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A Oregon Public Universities Presidents' Council

Purpose, Organization, and Functions

Purpose of the Presidents' Council

The Oregon Public Universities Presidents' Council is a collaborative body that supports statewide focus and partnership among the institutions. The Presidents' Council is not a governing body. It is formed to provide a forum for communication among the public university presidents, provosts, vice-presidents and other officials of the universities, to avoid unnecessary duplication of efforts, and ensure effective sharing of knowledge, best practices and advocacy.

The Presidents' Council key functions include:

- Discussing information provided by the Provosts, Vice Presidents, and other public university officials.
- Discussing and coordinating budget and capital requests for submission to the Higher Education Coordinating Commission (HECC).
- Monitoring and discussing proposed and pending state and federal legislation, providing information to campuses, and developing common communications related to policy positions.
- Fostering strong relationships among the public universities to advocate together on behalf of Oregon's publicly-assisted universities.
- Sharing information and best practices to achieve strong institutional performance, effective governance, and public accountability;

- Convening, as needed, diverse stakeholders to work collaboratively with the public universities to ensure optimal educational, social, and economic development;
- Appointing (formally) the Provosts' Council, Administrative Council, Legislative Advisory Council and other coordinating entities as needed.

Membership

Presidents of University of Oregon, Portland State University, Oregon State University, Eastern Oregon University, Western Oregon University, Southern Oregon University, Oregon Institute of Technology, and OHSU.

The convener of the Presidents' Council will rotate every two years. The primary role of the convener will be to convene and facilitate meetings of the Presidents' Council and serve as the point person for communication with the Provosts' Council and other advisors appointed by the Presidents' Council on developing agendas and discussion items for meetings.

Operations

The Provosts' Council will coordinate advisory groups on behalf of the Presidents' Council.

Staffing for the Presidents' Council will be provided through the convener's staff.

Provosts' Council

Purpose of the Provosts' Council

The Oregon public universities Provosts' Council is a collaborative body that supports statewide academic focus and academic partnerships among the institutions and derives its authority from the Presidents' Council. It provides a forum of communication among the public university provosts and ensures effective sharing of knowledge and best practices.

The charge of the Provosts' Council includes the following:

1. The Provosts' Council reports to the Chair of the Presidents' Council. In this capacity, the Provosts' Council will consider, and where appropriate, provide policy advice to the Chair of the Presidents' Council regarding questions and concerns that affect national and statewide education and research initiatives.
2. As delegated by the Presidents' Council, the Provosts' Council will serve as an academic liaison group for the Oregon public universities. The executive director or the chair of the Higher Education Coordination Commission (HECC) may seek advice from the Provosts' Council regarding: (a) a proposed new undergraduate or graduate degree program, and (b) a proposed new location for an existing degree program. The HECC executive director or chair may also seek advice from the Provosts' Council on other matters relevant to educational standards which may require coordination with the community colleges and the public universities.
3. The Provosts' Council will organize advisory groups on behalf of the President's Council. The Provosts' Council will engage with the Administrative Council and the Legislative Advisory Council on funding and legislative issues and provide advice on appropriate issues to

the Presidents' Council. The Provosts' Council is responsible for charging other groups to address specific issues, as appropriate, for the provision of advice to the Presidents' Council or the executive director or chair of the HECC.

4. Nothing in this charge precludes other activities by the Provosts' Council.

Council Membership and Operations

1. Membership of the Council shall be comprised of the provosts (or their designees) of Eastern Oregon University, Oregon Health & Science University, Oregon Institute of Technology, Oregon State University, Portland State University, Southern Oregon University, University of Oregon, and Western Oregon University.
2. The chair of the Provosts' Council will be selected consistent with the Presidents' Council Charge.
3. The chair shall be responsible for the operation of the Provosts' Council including setting meeting agendas, scheduling, convening, and chairing, and communicating the advice and recommendations of the Council to the chair of the Presidents' Council or the executive director or chair of the HECC.
4. The Council will hold meetings on a regular basis. The chair will call for agenda items from the members well in advance of a previously scheduled meeting. The chair may call other meetings.
5. Representatives of HECC and the IFS have standing invitations to attend meetings of the Provosts' Council.
6. Staffing for the Provosts' Council and Presidents' Council will be provided under a shared services model.

B Federal Legislative Agenda

Support Smart Grid Workforce Development Report Language in FY 2015 Appropriations

In an October 2012 report prepared by the Electricity Advisory Committee on Recommendations on Electricity Workforce, a finding by the North American Electric Reliability Corporation explains that electricity reliability is in large part dependent upon the workforce and that reliability is at risk if the workforce lacks the necessary skills and knowledge. Furthermore, the report notes that the success of grid modernization will require a well-trained, professional workforce to build, operate, and secure it, as well as discover and implement innovations.

Funding would facilitate electric power and smart grid curriculum and degree development at the bachelor's and master's levels, building the employer base for graduates with more undergraduate and graduate internships, and creating a broader outreach to companies in the energy industry and other industries that are highly energy-dependent.

Support Rural Healthcare Workforce Development Report Language in FY 2015 Appropriations

Rural Americans experience higher rates of chronic disease, disability, and mortality as well as inequities in access to health services, including preventive care. The need to understand the dynamics of the demand for and supply of health care providers in the nation has never been greater. The ability of state and federal health reforms to meet the goals of better health, better care and lower costs will depend in large part on the health care workforce and its capacity to meet the

increase in demand for health services that is likely to accompany expansions in health insurance coverage. At the same time, health care delivery models are being substantially reconsidered and redesigned. Rural communities, that already experience large shortages of primary care health care providers, will face the greatest challenges as they respond to a growing demand for services.

The Committee agrees that a skilled healthcare workforce, that is geographically distributed to meet the needs of the nation's rural communities, is vitally important to controlling the cost of healthcare delivery, and increasing access to high-quality preventative care. Efforts must be supported to increase the capacity of educational institutions to educate more primary and allied care providers, such as Physicians, Nurse Practitioners, Physical Therapists, and Occupational Therapists, that can extend care into rural communities. Support is needed to leverage existing high-quality healthcare education programs and centers of expertise, and to form partnerships that can enable more rural residencies, training in rural communities, and recruitment of underrepresented students from rural communities to fill these needs.

Support funding for the STEM Innovation Networks Program

The STEM Innovation Networks program takes an innovative approach to help increase the number of students who seek out and are effectively prepared for postsecondary education and careers in STEM fields. The program will provide competitive awards to local education agencies (LEAs) in

partnership with institutions of higher education, nonprofit organizations, other public agencies, and businesses to transform STEM teaching and learning by accelerating the adoption of practices in P-12 education.

The South Metro-Salem STEM Partnership is one of its six regional STEM Hubs in the state of Oregon, funded under the Governor's strategic investment program to emphasize STEM opportunities for students and connecting to high-demand careers. The Partnership formed to catalyze Oregon students to achieve STEM (Science, Technology, Engineering, and Math) degrees and certificates, and reach Oregon's education goals by increasing the access, excitement, and engagement of students in STEM courses and experiential learning.

Support Funding for Education and Applied Research at the Department of Energy

When it comes to renewable energy funding, historically the Department of Energy emphasizes pure research over applied research and development or education that prepares the next generation of energy engineers and scientists. Pure research is an important and needed area of investment, and should yield results in the future. However, as a baccalaureate university that emphasizes applied undergraduate research and education, Oregon Tech is providing a hands-on approach to teaching today's workforce. Therefore, Oregon Tech encourages adequate investment in education programs and applied research for universities and colleges that emphasize workforce development in order to satisfy the rapidly growing labor needs of the renewable energy marketplace.

Support FY15 Energy, Science, Health and Economic Programs

Maintain funding levels to programs important to Oregon Tech, including Energy EfficiencyRenewable Energy, National Science Foundation, Health Resources and Services Administration and Economic Development Administration.

Support S. 362, the Geothermal Exploration and Technology Act

This Bill supports research, development, and demonstration of geothermal energy resources that are prevalent in Oregon. The Bill supports uses and application of such resources that OIT Geo-Heat Center has researched and promoted since 1975 – direct thermal uses of geothermal energy in small and large applications (eg. district systems like OIT and the City of Klamath Falls), greenhouse applications, aquaculture, snow melting, and other industrial applications. Geo-Heat Center staff have also been involved in small and large-scale district research of combined geothermal heat pumps with solar energy systems, which would benefit from passage of the legislation. The bill also supports other activities that the Geo-Heat Center has been involved with, such as geothermal data collection and distribution, and uses of geothermal energy from oil and gas wells.

C State Legislative Agenda

1. Oregon Tech is working collaboratively with all 24 community colleges and public universities to advocate for a targeted investment in higher education during 2015-2017. Similar to the investment in K12 education near the 2007 “pre-recession” level last session, Oregon’s public universities and community colleges need pre-recession funding levels restored. This will enable us to meet the education attainment outcomes defined by the State and required for a strong, stable economy.

1. Operating Funds Request (Public University Support Fund)

- a. For public universities, the approximate pre-recession level is over \$811 million. We are asking to transition to the pre-recession level with funding in 2015-2017 of \$755M, including \$693 in the public university support fund, plus a Student Affordability Package of approximately \$62M. This represents a significant increase to add capacity to serve more students, appropriately support our diverse Oregon students, and provide more support services to retain and graduate students.
- b. At this funding level all seven campuses have identified investments they could make to improve access for underrepresented students, increase financial aid, provide better academic counseling and support for students, and increase graduation rates for Oregonians.

2. 2015 -2017 Student Affordability Package

- a. Keeping our collective promise to students and continuing to fund the 2013-2015 tuition buy-down (\$40 Million in 2013-15) demonstrates how policy-in-action can increase affordability (and thus degree outcomes) for low and moderate income students. A one-time buy-down is not enough to have a significant impact on students who need immediate cost relief. In fact, students have said that not sustaining the tuition buy-down is simply a delayed tuition increase.
- b. The cost of an equivalent buy-down in the 2015-2017 biennium is about \$62 million. Without the resources to implement, Oregon Tech and our other public universities will need to raise additional tuition dollars to provide the programs and courses, and academic support services that ensure our students can graduate and begin supporting their families and filling the needs of Oregon’s employers.
- c. We’re efficient at Oregon Tech: our degrees are among the lowest cost and highest ROI in the nation.

3. Sports Lottery

- a. The objective in 2015-17 is to retain the full 1% of the lottery fund for collegiate sports, as legislated in 2005 in HB 3466, to support non-revenue sports, women’s athletics, scholarships, and Title IX compliance.

- b. The 2007-09 biennium was the only time a full 1% of lottery revenue was directed to OUS. In all subsequent biennia to date, the legislature has established a dollar cap that is less than 1% of the lottery revenue for non-revenue sports programs.
- c. Based on lottery revenue forecasts, 1% of lottery funds in 2015-2017 will be approximately \$11.4M. If the full 1% is allocated for sports, Oregon Tech will receive about an increase of approximately \$270,000 over our current allocation.
- d. The Governor's Recommended Budget (GRB) allocates ZERO for collegiate sports, and repurposes the Sports Lottery funds for Oregon Opportunity Grants. While the OOG is vitally important for students, collegiate sports also direct support for student outcomes.
- e. **Without Sports Lottery Funding, collegiate sports will essentially be eliminated at Oregon Tech.**
- f. **With Sports Lottery Funding: more athletic scholarships; more students able to play sports; more focus on women's athletics and non-revenue sports; Title IX compliance; travel, lodging and restaurant revenue into local economies for guest and local team travel; economic multiplier in rural Oregon; higher academic achievement for our athlete-scholars.**

4. In-State Aid for Lower-Income Students

- a. Oregon Opportunity Grant – The HECC's budget recommendations included a \$66M increase in funds for OOGs. The Governor's Recommended Budget (GRB) recommended an increase of \$28M, with over \$10M coming from Sports Lottery funds (see above).
- b. The HECC also recommendation a redesign to focus on changing from a first-come, first-served basis to targeting the most-needy, and raising the maximum amount that can be awarded. Oregon Tech could improve student retention and serve more rural Oregonians with a larger investment in the OOG in 2015-17.
- c. The HECC has appointed a "design team" to improve the OOG model and we are working with them to ensure that Oregon's students have the best chance of success and financial stability in a university environment. Oregon Tech would expand upon the HECC's focus on increasing financial aid for only the first two years. The current concept could cause a drop in retention and graduation at universities if financial aid support decreases significantly for students when they become juniors and seniors. We would also recommend that the HECC's concept provide an increase in aid for all students, rather than only students under 24 years old, since over 60% of Oregon Tech's students are transfer students, and many are over 24 years old.
- d. Oregon universities have picked up the state's obligation/gap in the OOG in past years.

5. OREGON TECH's 2015 Capital Request

- a. **Thank you for 2011, 2013 projects:** \$20M Wilsonville Campus (2011), \$2M for Cornett Hall Renovation Study and Facilities Planning (2013), \$1M of Utility Tunnel Repairs (2014).
- b. **University Capital Request:** Fund all Tier One Projects
Oregon's public universities requested \$351M in state funding for Capital Repair/Renewal and its 14 top priority capital projects. The GRB invests \$275M in university capital projects, including \$72M for Capital Renewal and \$10.92 for Oregon Tech Projects.

- c. **Oregon Tech's Top Priority Project:** Cornett Hall/ Center for Excellence in Engineering and Technology
Oregon Tech requested \$48M (\$45.25 in state debt) to modernize and expand the current Engineering & Technology Building (Cornett Hall) on the Klamath Falls campus. Since the GRB only recommends \$10.92M in Q bonds for Oregon Tech for Cornett pre-development work and Boivin Hall, a lower priority project, Oregon Tech would like to utilize the \$10.92M to construct Phase 1 of the Center for Excellence in Engineering and Technology (CEET) project. Phase I could be followed by Phase 2 – Cornett Hall Renovation, in subsequent biennia.
- d. The CEET project will enable Oregon Tech to meet the demand for Engineering & Technology graduates in Oregon and the region through high quality, relevant academic programs. The new building is needed to operate current programs in Cornett while renovation is underway; and will ultimately add future capacity for Oregon Renewable Energy Center, Masters in Renewable Energy Engineering, MS Civil Engineering, and Mechanical and Manufacturing programs.

