

Testimony: The Composition of the Institutional Board for Portland State University

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I am grateful to Representative Michael Dembrow for the opportunity to address your committee this morning regarding HB 2149 which authorizes the creation of an institutional board for Portland State University.

I am speaking today as a PSU Faculty Senator and one of 7 members of the Senate Steering Committee.

Let me assure you that the PSU Faculty Senate was fully on board with HB2149. The Senate charged a Task Force with the review of the proposed institutional board, based on the operation of comparable boards at public universities. It found that an institutional board would enable our University to move more effectively toward its key goals: to increase access, to improve student success, to enhance research and teaching, all in keeping with our motto, Let Knowledge Serve the City.

In June, 2012, the Senate passed a resolution of support for the creation of institutional boards and for continued faculty participation in them. The Senate report and the resolution are appended to my statement.

I am here on behalf of many Senators who supported the resolution to express our concerns for the effects of the proposed amendment to SB270 denoted as SB 270-1 which in Section 5 (4) adds language excluding faculty from participation: "Except for the president of the university and the student member of the governing board, no member of the board may be an employee of the university."

Our first concern is continuity. If passed, the amendments to SB270 will break with a long and successful tradition of faculty participation on the Oregon State Board of Higher Education. To my knowledge, faculty representatives have been important partners in good governance through their direct knowledge of teaching and learning conditions, research, and public service at Oregon's universities. Having been chosen for their experience at their home campus and sometimes for their service on the Inter-Institutional Faculty Senate, these representatives have often acted as mentors to Board members who are new to Oregon universities.

Our second concern is comparability. If passed, the amendments to SB270 would separate Oregon from states like California where the Chair and the Vice Chair of the University of California System Academic Council sit on the Board of Regents as Faculty Representatives. By decision of the Academic Council, these Faculty Representatives do not vote, but are fully included in all discussion and debate, including Regents Only sessions. The Faculty

Representatives sit as Advisory Members of all 10 standing committees of the Board of Regents.

Our third concern is synergy. One of the most compelling reasons for the creation of institutional boards is the realization that now and even more in the future, public universities must earn their resources and reputations by building the capacity of their regions. Many Oregon faculty are at the forefront of these efforts including University of Oregon Professor John F. W. Keana, a medicinal chemist, who holds 73 patents including one which launched the new firm Cascade Pro-Drug for enhanced cancer therapies or PSU Professor David Peyton whose work on anti-malarial drugs led to the launch of the firm DesignMedix. In the race for innovation, public universities are incubators of the start-ups that will grow Oregon employment, as was Tektronix in Mark Haas's district. In the search for new ways to improve the public good, universities are vital partners, as is happening with the Cradle to Career project that joins Portland Public Schools and PSU's Graduate School of Education.

Institutional boards will likely be meeting places between willing actors and promising ideas, between public problems and solutions offered by the engagement of research, teaching, and service. As the University of California recognized in the composition of its Board of Regents, a board with faculty participation is a route for the essential two-way communication between public representatives and academic professionals in which all parties have the working knowledge to keep state higher education responsive to its students and citizens.

The introduction to HB 2149 recognizes the importance of that relationship by prescribing that institutional boards (I quote) "are similar to the State Board of Higher Education in composition, constitution and, transparency."

On behalf of faculty at PSU, I call on you, the members of the Special Committee on University Governance to maintain the character of HB 2149 by rejecting any proposed amendments to either HB 2149 or SB 270 which bring an end to Oregon's tradition of faculty participation.

Thank you for the opportunity to testify. I'm happy to take any questions from the Committee.

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To: Portland State Faculty Senate
Subject: Spring 2012 report on a PSU institutional governing board
From: PSU Faculty Senate ad-hoc committee on Institutional Boards
Date: 4 June 2012

Report Purpose and Organization

The charge to the PSU Faculty Senate Ad-hoc Committee on Institutional Boards was to think through a PSU Faculty perspective on a Portland State University institutional board and return to the Senate with a report. This report to the PSU Faculty Senate has two goals.

