

Enrolled Senate Bill 273

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CHAPTER

AN ACT

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

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

SECTION 1. ORS 352.076 is amended to read:

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

(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.

(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.**

(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 during the second year of the student's term of office.**

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

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

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

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

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

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

(ii) A voting member of the board.

(C) More than one candidate per member position on the governing board may be nominated under this paragraph.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SECTION 3. The governing board of each public university listed in ORS 352.002 shall formally adopt policies that:

(1) Provide the opportunity at all regularly scheduled meetings of the governing board for live comments;

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

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

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

(5) Ensure that all members of the governing board are provided with institutional electronic mail addresses;

(6) Require the public university to clearly and publicly post the electronic mail addresses described in subsection (5) of this section on the website of the public university;

(7) Require ongoing reviews of the practices and policies of the public university relating to transparency and access;

(8) Require the inclusion and participation of faculty, nonfaculty staff and student representatives when conducting the reviews described in subsection (7) of this section;

(9) Require that the governing board, or the designee of the governing board, respond to questions that arise from public comments at meetings of the governing board;

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

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

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

(b) The governing board will invite members of the public university community to submit recommendations about the ideal characteristics described in paragraph (a) of this subsection to the board; and

(c) That when the governing board notifies the Governor that there will be a vacancy on the board, the board also communicates to the Governor the ideal characteristics identified in paragraphs (a) and (b) of this subsection; and

(12) Require the governing board to:

(a) Regularly conduct a self-evaluation; and

(b) At each self-evaluation, provide an opportunity for the university community to provide written input or public testimony evaluating the work of the board.

SECTION 4. (1) No later than July 2 of each year, each public university listed in ORS 352.002 shall submit a report in the manner provided by ORS 192.245 to the interim committees of the Legislative Assembly related to higher education, detailing the degree to which the public university has complied with:

(a) Drafting the formal policies described in section 3 of this 2023 Act; and

(b) Fulfilling the obligations contained in the policies described in section 3 of this 2023 Act.

(2) The report prepared under subsection (1) of this section must include input from representatives of official student, faculty and nonfaculty staff governance organizations.

SECTION 5. Section 4 of this 2023 Act is repealed on January 2, 2026.

SECTION 6. The Higher Education Coordinating Commission shall:

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

- (a) The work of governing boards; and
- (b) Higher education throughout Oregon.

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

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

SECTION 7. This 2023 Act takes effect on the 91st day after the date on which the 2023 regular session of the Eighty-second Legislative Assembly adjourns sine die.

Passed by Senate April 17, 2023

Received by Governor:

Repassed by Senate June 15, 2023

.....M.,....., 2023

Approved:

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Lori L. Brocker, Secretary of Senate

.....M.,....., 2023

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Rob Wagner, President of Senate

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Tina Kotek, Governor

Passed by House May 25, 2023

Filed in Office of Secretary of State:

.....M.,....., 2023

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Dan Rayfield, Speaker of House

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Secretary of State