6. Other Potential Issues for 2015 and Higher Education

- a. Appointment of Oregon Tech Board of Trustees
 - i. Ten board members have been confirmed, three are scheduled to be confirmed in December 2014, and two additional trustees in February 2015. Oregon Tech will hold special meetings in January, and be governed by the new board in July 2015.
 - ii. Nominees include CEOs, education partners, and diverse community representatives.
- b. Formed a Presidents' Council and Provosts' Council with all seven universities to collaborate on strategic issues, program approval, capital project prioritization and advocacy for higher education.
- c. Accelerated Learning – OT is actively engaged in offering dual high-school college credits through our STEM Partnerships and credit by exam for Project Lead The Way. We are actively engaged on accelerated learning task forces, and have provided input on possible legislative concepts to advance adoption of accelerated credit.
- d. STEM Council Recommendations: -- we support.
 - i. Support continuation of STEM Hubs- Oregon Tech is the leader of the South Metro-Salem STEM Hub that is catalyzing student motivation and preparation for STEM careers.
 - ii. Support Oregon Talent Councils (like ETIC) to make strategic investments in post-secondary, industry-driven programs, tied to economic needs. ETIC has helped OT open an Optical Engineering program and a Systems Engineering program to respond to industry needs for graduates. We support an industry council for healthcare, advanced manufacturing and other industries so we can continue to innovate in response to new markets.
- e. Sexual Assault on Campus – We are engaged with all seven public universities in evaluating our reporting and response processes and providing more staff training to proactively address this issue.

- f. Voter Registration on Campus – We will work with students.
- g. Oregon Need-Based Aid to Undocumented Students – we are supportive.

D Governor's 10-Year Plan



10-YEAR PLAN FOR OREGON

BUILDING THE FOUNDATION FOR THE FUTURE

10-Year Plan for Oregon Initiative

In August 2011, Governor Kitzhaber created the 10-Year Plan for Oregon initiative. The 10-Year Plan for Oregon represents the foundation for implementing the Governor's vision to "Rebuild Oregon's House." With citizen input and participation, Oregon state government is designing a strategic planning process to make state spending decisions more transparent and results-focused.

The state's budget is currently prepared without a long-term framework to guide it. The 10-Year Plan will connect actions with the planned investment of funds. Each budget will build on prior public investments to improve services, achieve specific results and provide savings that can be reinvested in service delivery.

Prevention investments and cost cutting measures that take more than two years to implement and materialize will be possible to achieve because the process will change the incentives for policy makers and managers of programs. A long-term focus on results will be rewarded. No successful business, public organization or household can achieve its long-term financial objectives without a plan to identify and achieve those desired outcomes; state government should be held to similar standards.

The 10-Year Plan will be joined by the creation of a new outcome-based budget process. Together, they form a common action. A results-focused budget that builds on a progression of decisions from one budget to the next to achieve the goals is central to achieving the success of the 10-Year Plan.

Anticipated Outcomes

The initiative will deliver a framework to create a new strategic plan, implement a 10-year outcome-based (results-based) budget, and achieve the following:

Common Vision

Develop a statewide vision around the needs of Oregon citizens now and in the future.

Defined Outcomes

Define specific outcomes for state government services with clear accountability to Oregon's citizens.

Fiscal Sustainability

Deliver programs and services efficiently within available resources.

Innovative Solutions

Prioritize investments in areas of change and innovation.

Informed Decision Making

Rely on evidence-based information to inform policy decisions and decision makers.

Outcome Areas

The 10-Year Plan for Oregon identifies six high-level outcome areas that focus on results that state government should strive to deliver on behalf of all citizens:

EDUCATION	Oregonians are prepared for lifelong learning, rewarding work and engaged citizenship.
HEALTHY PEOPLE	Oregonians are healthy and have the best possible quality of life at all ages.
ECONOMY AND JOBS	Oregon has a diverse and dynamic economy that provides jobs and prosperity for all Oregonians.
HEALTHY ENVIRONMENT	Manage Oregon's air, water, land and wildlife resources to support a healthy environment that sustains Oregon communities, Oregon's economy and the places Oregonians treasure.
SAFETY	Oregonians will be safe where they live, work and play.
IMPROVING GOVERNMENT	Government will be trustworthy, responsive and solve problems in a financially sustainable way.

Together, the 10-Year Plan outcomes should provide the citizens of Oregon with all of the qualities that embody the essence of livability. Achieving these results will define Oregon as a place of opportunity for all, that represents our well-being as a people. These outcomes will make Oregon a better place to live, work and play.

The strategic framework calls for each of the outcome areas to be looked at through three lenses. These are concerns of citizens that extend into all outcome areas. As we look to implement specific strategies to achieve these outcomes, the lenses are a test for assurance that these needs of all Oregonians are not overlooked:

- Fiscally sustainable, high quality and affordable public services
- Prosperity opportunity for all Oregonians
- Equity for all Oregonians

The outcome areas guide the management of state government to prioritize investment in programs and services that are most important to Oregonians. The framework's foundation is built on an ongoing commitment to make government work better.

The 10-Year Plan's framework is integral to the success of developing an outcome-based budget because each biennial budget should contribute to ongoing progress in achieving specified outcomes.



Focus on Results

Development of an outcome-based budget allows state government to strategically invest in improving Oregon's systems of education, health and safety while securing greater value from limited public resources.

Such a framework will provide new means to define and measure improvement in program operations. It will provide a structure to stimulate and match private sector initiatives and meet needs throughout Oregon.

The new outcomes-based budget will be designed to achieve defined spending priorities through specific policy strategies. This overall fiscal process will be guided by and designed to answer one fundamental question about state spending:

*Are we getting the
outcomes we want?*

Governor's Recommended Budget

Today the budget is allocated to agencies and the legislature debates one agency at a time. The Governor's new outcomes-focused budget process will end the practice of prioritizing spending by agency and institute a process of prioritizing programs for available funding because they deliver results, regardless of which agency delivers the service.

All state programs, regardless of agency, have been mapped or associated to the outcome area with which the program has the greatest affinity. Programs that are

preventative and recognized as essential to improving future outcomes, avoiding future spending, or saving money will be prioritized for future investment.

The Governor has asked citizen teams, called "Program Funding Teams", to advise him on how to prioritize these programs based on the program's contribution to achieving citizens' goals.

The new Governor's Recommended Budget will be delivered for legislative consideration with recommendations tied to specific outcomes.

Program Funding Teams

It is the Governor's responsibility to recommend a balanced budget to the Legislature – Program Funding Teams will serve as advisors to the Governor.

Program Funding Teams exist for each outcome area in the strategic framework of the 10-Year Plan. Characteristics of the teams include:

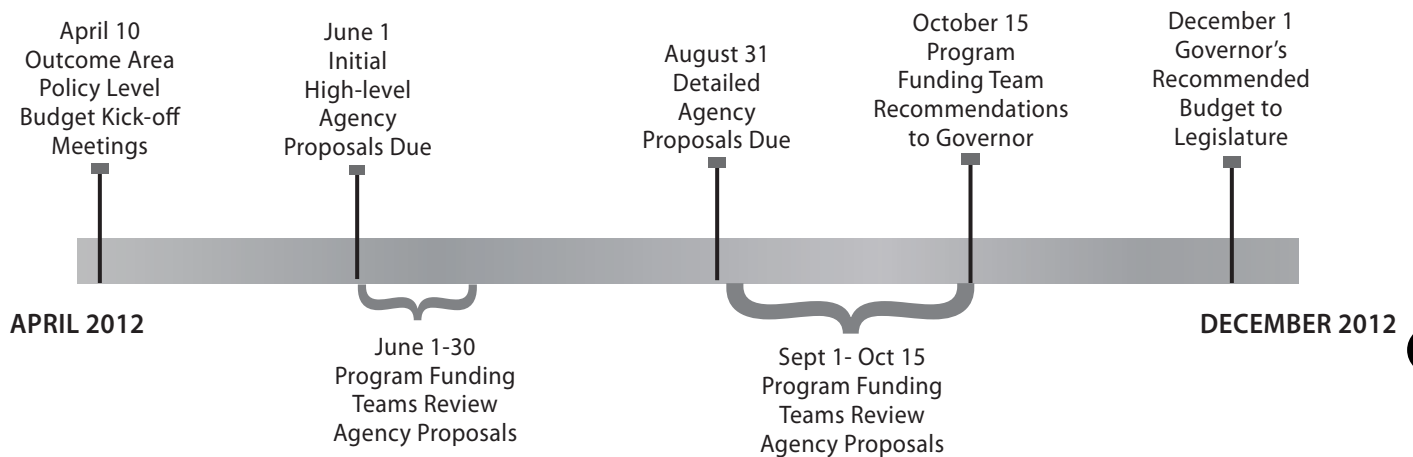
- Citizen volunteers were selected by the Governor for their leadership, experience and general familiarity with Oregon.
- Members represent the geographic and cultural diversity of Oregon, bringing fresh voices and perspectives to inform the Governor's process to create a focused outcome-based budget.

Teams will assist the Governor in assessing funding priorities for state government by applying personal knowledge and experience.

The timing of the 2013-15 Governor's Recommended Budget process continues to evolve. In the past, the process of developing the budget has included only state agencies, professional budget analysts and the Governor – the process was entirely driven by state government. The Governor proposes that the budget development process will continue to become even more open and transparent over time.

The Governor is required to submit a balanced budget by December 1, 2012. He will rely on the expertise of state agencies to provide the basis for his recommendation. However, the new process inserts feedback from citizen program funding teams to the Governor and the budget proposals will be tied to outcome areas.

As the budget development discussions continue into the legislative process, there will be opportunity for extensive public engagement.



Over the next year, the 10-Year Plan and the outcome-based budget will continue to develop and change. The Legislature will have an opportunity to consider and refine these ideas and to engage Oregonians in defining outcomes and future progress of the 10-Year Plan. The 10-Year Plan will mirror Oregonians' aspirations for services and reflect their values for how available state government funds are best spent to achieve desired results.

To learn more about the 10-Year Plan for Oregon, visit our website:

www.oregon.gov/COO/TEN

10-YEAR PLAN FOR OREGON

BUILDING THE FOUNDATION FOR THE FUTURE

Outcome Areas and Associated State Agencies

This list identifies which agencies have programs in each outcome area. Many agencies appear in more than one outcome area.

EDUCATION

Business Development
Commission on Children and Families
Community Colleges & Workforce Development
Early Learning Council
Education Investment Board
Education Department
Employment
Health Authority
Higher Education Coordinating Commission
Human Services
Military
State Library
Student Access Commission
Teacher Standards and Practices Commission
University System, and OHSU
Youth Development Council

HEALTHY PEOPLE

Commission for the Blind
Health Authority
Housing and Community Services
Human Services
Justice
Public Utility Commission
Revenue
State Library
Veterans' Affairs

ECONOMY AND JOBS

Agriculture
Aviation
Bureau of Labor and Industries
Business Development
Commission for the Blind
Community Colleges & Workforce Dev.
Construction Contractors Board
Employment
Energy
Environmental Quality
Fish and Wildlife
Forestry
Human Services
Liquor Control Commission
Racing Commission
State Marine Board
State Parks
State Police
Transportation
University System
Veterans' Affairs
Water Resources

SAFETY

Accountancy
Aviation
Board of Nursing
Bureau of Labor and Industries
Chiropractors
Clinical Social Workers
Criminal Justice Commission
Consumer and Business Services
Corrections
Dentistry
Energy
Geology and Mineral Industries
Health Licensing Agency
Human Services
Justice
Licensed Professional Counselor & Therapists
Long Term Care Ombudsman
Medical Board
Medical Imaging
Military
Mortuary and Cemetery Board
Naturopathic Medicine
Occupational Therapists
Parole and Post Prison Supervision
Pharmacy Board
Public Safety Standards and Training
Psychiatric Security Review Board
Psychologist Examiners
Public Utility Commission
Real Estate Agency
Speech Language Pathology and Audiology
State Marine Board
State Police
Tax Practitioners
Transportation
Veterinary Medical Examiners
Youth Authority

IMPROVING GOVERNMENT

Administrative Services
Advocacy Commissions
Agriculture
Business Development
Commission for the Blind
Community Colleges & Workforce Development
Corrections
Education
Employment
Employment Relations Board
Energy
Environmental Quality
Fish and Wildlife
Forestry
Government Ethics Commission
Governor's Office
Health Authority
Housing and Community Services
Human Services
Justice
Liquor Control Commission
Military
Public Employees Retirement System
Public Safety Standards and Training
Public Utility Commission
Revenue
State Library
State Marine Board
State Parks
State Police
Student Access Commission
Transportation
Veterans' Affairs
Youth Authority

