



House Committee On Higher Education and Workforce Development

HB 3213

Tuesday, February 25, 2025

Ken Fincher, Executive Director, Oregon Tech Foundation

Chair Hudson, Vice Chair Fragala, Vice Chair Harbick, and members of the committee, my name is Dr. Ken Fincher. I am from Klamath Falls, representing the Oregon Institute of Technology Foundation, and I am here in opposition to HB 3213.

Thank you for the opportunity to speak with you today. I want to begin my remarks by expressing my appreciation for the support provided to higher education in Oregon. I serve as the Vice President of University Advancement and as the Executive Director of the Oregon Tech Foundation.

As a career not-for-profit professional with 39 years of experience, 2 graduate degrees related to non-profit leadership and philanthropy, and a former certified fundraising professional, I have extensive experience and knowledge in fundraising, donor relations, stewardship, and reporting. At the Oregon Tech Foundation, I am fortunate to work with a small but mighty advancement staff, an amazing group of volunteers, and our generous and loyal donors. The Oregon Tech Foundation is grateful for these committed people who advocate daily for Oregon Tech students.

It is on their shoulders that I speak to you today regarding HB 3213. Not-for-profit entities such as the Oregon Tech Foundation hold sacrosanct our trust with donors. We adhere to numerous professional and ethical standards, including the Donor Bill of Rights, our Gift Acceptance Policy, our Investment Policy, Donor Database security, Conflict of Interest Policies, our promise of anonymity for people who ask for their gifts to be anonymous, and other such policies and procedures. We register each year with the Secretary of State, we produce our federal 990 form, and we provide donor reports for their tax statements, gift receipts and produce gift agreements or memorandum of understanding for our donors. In short, much of the requested information is already available. Why is all donor information not made public? It is the donor's right and privilege to share that information, not ours.

In this proposed legislation, university foundations are singled out from all other foundations of like kind. To members of our foundation board, this appears to be unequal treatment under the law. To my knowledge, there is no empirical evidence that university foundations operate with a lack of transparency. If passed, we imperil the precious donor dollars that foundations receive, especially small foundations like the Oregon Tech Foundation; we will have to dedicate even more of our financial and human resources to redundant accounting and reporting. Time and resources better spent obtaining additional donations that will directly help students.

According to the Oregon Attorney General’s Office, Oregon’s public records laws are intentionally and fully focused on access to government activities and records, not the activities of private entities. Quoting from the AG’s 2024 Public Records and Meetings Manual:

“Oregon’s public records and meetings laws establish a simple expectation: that its government will be transparent to its people. Government records are available to the public, and governing entities of public bodies must deliberate and make decisions in the open. Oregon’s Attorneys General have long recognized that this transparency is vital to a healthy democracy. Public scrutiny helps ensure that government spends tax dollars wisely and works for the benefit of the people.

HB3213 confuses and conflates the well-founded purposes of ensuring public access to government documents (providing transparency regarding the actions of elected and appointed government officials) with providing unprecedented access to the documents of private corporations and entities such as the Oregon Tech Foundation.

HB3213 questionably combines public records disclosure requirements, i.e., the right of the public to request government documents, with many other unprecedented and unnecessary mandatory reporting requirements for private foundations.

In summary, this bill severely lacks protection of donor information and will most likely significantly negatively affect donations. The potential misuse of donor information is real, and people with nefarious intentions may consider these reports as an invitation to exploit their content.

The chilling effect to donors that this bill will have is real; particularly in small and rural communities where the donor base is small. The Identity of donors and amounts donated as proposed by HB 3213 will be thinly disguised if the additional reporting proposed by HB 3213 is required. Donors will think twice before donating money for scholarships, research, capital projects and the like and will fear that donating money could draw to them unwelcome attention and open them up to scamming and other nefarious activities that are a real and growing danger.

In summary, as a small university foundation, we urge you to reconsider the scope of reporting requirements already required of all 501© (3) foundations, the financial impact of the proposed additional reporting requirements, especially on small foundations. The Oregon Tech Foundation Board stands opposed to HB3213 and we appreciate the opportunity to express these views with you today.

Respectfully submitted by:

Dr. Ken L. Fincher

Executive Director of the Oregon Tech Foundation