

A-Engrossed Senate Bill 273

Ordered by the Senate April 11
Including Senate Amendments dated April 11

Printed pursuant to Senate Interim Rule 213.28 by order of the President of the Senate in conformance with pre-session filing rules, indicating neither advocacy nor opposition on the part of the President (at the request of Senate Interim Committee on Education for Senator Michael Dembrow)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

Alters composition of governing board at public universities. Establishes process by which undergraduate student, graduate student, faculty and nonfaculty staff may be nominated for membership on governing board, with candidates' names provided to Governor for consideration.

Requires each governing board to formally adopt enumerated policies regarding university governance. Requires each public university to submit annual report to interim committees of Legislative Assembly relating to higher education detailing degree to which public university has complied with drafting required formal policies and fulfilling obligations contained in policies.

Requires Higher Education Coordinating Commission to provide specified meeting and training opportunities for members of governing boards.

[Requires Higher Education Coordinating Commission to conduct study to determine how to best coordinate post-secondary education in Oregon. Directs commission to submit findings to interim committees of Legislative Assembly related to higher education not later than September 15, 2024.]

Takes effect on 91st day following adjournment sine die.

A BILL FOR AN ACT

1
2 Relating to higher education; creating new provisions; amending ORS 352.076; and prescribing an
3 effective date.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1.** ORS 352.076 is amended to read:

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

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8 (2)(a) **A governing board shall consist of between 12 and 16 voting members and two nonvoting members.** *[Except as provided in subsection (3) of this section,]* The Governor shall appoint all of the *[11 to 15]* **12 to 16 voting members** of the governing board **and a nonvoting undergraduate student member of the governing board**, subject to confirmation by the Senate in the manner provided in ORS 171.562 and 171.565.

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13 (b)(A) The governing board must include *[one person who is a student]* **two persons who are undergraduate students** enrolled at the university. *[The]* **One undergraduate student** shall be a voting member of the board **and one undergraduate student shall be a nonvoting member of the board.**

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17 (B) **The term of office for students appointed under this paragraph shall be staggered, such that, to the degree practicable, a student serves as a nonvoting member of the board during the first year of the student's term of office and as a voting member of the board**

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NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 during the second year of the student's term of office.

2 (C) The undergraduate student members of the governing board shall be nominated
3 through an internal governance process held by the official student government, or similar
4 official student governance structure, with the candidates nominated provided to the Gov-
5 ernor for consideration. More than one candidate per member position on the governing
6 board may be nominated under this subparagraph.

7 (c)(A) The governing board must include one person who is a graduate student enrolled
8 at the university if:

9 (i) The university has more than 400 graduate students; or

10 (ii) Graduate students comprise more than 15 percent of the total number of students
11 enrolled at the university.

12 (B) The graduate student member of the governing board shall be:

13 (i) If applicable, nominated through an internal governance process held by the official
14 graduate student union, or similar official graduate student governance structure, with the
15 candidate nominated provided to the Governor for consideration; and

16 (ii) A voting member of the board.

17 (C) More than one candidate per member position on the governing board may be nomi-
18 nated under this paragraph.

19 [(c)] (d)(A) The governing board must include one person who is a member of the faculty of the
20 university and one person who is a member of the nonfaculty staff of the university. **Each person**
21 **appointed under this paragraph shall be a voting member of the governing board.** [*For each*
22 *appointment made under this paragraph, the Governor may appoint the person as either a voting or*
23 *nonvoting member of the governing board.*]

24 (B) The faculty member of the governing board shall be nominated through an internal
25 governance process held by the official faculty senate, or similar official faculty governance
26 structure or faculty union at the university, with the candidate nominated provided to the
27 Governor for consideration. More than one candidate per member position on the governing
28 board may be nominated under this subparagraph.

29 (C) The nonfaculty staff member of the governing board shall be nominated through an
30 internal governance process held by the official nonfaculty staff senate, or similar official
31 nonfaculty staff governance structure or nonfaculty staff union at the university, with the
32 candidate nominated provided to the Governor for consideration. More than one candidate
33 per member position on the governing board may be nominated under this subparagraph.

34 (3)(a) If the candidates required to be nominated under subsection (2)(b) to (d) of this
35 section are represented by multiple organizations, the organizations shall use best efforts to
36 reach agreement on which candidate or candidates to nominate per member position of the
37 governing board. If the organizations cannot agree on who to nominate for a member posi-
38 tion on the governing board, each organization may select one or more candidates to be
39 nominated.

40 [(3)] (4) The president of the university shall be an ex officio nonvoting member of the governing
41 board.

42 [(4)(a)] (5)(a) Except as provided in paragraph (b) of this subsection, the term of office for each
43 appointed member of the governing board is four years.

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

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

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

6 (e) Vacancies shall be filled by appointment by the Governor for the remainder of the unexpired
7 term.