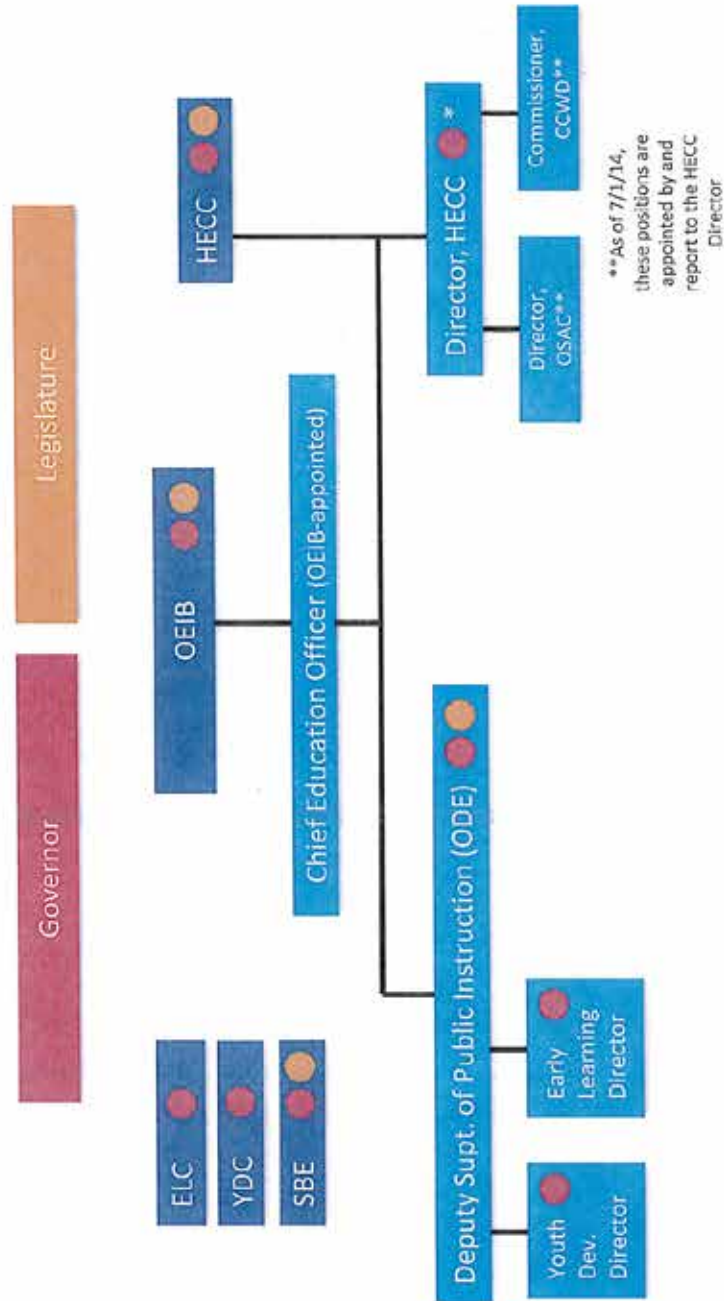
HEALTHY ENVIRONMENT

Agriculture
Columbia River Gorge Commission
Energy
Environmental Quality
Fish and Wildlife
Forestry
Geology and Mineral Industries
Land Conservation and Development
Land Use Board of Appeals
State Lands
State Marine Board
State Parks
State Police
Water Resources
Watershed Enhancement Board



E HECC Organizational Chart and Responsibilities

Boards, Commissions, and Executive Appointments Structure



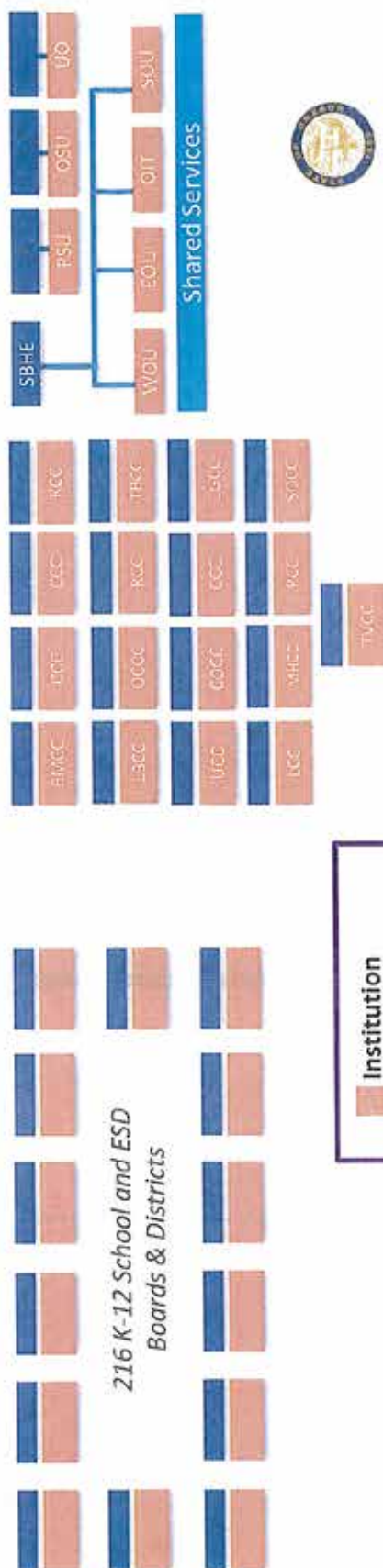
■ Board/Council

● Governor-appointed (*the HECC Director serves at the pleasure of the HECC after July 1, 2014)

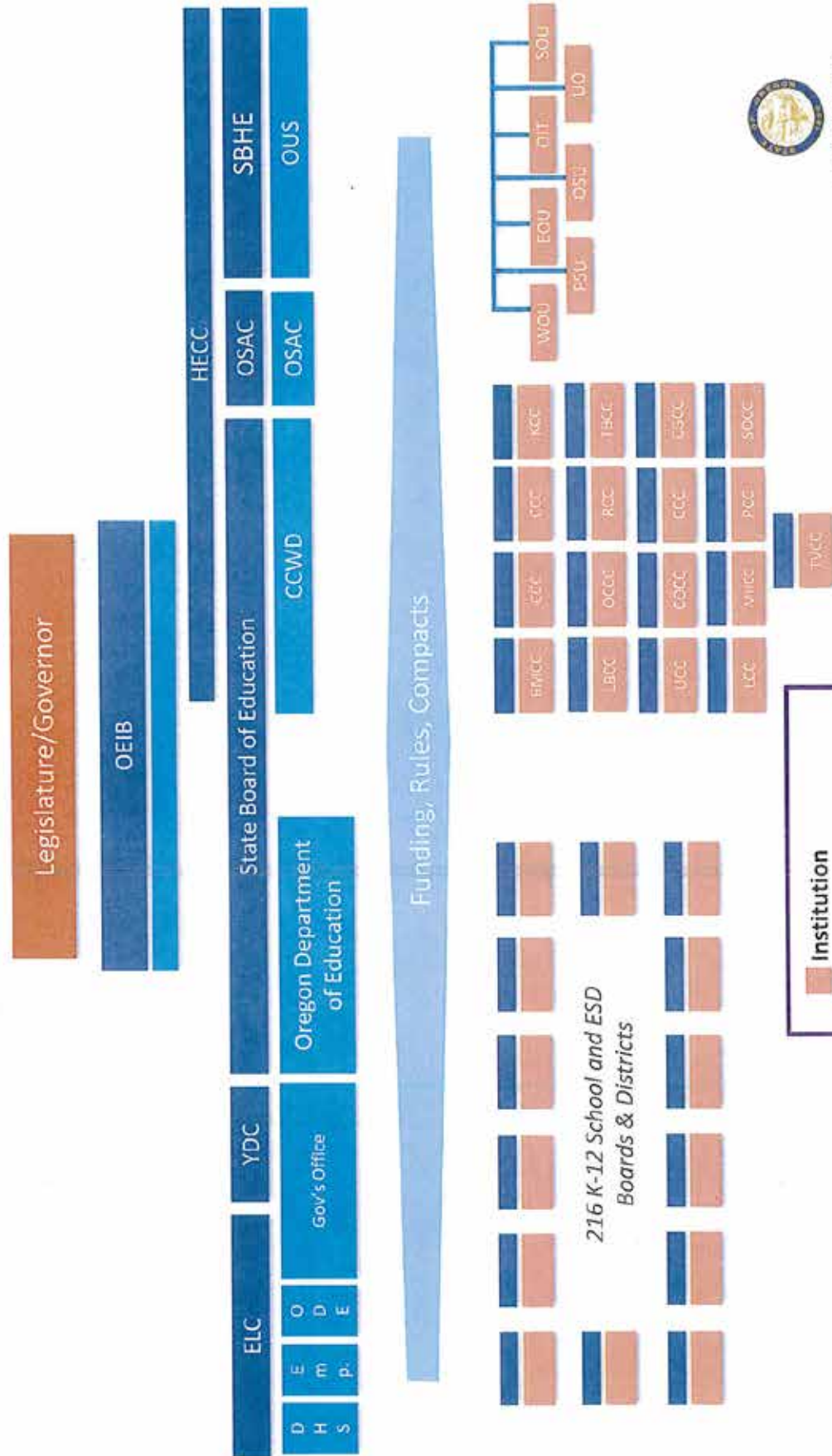
■ Agency/Division Head

● Senate-confirmed

| Reporting

John A. Kirzinger, MD
Graduate

Previous P-20 Structure

John A. Kuzavich MD
Gynecology

Overarching Roles and Responsibilities of the HECC¹

Area of Responsibility	Specific Action	Type of Authority
Higher education goals and planning	Recommend state higher education goals and achievement compact measures	Advisory to OEIB (ORS 351.735)
	Adopt strategic plan for achieving state's post-secondary education goals	Advisory to OEIB, Legislature (ORS 351.735)
Higher education coordination	Coordinate post-secondary data collection and assist in construction of state longitudinal data system	Advisory to OEIB (ORS 351.735)
	Approve or disapprove significant changes to academic programs of community colleges or universities	Administrative (ORS 351.735)
	For public universities, approve mission statements adopted by a governing board	Administrative (ORS 351.047)
	Authorize degrees to be offered by independent post-secondary institutions	Administrative (ORS 348.594 to 348.615)
	Oversee licensing of career schools	Administrative (ORS 345.010 to 345.450)
	Recommend policies to improve transfers, accelerated college credit, applied degrees, inter-institutional collaboration, interstate reciprocity, workforce strategies, pathways for student success	Advisory to Legislature, Governor, institutions, other boards (ORS 351.735)
Budget requests and funding allocations	Recommend a consolidated higher education budget request aligned with strategic plan	Advisory to Governor (ORS 351.052)
	Recommend strategic investments for achieving higher education goals.	Advisory to OEIB (ORS 351.735)
	Determine how to distribute legislative appropriations for community colleges, public universities, and student access programs	Administrative (ORS 341.626, 351.735)
State agency leadership	Hire and oversee Executive Director	Administrative (ORS 351.725)
	Oversee CCWD	Administrative (ORS 326.370)
	Oversee student access programs and scholarships (OSAC)	Administrative
Higher education leadership	Build vision, excitement, and commitment to higher education	Visionary/Advisory

¹ Many of the HECC's authorities described here are effective July 1, 2014. This is not intended to represent a comprehensive list of HECC responsibilities or authorities.

Overarching Roles and Responsibilities of the OEIB

Area of Responsibility	Specific Action	Type of Authority
Aligned P-20 system	Recommend policies to create unified state system/architecture	Advisory
	Hire and oversee a Chief Education Officer with P-20 authority	Administrative (SB 909, SB 1581)
	Develop seamless P-20 infrastructure (eg data system, teacher quality, STEM, cross-agency links to health and human services, workforce)	Administrative (SB 909, OEIB budget)
	Develop and recommend policies to address student transitions between sectors	Advisory
Student Outcomes	Refine 40-40-20	Advisory
	Set terms for achievement compacts; adopt institutional compacts	Administrative (SB 1581, rules)
Strategic Investments	Help develop Governor's recommended budget and associated policies	Advisory
	Ensure coherent implementation of state strategic investments	Administrative (HB 3232, HB 3233, rules)
P-20 Leadership	Build vision, excitement, and commitment to the work	Visionary
	Promulgate policy statements that reflect core principles and careful research (eg Equity Lens)	Visionary/Advisory

F HECC Strategic Plan

Pathways to Progress:

A Strategy for Steering, Cheering and Persevering
to Achieve Oregon's Higher Education Goals

Higher Education Coordinating Commission
2014-15 Strategic Plan

March 2014

We will foster and sustain the best, most rewarding pathways to opportunity and success for all Oregonians through an accessible, affordable and coordinated network for educational achievement beyond a high school diploma.

Vision Statement, Higher Education Coordinating Commission, November 2013

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Executive Summary

The pathways to educational success today reach far beyond the classrooms of the last century. Seamless pathways from pre-school through college and career training must be created and sustained so that students can advance at their best pace, learn in their best environments and achieve to their full potential. The state's 40-40-20 goals go even further, committing us to a future to be realized less than a generation from now, in which all Oregonians will complete their educations and gain the ability to contribute to our society and economy.

As the Higher Education Coordinating Commission, we have the responsibility of overseeing the critical segments of the pathways to educational success from the point at which students are completing their high school diplomas and moving forward to learning, training and mastering skills in college and career training programs. We undertake this responsibility at a time of significant challenge, change and urgency. Our success will require more than good intentions or the construct of aspirational goals; it will require reinvention, recommitment and reinvestment.

The New Governance Landscape

We are a coordinating commission for students, mindful of the state's interest in their success as contributing members of society, rather than a governing board for colleges and universities concerned with their viability as institutions. Our goal is to build accessible and affordable pathways to opportunity and success for Oregonians that can be sustained by innovative and high-performing public and private institutions of postsecondary education throughout the state.

Old Paradigm	New Paradigm
The public system is managed to sustain institutions	The public system is organized to maximize student success
Constraints in state budgeting encourage cost shifts to institutions and students that obfuscate issues of capacity and affordability	Impacts of constraints in state budgeting on institutions and students will be clarified
State provides resources to institutions based on enrollment	Increasingly, state provides resources to institutions to maximize learning outcomes and student success
Centralized governance and management of universities	Centralized coordination; local governance and management

A Strategy for Achieving Oregon's Higher Education Goals

In exercising our responsibilities, we see four distinct functions by which we will organize our work; advise the Oregon Education Investment Board, the Governor, and the

Legislative Assembly; implement their directives; and work with the state's educational institutions, students and community partners.

