

# House Bill 2612

Sponsored by Representative MCLAIN; Representatives EVANS, GAMBA, HUDSON, Senators CAMPOS, WOODS  
(at the request of Oregon Student Association) (Pre-session filed.)

## 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 **as introduced**.

Alters composition of governing boards of public universities by increasing number of student, faculty and nonfaculty staff members and requiring these members to be voting members of board. Establishes new appointment process for student, faculty and nonfaculty staff members.

Alters process Governor must follow before appointing other members of governing board of public university. Establishes selection committee for Governor's appointees that requires publicly available selection criteria for all appointed board positions to be publicly posted.

Establishes multiple oversight and assessment requirements for governing boards.

Declares emergency, effective on passage.

## A BILL FOR AN ACT

1  
2 Relating to governance structures at post-secondary institutions of education; creating new pro-  
3 visions; amending ORS 352.076, 352.084 and 352.096; and declaring an emergency.

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

5 **SECTION 1. Sections 2 to 4 of this 2023 Act are added to and made a part of ORS 352.025**  
6 **to 352.146.**

7 **SECTION 2. (1) The Governor, Higher Education Coordinating Commission and public**  
8 **universities listed in ORS 352.002 shall jointly establish criteria relating to the core skills**  
9 **that should be possessed by each individual the Governor appoints to a governing board un-**  
10 **der ORS 352.076.**

11 **(2) When deciding who to appoint to a governing board, the Governor must consider**  
12 **whether each potential candidate:**

13 **(a) Is an alumnus of the relevant public university;**

14 **(b) Has a connection to the campus community of the public university; and**

15 **(c) Would enhance the racial, gender, socioeconomic or other demographic diversity of**  
16 **the governing board.**

17 **(3) The Governor shall ensure that the criteria the Governor will use to select members**  
18 **of the governing board of each public university listed in ORS 352.002 are publicly available.**

19 **(4) The Governor shall establish a nonpartisan selection screening committee to assist**  
20 **the Governor in assessing and selecting the individuals the Governor appoints to governing**  
21 **boards under ORS 352.076. The screening committee established under this subsection shall**  
22 **seek to ensure:**

23 **(a) The high quality of individuals the Governor appoints to governing boards;**

24 **(b) The diversity of governing boards; and**

25 **(c) That statewide politics do not play a role in who the Governor appoints to governing**  
26 **boards.**

27 **(5) The Governor and commission shall jointly establish a training program that sets**

**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 forth best practices and responsibilities regarding public transparency and shared  
 2 governance between the governing board, public university administration, students enrolled  
 3 at the public university and faculty and nonfaculty staff employed by the public university.  
 4 Each new member of the governing board must complete the training program established  
 5 under this subsection within the first three months of the member's first term of office.

6 (6) At least one time per year, the commission shall assess the status of shared  
 7 governance principles at each public university listed in ORS 352.002. The commission shall  
 8 make the results of each assessment publicly available on the website of the commission.

9 **SECTION 3.** (1)(a) At each meeting of the governing board, the governing board shall:

10 (A) Allow for comments from the general public;

11 (B) Allow a representative from official student, faculty and nonfaculty staff organiza-  
 12 tions to each make a presentation or report to the board;

13 (C) Allow faculty and nonfaculty staff union representatives to each make a presentation  
 14 or report to the board; and

15 (D) Establish a designated time at which members of the faculty, nonfaculty staff and  
 16 student body may comment on any issue before the board.

17 (b) For each public comment or report made to the governing board under paragraph (a)  
 18 of this subsection, the governing board must:

19 (A) Provide a written response to the person who made the public comment or report;  
 20 or

21 (B) Schedule a meeting with the person who made the public comment or report.

22 (2) The governing board must hold at least two meetings per year with public university  
 23 stakeholder groups identified by the board, including but not limited to:

24 (a) Faculty and nonfaculty staff labor unions at the public university;

25 (b) Official faculty governance groups;

26 (c) Official nonfaculty staff governance groups; and

27 (d) The official student government.

28 (3) Each governing board must establish a governance committee for the governing  
 29 board. The governance committee established under this subsection must regularly update  
 30 best practices for the conduct of the governing board and shall conduct assessments of the  
 31 board at least two times per year. Assessments conducted under this subsection must:

32 (a) Be made publicly available on the website of the public university; and

33 (b) Be conducted with the participation of faculty and nonfaculty staff labor unions and  
 34 the official student government at the public university.

35 **SECTION 4.** Notwithstanding ORS 352.087 or any other provision of law:

36 (1) The Higher Education Coordinating Commission shall by rule establish a process that  
 37 permits any employee or enrolled student of a public university listed in ORS 352.002 to ap-  
 38 peal to the commission any decision made by the governing board of the public university.

39 (2) The commission may evaluate and overturn any decision made by the governing board  
 40 of a public university that was appealed under the process established under subsection (1)  
 41 of this section if the commission determines that doing so is necessary to further the goals  
 42 and mission of post-secondary education set forth in ORS 350.009 and 350.014 or to further  
 43 the legislative findings set forth in ORS 352.025.

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

45 352.076. (1) A governing board for a public university must be formed and maintained as pro-

1 vided in this section.

2 (2)(a) Except as provided in subsection (3) of this section, the [*Governor shall appoint all of*  
 3 *the*] 11 to 15 members of the governing board **shall be appointed in the manner provided in this**  
 4 **section**, subject to confirmation by the Senate in the manner provided in ORS 171.562 and 171.565.

