

**Date:** February 25th, 2025

**To:** House Committee on Higher Education and Workforce Development

**From:** Andrew Ducharme, AFT-Oregon & GTFF

**Re:** Support for HB 3213: Public University Foundation Sunshine Act

Chair Hudson, Vice Chair Fragala, Vice Chair Harbick, and members of the House Higher Education Committee,

For the record, my name is Andrew Ducharme. I am a graduate student studying physics at the University of Oregon, and an ASUO Senator representing half the graduate student body at UO. I'm honored to speak today on behalf of AFT-Oregon, which represents 18,000 education workers across the state, in support of HB 3213: the Public University Foundation Sunshine Act.

I am deeply passionate about this bill and issue because it simply doesn't make sense to me that public university foundations, which hold and disburse money donated to a public university for the use of a public university, are not themselves public institutions in this state. The foundations exist for the benefit of public universities, and thus should be subject to the responsibilities of holding the public's trust.

Today, public university foundations in Oregon do not respond to public records requests, citing their independence as distinct 501(c)(3) charities. As a consequence, we do not know the "gift letters," or the restrictions set on donations. The vast majority of foundation funds, including 97% of those held by the UO and Oregon State University Foundations, have specific conditions on what they can be spent on. These gift conditions steer the direction of the public universities, but the current state of public records law means that not only are students, faculty, and staff completely cut out of the decision-making process, but we don't even know what the final decision is.

This is unacceptable, not only for a desire for transparency and shared governance, but because university, and university foundation, operations are so strongly intertwined that foundations should be considered public bodies nonetheless. The foundations of Eastern, Western, and Southern Oregon Universities and of Oregon Tech all have their webpages hosted on their universities' website, and their employees use university .edu emails. The OHSU Foundation is the only foundation in the state with solely off-campus offices, but even they are partially covered by the university's insurance. Western Oregon University pays for its foundation's "office facilities, telephone, utilities," and all personnel costs. The PSU and UO Foundations both control subsidiaries they formed to acquire property for, then rent back to, the universities. And since 2020, five UO Foundation subsidiaries have shut down and transferred all their remaining property—not to their sole owner on paper, the Foundation—but directly to the University.

However, without a strong precedent in Oregon law on the public nature of the foundations, they currently refuse to disclose information. The best solution, one taken by our neighbors in California, Washington, and Nevada, other states like Georgia, Virginia, and Tennessee, and as

we are proposing with HB 3213, is for the state legislature to explicitly define public university foundations as public bodies.

When you read this bill, its second section, which standardizes financial reporting, contains considerably more text than the first. But make no mistake: the bill's heart is Section 1. Legally, the public nature of Oregon's public university foundations is currently murky. But the foundations, with a deeply symbiotic relationship with the public universities, combined with their fiduciary duty on behalf of a state institution, should be held to the same standards as any public body. That's exactly what the Foundation Sunshine Act will do.

Thank you, and please support HB 3213 with the -1 Amendment.