1. Broaden the pathways to our 40-40 goals

It is our responsibility to draft the state's blueprints and prospectus for building and sustaining the pathways to educational success beyond high school and to keep us on track to the state's 40-40 goals for the completion of postsecondary certificates and college degrees. We will encourage increased efficiency and a "more-smarter-faster" approach to achieving our 40-40 goals. More students moving more efficiently along better-organized pathways that lead to faster completion of certificates and degrees will raise the "return on investment" for both students and the state. But we also recognize that more resources will be needed to achieve the "more."

2. Make the pathways accessible, affordable and supportive for students.

Students and their families now bear the heaviest financial burdens for pursuing an education beyond high school. As a result, their ability to sustain their contribution to the achievement of our 40-40 goals is even more problematic than the ability of the state to increase its financial support for the postsecondary education enterprise. Mindful of these challenges, we will accelerate student progress by straightening the pathways to certificates and degrees and helping students navigate the increasingly complex array of choices that confront them.

3. "Steer" the higher education enterprise.

It is our responsibility to both challenge and support our state-sponsored institutions to meet the needs of students and the state with cost-effective, high-quality programs of training, study and research. This will require a firm and steady hand on the wheel in a tight-loose relationship with institutions whose governing boards bear primary responsibility for the delivery of postsecondary education. We envision a concerted effort, in a cooperative environment, to take advantage of technological innovations in education delivery, address the needs of our economy and society and respond to the financial constraints that confront Oregon's working families.

4. "Cheer" the promotion of college completion and career readiness.

Oregon has failed to prepare a workforce to fill high-skill, high-wage jobs. This has shortchanged Oregonians' participation in the world of work and has forced employers in our most dynamic industries to import college-educated talent from outside the state. In addition, our Latino and other minority communities, which have had low rates of participation in postsecondary education, represent the fastest growing populations of students in Oregon. These realities challenge us to create a broader and more inclusive culture of college aspiration to achieve our 40-40 goals. We will engage Oregonians and under-represented communities to raise the profile of higher education, with the help of philanthropic, educational and community-based partners. And, we will support initiatives to meet the needs of first-time college students and under-represented populations.

GOALS, TIMELINE AND “NEXT STEPS PLAN”

2014

2015

		FEB	MAR	APR	MAY	JUNE	JULY	AUG	SEPT	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUNE
Broaden the pathways and accelerate progress to our 40-40 goal																		
1.1	Clarify application of 40-40 goals to school-age and working adults	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
1.2	Coordinate with OWIB regarding “middle 40” strategies	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
1.3	Work with OWIB to create formal relationship with workforce partners	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
1.4	Develop statewide metrics for monitoring progress to 40-40	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
1.5	Develop profile of students to be served and needs to be met	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
1.6	Provide budget guidance to CCs, universities, OSAC, OUS, CCWD	✓																
1.7	Prepare consolidated budget request	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Make the pathways accessible, affordable and supportive for students																		
2.1	Complete tuition freeze study	✓																
2.2	Complete report on state financial aid programs	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
2.3	Complete analysis of free two years at community colleges	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
2.4	Prepare integrated recommendations regarding financial aid, access and affordability	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
2.5	Consider Pay It Forward pilot project	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
2.6	Prepare legislation for inter-state program approvals (SARA)	✓																
2.7	Investigate creation of a web-based portal for navigating the post-secondary system	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
2.8	Select national website for comparative data on affordability and value	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—

Duration of Action:

Ongoing:

Task Complete:

2014 2015

GOAL		FEB	MAR	APR	MAY	JUNE	JULY	AUG	SEPT	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUNE
"Steer" the higher education enterprise																		
3.1	Develop distribution formula																	
3.2	Implement distribution formula																	
3.3	Advance funding policy recommendations																	
3.4	Approve university missions and establish program approval process																	
3.5	Develop evaluation criteria for university boards																	
3.6	Use convening authority to promote common standards and assessment																	
3.7	Launch Credit for Prior Learning Pilot																	
3.8	Use convening authority to promote textbook affordability																	
"Cheer" the promotion of college completion and career readiness																		
4.1	Compile inventory of public attitudes re: higher education at the national and state level																	
4.2	Develop and implement an outreach and external communications plan																	
4.3	Work with high schools to boost FAFSA completion and establish a "control tower" to monitor and maximize Pell grants for Oregon students																	

Duration of Action:

Ongoing:

Task Complete:

Mapping the Pathways to Opportunity and Success

The pathways to educational success today reach far beyond the classrooms of the last century. They begin with a comprehensive system of learning in early childhood, transition to more expansive and rigorous curriculums in our elementary and high schools and continue on to encompass up-to-date technical training, high-quality college and university educations and relevant life-long learning for adults in a variety of settings.

Oregon's design for the education pathways from pre-school through college and career training exemplifies this vision of a seamless and well-sequenced continuum through which students can advance at their best pace, learn in their best environments and achieve to their full potential. Our 40-40-20 goals for high school and college completion demand even more, committing us to a future to be realized less than a generation from now, in which all Oregonians from all walks of life will complete their educations and gain the ability to contribute to our society and economy.

Gov. John Kitzhaber has called these 40-40-20 goals the “North Star” for our education system, from pre-school to graduate school – an image that reminds us that those numbers are not ends in themselves, but beacons for the success they offer to our students and the state. Achieving those numerical goals will empower our people and invigorate our economy. These effects, in turn, will help to reverse decades of relative decline in personal income in Oregon and establish a virtuous circle of rising incomes, more revenue to invest in education, a more productive workforce and greater prosperity.

As the Higher Education Coordinating Commission (HECC), we have been given the responsibility for overseeing the critical segments of the pathways to educational success from the point at which students are completing their high school diplomas and moving forward to learning, training and mastering skills in college and career training programs. We undertake this responsibility at a time when:

- The state now provides 32 percent less financial support for postsecondary education on a per-student basis than it did five years ago;
- Oregon ranks 46th of the 50 states in state appropriations per full-time-equivalent student in our public colleges and universities;
- Our three largest universities have been given broad new authorities under recently established governing boards of business and community leaders to energize their endeavors and expand opportunities for Oregon students;
- Our regional and technical universities, some of which are facing severe financial constraints, are attempting to redefine their roles in a new system of university governance;
- Community colleges have seen their enrollments spike and then plateau in response to the roller-coaster effects of a volatile economy;
- The costs of pursuing a postsecondary education are exceeding the breaking point for working families of low and moderate incomes;
- An increasing proportion of students are defaulting on their student loans;

- Educators are concerned about an increasing reliance on part-time and adjunct faculty, whose terms of employment limit their ability to meet the needs of students outside the classroom;
- State leaders have signaled the importance of controlling tuition and expanding access for Oregon students who have been under-represented in our colleges and universities;
- State revenue growth in recent years has failed to match pre-recession growth rates and is projected to continue at this historically slower pace for the remainder of the decade; and
- A three-year effort to restructure the state's support for education at all levels is moving from organization to implementation.

In short, we are taking the steering wheel for the state's postsecondary education enterprise at a time of significant challenge, change and urgency. Our success will require more than good intentions or the construct of aspirational goals. Achieving the state's 40-40 goals will require reinvention, recommitment and reinvestment.

Our responsibilities in this endeavor align, first and foremost, with the interests of students and their success in navigating the pathways among and within institutions that provide postsecondary education. We are a coordinating commission for students, mindful of the state's interest in their success as contributing members of society, rather than a governing board responsible for managing the affairs of our institutions. The financial health and academic excellence of our institutions are critically important, but those aspects of our postsecondary education system are now primarily the responsibility of the 21 separate boards that govern the state's 24 public colleges and universities.

Our goal is to build and support the pathways to Oregonians' opportunity and success that can be sustained by innovative and high-performing institutions of postsecondary education throughout the state.

To quantify this goal and set a deadline for achieving it, we have adopted as our mission achievement of the state's statutory target of having 40 percent of adult Oregonians with a four-year degree or better and another 40 percent with a two-year degree or postsecondary certificate by the year 2025.

Public colleges with locally elected boards

Blue Mountain Community College	Clatsop Community College	Linn-Benton Community College	Rogue Community College
Central Oregon Community College	Columbia Gorge Community College	Mt. Hood Community College	Southwestern Oregon Community College
Chemeketa Community College	Klamath Community College	Oregon Coast Community College	Tillamook Bay Community College
Clackamas Community College	Lane Community College	Portland Community College	Treasure Valley Community College
			Umpqua Community College

Public universities with appointed institutional boards

Oregon State University	Portland State University	University of Oregon
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Public universities with an appointed system board (SBHE)

Eastern Oregon University	Oregon Institute of Technology	Southern Oregon University	Western Oregon University
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Learning from the Work that Created Our Mission

In 2011, the Oregon Legislature established “40-40-20” as the state’s goal for educational attainment in Oregon with the passage of Senate Bill 253. That legislation declared that “the mission of all education beyond high school in Oregon includes achievement of the following by 2025:

- (1) Ensure that at least 40 percent of adult Oregonians have earned a bachelor’s degree or higher;*
- (2) Ensure that at least 40 percent of adult Oregonians have earned an associate’s degree or post-secondary credential as their highest level of educational attainment; and*
- (3) Ensure that the remaining 20 percent or less of all adult Oregonians have earned a high school diploma, an extended or modified high school diploma or the equivalent of a high school diploma as their highest level of educational attainment.”*

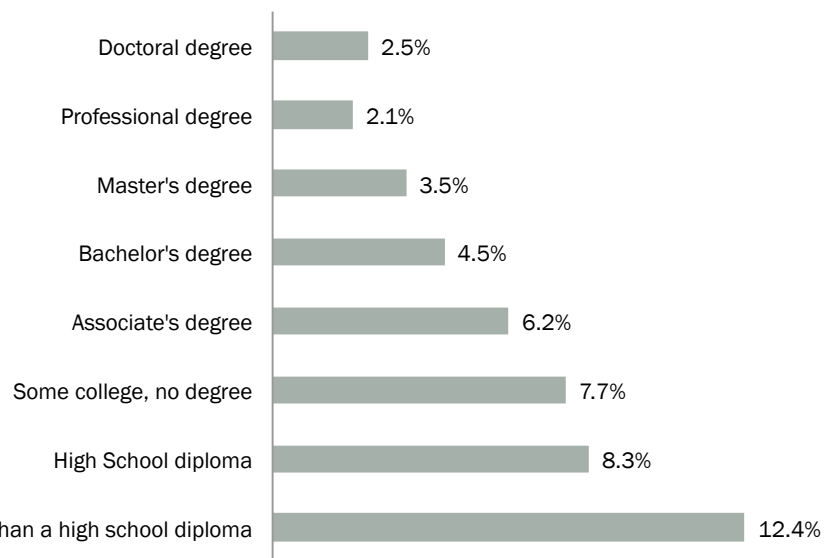
But, even before its enactment in statute, educators, policy makers and community leaders began promoting the importance of 40-40-20 as a target for enabling individual opportunity and achieving societal success in an increasingly knowledge-based global economy. Their work over the past seven years has charted the territory and developed a suite of strategies for achieving what we now refer to as the “first 40” for four-year degrees and the “second 40” for two-year degrees and work-related certificates.

We will take full advantage of the groundwork established by our predecessors, as we advance our strategies and action plans for 2014 and beyond.

The Value of Postsecondary Education

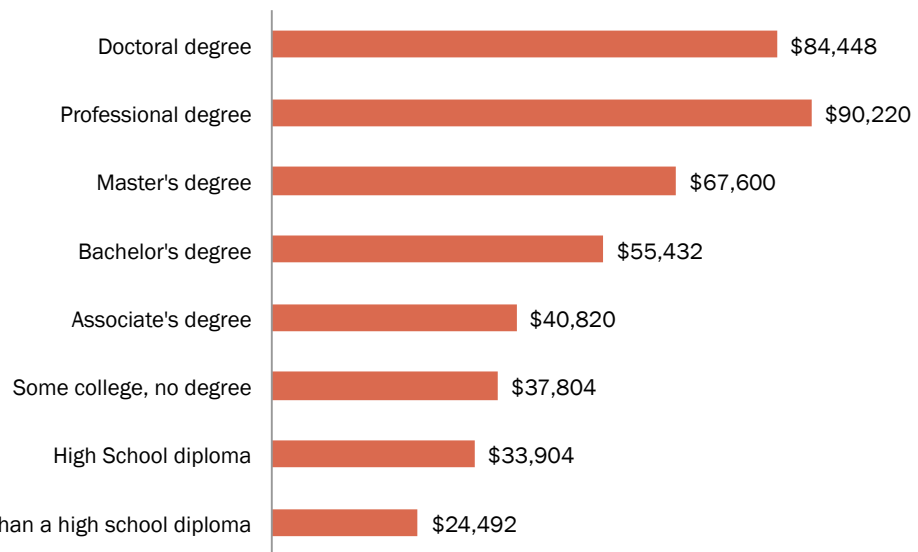
Despite diminishing state support and increasing cost shifts to individuals for the pursuit of postsecondary education, students who complete two-year and four-year degrees still stand to gain significant benefits in the form of employment and income.

