

# House Bill 2695

Sponsored by Representatives HUDSON, FRAGALA; Senator CAMPOS (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**. The statement includes a measure digest written in compliance with applicable readability standards.

Digest: The Act directs the OHSU board to include certain people in the process to hire a president. The Act directs the board to let campus union representatives talk to the board. (Flesch Readability Score: 62.8).

Requires the Oregon Health and Science University Board of Directors to include specified individuals in the search and hiring committees for a president of the university. Requires the board to allow a representative from campus labor organizations to communicate with the board upon the representative's request.

## A BILL FOR AN ACT

1  
2 Relating to duties of the Oregon Health and Science University Board of Directors; amending ORS  
3 353.050 and 353.060.

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

5 **SECTION 1.** ORS 353.060 is amended to read:

6 353.060. (1) The Oregon Health and Science University Board of Directors shall appoint a  
7 president of the university.

8 (2) **Except in the case of an interim or acting president, the hiring committee for the**  
9 **president of the university shall include representatives of the university community and at**  
10 **least one president of a public university listed in ORS 352.002.**

11 (3) The president is the president of the faculty and is the executive and governing officer of  
12 the university. Subject to the supervision of the board, the president has authority to direct the af-  
13 fairs of the university.

14 **SECTION 2.** ORS 353.050 is amended to read:

15 353.050. Except as otherwise provided in this chapter, the Oregon Health and Science University  
16 Board of Directors, or university officials acting under the authority of the board, shall exercise all  
17 the powers of the Oregon Health and Science University and shall govern the university. In carrying  
18 out its powers, rights and privileges, the university shall be a governmental entity performing gov-  
19 ernmental functions and exercising governmental powers. The university or the board may either  
20 within or outside the state:

21 (1) Determine or approve policies for the organization, administration and development of the  
22 university.

23 (2) Appoint and employ any instructional, administrative, professional, trade, occupational and  
24 other personnel as are necessary or appropriate to carry out the missions of the university, and  
25 prescribe their compensation and terms of office or employment.

26 (3) Make any and all contracts and agreements, enter into any partnership, joint venture or  
27 other business arrangement, create and participate fully in the operation of any business structure,  
28 including but not limited to the development of business structures for health care delivery systems

**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 and networks with any public or private government, nonprofit or for-profit person or entity that in  
2 the judgment of the university or the board is necessary or appropriate to carry out the university's  
3 missions and goals.

4 (4) Acquire, purchase, receive, hold, control, convey, sell, manage, operate, lease, license, lend,  
5 invest, improve, develop, use, dispose of and hold title to real and personal property of any nature,  
6 including intellectual property, in its own name.

7 (5) Sue in its own name and be sued, plead and be impleaded in all actions, suits or proceedings  
8 in any forum brought by or against it by any and all private or state, local, federal or other public  
9 entities, agencies or persons.

10 (6) Encourage gifts and donations for the benefit of the university, and subject to the terms of  
11 the gift, retain, invest and use such gifts as deemed appropriate by the university or the board.

12 (7) Acquire, receive, hold, keep, pledge, control, convey, manage, use, lend, expend and invest  
13 all funds, appropriations, gifts, bequests, stock and revenue from any source to the university.

14 (8) Borrow money for the needs of the university, in such amounts and for such time and upon  
15 such terms as may be determined by the university or the board.

16 (9) Erect, construct, improve, develop, repair, maintain, equip, furnish, lease, lend, convey, sell,  
17 manage, operate, use, dispose of and hold title to buildings, structures and lands for the university.

18 (10) Purchase any and all insurance, operate a self-insurance program or otherwise arrange for  
19 the equivalent of insurance coverage of any nature and the indemnity and defense of its officers,  
20 agents and employees or other persons designated by the university to carry out or further the  
21 missions of the university.

22 (11) Create, develop, supervise, control and adopt academic programs, including standards,  
23 qualifications, policies or practices relating to admissions, curriculum, academic advancement,  
24 grading policy, student conduct, credits and scholarships and the granting of academic degrees,  
25 certificates and other forms of recognition.

26 (12) Authorize, create, eliminate, establish, operate, reorganize, reduce or expand any program,  
27 school, institute, health care facility or other unit of operation.

