

Enrolled House Bill 3118

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

CHAPTER

AN ACT

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

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

SECTION 1. ORS 352.380 is amended to read:

352.380. (1) **As used in this section, “minority” means:**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SECTION 4. The amendments to ORS 352.380 by section 3 of this 2009 Act become operative on January 2, 2020.

Passed by House May 1, 2009

Received by Governor:

Repassed by House June 23, 2009

.....M.,....., 2009

Approved:

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Chief Clerk of House

.....M.,....., 2009

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Speaker of House

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Governor

Passed by Senate June 19, 2009

Filed in Office of Secretary of State:

.....M.,....., 2009

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President of Senate

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Secretary of State