Figure 1. Unemployment rates by educational attainment level, U.S., 2012



Source: Bureau of Labor Statistics, Current Population Survey

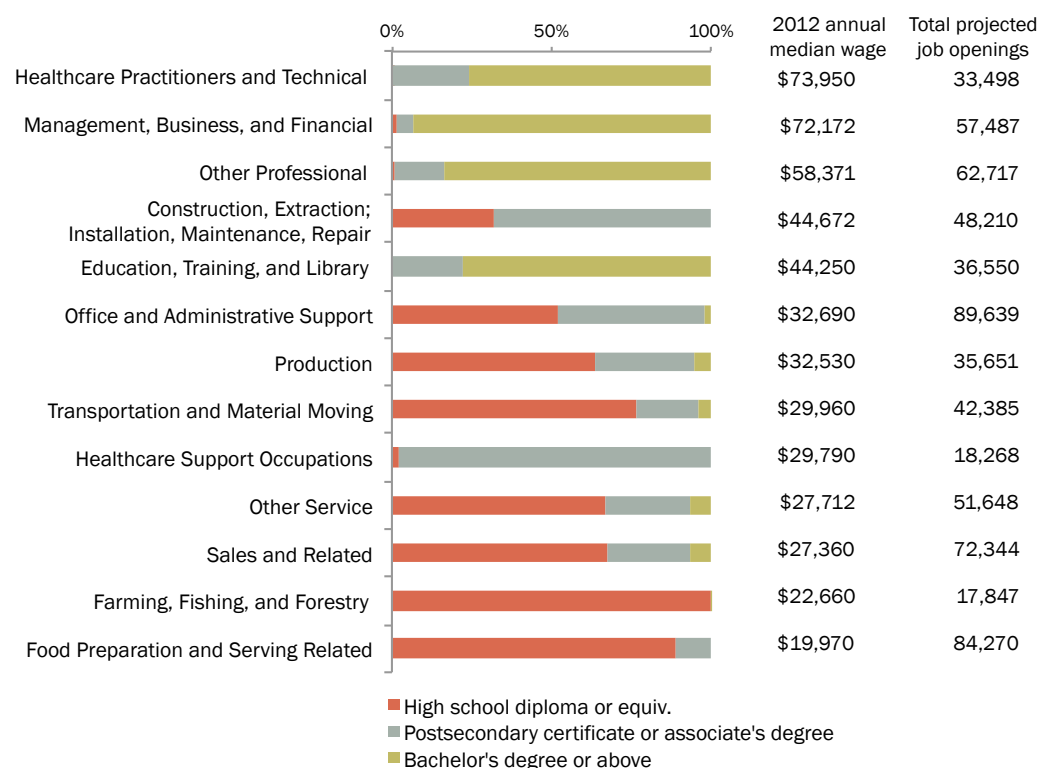
Figure 2. Median annual earnings by educational attainment level, U.S., 2012



Source: Bureau of Labor Statistics, Current Population Survey

Further, there is a marked trend toward higher educational requirements for the high-paying jobs of the future.

Figure 3. Preliminary projected job openings in Oregon, by competitive education level, 2012-22



Source: ECONorthwest analysis of data from the Oregon Employment Department and the Bureau of Labor Statistics

And there is increasing recognition of the value of work-related, postsecondary certificates and the need for skilled workers in a variety of high-wage occupations and industry sectors.

Even in a slow-growth, job-challenged recovery, employers report that there are too few qualified applicants for jobs that require skills that can be obtained with postsecondary education programs, including many programs that do not entail the investment of time required to earn two-year and four-year degrees.

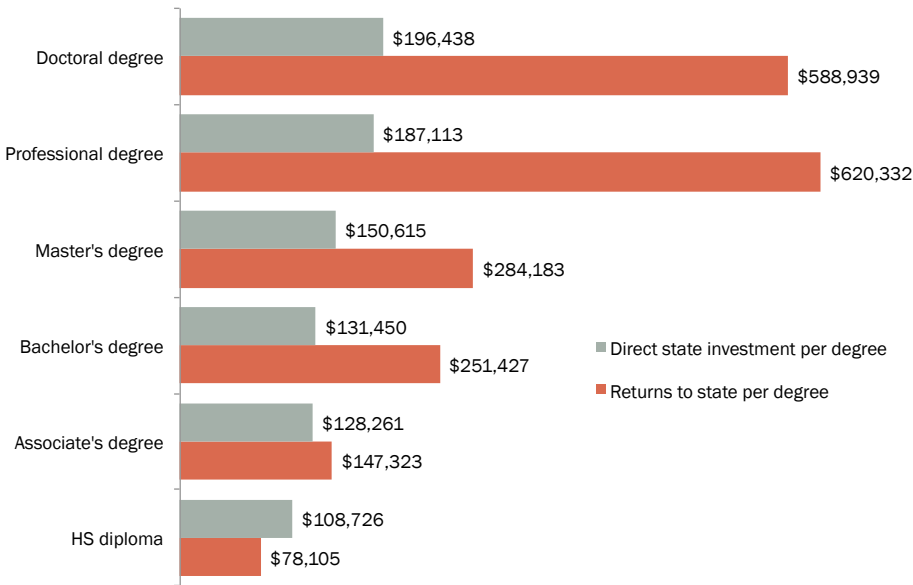
Clearly, postsecondary education is critical to individual opportunity. According to a Lumina Foundation poll released in February 2013, “Nearly all Americans (97%) say having a degree or certificate beyond high school is at least somewhat important to a person’s financial security.” But this is “postsecondary education” broadly defined. A “certificate beyond high school” encompasses far more than two-year and four-year degrees, a reality that is captured in the state’s expansive definition of the “middle 40.”

Further, postsecondary education is critically important, not just to individual opportunity, but also to the state’s economy and to its return on investment in education and job training. A skilled workforce is more than a competitive advantage in today’s economy; it

is an economic necessity. A lack of skilled, highly-educated and creative workers can quickly handicap a state's economy and, eventually, retard its innovation and slow its growth.

These realities shape the state's returns on investment from pre-school to graduate school. Based on prior studies documenting the benefits of increased tax revenues and positive social behaviors expected from higher levels of educational attainment, the Oregon University System (OUS) found that the state's economic and social returns for its investment in education turn positive only after a student progresses beyond K-12 to the achievement of a postsecondary certificate or degree.

Figure 4. Direct state costs and estimated returns to the state, per degree, Oregon

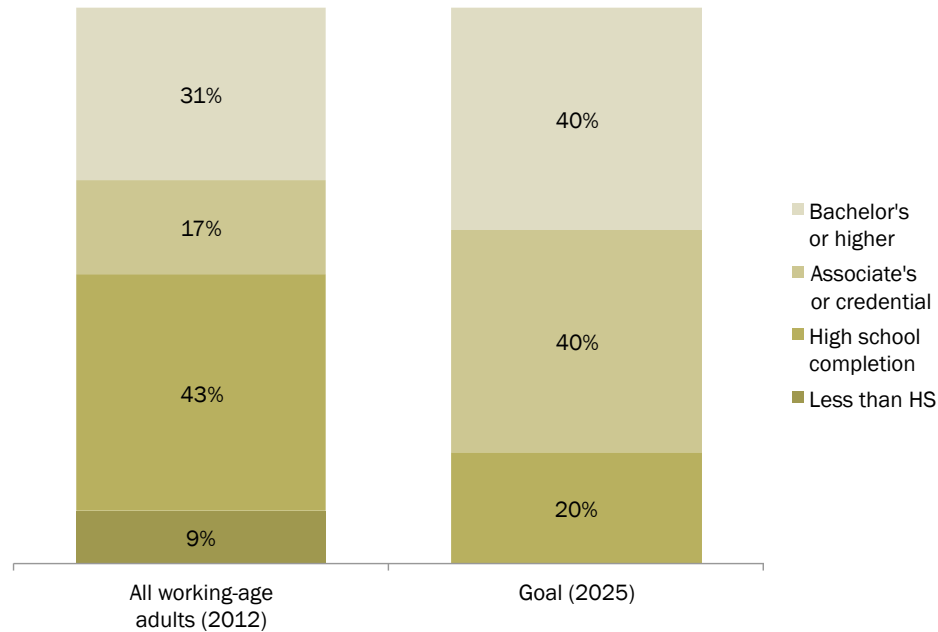


Source: Oregon University System analysis of various data sources

The Challenge of 40-40-20

Oregon has far to go to reach the “first 40” (four-year degrees and above) and even farther to go to reach the “second 40” (two-year degrees and postsecondary certificates) in its commitment to get to 40-40-20 by 2025.

Figure 5. Current educational attainment of Oregon adults, versus the 40/40/20 goal



Note: Working-age adults are 25-64 years old. The high school completion group includes people who self-report to have some college but no degree; the number of individuals in this group with certificates or credentials is unknown. Source: ECONorthwest analysis of data from the American Community Survey (2012), the Oregon Department of Education, the National Student Clearinghouse, and Oregon community college publications.

But the challenges of 40-40-20 are more than numerical. They are also systemic, demographic, economic and increasingly cumulative. And, there are fiscal challenges to consider as well.

The systemic challenge

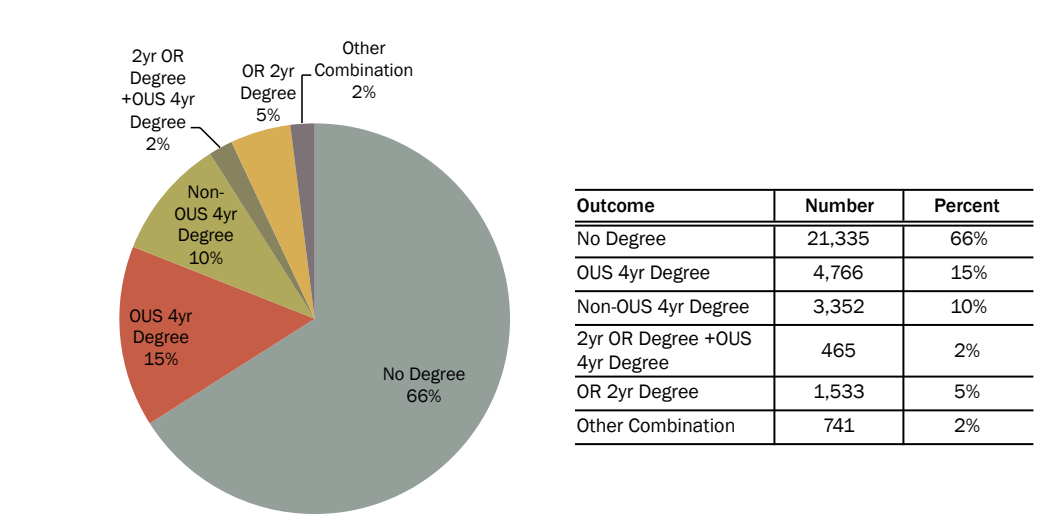
A profile of students in our K-12 system, from today's high school seniors to the first graders who represent the high school class of 2025, reveals even greater challenges to achieving our postsecondary education goals.

Available data indicate that only 39% of students who enter high school graduate within five years and proceed to enroll in a college or university within one year after graduation.

The Legislature and the Governor, acting through the Oregon Education Investment Board (OEIB) and the state's educational leaders, are applying increased attention to improving the quality and rigor of K-12 education and forging better connections across the broader P-20 system – from early investments in pre-kindergarten learning to preparation for college and career readiness in high school. These efforts should improve

the productivity of the K-12 pipeline. But students in the pipeline will require more support.

Figure 6. Postsecondary outcomes in 2012 for Oregon’s high school graduating class of 2005

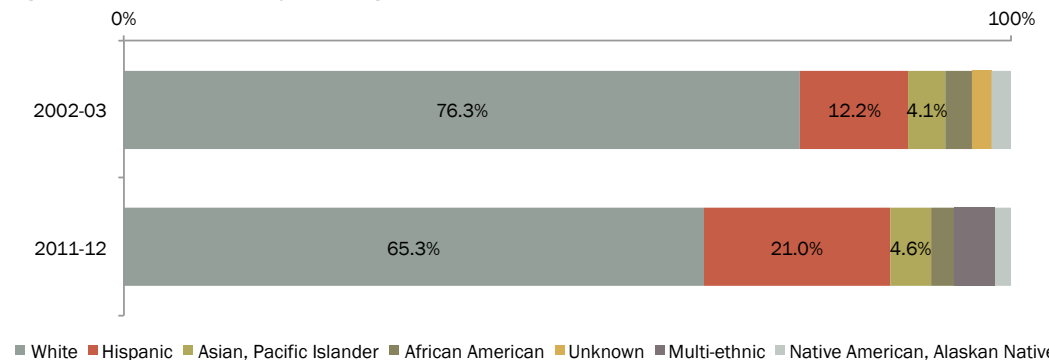


Source: ECONorthwest analysis of data from Oregon Department of Education and National Student Clearinghouse

The demographic challenge

Demographic trends reveal that an increasing number of students will come from racial and ethnic groups who have had less success in our K-12 system and have been under-represented in our postsecondary institutions. Not only will these students require more targeted and effective teaching and support in K-12, they are less likely to come from families with college-going experience and less likely to pursue their educations beyond high school.

Figure 7. Race/ethnicity of Oregon’s K-12 students, 2002-03 versus 2011-12



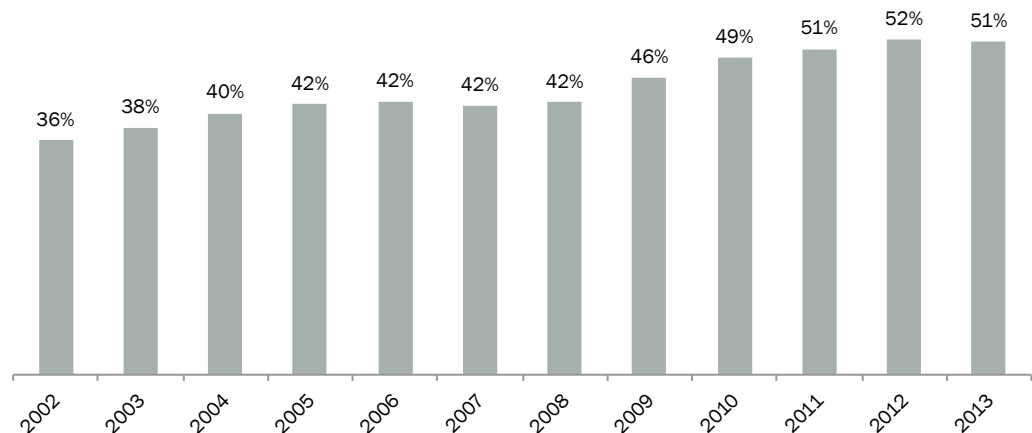
Source: ECONorthwest analysis of Oregon Department of Education data

The economic challenge

Changing demographics combined with increasing levels of poverty and stagnant middle class incomes intensify the economic challenge of 40-40-20.

