

February 6, 2024

House Committee on Higher Education
Representative John Lively, Chair
Representative Emily McIntire, Vice-Chair
Representative Ricki Ruiz, Vice-Chair

RE: HB 4125, related to studying university governance structure

Dear Representative Lively and members of the committee:

My name is Julie Manning. I am a resident of Corvallis and serve on the board of trustees for Oregon State University. I also participated on the 2022 University Governance Work Group convened by Senator Dembrow and resulted in SB 273.

Thank you for the opportunity to provide written testimony on HB 4125. I believe that the current university governing system is working well. Oregon State University strives to be open, inclusive, transparent, and accountable. I also recognize that we should always be looking for ways to improve. I believe that is what Oregon's governing boards have been doing and in partnership with the legislature.

In 2021, the state commissioned a review of Oregon's university governance system. The Association of Governing Boards (AGB) conducted the study and presented their [results](#) to the Senate Education Committee.

AGB noted that Oregon is one of 17 other states with similar university-based governance structures. To assess conditions in Oregon, AGB conducted small group and individual interviews, virtual listening sessions, receipt of written comments, an inventory of board outreach and engagement processes, and review of all university Board bylaws. Participants in the nearly 70 interviews included:

- Legislators
- HECC Executive Director and Board Chair
- Governor's Office
- Oregon Student Association
- Student Body Presidents
- Faculty Senate Presidents or Chairs from all universities
- Staff Senate Presidents or Chairs from all universities with a staff organization
- Union Representatives from all unions at all universities
- Presidents from all universities
- Board Chairs from all university boards
- Board Secretaries from all universities

At OSU, we welcomed the opportunity to meet with AGB representatives and appreciate the work conducted that allowed all voices to be heard.

In summary of the interviews, the report states:

The State's decision to dissolve the Oregon University System and the State Board of Higher Education and create individual boards of trustees for each of the seven universities is seen as a positive development. A significant majority of those interviewed provided unqualified support for an individual board that understands and addresses the challenges and opportunities unique to its own university and university community. Some noted the ability of their university to move more quickly under independent governance to devote needed resources to combat the COVID-19 pandemic.

The general conclusion is that the boards are much better in terms of public access and transparency than the prior Board of Higher Education even though there are some criticisms. Many interviews included comments such as this: "The system was removed from the work of the universities. Now, we have regular interactions with faculty, staff, and students. And we have a greater connection to the campus and what matters." Similar statements were made in the listening sessions and written comments.

The report also identified areas for improvement in Board practices such as more systematically identifying and understanding best practices. Those recommendations and others for the universities, the HECC, and for the legislative and executive branch can be found on page 18 of the report.

Following receipt of the AGB report, Sen. Dembrow convened a work group of interested parties, on which I participated. It also included Rep. McLain and Sen. Frederick. Several of the concepts from the AGB report were ultimately incorporated into SB 273 that passed in 2023. It made significant changes to university Board membership and practices. Public universities need to report by July 2, 2024 to the Legislature on the adoption of the required policy changes after gaining input from representatives of official student, faculty and non-faculty staff organizations.

More specifically, SB 273:

1) Changed Board membership

- By codifying that student, faculty, and staff Board members are voting members of the Board,
- Adding a graduate student to the Board if the university has over 400 graduate students or they comprise over 15% of students, and

- Splitting the one undergraduate student Board member into two positions with one voting and one shadowing the other before they assume voting membership
- 2) Modifies the nominating process for faculty, staff, and student Board members. While all Board members are Governor-appointed and Senate-approved,
- Faculty: Nominated by official faculty senate, or similar official faculty governance structure or faculty union at the university. Coordination of multiple groups is encouraged.
 - Non-faculty Staff: Nominated by official nonfaculty staff senate, or similar official non-faculty staff governance structure or non-faculty staff union at the university. Coordination of multiple groups is encouraged.
 - Undergraduate Students (2): Nominated through an internal governance process held by the official student government, or similar official student governance structure.
 - Graduate Student: Nominated through an internal governance process held by the official graduate student governance structure, or similar official graduate student governance structure, or the official graduate student union.
- 3) Requires governing boards to formally adopt policies that:
- Provide faculty, staff, and unions designated time to present to the Board,
 - List Board members' public emails,
 - Ensure faculty, staff, and students are included in the Presidential hiring process,
 - Require Boards to conduct self-evaluations,
 - Require a response to public questions by a designee of the Board, and
 - Publicly share key characteristics being sought in replacements for vacant board positions.
- 4) Directs the Higher Education Coordinating Commission (HECC) to:
- Provide regular opportunities for members of governing boards from all public universities listed to meet and discuss issues related to the work of governing boards and higher education throughout Oregon,
 - Provide opportunities for members of governing boards to meet with HECC commissioners and members of the boards of education of community college districts,
 - 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.

The OSU Board of Trustees has been following these reviews, recommendations and statutory changes closely and is incorporating the appropriate recommendations and requirements into our operations. I should also add that many of the elements of the AGB recommendations and SB 273 were items the OSU Board of Trustees already had in policy or in practice.

I recognize that the state wants to ensure that the University Boards are performing well. You can be assured that over the last two years the state has conducted a close review of, and made significant changes to, public university governance. While the impact of those changes plays out, we do not believe additional study of the kind required by HB 4125 is merited.

I can tell you from my own personal experience, that these Boards are made up of volunteers who are passionate and committed to fulfilling the core mission of all our institutions: providing students with the opportunity and ability to achieve an education. And we are always interested in improving practices and serving students and would be happy to have further conversations to that end.

Thank you,

A handwritten signature in black ink that reads "Julie Manning". The signature is written in a cursive, flowing style.

Julie Manning