8 [(5)] (6)(a) The faculty and nonfaculty staff members of the governing board may not participate
9 in any discussions or action by the board or attend any executive session of the board involving
10 collective bargaining issues that affect faculty or nonfaculty staff at the university.

11 **(b) The graduate student and undergraduate student members of the governing board
12 may not participate in any discussions or action by the board or attend any executive session
13 of the board involving collective bargaining issues that affect graduate students or under-
14 graduate students at the university.**

15 [(6)] (7) The governing board shall select one of its members as chairperson and another as vice
16 chairperson for such terms and with duties and powers as the board considers necessary for the
17 performance of the functions of those offices. The governing board shall adopt bylaws concerning
18 how a quorum is constituted and when a quorum is necessary.

19 [(7)] (8) The governing board shall meet at least four times per year, and may meet at the call
20 of the chairperson or a majority of the voting members of the board.

21 **(9) This section may not be interpreted to prohibit any person from using a process or
22 method not described in this section to seek nomination from the Governor to a member
23 position on the governing board for which the person is qualified.**

24 **SECTION 2. Section 3 of this 2023 Act is added to and made a part of ORS 352.025 to
25 352.146.**

26 **SECTION 3. (1) The governing board of each public university listed in ORS 352.002 shall
27 formally adopt policies that:**

28 **(a) Provide the opportunity at all regularly scheduled meetings of the governing board
29 for live comments;**

30 **(b) Allow a representative from official student, faculty and nonfaculty staff governance
31 organizations to provide comments or report to the governing board at regularly scheduled
32 meetings of the governing board;**

33 **(c) Allow a representative from official campus labor organizations to provide comments
34 or report to the governing board at regularly scheduled meetings of the governing board, if
35 the representative has requested the opportunity to provide comments or report to the board
36 in advance of the meeting;**

37 **(d) Require the inclusion of at least one faculty member, one nonfaculty staff member
38 and one member of the student body as part of presidential search committees;**

39 **(e) Ensure that all members of the governing board are provided with institutional elec-
40 tronic mail addresses;**

41 **(f) Require the public university to clearly and publicly post the electronic mail addresses
42 described in paragraph (e) of this subsection on the website of the public university;**

43 **(g) Require ongoing reviews of the practices and policies of the public university relating
44 to transparency and access;**

45 **(h) Require the inclusion and participation of faculty, nonfaculty staff and student rep-**

1 representatives when conducting the reviews described in paragraph (g) of this subsection;

2 (i) Require that the governing board research and provide substantive responses to all
3 complaints and concerns that are raised as public comments at meetings of the governing
4 board;

5 (j) Memorialize the process for filling appointments to the governing board;

6 (k) Require that when a vacancy on the governing board is expected:

7 (A) At a public meeting, the governing board will assess the needs of the board and
8 identify the ideal characteristics of any individual chosen to fill the vacancy, including but
9 not limited to preferred skill sets, experience or geographic representation;

10 (B) The governing board will invite members of the public university community to sub-
11 mit recommendations about the ideal characteristics described in subparagraph (A) of this
12 paragraph to the board; and

13 (C) That when the governing board notifies the Governor that there will be a vacancy
14 on the board, the board also communicates to the Governor the ideal characteristics identi-
15 fied in subparagraphs (A) and (B) of this paragraph; and

16 (L) Require the governing board to:

17 (A) Regularly conduct a self-evaluation; and

18 (B) At each self-evaluation provide an opportunity for the university community to pro-
19 vide written input or public testimony evaluating the work of the board.

20 (2) No later than July 2 of each year, each public university listed in ORS 352.002 shall
21 submit a report in the manner provided by ORS 192.245 to the interim committees of the
22 Legislative Assembly related to higher education, detailing the degree to which the public
23 university has complied with:

24 (a) Drafting the formal policies described in subsection (1) of this section; and

25 (b) Fulfilling the obligations contained in the policies described in subsection (1) of this
26 section.

27 (3) The report prepared under subsection (2) of this section must include input from
28 representatives of faculty, nonfaculty staff and official student governance organizations.

29 **SECTION 4.** The Higher Education Coordinating Commission shall:

30 (1) Provide regular opportunities for members of governing boards from all public uni-
31 versities listed in ORS 352.002 to meet and discuss issues related to:

32 (a) The work of governing boards; and

33 (b) Higher education throughout Oregon.

34 (2) Provide opportunities for members of governing boards to meet with commissioners
35 from the commission and members of the boards of education of community college districts.

36 (3) Provide opportunities for newly appointed members of governing boards to receive
37 training necessary to understand the duties, including fiduciary duties, that members of
38 governing boards have to Oregon.

39 **SECTION 5.** This 2023 Act takes effect on the 91st day after the date on which the 2023
40 regular session of the Eighty-second Legislative Assembly adjourns sine die.

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