The poverty rate among families with children has been increasing. These children must contend with more unstable family lives, are often inhibited in their learning by lack of nutrition and food insecurity and suffer greater learning losses during summer and extended breaks in the school calendar than do students from more economically secure families.

Figure 8. Percent of Oregon K-12 students eligible for free- or reduced-price lunch

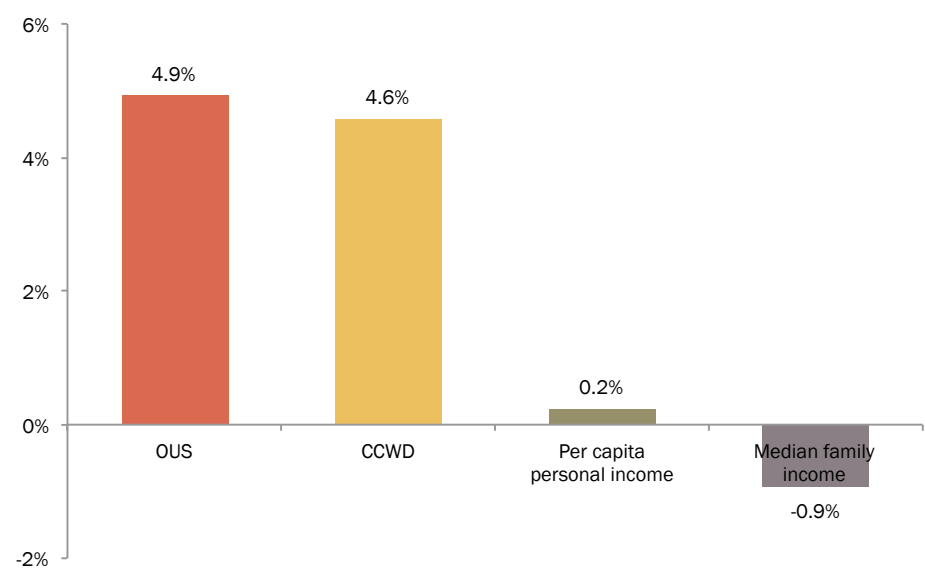


Source: ECONorthwest analysis of Oregon Department of Education data

But poverty is not the only economic challenge. As working-family incomes grow more slowly, the shift of the costs of higher education to tuition payers has created barriers to entry and obstacles to persistence for both poor families and for increasing numbers of low-income and middle class families as well.

During the past decade, as state support for postsecondary education declined, tuition payments per FTE at our community colleges and public universities have increased by more than 4.5 percent per year, while median family incomes have declined by 0.9 percent.

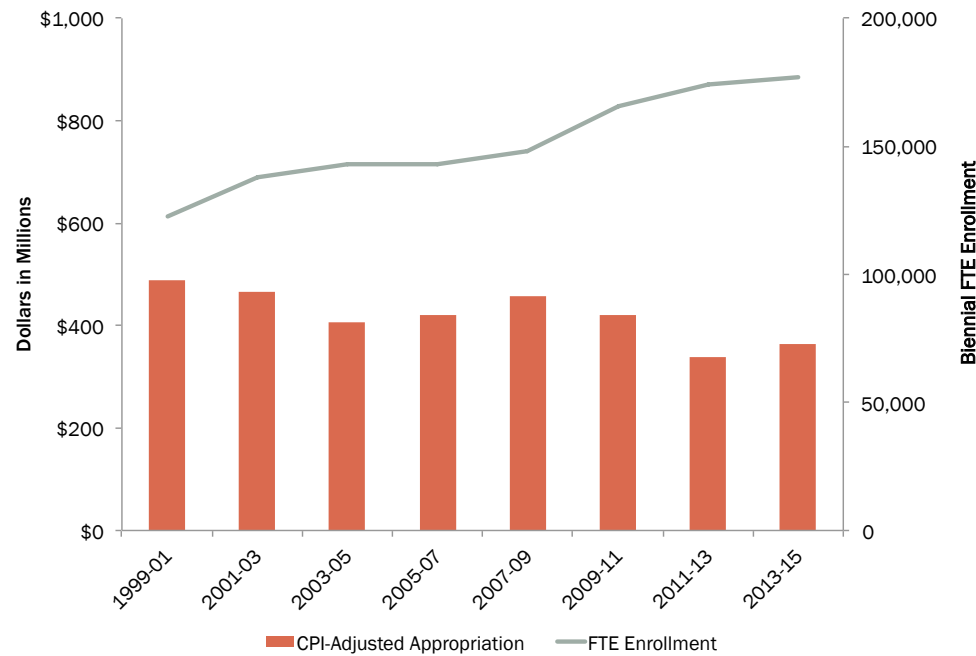
Figure 9. Annual growth rates for real tuition payments per FTE versus income (in 2012 dollars), Oregon, 1999-2012



Source: ECONorthwest analysis of data from OUS, CCWD, and U.S. Census Bureau

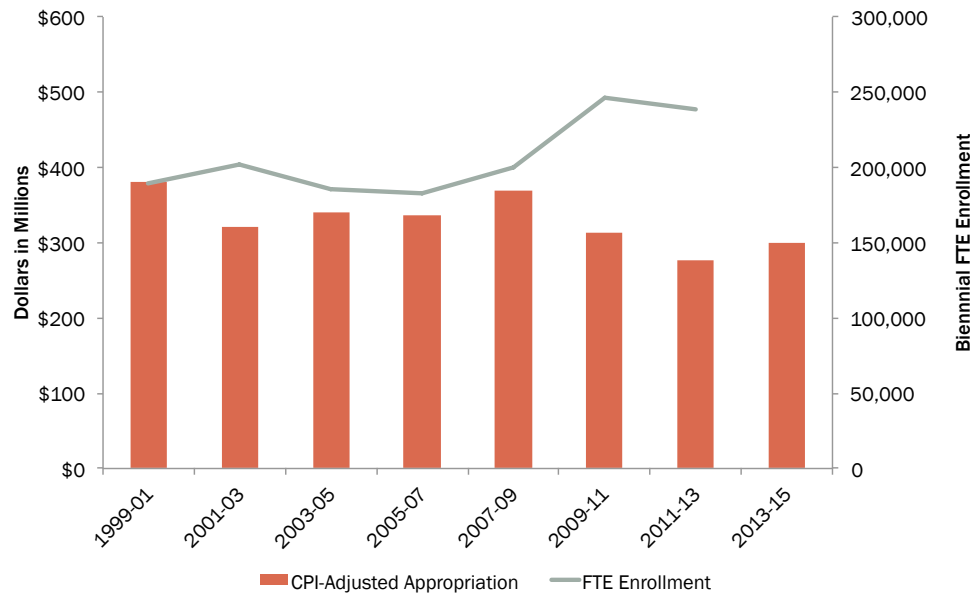
During this same period, state support for its community colleges and universities declined, while enrollment climbed, which intensified the reliance on tuition to cover costs and keep up with demand.

Figure 10. Oregon University System biennial state appropriations and FTE enrollment, 1999-2015



Source: OUS Fact Book 2013

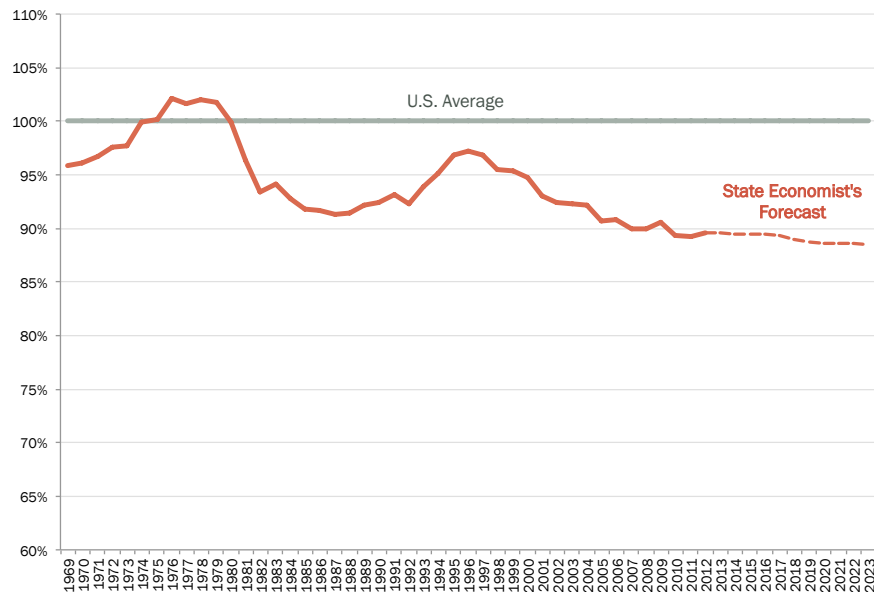
Figure 11. Community college biennial state appropriation and FTE enrollment, 1999-2015



Source: ECONorthwest and Department of Community Colleges and Workforce Development

Finally, Oregon's per capita personal income has been declining relative to that of other states, to the point where it now averages 90 percent of the national average. As personal incomes decline, our public resources decline relative to those of other states, an effect that has been magnified by Oregon's heavy reliance on income taxes to support education. This can create a self-reinforcing cycle of scarcity in which declining incomes undercut our ability to reinvest in strategies to overcome this decline.

Figure 12. Oregon's actual and projected per capita personal income as a share of the U.S. average, 1969-2023



Source: ECONorthwest analysis of Urban Institute—Brookings Institution Tax Policy Center data

The challenge of cumulative effects

The in-migration of college-educated workers from other states and countries has provided a positive contribution to our 40-40 goals, but not enough to offset the growing population of young and middle-aged adults who lack postsecondary credentials.

In fact, the numbers of Oregonians beyond high school age who have not attained a high school diploma and those who have completed high school but have not completed any level of postsecondary education continue to increase every year. Apart from the reasons for their under-achievement, their numbers present a challenge that will require interventions beyond the traditional K-12 pipeline. Although the overwhelming majority of adults in this category are employed, many face fragile futures and constrained opportunities because of their lack of postsecondary education. Also, their life situations make it problematic to reach these students with traditional education programs.

These effects, combined with Oregon's lagging personal income growth, threaten to create a downward spiral of diminishing personal and public resources, making it harder for both the state and its people to afford the investments needed to raise educational achievement.

The fiscal challenge

Since the recession of 2008, the state has had to adjust to slower-growing revenues. Recent revenue forecasts confirm that the state is on a trajectory of revenue growth that will average 5.0 to 5.5 percent a year for the remainder of this decade. This compares to revenue gains averaging 6.5 percent in the two decades preceding the recession. Even with higher revenue growth in those earlier decades, the state was forced to disinvest in postsecondary education because of the need to backfill property tax losses for K-12 schools at the local level and the need to meet rising demands and increasing costs in its health care and corrections programs. Success in controlling the growth of costs of health care and corrections, as demonstrated in the 2013-15 budget, will help to free up resources for education. But slower revenue growth going forward will continue to constrain state resources.

Recent Efforts Provide a Roadmap for Our 40-40 Pathways

In the face of these challenges, educational leaders and policy analysts have identified numerous opportunities to step up the state's production of postsecondary degrees and certificates with and without additional resources. The scope and promise of their efforts can be seen in the following survey and summaries of their work.

POSTSECONDARY QUALITY EDUCATION COMMISSION (PSQEC)

This commission was created by Executive Order in 2007 and appointed by Gov. Ted Kulongoski to create a quality education model for postsecondary education in Oregon. The commission, which was co-chaired by Ed Ray, president of Oregon State University, and Mary Spilde, president of Lane Community College, produced two reports.

- In its first report (November 2008), the commission adopted the 40-40-20 goals (subsequently enacted in statute) and outlined a proposed framework to demonstrate the investments and policy changes needed to achieve those goals.

Its full report can be found here:

<http://www.ous.edu/sites/default/files/factreport/psqec/PSQECRecommendationsMay2010.pdf>

- In a subsequent report (May 2010), the commission offered a “student flow” model, developed by the National Center for Higher Education Management Systems (NCHEMS), to demonstrate the method by which progress to the 40-40 goals could be achieved, including:
 - Higher input rates – high school graduation, college going directly out of high school, and the participation of older adults; and
 - Better throughput rates – first-to-second year retention, transfers from two-year to four-year institutions and successful completion of degrees and certificates.

In this report, NCHEMS recommended strategies to:

- Improve remedial/developmental education;
- Create more opportunities for high school students to take college-level course work;
- Reach out to adults with some college but no degree to “bring them back into the fold;”
- Improve counseling and advising;
- Create more flexible course offerings;
- Offer more creative modes of delivery, combining distance and face-to-face learning;
- Create more clear, direct and accelerated paths to completion; and
- Focus on high-value certificates.

The full report can be found here:

<http://www.ous.edu/sites/default/files/factreport/psqec/PSQECfinal2008.pdf>

OREGON COMMUNITY COLLEGE STUDENT SUCCESS PLAN

The Department of Community Colleges and Workforce Development (CCWD) created the Oregon Student Success Steering Committee to develop a multi-year strategic plan for student success in the community college system. Its 2008 report includes a visual model, “Framework for Measuring Student Success,” that displays the colleges’ diverse student populations and their sometimes “non-linear” educational pathways. The report also includes recommendations for improving student retention rates, policies related to non-credit workforce training and a system to disaggregate performance data, on a college-by-college basis, to identify high-performing colleges and share their best practices.

