

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) Except as provided in subsection [(3)] **(5)** of this section, the Gov-
9 ernor shall appoint all of the 11 to 15 members of the governing board, sub-
10 ject to confirmation by the Senate in the manner provided in ORS 171.562
11 and 171.565.

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

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

1 **“(C) The undergraduate student members of the governing board**
2 **shall be nominated through an internal governance process held by the**
3 **official student government, or similar official student governance**
4 **structure, with the candidates nominated provided to the Governor for**
5 **consideration.**

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

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

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

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

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

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

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

23 **“(B) The faculty member of the governing board shall be nominated**
24 **through an internal governance process held by the official faculty**
25 **senate, or similar official faculty governance structure or faculty un-**
26 **ion at the university, with the candidate nominated provided to the**
27 **Governor for consideration.**

28 **“(C) The nonfaculty staff member of the governing board shall be**
29 **nominated through an internal governance process held by the official**
30 **nonfaculty staff senate, or similar official nonfaculty staff governance**

1 structure or nonfaculty staff union at the university, with the candi-
2 date nominated provided to the Governor for consideration.

3 “(3)(a) If the individuals required to be nominated under subsection
4 (2)(b) to (d) of this section are represented by multiple organizations,
5 the organizations shall use best efforts to reach agreement on a single
6 nominee per member position of the governing board. If the organ-
7 izations cannot agree on a single candidate for a member position on
8 the governing board, each organization may select a candidate to be
9 nominated.

10 “(4)(a) The secretary of the governing board shall transmit all
11 nominations that are made under subsection (2)(b) to (d) of this sec-
12 tion to the Governor.

13 “(b) If the Governor elects not to appoint one or more of the can-
14 didates nominated by an organization under subsection (2)(b) to (d) of
15 this section, the Governor or the Governor’s designee shall:

16 “(A) Meet with a representative or representatives of the organiza-
17 tion in advance of the Senate’s confirmation of the Governor’s ap-
18 pointee; and

19 “(B) Inform the representative or representatives of the reason for
20 the Governor’s decision.

21 “[3] (5) The president of the university shall be an ex officio nonvoting
22 member of the governing board.

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

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

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

30 “(d) The Governor may remove any appointed member of the governing

1 board at any time for cause, after notice and public hearing, but may not
2 remove more than three members within a period of four years, unless it is
3 for corrupt conduct in office.

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

6 “[5] (7) The faculty and nonfaculty staff members of the governing board
7 may not participate in any discussions or action by the board or attend any
8 executive session of the board involving collective bargaining issues that
9 affect faculty or nonfaculty staff at the university.

10 “[6] (8) The governing board shall select one of its members as chair-
11 person and another as vice chairperson for such terms and with duties and
12 powers as the board considers necessary for the performance of the functions
13 of those offices. The governing board shall adopt bylaws concerning how a
14 quorum is constituted and when a quorum is necessary.

15 “[7] (9) The governing board shall meet at least four times per year, and
16 may meet at the call of the chairperson or a majority of the voting members
17 of the board.

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

19 “353.040. (1) There is established an Oregon Health and Science Univer-
20 sity Board of Directors consisting of [nine] 11 members. The directors, except
21 for the president of the university, shall be appointed by the Governor and
22 shall be confirmed by the Senate in the manner prescribed in ORS 171.562
23 and 171.565.

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

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

30 “(c) Before the expiration of the term of a member, the Governor shall

1 appoint a successor whose term begins on October 1 next following. A
2 member is eligible for reappointment for one additional term. If there is a
3 vacancy for any cause, the Governor shall make an appointment to become
4 effective immediately for the unexpired term. The board shall nominate a
5 slate of candidates whenever a vacancy occurs or is announced and shall
6 forward the recommended candidates to the Governor for consideration. To
7 assist the Governor in appointing the student member, the duly organized
8 and recognized entity of student government shall submit a list of nominees
9 to the Governor for consideration.

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

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

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

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

21 “(d) **One representative who is a member of the nonfaculty staff of**
22 **the university. The nonfaculty staff member shall be a voting member**
23 **of the board.**

24 “[c)] (e) The president of the university, who shall be an ex officio voting
25 member.

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

29 “(5) **The faculty and nonfaculty staff members of the board may not**
30 **participate in any discussions or action by the board or attend any**

1 **executive session of the board involving collective bargaining issues**
2 **that affect faculty or nonfaculty staff at the university.**

3 “[5] (6) The board shall select one of its members as chairperson and
4 another as vice chairperson for such terms and with such duties and powers
5 as the board considers necessary for performance of the functions of those
6 offices. The board shall adopt bylaws concerning how a quorum shall be
7 constituted and when a quorum shall be necessary.

8 “[6] (7) The board shall meet at least once every three months at Oregon
9 Health and Science University. The board shall meet at such other times and
10 places specified by the chairperson or by a majority of the members of the
11 board.

12 “[7] (8) The Governor may remove any member of the board at any time
13 for cause, after notice and public hearing, but not more than three members
14 shall be removed within a period of four years, unless it is for corrupt con-
15 duct in office.

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

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

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

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

27 **“(c) Allow a representative from official campus labor organizations**
28 **to provide comments or report to the governing board at regularly**
29 **scheduled meetings of the governing board, if the representative has**
30 **requested the opportunity to provide comments or report to the board**

1 **in advance of the meeting;**

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

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

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

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

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

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

18 **“(j) Memorialize the process for filling appointments to the gov-**
19 **erning board;**

20 **“(k) Require that when a vacancy on the governing board is ex-**
21 **pected:**

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

26 **“(B) The governing board will invite members of the public univer-**
27 **sity community to submit recommendations about the ideal charac-**
28 **teristics described in subparagraph (A) of this paragraph to the board;**
29 **and**

30 **“(C) That when the governing board notifies the Governor that**

1 there will be a vacancy on the board, the board also communicates to
2 the Governor the ideal characteristics identified in subparagraphs (A)
3 and (B) of this paragraph; and

4 “(L) Require the governing board to:

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

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

9 “(2) No later than July 2 of each year, each public university listed
10 in ORS 352.002 shall submit a report in the manner provided by ORS
11 192.245 to the interim committees of the Legislative Assembly related
12 to education, including the subcommittee of the Joint Committee on
13 Ways and Means with authority over education, detailing the degree
14 to which the public university has complied with:

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

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

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

22 “SECTION 5. The Higher Education Coordinating Commission shall:

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

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

27 “(b) Education throughout Oregon.

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

1 **“(3) Provide opportunities for newly appointed members of govern-**
2 **ing boards to receive training necessary to understand the duties, in-**
3 **cluding fiduciary duties, members of governing boards have to Oregon.**

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

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