

Requested by SENATE COMMITTEE ON EDUCATION

**PROPOSED AMENDMENTS TO
SENATE BILL 273**

1 In line 2 of the printed bill, after “education” insert “; creating new pro-
2 visions; amending ORS 352.076 and 353.040; and prescribing an effective
3 date”.

4 Delete lines 4 through 9 and insert:

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
7 maintained as provided in this section.

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

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

19 “(B) **The term of office for students appointed under this paragraph**
20 **shall be staggered, such that, to the degree practicable, a student**
21 **serves as a nonvoting member of the board during the first year of the**

1 student's term of office and as a voting member of the board during
2 the second year of the student's term of office.

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

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

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

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

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

15 **“(i) Nominated through an internal governance process held by the**
16 **official graduate student union, or similar official graduate student**
17 **governance structure, with the candidate nominated provided to the**
18 **Governor for consideration; and**

19 **“(ii) A voting member of the board.**

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

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

28 **“(B) The faculty member of the governing board shall be nominated**
29 **through an internal governance process held by the official faculty**
30 **senate, or similar official faculty governance structure or faculty un-**

1 ion at the university, with the candidate nominated provided to the
2 Governor for consideration. More than one candidate per member po-
3 sition on the governing board may be nominated under this subpara-
4 graph.

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

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

19 “(4) If the Governor elects not to appoint any of the candidates
20 nominated by an organization under subsection (2)(b) to (d) of this
21 section, the Governor or the Governor’s designee shall inform a rep-
22 resentative of the organization of the reason for the Governor’s deci-
23 sion.

24 “[3] (5) The president of the university shall be an ex officio nonvoting
25 member of the governing board.

26 “[4)(a)] (6)(a) Except as provided in paragraph (b) of this subsection, the
27 term of office for each appointed member of the governing board is four
28 years.

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

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

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

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

9 “[5] (7)(a) The faculty and nonfaculty staff members of the governing
10 board may not participate in any discussions or action by the board or attend
11 any executive session of the board involving collective bargaining issues that
12 affect faculty or nonfaculty staff at the university.

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

18 “[6] (8) The governing board shall select one of its members as chair-
19 person and another as vice chairperson for such terms and with duties and
20 powers as the board considers necessary for the performance of the functions
21 of those offices. The governing board shall adopt bylaws concerning how a
22 quorum is constituted and when a quorum is necessary.

23 “[7] (9) 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.

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

30 **“SECTION 2.** ORS 353.040 is amended to read:

1 “353.040. (1) There is established an Oregon Health and Science Univer-
2 sity Board of Directors consisting of [*nine*] **11** members. The directors, except
3 for the president of the university, shall be appointed by the Governor and
4 shall be confirmed by the Senate in the manner prescribed in ORS 171.562
5 and 171.565.

6 “(2)(a) **The term of office of each member described in subsection**
7 **(3)(a) of this section is four years.**

8 “(b) Except for the president of the university, the term of office of each
9 **member other than a member described in subsection (3)(a) of this**
10 **section** [*nonstudent member is four years. The term of office of the student*
11 *member*] is two years.

12 “(c) Before the expiration of the term of a member, the Governor shall
13 appoint a successor whose term begins on October 1 next following. A
14 member is eligible for reappointment for one additional term. If there is a
15 vacancy for any cause, the Governor shall make an appointment to become
16 effective immediately for the unexpired term. The board shall nominate a
17 slate of candidates whenever a vacancy occurs or is announced and shall
18 forward the recommended candidates to the Governor for consideration. To
19 assist the Governor in appointing the student member, the duly organized
20 and recognized entity of student government shall submit a list of nominees
21 to the Governor for consideration.

22 “(3) The membership of the board shall be as follows:

23 “(a) Seven representatives who, in the discretion of the Governor, have
24 experience in areas related to the university missions or that are important
25 to the success of Oregon Health and Science University, including but not
26 limited to higher education, health care, scientific research, engineering and
27 technology and economic and business development. **Representatives ap-**
28 **pointed under this paragraph shall be voting members of the board.**

29 “(b) One representative who is a student enrolled at the university. **The**
30 **student shall be a voting member of the board.**

1 **“(c) One representative who is a member of the faculty of the uni-**
2 **versity. The faculty member shall be a voting member of the board.**

3 **“(d) One representative who is a member of the nonfaculty staff of**
4 **the university. The nonfaculty staff member shall be a voting member**
5 **of the board.**

6 ~~“(c) (e)~~ The president of the university, who shall be an ex officio voting
7 member.