28 (13) Establish, charge, collect and use charges for enrollment into the university, including  
29 charges such as tuition for education and general services, incidental fees and such other charges  
30 found by the university to be necessary to carry out its educational programs. Fees realized in ex-  
31 cess of amounts allocated and exceeding required reserves shall be considered surplus incidental  
32 fees and shall be allocated for programs under the control of the board and found to be advanta-  
33 geous to the cultural or physical development of students of the university upon the recommendation  
34 of the recognized student government of the university.

35 (14) Establish, charge, collect and use charges and fees for university services and the use of  
36 university facilities.

37 (15) Impose charges, fines, fees and such other regulations considered convenient or necessary  
38 to control and regulate traffic and parking of vehicles to the same extent allowed governing boards  
39 of public universities listed in ORS 352.002. This authority includes the authority to enforce the  
40 regulations of the university in a court to the extent allowed the governing board of a public uni-  
41 versity listed in ORS 352.002 in ORS 352.118.

42 (16) Enforce and recover for payment to the university any fines that are authorized by this  
43 chapter.

44 (17) Adopt, amend or repeal bylaws, administrative rules, regulations and orders applicable to  
45 the matters that are the subject of this chapter.

1 (18) Contract with any state agency for the performance of such duties, functions and powers  
 2 as is appropriate. A state agency shall not charge the university for such services an amount that  
 3 is greater than the actual cost of the services.

4 (19) Purchase, receive, subscribe for or otherwise acquire, own, hold, vote, use, sell, mortgage,  
 5 lend, pledge, invest in or otherwise dispose of and deal in or with the shares, stock or other equity  
 6 or interests in or obligations of any other entity. Separate funds may be established for such in-  
 7 vestments. The State of Oregon shall have no proprietary or other interest in such investments or  
 8 such funds.

9 (20) Make available, by lease or otherwise, or control access to any health care facilities or  
 10 services or other of its properties and assets to such persons, firms, partnerships, associations or  
 11 corporations and on such terms as considered appropriate, charge and collect rent or other fees or  
 12 charges therefor and terminate or deny any such access or any such lease or other agreement for  
 13 such reasons as considered appropriate and as may be consistent with its obligations under any such  
 14 lease or other agreement.

15 (21) Contract for the operation of any department, section, equipment or holdings of the uni-  
 16 versity and enter into any agreements with any person, firm or corporation for the management by  
 17 said person, firm or corporation on behalf of the university of any of its properties or for the more  
 18 efficient or economical performance of clerical, accounting, administrative and other functions re-  
 19 lating to its health care facilities.

20 (22) Select and appoint faculty as medical and dental staff members and others licensed to  
 21 practice the healing arts, delineate and define the privileges granted each such individual, adopt and  
 22 direct a plan for faculty clinical income and set the terms and conditions of that plan (including  
 23 such modifications to any such existing plan as considered necessary or appropriate upon expiration  
 24 of the term of such plan), and determine the extent to which and the terms upon which each such  
 25 individual may provide teaching, research, consulting or other services at the university or any  
 26 other health care facility.

27 (23) Enter into affiliation, cooperation, territorial, management or other similar agreements with  
 28 other public or private universities or health care providers for the sharing, division, allocation or  
 29 furnishing of services on an exclusive or a nonexclusive basis, referral of patients, management of  
 30 facilities, formation of health care delivery systems and other similar activities.

31 (24) Perform any other acts that in the judgment of the board or university are requisite, nec-  
 32 essary or appropriate in accomplishing the purposes described in or carrying out the powers granted  
 33 by this chapter.

34 (25) Exercise these powers, notwithstanding that as a consequence of the exercise of such pow-  
 35 ers, the university engages in activities that might otherwise be deemed anticompetitive within the  
 36 contemplation of state or federal antitrust laws.

37 **(26) Require the inclusion of at least one faculty member, one nonfaculty staff member**  
 38 **and one member of the student body as part of a presidential search committee.**

39 **(27) Allow a representative from official campus labor organizations to provide comments**  
 40 **or report to the governing board at regularly scheduled meetings of the governing board if**  
 41 **the representative has requested the opportunity to provide comments or report to the board**  
 42 **in advance of the meeting.**

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