 **of North America.**

14 (2) Each institution under the jurisdiction of the State Board of Higher Education shall:

15 (a) Consider and maintain affirmative action plans and goals when reductions in faculty and  
16 staff are required as a result of:

17 [(1)] (A) Reductions in revenue that necessitate discontinuance of its educational program at its  
18 anticipated level;

19 [(2)] (B) Elimination of classes due to decreased student enrollment; or

20 [(3)] (C) Reduction in courses due to administrative decisions.

21 (b) **Interview one or more qualified minority applicants when hiring a head coach or**  
22 **athletic director, unless the institution was unable to identify a qualified minority applicant**  
23 **who was willing to interview for the position. It is an affirmative defense to a claim of a vi-**  
24 **olation of this paragraph that the institution, in good faith, was unable to identify a qualified**  
25 **minority applicant who was willing to interview for the position.**

**NOTE:** Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1       **SECTION 2. The amendments to ORS 352.380 by section 1 of this 2009 Act first apply to**  
2 **head coach or athletic director positions that open on or after the effective date of this 2009**  
3 **Act.**

4       **SECTION 3.** ORS 352.380, as amended by section 1 of this 2009 Act, is amended to read:

5       352.380. [(1) As used in this section, "minority" means:]

6       [(a) A person having origins in any of the black racial groups of Africa but who is not  
7 Hispanic;]

8       [(b) A person of Hispanic culture or origin;]

9       [(c) A person having origins in any of the original peoples of the Far East, Southeast Asia, the  
10 Indian subcontinent or the Pacific Islands; or]

11       [(d) An American Indian or Alaskan Native having origins in any of the original peoples of North  
12 America.]

13       [(2)] Each institution under the jurisdiction of the State Board of Higher Education shall[.]

14       [(a)] consider and maintain affirmative action plans and goals when reductions in faculty and  
15 staff are required as a result of:

16       [(A)] (1) Reductions in revenue that necessitate discontinuance of its educational program at its  
17 anticipated level;

18       [(B)] (2) Elimination of classes due to decreased student enrollment; or

19       [(C)] (3) Reduction in courses due to administrative decisions.

20       [(b) Interview one or more qualified minority applicants when hiring a head coach or athletic di-  
21 rector, unless the institution was unable to identify a qualified minority applicant who was willing to  
22 interview for the position. It is an affirmative defense to a claim of a violation of this paragraph that  
23 the institution, in good faith, was unable to identify a qualified minority applicant who was willing to  
24 interview for the position.]

25       **SECTION 4. The amendments to ORS 352.380 by section 3 of this 2009 Act become oper-**  
26 **ative on January 2, 2020.**

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