

Chair Wagner and Members of the Senate Committee on Rules:

My name is Angela Wilhelms and I serve as university secretary and advisor to the president at the University of Oregon in Eugene. Thank you for allowing us to discuss the governance of our public universities and, specifically, the proposals in the -2 amendment to Senate Bill 854.

I joined the UO as the institutional governing board assumed its authorities from the State Board of Higher Education in 2014. My work prior to this role was largely in the legislature, with an eye toward serving the state and its people with integrity, thoughtfulness, openness, and efficacy. My goal at the UO is no different.

Working in this role has been a privilege. I am continuously impressed with the commitment to public higher education demonstrated by university leadership, especially by the individuals who volunteer their time to serve as trustees on our governing board. These individuals take time away from jobs, families, and other commitments to advance the UO's mission and ensure that the institution is serving its students and the State of Oregon as best it can. They are smart and inquisitive, take time to learn and prepare, engage with stakeholders, and care deeply about the ability of Oregonians to get to the UO and—importantly—succeed once here.

Our trustees are deeply committed to effective governance of the university and take their roles as fiduciaries of the institution—and the practices we employ to effectively operationalize those obligations—seriously. It is unclear to us what specific problems or issues SB854 and the proposed amendments seek to address. Given the practices already in place, the bill seems unnecessary and perhaps even motivated by highly specific concerns and experiences which might be better addressed through dialogue, not statute.

In any community that has tens of thousands of students, faculty and non-faculty staff, there will no doubt be decisions that some don't agree with, or practices that some would design differently. My hope is that legislators remain focused on establishing well-informed and sustainable laws which support effective governance best practices and avoid micromanaging the day-to-day operations of public university boards. We too are interested in making sure our boards serve the public as best as possible, but we also want to ensure a common understanding of how boards operate, why, and how these practices help trustees meet their fiduciary obligations to the State of Oregon.

My colleagues and I, or our trustees, would be happy to talk with you about our operational practices at any time. For now, however, I will focus on three provisions of the bill which are most concerning to us.

First is the clause which prohibits board secretaries from otherwise serving in a university's administration. I am one of five secretaries that have a role other than just the administration of the board. As our board operations have become more efficient, and as I have gained substantial knowledge about the university's management (gained through working for the board), I have both the capacity and ability to do more in service to the institution. Why shouldn't I be able to? There is value to both the senior leadership team *and* to the trustees in having the board liaison as an active participant in the administration. I can anticipate board needs, questions, concerns, or actions, and I can take on projects and responsibilities that cover a range of topics. Further, all employees have an obligation to the *institution and its mission* – not to one department, one administrator, one set of stakeholders, or even just to the trustees. This clause seems to be targeted at creating a firewall, premised on an assumption of impropriety or an assumption that we will breach our loyalty to or care for *the institution* if we hold more than one role. We have not seen that as an issue. Meanwhile, it would create inefficiency and jeopardize the productive flow of information between the board and the individuals to whom management of the institution is delegated. There simply is no sound public policy basis for severing a board secretary from the rest of the university. To our knowledge, Minnesota is the only state that does this.

Second is the clause which codifies one particular “significant change” to an academic program in statute—elimination of a major or minor program. The statute already gives the Higher Education Coordinating Commission (HECC) authority to define “significant change” via administrative rule. The HECC is the state agency tasked with effectuating the state's postsecondary education goals, and whether the HECC ought to review something should remain in its purview to determine. Discussions about program elimination are complicated and difficult. Foremost, such discussions need to be rooted in each campus's shared governance processes. They must take into account a wide range of factors, including but not limited to student demand, statewide availability, and viability. The universities are happy to engage in a public policy discussion about whether program elimination should be considered a significant change, but we see no reason why this specific slice of the definition needs to be in statute.

Third is the requirement that each board meeting contain a standing report from unions representing faculty and non-faculty staff. The issue here is not whether employees are valued by boards and individual trustees. They most certainly are. Employees are vital to the success of our universities and trustees engage with employees in a number of ways. For example, we hold open lunches (when we aren't in a pandemic) with students, faculty and staff; our faculty, staff and student trustees hold quarterly office hours and reach out to their respective

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stakeholder groups; and trustees meet with specific groups about topics ranging from research infrastructure needs to textbook affordability.

This requirement, we believe, is generated from a fundamental misunderstanding of the role of a *governing* board. Collective bargaining and other employment matters have been delegated to the president at all seven public universities. Requiring standing reports as part of board agendas—akin to the treatment boards afford a recognized faculty senate or student government—mixes roles, crosses a line from governance into management, and creates an opportunity for circumvention of agreed upon bargaining, grievance, or other established labor relations practices. What other public bodies are required to have standing reports from their affiliated unions at board or commission meetings? What happens when bargaining is actively underway and labor relations provisions about communications or engagement are in place? Apart from these governance versus management concerns, it is worth noting that the University of Oregon has five collective bargaining units, all of which have the opportunity to participate in our regular board meetings via public comment. All seven public universities provide an opportunity at regular board meetings for public comment and individual employees—represented or not, part of the union leadership or not—can engage in that process. And all institutions provide myriad ways for employees to engage with trustees.

In the interest of time, I have not addressed every provision in the base bill and in the -2 amendments, but am happy to answer any questions you may have about those provisions or about the national best practices our universities have put in place. I am proud of the work we have done at the UO to provide opportunities for our volunteer trustees to engage directly with students, faculty and staff, both during and outside of meetings. I am grateful every day for the work they put in to making us better at what we do.

Thank you.

Respectfully submitted,



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