8 “(4) Directors must be citizens of the United States. [*Except for the*
9 *president of the university, no voting member may be an employee of the uni-*
10 *versity.*]

11 **“(5)(a) The faculty and nonfaculty staff members of the 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**
14 **that affect faculty or nonfaculty staff at the university.**

15 **“(b) The student member of the board may not participate in any**
16 **discussions or action by the board or attend any executive session of**
17 **the board involving collective bargaining issues that affect students**
18 **at the university.**

19 ~~“(5) (6)~~ The board shall select one of its members as chairperson and
20 another as vice chairperson for such terms and with such duties and powers
21 as the board considers necessary for performance of the functions of those
22 offices. The board shall adopt bylaws concerning how a quorum shall be
23 constituted and when a quorum shall be necessary.

24 ~~“(6) (7)~~ The board shall meet at least once every three months at Oregon
25 Health and Science University. The board shall meet at such other times and
26 places specified by the chairperson or by a majority of the members of the
27 board.

28 ~~“(7) (8)~~ The Governor may remove any member of the board at any time
29 for cause, after notice and public hearing, but not more than three members
30 shall be removed within a period of four years, unless it is for corrupt con-

1 duct in office.

2 **“SECTION 3. Section 4 of this 2023 Act is added to and made a part**
3 **of ORS 352.025 to 352.146.**

4 **“SECTION 4. (1) The governing board of each public university**
5 **listed in ORS 352.002 shall formally adopt policies that:**

6 **“(a) Provide the opportunity at all regularly scheduled meetings of**
7 **the governing board for live comments, made either in person or re-**
8 **motely;**

9 **“(b) Allow a representative from official student, faculty and non-**
10 **faculty staff governance organizations to provide comments or report**
11 **to the governing board at regularly scheduled meetings of the gov-**
12 **erning board;**

13 **“(c) Allow a representative from official campus labor organizations**
14 **to provide comments or report to the governing board at regularly**
15 **scheduled meetings of the governing board, if the representative has**
16 **requested the opportunity to provide comments or report to the board**
17 **in advance of the meeting;**

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

21 **“(e) Ensure that all members of the governing board are provided**
22 **with institutional electronic mail addresses;**

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

26 **“(g) Require ongoing reviews of the practices and policies of the**
27 **public university relating to transparency and access;**

28 **“(h) Require the inclusion and participation of faculty, nonfaculty**
29 **staff and student representatives when conducting the reviews de-**
30 **scribed in paragraph (g) of this subsection;**

1 “(i) Require that the governing board research and provide sub-
2 stantive responses to all complaints and concerns that are raised as
3 public comments at meetings of the governing board;

4 “(j) Memorialize the process for filling appointments to the gov-
5 erning board;

6 “(k) Require that when a vacancy on the governing board is ex-
7 pected:

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

12 “(B) The governing board will invite members of the public univer-
13 sity community to submit recommendations about the ideal charac-
14 teristics described in subparagraph (A) of this paragraph to the board;
15 and

16 “(C) That when the governing board notifies the Governor that
17 there will be a vacancy on the board, the board also communicates to
18 the Governor the ideal characteristics identified in subparagraphs (A)
19 and (B) of this paragraph; and

20 “(L) Require the governing board to:

21 “(A) Regularly conduct a self-evaluation; and

22 “(B) At each self-evaluation provide an opportunity for the univer-
23 sity community to provide written input or public testimony evaluat-
24 ing the work of the board.

25 “(2) No later than July 2 of each year, each public university listed
26 in ORS 352.002 shall submit a report in the manner provided by ORS
27 192.245 to the interim committees of the Legislative Assembly related
28 to higher education, detailing the degree to which the public univer-
29 sity has complied with:

30 “(a) Drafting the formal policies described in subsection (1) of this

1 section; and

2 “(b) Fulfilling the obligations contained in the policies described in
3 subsection (1) of this section.

4 “(3) The report prepared under subsection (2) of this section must
5 include input from representatives of faculty, nonfaculty staff and of-
6 ficial student governance organizations.

7 **“SECTION 5. The Higher Education Coordinating Commission shall:**

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

11 “(a) The work of governing boards; and

12 “(b) Higher education throughout Oregon.

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

16 “(3) Provide opportunities for newly appointed members of govern-
17 ing boards to receive training necessary to understand the duties, in-
18 cluding fiduciary duties, that members of governing boards have to
19 Oregon.

20 **“SECTION 6. This 2023 Act takes effect on the 91st day after the**
21 **date on which the 2023 regular session of the Eighty-second Legislative**
22 **Assembly adjourns sine die.”.**

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