

## SENATE AMENDMENTS TO A-ENGROSSED HOUSE BILL 3118

By COMMITTEE ON EDUCATION AND GENERAL GOVERNMENT

June 2

1 Delete lines 5 through 18 of the printed A-engrossed bill and insert:

2 “**SECTION 1.** ORS 352.380 is amended to read:

3 “352.380. (1) **As used in this section, ‘minority’ means:**

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

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

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

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

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

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

14 “[1] (A) Reductions in revenue that necessitate discontinuance of its educational program at  
15 its anticipated level;

16 “[2] (B) Elimination of classes due to decreased student enrollment; or

17 “[3] (C) Reduction in courses due to administrative decisions.

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

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

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

27 “352.380. [(1) *As used in this section, ‘minority’ means:*]

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

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

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

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

35 “[2] Each institution under the jurisdiction of the State Board of Higher Education shall[:]

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

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

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

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

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

12           “**SECTION 4. The amendments to ORS 352.380 by section 3 of this 2009 Act become op-**  
13 **erative on January 2, 2020.**”

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