

**Enrolled**  
**Senate Bill 442**

Sponsored by COMMITTEE ON EDUCATION AND GENERAL GOVERNMENT

CHAPTER .....

AN ACT

Relating to university consolidation; creating new provisions; amending ORS 351.070; and declaring an emergency.

Whereas it is the goal of this 2009 Act to support institutions in identifying and achieving cost savings to reduce tuition costs for Oregon’s college students and strengthen the entire Oregon University System; and

Whereas Oregon must do everything possible to maximize opportunity and educational attainment for Oregonians across the state; and

Whereas Oregon must not sacrifice the quality of degree programs or student learning in order to maintain access to universities; and

Whereas the Oregon University System must focus on ends, rather than means, both in goals and in policy framework; and

Whereas the preservation or reduction of programs and activities must be based on their ability to advance the universities’ mission; now, therefore,

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

**SECTION 1. (1) The Joint Boards of Education shall conduct a study of the conversion of some or all state institutions of higher education listed in ORS 352.002 and community colleges to a semester calendar and shall submit a report of its findings and recommendations to the appropriate interim legislative committees on higher education no later than October 1, 2010.**

**(2) The Joint Boards of Education shall conduct a study of approaches to increase student enrollment and student success for rural residents of this state at institutions of higher education listed in ORS 352.002 and community colleges. The Joint Boards of Education shall submit a report of its findings and recommendations concerning structural, legal, funding or other changes necessary to effect such an increase to the appropriate interim legislative committees on higher education prior to October 1, 2010.**

**(3) The State Board of Higher Education shall conduct a study of the combination of enrollment management functions into a single office at each state institution of higher education listed in ORS 352.002 whose enrollment is less than 7,500 full-time equivalent students as defined by the board. The board shall submit a report of its findings and actions to the appropriate interim legislative committees on higher education not later than October 1, 2010.**

**(4)(a) The State Board of Higher Education shall review the missions and programs of each institution of higher education listed in ORS 352.002 and shall direct implementation of the following measures:**

**(A) Elimination of unnecessary duplication of programs in high-cost disciplines, areas of low student demand and graduate level education; and**

**(B) Collaboration among universities to provide education programs to students in all parts of this state.**

**(b) The board shall submit a report on changes to the institutions' missions and programs to the appropriate interim legislative committees on higher education not later than October 1, 2010.**

**SECTION 2.** ORS 351.070 is amended to read:

351.070. (1) The Oregon University System, in accordance with rules adopted by the State Board of Higher Education, shall implement a personnel system and may engage in collective bargaining with its employees. All collective bargaining with any certified or recognized exclusive employee representative shall be under the direction and supervision of the Chancellor of the Oregon University System. The Oregon University System shall have payroll authority pursuant to ORS 292.043 to 292.180.

(2)(a) The board shall establish competitive procedures for the purchasing, procurement and contracting of goods, services and information technology, for the benefit of the Oregon University System and all the institutions, departments and activities therein. The board may also establish exemptions from the competitive procedures when appropriate.

(b) The board shall ensure that the hourly rate of wage paid by any contractor upon all public improvements contracts undertaken for the board shall not be less than the same rate of wage as determined by the Bureau of Labor and Industries for an hour's work in the same trade or occupation in the locality where such labor is performed. Claims or disputes arising under this subsection shall be decided by the Commissioner of the Bureau of Labor and Industries.

(c) The board shall adopt policies and procedures that achieve results equal to or better than the standards existing on July 17, 1995, regarding affirmative action, pay equity for comparable work, recycling, the provision of workers' compensation insurance to workers on contract and the participation of emerging small businesses and businesses owned by minorities and women.

(3) The board may, for each institution under its control:

(a) Appoint and employ a president and the requisite number of professors, teachers and employees, and prescribe their compensation and tenure of office or employment.

(b) Demand and receive the interest mentioned in ORS 352.510 and all sums due and accruing to the institutions of higher education for admission and tuition therein, and apply the same, or so much thereof as is necessary, to the payment of the compensation referred to in paragraph (a) of this subsection and the other current expenses of the institutions.

(c) Prescribe fees for enrollment into the institutions. Such enrollment fees shall include tuition for education and general services and such other charges found by the board to be necessary to carry out its educational programs. The board may award student aid from any fund other than the General Fund.

(d) Prescribe incidental fees for programs under the supervision or control of the board found by the board, upon its own motion or upon recommendation of the recognized student government of the institution concerned, to be advantageous to the cultural or physical development of students. Fees realized in excess of amounts allocated and exceeding required reserves shall be considered surplus incidental fees and shall be allocated for programs under the control of the board and found to be advantageous to the cultural or physical development of students by the institution president upon the recommendation of the recognized student government at the institution concerned.

(e) Upon recommendation of the recognized student government, collect optional fees authorized by the institution executive, for student activities not included in paragraph (c) or (d) of this subsection. The payment of such optional fees shall be at the option and selection of the student and shall not be a prerequisite of enrollment.

(f) Confer, on the recommendation of the faculty of any such institution, such degrees as usually are conferred by such institutions, or as they deem appropriate.

(g) Prescribe the qualifications for admission into such institutions.

(4) Subject to such delegation as the board may decide to make to the institutions, divisions and departments under its control, the board, for each institution, division and department under its control:

(a) Shall supervise the general course of instruction therein, and the research, extension, educational and other activities thereof.

(b) Shall adopt rules and bylaws for the government thereof, including the faculty, teachers, students and employees therein.

(c) Shall maintain cultural and physical development services and facilities therefor and, in connection therewith, may cooperate and enter into agreements with any person or governmental agency.

(d) May contract to provide health services at student health centers.

(e) Shall provide health services at student health centers to students.

(f) May provide health services at student health centers to any of the following:

(A) Dependents of students.

(B) Staff.

(C) Faculty.

(g) Shall prescribe and collect charges.

(h) Shall adopt rules relating to the creation, use, custody and disclosure, including access, of student education records of the institutions that are consistent with the requirements of applicable state and federal law. Whenever a student has attained 18 years of age or is attending an institution of post-secondary education, the permission or consent required of and the rights accorded to a parent of the student regarding education records shall thereafter be required of and accorded to only the student.

(5) For each institution under its jurisdiction, the board shall provide opportunities for part-time students to obtain complete undergraduate degrees at unconventional times, which include but are not limited to early morning and noon hours, evenings and weekends. In administering these degree programs, the institution may use any educational facility available for the use of the institution.

**(6) For all institutions of higher education listed in ORS 352.002, the board shall, no later than October 1, 2010, and to the extent feasible and cost beneficial, develop and begin implementation of a common admissions process that permits applicants to be considered for admission to more than one institution.**

**SECTION 3. The State Board of Higher Education shall report the enrollment, revenue, costs and savings associated with the measures in ORS 351.070 (6) to the Seventy-sixth Legislative Assembly before October 1, 2010, and the Seventy-seventh Legislative Assembly before October 1, 2012.**

**SECTION 4. This 2009 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2009 Act takes effect on its passage.**

**Passed by Senate June 27, 2009**

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Secretary of Senate

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President of Senate

**Passed by House June 29, 2009**

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Speaker of House

**Received by Governor:**

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**Approved:**

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Governor

**Filed in Office of Secretary of State:**

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

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Secretary of State