5 (b) The governing board must include **two undergraduate students enrolled at the university**  
 6 **and one graduate student enrolled at the university** [*one person who is a student enrolled at the*  
 7 *university. The student shall be a voting member of the board*]. **The three student members of the**  
 8 **governing board shall be:**

9 (A) **Appointed through a direct election held by the official student government at the**  
 10 **public university, or similar official student governance structure; and**

11 (B) **Voting members of the board.**

12 (c)(A) The governing board must include [*one person who is a member*] **two people who are**  
 13 **members** of the faculty of the university and [*one person who is a member*] **two people who are**  
 14 **members** of the nonfaculty staff of the university.

15 (B) **The two faculty members of the governing board shall be:**

16 (i) **Appointed through a direct election held by the official faculty senate at the public**  
 17 **university, or similar official faculty governance structure; and**

18 (ii) **Voting members of the board.**

19 (C) [*For each appointment made under this paragraph, the Governor may appoint the person as*  
 20 *either a voting or nonvoting member of the governing board.*] **The two nonfaculty staff members**  
 21 **of the governing board shall be:**

22 (i) **Appointed through a direct election held by the official nonfaculty staff senate at the**  
 23 **public university, or similar official nonfaculty staff governance structure; and**

24 (ii) **Voting members of the board.**

25 (d) **The Governor shall appoint three to seven voting members of the governing board.**

26 (3) The president of the university shall be an ex officio nonvoting member of the governing  
 27 board.

28 (4)(a) [*Except as provided in paragraph (b) of this subsection,*] The term of office for each [*ap-*  
 29 *pointed*] member of the governing board **appointed by the Governor** is four years.

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

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

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

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

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

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

1       **(7) Each member of the governing board must have an official electronic mail address**  
 2 **that is publicly available and posted on the website of the public university.**

3       [(7)] (8) The governing board shall meet at least four times per year, and may meet at the call  
 4 of the chairperson or a majority of the voting members of the board.

5       **SECTION 6.** ORS 352.096 is amended to read:

6       352.096. (1)(a) In consultation with the Governor, or the Governor’s designee, the governing  
 7 board of a public university listed in ORS 352.002 shall appoint and employ a president of the uni-  
 8 versity.

9       (b) The governing board shall prescribe the president’s compensation and terms and conditions  
 10 of employment.

11       (2) The president of a public university listed in ORS 352.002 is the president of the faculty. The  
 12 president is also the executive and governing officer of the university, except as otherwise provided  
 13 by statute or action of the governing board. Subject to the supervision of the governing board, the  
 14 president of the university has authority to direct the affairs of the university.

15       (3) Except in the case of an interim or acting president, the hiring committee for the president  
 16 of a public university listed in ORS 352.002 shall:

17       **(a) Be formed by the governing board of the public university; and**

18       **(b) Include representatives of the university community, including at least one faculty mem-**  
 19 **ber, one member of the nonfaculty staff and one enrolled student,** and at least one other  
 20 president of a public university based in Oregon.

21       **(4) At least once each biennium, the governing board of a public university listed in ORS**  
 22 **352.002 shall conduct a comprehensive evaluation of the performance of the president of the**  
 23 **public university. The governing board shall ensure that the evaluation is finalized in a re-**  
 24 **port that is provided to the Governor, the Higher Education Coordinating Commission,**  
 25 **campus shared governance organizations and campus labor organizations.**

26       [(4)] (5) The governing board of a public university listed in ORS 352.002 is responsible for the  
 27 reappointment or removal of the president of the university.

28       [(5)] (6)(a) A public university listed in ORS 352.002 may appoint and employ any instructional,  
 29 administrative, professional, trade, occupational and other personnel as are necessary or appropriate  
 30 and establish their compensation and terms and conditions of employment, subject to the limitations  
 31 set forth in ORS 352.124 (1) and (2).

32       **(b) Notwithstanding paragraph (a) of this subsection, if the public university or governing**  
 33 **board hires or appoints a secretary to staff or advise the governing board, the board secre-**  
 34 **tary may not also be employed as a member of the administration of the public university.**

35       **SECTION 7.** ORS 352.084 is amended to read:

36       352.084. Notwithstanding the term of office specified in ORS 352.076, the term of a member ap-  
 37 pointed to a governing board by the Governor may be adjusted so that one-half, as nearly as possi-  
 38 ble, of the members of the board **appointed by the Governor** are appointed biennially.

39       **SECTION 8. (1) The amendments to ORS 352.076 by section 5 of this 2023 Act that relate**  
 40 **to appointing members of the governing board of a public university listed in ORS 352.002**  
 41 **apply to appointments made on or after the effective date of this 2023 Act. In making ap-**  
 42 **pointments on or after the effective date of this 2023 Act for a vacancy on the governing**  
 43 **board for a position other than a student, faculty or nonfaculty staff member:**

44       **(a) The first vacancy shall be filled with an undergraduate student member;**

45       **(b) The second vacancy shall be filled with a graduate student member;**

1 (c) The third vacancy shall be filled with a faculty member; and

2 (d) The fourth vacancy shall be filled with a nonfaculty staff member.

3 (2) Each public university listed in ORS 352.002 shall work with the official student gov-  
4 ernment, official faculty senate and official nonfaculty staff senate at the public university,  
5 or similar official governance structures, to ensure that these groups are able to effectively  
6 conduct direct elections of members to governing boards in the manner required by ORS  
7 352.076, as amended by section 5 of this 2023 Act.

8 (3) The amendments to ORS 352.096 by section 6 of this 2023 Act that relate to the hiring  
9 or appointment of a secretary for the governing board of a public university listed in ORS  
10 352.002 apply 91 days after the effective date of this 2023 Act.

11 **SECTION 9.** This 2023 Act being necessary for the immediate preservation of the public  
12 peace, health and safety, an emergency is declared to exist, and this 2023 Act takes effect  
13 on its passage.

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