

Requested by Senator FREDERICK

**PROPOSED AMENDMENTS TO
SENATE BILL 854**

1 On page 1 of the printed bill, delete lines 5 through 21 and delete page
2 2.

3 On page 3, delete lines 1 through 24 and insert:

4 **“SECTION 1.** ORS 352.076 is amended to read:

5 “352.076. (1) A governing board for a public university must be formed and
6 maintained as provided in this section.

7 “(2)(a) Except as provided in subsection (3) of this section, the Governor
8 shall appoint all of the 11 to 15 members of the governing board, subject to
9 confirmation by the Senate in the manner provided in ORS 171.562 and
10 171.565.

11 “(b) The governing board must include one person who is a student en-
12 rolled at the university. The student shall be a voting member of the board.

13 “(c) The governing board must include one person who is a member of the
14 faculty of the university and one person who is a member of the nonfaculty
15 staff of the university. For each appointment made under this paragraph, the
16 Governor may appoint the person as either a voting or nonvoting member
17 of the governing board.

18 “(3) The president of the university shall be an ex officio nonvoting
19 member of the governing board.

20 “(4)(a) Except as provided in paragraph (b) of this subsection, the term
21 of office for each appointed member of the governing board is four years.

1 “(b) The term of office of each student, faculty and nonfaculty staff
2 member of the governing board is two years.

3 “(c) A member of the governing board may not be appointed to serve more
4 than two consecutive full terms.

5 “(d) The Governor may remove any appointed member of the governing
6 board at any time for cause, after notice and public hearing, but may not
7 remove more than three members within a period of four years, unless it is
8 for corrupt conduct in office.

9 “(e) Vacancies shall be filled by appointment by the Governor for the re-
10 mainder of the unexpired term.

11 “(5) The faculty and nonfaculty staff members of the governing board may
12 not participate in any discussions or action by the board or attend any
13 executive session of the board involving collective bargaining issues that
14 affect faculty or nonfaculty staff at the university.

15 “(6) The governing board shall select one of its members as chairperson
16 and another as vice chairperson for such terms and with duties and powers
17 as the board considers necessary for the performance of the functions of
18 those offices. The governing board shall adopt bylaws concerning how a
19 quorum is constituted and when a quorum is necessary.

20 “(7) **Each member of the governing board must have an official**
21 **electronic mail address that is publicly available and posted on the**
22 **website of the public university.**

23 “[7] (8) The governing board shall meet at least four times per year, and
24 may meet at the call of the chairperson or a majority of the voting members
25 of the board. **At each meeting, the governing board shall:**

26 “(a) **Allow a representative from official student, faculty and non-**
27 **faculty staff organizations to each make a presentation or report to**
28 **the board;**

29 “(b) **Allow at least one representative from a faculty union and at**
30 **least one representative from a nonfaculty staff union to each make**

1 **a presentation or report to the board; and**

2 **“(c) Establish a designated time at which members of the faculty,**
3 **nonfaculty staff and student body may comment on any issue before**
4 **the board.**

5 **“SECTION 2.** ORS 352.096 is amended to read:

6 “352.096. (1)(a) In consultation with the Governor, or the Governor’s
7 designee, the governing board of a public university listed in ORS 352.002
8 shall appoint and employ a president of the university.

9 “(b) The governing board shall prescribe the president’s compensation and
10 terms and conditions of employment.

11 “(2) The president of a public university listed in ORS 352.002 is the
12 president of the faculty. The president is also the executive and governing
13 officer of the university, except as otherwise provided by statute or action
14 of the governing board. Subject to the supervision of the governing board,
15 the president of the university has authority to direct the affairs of the
16 university.

17 “(3) Except in the case of an interim or acting president, the hiring
18 committee for the president of a public university listed in ORS 352.002
19 shall:

20 **“(a) Be formed by the governing board of the public university; and**

21 **“(b) Include representatives of the university community, including**
22 **members of the faculty, nonfaculty staff and enrolled student body,**
23 **and at least one other president of a public university based in Oregon.**

24 “(4) The governing board of a public university listed in ORS 352.002 is
25 responsible for the reappointment or removal of the president of the univer-
26 sity.

27 “(5) A public university listed in ORS 352.002 may appoint and employ
28 any instructional, administrative, professional, trade, occupational and other
29 personnel as are necessary or appropriate and establish their compensation
30 and terms and conditions of employment, subject to the limitations set forth

1 in ORS 352.124 (1) and (2).”.

