

SB 854 -1, -2, -4 STAFF MEASURE SUMMARY

Senate Committee On Rules

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Meeting Dates: 6/3, 6/17

WHAT THE MEASURE DOES:

Changes composition of governing boards for public universities. Adds organizations from which Governor must elicit recommendations, and considerations Governor must make, prior to appointing members of governing board. Requires each member of governing board to have official electronic mail address that is publicly available. Requires governing board to make designated times available to present before board for faculty, nonfaculty staff and students and for organizations or unions affiliated with faculty, nonfaculty staff or students. Requires faculty member, nonfaculty staff member and enrolled student to be included in hiring committee for public university president. Requires governing board to conduct comprehensive evaluation of public university president at least once a biennium that is finalized in a report submitted to Governor and Higher Education Coordinating Commission (HECC). Prohibits secretary of governing board from also being member of public university administration. Changes composition of HECC. Requires any decision by public university to eliminate course of study to constitute a significant change that requires HECC approval. Requires HECC to establish process to enable any employee or enrolled student of public university to appeal to HECC any decision made by governing board and allows HECC to overturn appealed governing board decision. Establishes applicability dates. Declares emergency, effective on passage.

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

-1 Includes amendments to resolve conflicts. Removes requirement for public university governing board to conduct comprehensive evaluation of public university president at least once a biennium and to finalize evaluation in a report submitted to Governor and HECC. Removes requirement for Governor to elicit recommendations from alumni organization prior to appointing certain members of HECC. Removes requirement for HECC to establish process to enable any employee or enrolled student of public university to appeal to HECC any decision made by governing board and the allowance for HECC to overturn appealed governing board decision. Adds provision stating that should Senate Bill 712 (2021) become law, such law will be repealed upon passage of Senate Bill 854.

-2 Includes amendments to resolve conflicts. Removes changes to composition of governing board for public university. Removes organizations from which Governor must elicit recommendations, and considerations Governor must make, prior to appointing members of governing board. Requires each member of governing board to have official electronic mail address that is publicly available. Requires governing board to make designated times available to present before board for faculty, nonfaculty staff and students and for organizations or unions affiliated with faculty, nonfaculty staff or students. Removes requirement for public university governing board to conduct comprehensive evaluation of public university president at least once a biennium and to finalize evaluation in a report submitted to Governor and HECC. Removes requirement for Governor to elicit recommendations from alumni organization prior to appointing certain members of HECC. Removes requirement for HECC to establish process to enable any employee or enrolled student of public university to appeal to HECC any decision made by governing board and the allowance for HECC to overturn appealed governing board decision. Removes relevant applicability dates. Adds provision stating that should Senate Bill 712 (2021) become law, such law will be repealed upon passage of Senate Bill 854.

-4 Includes amendments to resolve conflicts. Removes changes to composition of governing board for public university. Removes organizations from which Governor must elicit recommendations, and considerations Governor must make, prior to appointing members of governing board. Requires each member of governing board to have official electronic mail address that is publicly available. Requires governing board to make designated times available to present before board for faculty, nonfaculty staff and students and for organizations or unions affiliated with faculty, nonfaculty staff, or students. Requires hiring committee for public university president to be created by governing board and requires it to include faculty members, nonfaculty staff, and enrolled student body. Removes requirement for Governor to elicit recommendations from alumni organization prior to appointing certain members of HECC. Removes requirement for HECC to establish process to enable any employee or enrolled student of public university to appeal to HECC any decision made by governing board and the allowance for HECC to overturn appealed governing board decision. Removes relevant applicability dates. Requires the HECC to, as necessary, convene representatives of administration and personnel of university and membership of governing board to ensure cohesive and coordinated system of higher education public policy. Requires university to conduct analysis of whether university would benefit from changes to governance structure and whether statutory changes are required. Analysis done in manner established by university. Sets requirements for analysis, including: governing board composition and appointment process; whether more frequent evaluations of university president are beneficial; whether a clear line between university administration and governing board should exist; and, whether governing board appeals process should exist with HECC. Requires certain entities to give significant input. Analysis submitted to HECC by date set by HECC. Requires HECC to submit report to Legislative Assembly by December 31, 2022. Requires Governor to appoint new members to governing board by July 1, 2022. Adds provision stating that should Senate Bill 712 (2021) become law, such law will be repealed upon passage of Senate Bill 854.

BACKGROUND:

Prior to 2013, Oregon's seven public universities existed under the Oregon University System (OUS) and were overseen by a chancellor. In 2013, SB 270 (2013 Oregon Laws, ch. 768) began to dissolve the OUS by creating individual governing boards for the University of Oregon and Portland State University, and offered the same to the other five universities (Oregon State University, Western Oregon, Eastern Oregon, Southern Oregon, and Oregon Institute of Technology). In 2015, SB 80 (2015 Oregon Laws, ch. 767) fully dissolved the OUS and abolished the OUS chancellor's office and the State Board of Higher Education, transferring most of its responsibilities to the Higher Education Coordinating Commission (HECC), which was created in 2011 by SB 242 (2011 Oregon Laws, ch. 637). The dissolution of the OUS and the creation of institutional governing boards have yielded greater autonomy for the Oregon's public universities, particularly over financial management decisions and capital projects.

The HECC is currently composed of fourteen members: Nine voting members and five nonvoting members. Oregon law specifies that the voting members include a person from each of Oregon's five congressional districts and four members of the general public at large, who are Oregon residents and are informed on the principles of higher education. The five nonvoting members include a student and a faculty member from both a public university and a community college, plus a nonfaculty member from either type of institution. The HECC's voting members serve four-year terms while nonvoting members serve two-year terms. Each member is appointed by the Governor and confirmed by the Senate. The HECC was originally composed of 15 members from various sectors, including students and was modified to its current composition by House Bill 3120 (2013). Senate Bill 712 modifies the membership of the Higher Education Coordinating Commission to include 15 voting members, including each of the formerly nonvoting members and an additional member who is a graduate student of a public university.

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Senate Bill 854 changes the composition of governing boards for public universities and the Higher Education Coordinating Commission.