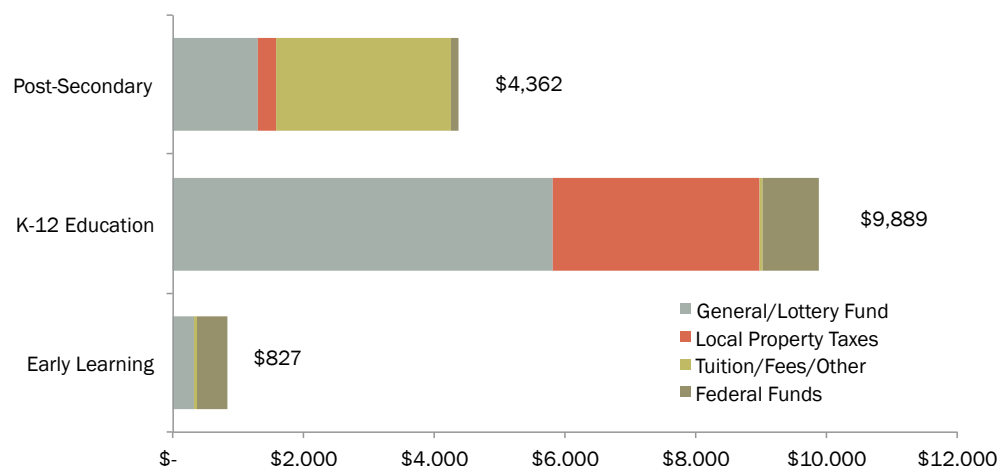
The full report can be found here:

<http://www.odccwd.state.or.us/files/pdf/StudentSuccessReport08.pdf>

OREGON EDUCATION INVESTMENT TEAM

Created by executive order of Gov. John Kitzhaber in 2011, this group laid the groundwork for the creation of the OEIB. Its work products included an analysis of state spending in all phases of the P-20 continuum.

Figure 13. Oregon's budgeted public education investment, 2011-13 (in millions)



Source: State Budget and Management Division, Oregon Department of Education, community college websites and financial offices, and OHSU financial office

The Governor's team also commissioned the first iteration of high-level strategies to achieve the state's 40-40-20 goals for high school and college completion. At the outset, the team noted that, "Absent a significant change in policy and investment, Oregon is headed for 30/18/42 (and 10 percent dropouts) rather than 40-40-20." The team recommended applying the 40-40-20 goals to students in the K-12 pipeline through 2025 rather than a "rigid interpretation" that would apply these goals to the entirety of the state's working age population. Specific to the postsecondary goals of 40-40, the team found that:

- Certificate attainment rates must increase by 129 percent from 2011 through 2025;
- Associate's degree attainment rates must increase by 57 percent; and
- Bachelor's degree attainment rates must improve by 29 percent.

The full report can be found here:

<http://www.oregon.gov/gov/oeit/docs/oeit40-40-20strategy7-25-11.pdf>

OEIB'S OREGON LEARNS REPORT

In its initial report to the Oregon Legislature (December 2012), the OEIB quantified the gaps to achievement of the 40-40-20 goals and the then-current spending levels across the P-20 continuum.

The executive summary of this report can be found here:

<http://www.oregon.gov/gov/oeib/docs/oregonlearnsexecsumwithlink.pdf>

TASK FORCE ON HIGHER EDUCATION STUDENT AND INSTITUTIONAL SUCCESS

Created by House Bill 3418 (2011), this task force identified both foundational and programmatic barriers to student and institutional success in its initial report to the Legislature.

In its final report (October 2012), the task force recommended four strategies to overcome these barriers and improve student and institutional success:

- Replicate and adapt effective practices within base budgets;
- Improve funding in the 2013-15 budget;
- Turn best practices into standard practices at institutions; and,
- Fund further research into, and analysis of, the Oregon Opportunity Grant program.

The full report can be found here:

<http://www.ous.edu/sites/default/files/dept/plan/HB3418TaskForceFINALREPORT10.15v2eh.pdf>

NCHEMS DASHBOARD

At the direction of the PSQEC and in subsequent collaborations with OUS and the Oregon Community College Association, NCHEMS constructed an interactive data base that can be used to project likely outcomes for inputs such as increased K-12 graduation rates and higher levels of degree production in Oregon's postsecondary institutions. This so-called "NCHEMS dashboard" continues to inform budget and policy development for our community colleges and universities.

The dashboard can be found here:

<http://www.nchems.org/NCHEMSCLASPOregonModel.swf>

2012-13 HECC REPORTS

In 2012-13, the newly established HECC oversaw the production of four reports mandated by legislation.

1. **Western Governor's University (WGU):** In response to House Bill 4059 (2012), the HECC completed a report on a potential partnership with WGU and its online education programs. This report outlined options that ranged from promoting WGU in Oregon to a state-branded partnership that includes eligibility for Oregon residents enrolled in WGU for state financial aid. It recommended continuing the state's current working relationship with WGU. Additional HECC recommendations included:
 - Create "a web portal to assist all Oregonians in having a 'one stop' place to explore all educational opportunities available in the state, including all authorized and accredited programs from other states;"
 - Conduct a gap analysis "to determine what need has not been met by existing institutions in Oregon to inform future state and institutional partnerships;" and

- Consider whether to open up the Oregon Opportunity Grant to all Oregon students regardless of whether the institution in which they enroll is located in the state.

The full report can be found here:

<http://www.oregon.gov/gov/docs/OEIB/HECC3.pdf>

2. **Credit for Prior Learning (CPL):** Also in response to House Bill 4059 (2012), the HECC established an advisory committee representing community colleges, public universities, not-for-profit institutions and for-profit private career colleges to work on ways to increase the number of students who receive academic credits for prior learning. The legislation mandated annual reports to the Legislature.

The committee's first report (December 2012) found that efforts supporting credit for prior learning varied widely within and between postsecondary sectors. It called attention to the extensive staff time and resources needed to put a CPL system in place and the need to consider costs to students and faculty.

The full report can be found here:

<http://www.oregon.gov/gov/docs/OEIB/HECC4.pdf>

The committee's second report (December 2013) contained draft standards for CPL, including a call for the development of institutional policies and procedures, evidence-based assessments, transferability and transcription, data collection and reporting, faculty and staff development and tuition and fee structures.

The full report can be found here:

<https://ccwd.oregon.gov/studentsuccess/edocs/HB%204059%20Report%202013%20FINAL.pdf>

The HECC approved the report and draft standards at its December 2013 meeting and asked the committee to investigate and develop plans for a pilot project in 2014-15.

3. **Textbook Affordability:** As directed by House Bill 4058 (2012), the HECC also produced a report on textbook affordability, which included recommendations to :
 - Alter the tuition and fee schedule at OUS schools to include instructional materials;
 - Create an Open Education Resource website archive, wiki or portal;
 - Create a cost of instructional materials index;
 - Promote use of materials with Creative Commons and traditional copyright/licensing rights;
 - Negotiate statewide licenses for full access to a publisher's library; and
 - Investigate the possible use of "custom editions" by faculty and publishers.

The full report can be found here:

<http://www.oregon.gov/gov/docs/OEIB/HECC6.pdf>

4. **Common Course Numbering (CCN):** As directed by House Bill 2979 (2013), the HECC convened a work group to “identify strategies to establish a CCN system for lower-division undergraduate courses,” a project that has a 30-year history in Oregon. The work group noted that the foundation for its work is common learning outcomes. It surveyed successful practices in other states and recommended “regular and ongoing convenings across postsecondary sectors to facilitate the alignment of essential learning outcomes at the course and major level as the consistent foundation for CCN.”

The full report can be found here:

http://www.oregonlegislature.gov/citizen_engagement/Reports/CCN_Report2013.pdf

OEIB EQUITY LENS

At its November 2013 meeting, the HECC adopted the OEIB’s Equity Lens “to ensure **every** learner is adequately prepared by educators focused on equity for meaningful contributions to society...[and] confirm the importance of recognizing institutional and systemic barriers and discriminatory practices that have limited access for many students in the Oregon education system.” In doing so, the HECC committed to using disaggregated data to guide our research and decisions and using the Equity Lens principles to guide our work groups and subcommittees.

The full report can be found here:

<http://education.oregon.gov/Documents/Final%20Equity%20Lens%20Adopted.pdf>

The New Governance Landscape

The HECC has been given the responsibility for ensuring educational success from the point at which students are completing their high school diplomas and moving forward to learning, training and mastering skills in college and career training programs.

Originally chartered by the Legislature in 2011, the commission was given new authorities in 2013 with the enactment of House Bill 3120 and Senate Bill 270 to reflect the reorganization of postsecondary governance.

This legislation established the HECC as the single point of statewide authority for:

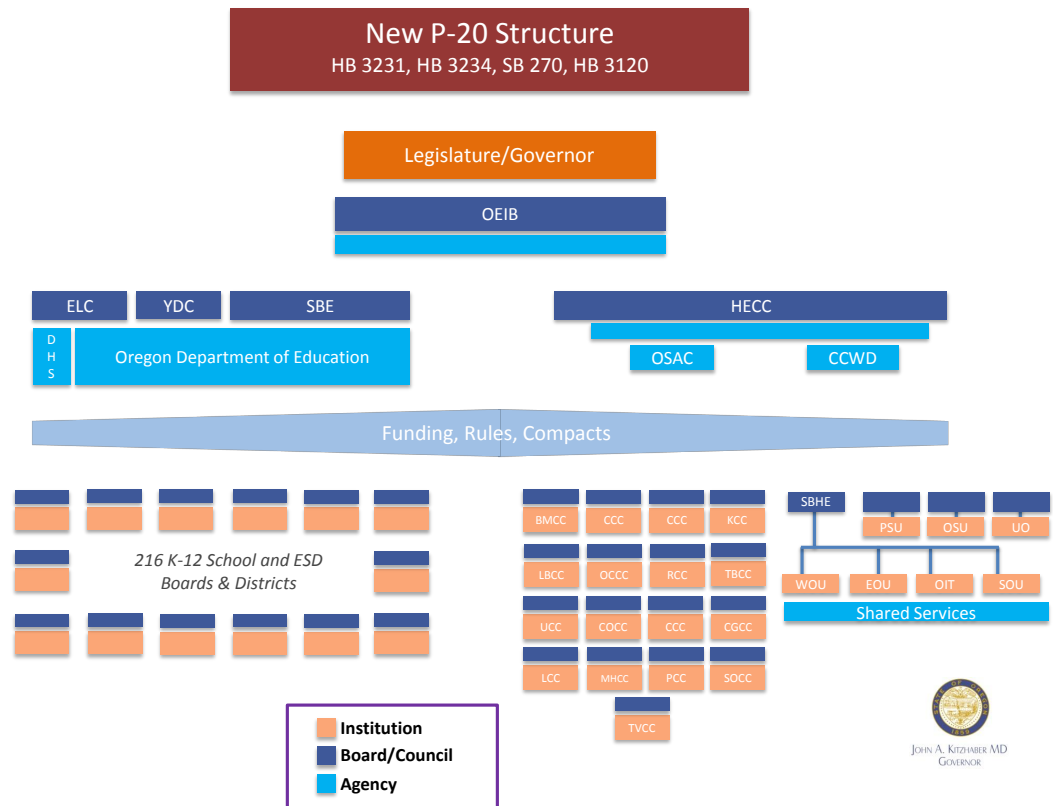
- Degree authorization (SB 242, 2011);
- Licensing of private career schools (SB 242, 2011);
- Public universities, by transferring authorities held by the State Board of Higher Education for developing the biennial budget request, allocating legislatively appropriated resources, and approving mission and significant changes in academic programs (SB 270, 2013)*;
- Community colleges, by transferring authorities currently held by the State Board of Education for developing the biennial budget request, allocating legislatively approved resources and approving significant changes in academic programs (SB 270, 2103)*:

- Student success, by transferring authorities currently held by the Oregon Student Access Commission for oversight of the Oregon Opportunity Grant and other student success programs*;
- Advising the OEIB on state goals and achievement compacts for community colleges and universities;
- Adopting a strategic plan for achieving the state's postsecondary goals; and
- Recommending to the Governor and the OEIB a consolidated higher education budget request aligned with the strategic plan.

*Effective July 1, 2014

We assume these responsibilities in the context of a more decentralized governance system for the state's 17 community colleges and seven four-year universities. In this new structure, we are appointed by the Governor, we report to the OEIB, and we advise the Legislature.

Figure 14. Oregon's public education institutions and governance structure



The leadership of institutional governing boards, the coordination of the HECC and the OEIB and the budget and policies established by the Legislature constitute a new paradigm for governing, guiding and funding the state's postsecondary system of education.

Old Paradigm	New Paradigm
The public system is managed to sustain institutions	The public system is organized to maximize student success
Constraints in state budgeting encourage cost shifts to institutions and students that obfuscate issues of capacity and affordability	Impacts of constraints in state budgeting on institutions and students will be clarified
State provides resources to institutions based on enrollment	Increasingly, state provides resources to institutions to maximize learning outcomes and student success
Centralized governance and management of universities	Centralized coordination; local governance and management

Workforce development

We recognize the important role played by our community colleges, CCWD, the Oregon Workforce Investment Board (OWIB) and its regional boards and the Oregon Employment Department. Coordination among these entities will add great value to the development of our strategies for the “middle 40” and for raising the educational attainment of our adult population.

In Executive Order 13-08, Gov. John Kitzhaber asked the OEIB and the OWIB to identify ways to achieve common results across the education and workforce system and subsequently asked the HECC to join in this discussion with particular attention to the middle 40 goal. In a communication to the chairs of the HECC and OWIB, dated Jan. 23, 2014, the Governor requested that they join a taskforce to “clarify the roles and responsibilities of the two boards and of the education and workforce partners to achieve our middle 40 and workforce goals.”

The institutional network

In addition to Oregon's community colleges and public universities, there is a larger network of postsecondary institutions and educational providers serving Oregon students whose roles and capacities are integral to achievement of the state's goals for educational achievement. The HECC's responsibilities to oversee and coordinate the delivery of education by these institutions varies greatly, but the commonality of purpose among and between these entities is reflected in the HECC's Vision Statement to "foster and sustain . . . an accessible, affordable and coordinated network for educational achievement beyond a high school diploma."