- 1) Following a brief background, this report proposes to the PSU Faculty Senate two principles for the creation of a PSU governing board. The committee drafted the principles mindful of the importance of shared-governance to the PSU faculty. The committee believes a board charter that follows these principles will preserve the Faculty's role in PSU shared-governance.
- 2) The committee is asking the PSU Faculty Senate for a vote to adopt the attached resolution. Should the Senate pass the resolution, the Ad-hoc committee will submit to the HB 4061 special legislative committee a PSU Faculty position statement articulating these principles.

Background

Two pieces of legislation SB 242 (2011) and HB 4061 (2012) opened the door for restructuring OUS institutions. HB 4061 charged a special legislative committee to "recommend legislation for the creation of local governing boards at public universities." HB 4061 outlines a process for the special committee to draft recommendations to the 2013 Oregon legislature. Specifically, HB 4061 calls upon the special committee to collect input from faculty at the institutions considering a new governing board.

Portland State University and University of Oregon have expressed interest in creating institutional boards. Each institution is working with the HB 4061 special legislative committee and the Oregon University System to create and outline the duties for each institution's board. Additional legislation introduced to the Oregon Legislature in 2013 will complete the statutory authorization of institutional boards.

A 5/30/2012 above-the-fold Oregonian editorial asked how new institutional boards advance the plan for a more tightly coordinated educational system. The committee did not dig deeply into a board's effect on the statewide educational mission. Our interest was the effect a Portland State University board would have on shared-governance at Portland State University.

Preamble PSU Faculty Support for the Creation of a PSU Governing Board

Creation of a PSU institutional board is a significant structural change in the overall governance of PSU. The introduction of a new board redistributes the governance roles of the OUS State Board of Higher Education and other legislative boards and committees, the PSU President and PSU administration and the PSU Faculty. PSU Faculty support for a PSU institutional board rests upon preserving Article III of the PSU Faculty Constitution. Two principles and three tests of these principles are proposed. Including these principles in an institutional board's charter will reserve the role of PSU Faculty in shared-governance. In addition to the two principles, three tests are offered to gauge the fidelity of the board's charter to these principles.

The first principle draws from the PSU Faculty's primary function of setting and executing Portland State University's educational and research mission. The second principle draws from the tradition of shared-governance between PSU Faculty and PSU and OUS administrations as defined through Oregon Administrative Rules and the law.

The first test is an explicit declaration in the board's charter of the role of PSU Faculty as defined by the PSU Faculty Constitution. The second test is that the PSU board's charter should only redistribute authority already reserved to the state through the law and Oregon Administrative Rules, or authority previously retained by OUS or by the PSU administration. If so, then the board's charter is likely consistent with these principles. At this writing, it is generally acknowledged selected faculty will serve as full-voting board members and the Governor will select some or all board members. What is less clear is the nomination of possible board members. The final test of the charter's fidelity to shared-governance is that the nomination of PSU Faculty is defined and carried out by PSU Faculty.

Resolution

Whereas SB 242 and HB 4061 anticipates and calls for significant restructuring of Oregon University System institutional governance.

Whereas Portland State University has expressed its intent to pursue the formation of a Portland State University Institutional Governing Board.

Whereas HB 4061 calls upon the special legislative committee to collect input from faculty at the institutions considering a new governing board.

Whereas restructuring OUS institutions with governing boards will

- provide PSU more flexibility and less bureaucracy, allowing a more efficient use of resources,
- establish permanent PSU Faculty representation at the governing board level, and
- create new opportunities for PSU to engage in the Portland metropolitan area.

The Portland State Faculty Senate supports the creation of a Portland State University institutional board. In accordance with the PSU Faculty Constitution, Portland State Faculty support rests on the assumption of explicit support for shared-governance in the board's charter.

- A. A PSU institutional board charter must reserve to the PSU Faculty the power to act in matters of educational policy and to enact rules on matters of establishment, or major alteration of the educational function of Portland State University.
- B. A PSU institutional board charter must reserve to the PSU Faculty the weight of the PSU Faculty voice in fundamental areas of curriculum, subject matter, methods of instruction and research, faculty status and aspects of student life relating to the educational process.