2 In line 41, restore the first “and” and delete “and alumni”.

3 On page 5, delete lines 18 through 45.

4 On page 6, delete lines 1 through 6 and insert:

5 **“SECTION 5. The Higher Education Coordinating Commission shall,**
6 **in the manner and to the extent deemed necessary by the commission,**
7 **convene individuals who represent the administration and personnel**
8 **of each public post-secondary institution of education in this state and**
9 **the membership of each governing board of a public university listed**
10 **in ORS 352.002 in order to ensure a cohesive and coordinated system**
11 **of higher education public policy in this state.**

12 **“SECTION 6. (1) Each public university listed in ORS 352.002 shall,**
13 **in a manner established by the public university, conduct an analysis**
14 **on whether the public university would benefit from changes to the**
15 **governance structure of the public university and whether statutory**
16 **changes are required to effectuate any recommended changes.**

17 **“(2) The analysis conducted under subsection (1) of this section:**

18 **“(a) Must examine:**

19 **“(A) Whether the composition of the governing board of the public**
20 **university should be altered to expand the representation of students,**
21 **faculty or nonfaculty staff;**

22 **“(B) Whether the process of appointing students, faculty or non-**
23 **faculty staff to the governing board of the public university should be**
24 **changed in order to ensure that these appointees are viewed by their**
25 **peers as appropriate representatives of the students, faculty or non-**
26 **faculty staff of the public university;**

27 **“(C) Whether alumni of the public university should be given pref-**
28 **erential consideration when determining who to appoint to the gov-**
29 **erning board of the public university;**

30 **“(D) Whether the public university would benefit from more fre-**

1 **quent and thorough evaluations of the president of the public univer-**
2 **sity;**

3 **“(E) Whether there should be a clear division between members of**
4 **the governing board of the public university and members of the ad-**
5 **ministration of the public university, including whether it is detri-**
6 **mental to the public university for the secretary of the governing**
7 **board to also be a member of the administration; and**

8 **“(F) Whether there should be a process by which students, faculty**
9 **or nonfaculty staff of the public university could appeal a decision by**
10 **the governing board of the public university to the Higher Education**
11 **Coordinating Commission.**

12 **“(b) Must include significant input from:**

13 **“(A) The administration of the public university;**

14 **“(B) The recognized student government at the public university;**

15 **“(C) Any recognized organizations that represent faculty at the**
16 **public university;**

17 **“(D) Any recognized organizations that represent nonfaculty staff**
18 **at the public university; and**

19 **“(E) Any other groups or individuals whose input the public uni-**
20 **versity determines would be beneficial.**

21 **“(c) Must clearly illustrate the preferences and recommendations**
22 **of each group or organization described in paragraph (b) of this sub-**
23 **section on each of the policy questions described in paragraph (a) of**
24 **this subsection.**

25 **“(3)(a) Each public university shall provide the results of the anal-**
26 **ysis conducted under this section, including any recommendations, to**
27 **the Higher Education Coordinating Commission no later than a date**
28 **the commission has determined is necessary in order for the commis-**
29 **sion to comply with the requirements of paragraph (b) of this sub-**
30 **section.**

1 “(b) No later than December 31, 2022, the commission shall submit
2 a report in the manner provided by ORS 192.245 to the Joint Interim
3 Committee on Ways and Means and the interim committees of the
4 Legislative Assembly responsible for higher education that sets forth
5 the results of the analyses conducted under this section by each public
6 university listed in ORS 352.002.

7 “SECTION 7. Section 6 of this 2021 Act is repealed on July 2, 2023.

8 “SECTION 8. (1)(a) Except as provided in paragraph (b) of this
9 subsection, the amendments to ORS 350.050 by section 3 of this 2021
10 Act apply to appointments to the Higher Education Coordinating
11 Commission that are made on or after the effective date of this 2021
12 Act.

13 “(b)(A) The Governor shall make any appointments necessary to
14 ensure that all of the members of the commission have been confirmed
15 by the Senate in the manner prescribed in ORS 171.562 and 171.565 by
16 July 1, 2022.

17 “(B) The term of office for each member of the commission who is
18 confirmed by the Senate under subparagraph (A) of this paragraph for
19 a position on the commission that was a position for a nonvoting
20 member of the commission before the effective date of this 2021 Act
21 shall end on the same date that the term of office for the nonvoting
22 member was scheduled to end.

23 “(2) The amendments to ORS 352.089 by section 4 of this 2021 Act
24 apply to any major course of study or minor course of study in which
25 students are currently enrolled at a public university listed in ORS
26 352.002 on the effective date of this 2021 Act, regardless of whether a
27 public announcement to eliminate the course of study has been made
28 by the public university or whether new students are permitted to
29 enroll in the course of study.

30 “SECTION 9. If Senate Bill 712 becomes law, section 1, chapter ___,

1 **Oregon Laws 2021 (Enrolled Senate Bill 712) (amending ORS 350.050),**
2 **and section 2, chapter __, Oregon Laws 2021 (Enrolled Senate Bill 712),**
3 **are repealed.”.**

4 In line 7, delete “8” and insert “10”.

5 _____