

**SB 273 B STAFF MEASURE SUMMARY**

Carrier: Rep. McLain

**House Committee On Higher Education****Action Date:** 05/16/23**Action:** Do pass with amendments to the A-Eng bill. (Printed B-Eng.)**Vote:** 6-3-0-0**Yeas:** 6 - Bowman, Hudson, Lively, Mannix, Ruiz, Sosa**Nays:** 3 - Elmer, McIntire, Wright**Fiscal:** Has minimal fiscal impact**Revenue:** No revenue impact**Prepared By:** Ellen O'Brien, LPRO Analyst**Meeting Dates:** 4/27, 5/16**WHAT THE MEASURE DOES:**

Modifies statutory provisions relating to public university governing boards. Takes effect on 91st day following adjournment sine die.

Specifies that public university governing boards must consist of 12 to 16 voting members and two nonvoting members. Adds second nonvoting undergraduate student member to public university governing boards. Adds voting graduate student member to certain public university governing boards. Requires student, faculty, and nonfaculty staff members to be nominated through respective official governance structures. Specifies that more than one candidate for faculty and nonfaculty member positions can be nominated. Prohibits undergraduate and graduate student members from participating in board actions and discussions about collective bargaining issues affecting undergraduate or graduate students. Clarifies that any person may seek nomination from Governor for member position for which they are qualified. Requires public university governing boards to adopt policies to:

- Provide opportunity for live comments and for reports from official student, faculty, nonfaculty staff, and labor organizations at regularly scheduled meetings;
- Include faculty, nonfaculty staff, and student representatives in presidential search committees;
- Provide and publish e-mail addresses for board members;
- Create ongoing review processes that include participation of faculty, nonfaculty staff, and student representatives;
- Respond to questions that arise from public comments at governing board meetings;
- Memorialize process for appointing governing board members;
- Identify ideal characteristics for candidates to fill governing board vacancies with opportunity for input from university community; and
- Regularly conduct self-evaluations with opportunity for input from university community.

Requires public universities to submit annual report to Legislative Assembly detailing compliance, with input from official faculty, nonfaculty staff, and student governance organizations. Sunsets reporting requirement January 2, 2026. Requires Higher Education Coordinating Commission to provide meeting opportunities for public university governing board members and opportunities for training in duties and fiduciary responsibilities of public university governing boards.

**ISSUES DISCUSSED:**

- Results of governing board work group process
- Representation for students on university governing boards
- Accountability and transparency of public university governing boards

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### **EFFECT OF AMENDMENT:**

Modifies graduate student nomination process to allow nomination by official student government in addition to graduate student union. Replaces requirement that public university governing boards adopt policy to provide substantive responses to complaints and concerns raised in public comments with requirement that public university governing boards adopt policy to respond to questions that arise from public comments at governing board meetings. Repeals annual reporting requirement on January 2, 2026.

### **BACKGROUND:**

In 2021, Senate Bill 854 proposed changes to public university governing board composition and to the Higher Education Coordinating Commission's oversight of governing boards. In lieu of that measure, the state's public universities agreed to undertake a governance review. The resulting [January 28, 2022 Governance Review of Oregon's Public Universities](#), commissioned by the Higher Education Coordinating Commission (HECC) and prepared by the Association of Governing Boards of Universities and Colleges, addressed issues that arose in 28 interviews with 62 stakeholders and included recommendations for both university governing boards and state higher education leaders.

Prior to 2013, the Oregon University System (OUS) encompassed Oregon's seven public universities and was overseen by a chancellor. In 2013, Senate Bill 270 began to dissolve the OUS by creating individual governing boards for the University of Oregon and Portland State University, and offered the same option to the other five public universities (Oregon State University, Western Oregon, Eastern Oregon, Southern Oregon, and Oregon Institute of Technology). In 2015, Senate Bill 80 fully dissolved the OUS and abolished the OUS chancellor's office and the State Board of Higher Education (SBHE), transferring SBHE's remaining responsibilities to the Higher Education Coordinating Commission (HECC), which was created in 2011 by Senate Bill 242.

ORS 352.076 requires all members of public university governing boards to be appointed by the Governor and confirmed by the Senate, and lays out the terms of office and membership requirements. Governing boards are required to meet at least four times per year. ORS 352.096 grants the governing board responsibility for appointing and employing the university president in consultation with the Governor. Other powers and responsibilities of the governing board, including overseeing universities' ability to borrow money and enter contracts (ORS 352.087), authorizing the establishment of a police department (ORS 352.121), constructing and acquiring university buildings (ORS 352.157), adopting standards for access to personnel records (ORS 352.226), providing group insurance to university employees (ORS 352.237), and others, are enumerated in the public university governance statutes of ORS chapter 352.

Senate Bill 273 B requires public university governing boards to have additional undergraduate student and graduate student members; modifies the nominating process for faculty, staff, and student members; and requires public university governing boards to adopt specified policies for transparency and community feedback.