Institution type	Subtype	Number of institutions	HECC responsibilities
Oregon public universities	--	7	Funding allocations, state budget development, program approvals, mission approvals, coordination
Oregon Health and Sciences University	--	1	Coordination
Oregon community colleges	--	17	Funding allocations, state budget development, program approvals, coordination
Oregon-based private, degree-granting schools	Exempt due to religious or accreditation status	62	Coordination
	Non-exempt	30	Degree authorization, coordination
Non-Oregon degree-granting schools (distance education)	Exempt due to religious status and/or lack of physical presence in Oregon	144	Coordination
	Non-exempt due to physical presence in Oregon	82	Degree authorization, coordination
Oregon private career schools (non-degree granting)	--	220	Licensure, teacher registry, coordination

Legislative mandates for 2014-15

Our commission began its work with a list of mandates from the 2013 Legislature for one-time studies and reports to be undertaken in the current biennium. These include the following:

HB 2970 directed the HECC to develop standards related to requirements for associate transfer degrees in specific areas of study, including business and engineering.

HB 2979 created a HECC work group to study how to establish common course numbering for lower-division undergraduate courses in Oregon public colleges and universities.

HB 3472 directed the HECC to consider the creation of a proposed pilot program, called “Pay Forward, Pay Back,” as an alternative to the current system of tuition and fees required to attend institutions of higher education and, if it determines such a pilot program is warranted, to submit a proposed pilot program to the 2015 Legislature. This same legislation directed the HECC to study whether OUS universities can successfully implement a tuition freeze, including consideration of Western Oregon University’s “Western Tuition Promise” program and Florida’s “Finish in Four” program.

Also, in the February 2014 session the Legislature empowered and tasked the HECC with the following:

HB 4018 authorized the HECC to participate in the State Authorization Reciprocity Agreement (SARA) and to impose fees to recover costs from educational institutions in Oregon that elect to join SARA. This legislation also established CCWD as a department of the HECC. Finally, this legislation tasked the HECC with notifying the Governor if a university does not meet its financial and performance requirements.

HB 4019 requires the HECC to identify annually the federal or national entity that best provides information about the affordability and value of institutions of higher education in Oregon and to work toward developing a website that provides information on the affordability and value of higher education institutions operating in Oregon.

HB 4058 amends the 40-40-20 goals to include apprenticeship programs in the middle 40 for two-year degrees and certificates.

HB 4116 directs the HECC and CCWD to establish a competitive grant program to increase community college enrollment among under-served, low-income and first-generation students.

SB 1524 directs the HECC to study how Oregon can provide two years of free tuition and fees to all Oregon high school graduates who attend community colleges and to report to the Legislature by Sept. 30, 2014. In its report, the HECC must consider the number of students who would participate in the program, the anticipated annual cost of the program, the capacity of community colleges for additional enrollment, program eligibility criteria and the possibility of requiring students to first apply other financial aid (such as the Pell Grant) toward their tuition.

SB 1525 authorizes the HECC to administer interstate education agreements, such as SARA, and directs the HECC to advise and assist the OEIB on state goals and achievement compacts for state postsecondary institutions, strategic investments in Oregon’s community colleges, public universities and student

access programs and the coordination of postsecondary data collection for the state's longitudinal data system.

SB 1566 directs the OWIB to collaborate with other advisory bodies responsible for workforce development, including the HECC.

Expanding, Supporting and Sustaining the Pathways to Progress

In exercising our responsibilities, we see four distinct functions by which we will organize our work, support the OEIB, advise the Governor and the Legislative Assembly, implement their directives and work with the state's educational institutions, students and community partners. We characterize these four functions as:

- *Broadening and improving the pathways to our 40-40 goals;*
- *Making these pathways accessible, affordable and supportive for all students;*
- *“Steering” the enterprise of institutions that provide postsecondary education to accelerate progress for our students and the state; and*
- *“Cheering” the participation of Oregonians in a culture of educational aspiration, college completion and career readiness to create a self-sustaining cycle of individual opportunity, educational attainment, civic pride and economic accomplishment.*

1. Broaden the pathways to our 40-40 goals

It is our responsibility to draft the state's blueprints and prospectus for building and sustaining the pathways to educational success beyond high school and to keep the state on track to the state's 40-40 goals for the completion of postsecondary certificates and college degrees. We expect to develop multiple drafts of these plans as we orient our efforts to achieve Oregon's college completion and career readiness goals in the seven state budget periods remaining until the benchmark year of 2025. This will be an iterative process, with check-ins and adjustments along the way. But we are determined from the outset to measure our progress by the ability of all students to access and complete affordable, meaningful and rewarding programs of training and study beyond those that constitute a high-value high school diploma.

We will encourage increased efficiency and a “more-smarter-faster” approach to achieving our 40-40-20 goals. More students moving more efficiently along better-organized pathways that lead to faster completion of certificates and degrees will raise the “return on investment” for both students and the state. Better use of resources to promote more cost-effective practices, such as the use of articulation agreements and transfers among institutions, will encourage the “smarter.” But we also recognize that more resources will be needed to achieve the “more.” As we seek to broaden our educational pathways to serve more students, we will seek to secure appropriate commitments of state resources for both human and physical capital and promote better coordination with private providers.

Finally, we recognize that our institutions contribute to the state's economy and their educational mission through the creation of new knowledge and the application of that knowledge to industry. Thus, we view research and public services as an important component of the state's postsecondary infrastructure.

Our tools for exercising this function, in conjunction with the OEIB, are:

- The construction of recommended state budgets for institutional capacity and student support;
- The development of the postsecondary elements of a longitudinal data base; and
- The refinement of our 40-40 goals and the development and use of key metrics to keep us on track and on pace to achieve those goals.

2. Make the pathways accessible, affordable and supportive for students.

Students and their families now bear the heaviest financial burdens for pursuing an education beyond high school, far in excess of the commitment required of taxpayers to achieve our state's education goals. With this reality in mind, we recognize the need to not just wave the banner of 40-40-20 but to raise a warning flag as well. After decades of decline in taxpayer support for our public colleges and universities, and with annual real tuition rates increasing four times more quickly than most household incomes, the idea of working one's way through college is no longer an option. It is now only one of many coping mechanisms that often involve drawing down family assets and incurring significant loan debt as well. Viewed in purely financial terms, a college degree remains a compelling investment in future earnings power. But future returns can vary widely, depending on the cost of a program and the prospects for remuneration thereafter. It is worth keeping in mind that, even if today's level of tuition and fees remains constant, the financial trajectories to the state's 40-40 goals constructed to date assume that students and their families will continue to pay the largest share of the cost for their pursuit of an education beyond high school. This is a highly questionable assumption. The ability of students and their families to sustain their contribution to the achievement of our 40-40 goals is even more problematic than the ability of the state to increase its financial support for the postsecondary education enterprise.

Mindful of these challenges, we will apply our institutional "steering" function (described in the following section) to accelerate student progress and straighten the pathways to certificates and degrees. We will investigate how we can best help students navigate the increasingly complex array of choices that confront them. It is our responsibility to help students make well-informed decisions about the programs they choose that best fit their goals and life situations and the utility of the degrees they pursue in the economy and society.

Our tools for exercising this function are:

- The approval or rejection of tuition increases above the statutory ceiling of five percent per year for universities with their own governing boards;
- The monitoring and assessment of tuition policies across all of the state's postsecondary institutions;
- The "policy shop" functions, for the Governor, the OEIB and the Legislature, of identifying best practices, analyzing the effectiveness of programs and initiatives, developing policy options and designing pilot projects;
- The "consumer protection" functions of regulating private career schools and authorizing degree programs by private institutions that are not regionally accredited; and
- The administrative capacity to design and implement mechanisms for guiding and coaching students through their postsecondary education choices.

3. *"Steer" the higher education enterprise.*

Despite decades of disinvestment by the state in postsecondary education, our community colleges and universities have managed to serve more students and produce more degrees. Much of this achievement has come at the expense of student and family budgets. But gains in efficiency, as evidenced by the expansion of online learning, have contributed to this pattern of "achievement in spite of disinvestment" in ways that offer great potential for the future. Offsetting these gains, it is also clear that reductions in full-time faculty and reductions in student support services necessitated by continual budget reductions have constrained the ability of our institutions to make greater progress in the persistence and graduation rates of their students.

It is our responsibility to both challenge and support our state-sponsored institutions to meet the needs of students and the state with cost-effective, high-quality programs of training, study and research. This will require a firm and steady hand on the wheel in a tight-loose relationship with institutions whose governing boards bear primary responsibility for the delivery of postsecondary education.

We envision a concerted effort with the state's community colleges and universities to move from the old era of "achievement in spite of disinvestment" to a new era of "greater achievement in response to reinvestment," beginning with the funding increases provided by the Legislature in the current biennium. To do so, we and they will have to take advantage of technological innovations in education delivery, address the needs of our economy and society and respond to the financial constraints that confront Oregon's working families.

Consistent with our commitment to access, affordability and student success, we will work to clarify and align standards for learning outcomes that can accelerate students' progress to certificates and degrees.

Our tools for exercising this function are:

- The distribution of budgeted funds to institutions;
- The approval of public university missions and “any significant change” to the academic program of a community college or public university;
- Annual evaluations of each university with a governing board;
- Providing advice and assistance to the OEIB in the development and monitoring of state goals contained in achievement compacts;
- Use of our convening authority to complete the Legislature’s directive to establish a system of credit for prior learning, promote efficient articulation and transfer programs among postsecondary institutions and, in collaboration with faculty, encourage the adoption of practices to make textbooks more affordable for students;
- In conjunction with the OEIB, coordinate efforts with K-12 districts and ESDs, advance STEM initiatives and other high-value career programs and set expectations for schools of education to better meet the needs of the P-20 continuum; and
- Development and encouragement of best practices in educational delivery.

4. *“Cheer” the promotion of college completion and career readiness.*

Oregon has failed to prepare a workforce to fill high-skill, high-wage jobs. This has shortchanged Oregonians’ participation in the world of work and has forced employers in our most dynamic industries to import college-educated talent from outside the state. In addition, our Latino and other minority communities, which have had low rates of participation in postsecondary education, represent the fastest growing populations of students in Oregon. These realities challenge us to create a culture of college aspiration to achieve our 40-40-20 goals that can create a self-sustaining cycle of individual opportunity, educational attainment, civic pride and economic accomplishment.

Our tools here are both hortatory and financial. The former involves engagement of our communities to raise the profile of higher education in Oregon, with the help of philanthropic, educational and community-based partners. The latter involves support of initiatives to meet the needs of first-time college students and under-represented populations.

An Action Plan for 2014-15

Action items completed at the time of the release of this plan are indicated by a check mark. Those slated for completion during the remainder of the biennium are indicated by an arrow.

1) Broaden the Pathways to Our 40-40 Goals

a) Refine and sharpen the 40-40 goals.

We recognize that the state's postsecondary 40-40 goals will require different strategies for students in the K-12 "pipeline" and for adults in the workforce. Strategies for K-12 students are premised on a longer term, "supply side" commitment, while strategies for working-age adults are geared to more immediate, "demand side" workforce needs with greater emphasis on the "middle 40." These distinctions are captured in a policy document advanced to the OEIB.

The document can be found here:

http://education.oregon.gov/Documents/HECC/January 9, 2014/3.2_Refining 40-40-20.pdf

Much work remains to be done to identify the certificates that will qualify for the middle 40 along with two-year degrees. This work will be informed by the ongoing research of the Oregon Employment Department, the guidance of the OWIB and its regional boards, and the involvement of community colleges.

→ **ACTION 1.1:** Clarify the application of our 40-40-20 goals to school-age students and working-age adults – by April 2014.

→ **ACTION 1.2:** Coordinate with the OWIB to identify high-demand occupations and related degree/certification programs in the "middle 40" – Ongoing.

In a letter to the chairs of the HECC and the OWIB in January of this year, Gov. John Kitzhaber asked them to establish a joint taskforce to identify areas of overlap in the missions of the two boards, clarify roles and responsibilities, create a common set of goals with measurable outcomes and create a more formalized relationship between workforce and education partners.

→ **ACTION 1.3:** Work with the OWIB to clarify roles and responsibilities and create a more formalized relationship with workforce partners – by August 2014.

b) Develop and use key metrics to track the progress to 40-40.

We will develop system-wide metrics to highlight and track Oregon's progress to 40-40 and our relative standing in regard to funding and outcomes compared to other states and nations.

This will draw on the OEIB's experience with achievement compacts (see Section 3d, below) and incorporate comparators for public funding, student contributions, community/philanthropic support, institutional performance and educational attainment nationally and internationally.

In addition to using these metrics to monitor progress to established goals, we will consider their use to highlight the relative strengths and weaknesses of institutions to help inform student choices. (See Section 2g below.)

→ **ACTION 1.4:** Develop statewide metrics for monitoring progress to 40-40-20 and Oregon's standing in relation to other states and nations – by May 2014.

c) Develop a profile of students to be served.

As documented in the "Challenge of 40-40-20" section above, a growing number of students whose success will be critical to achieving our 40-40 postsecondary goals will come from low-income families, from racial and ethnic minorities who have historically been unrepresented in our colleges and universities and from students who are likely to be the first in their families to have pursued an education beyond high school. Identifying the needs of these students will be essential to designing programs that can assure their success.

→ **ACTION 1.5:** Develop a profile of Oregon's population of students to be served that reflects the needs of students who have been under-represented in our colleges and universities – by December 2014.

d) Develop biennial budget recommendations.

Our Funding and Achievement Subcommittee considered the following principles by which to guide its work on constructing recommended budgets for future biennia:

- Elevate affordability for students over institutional interests;
- Balance entrepreneurial independence/local control with the need for coordination and synergies;
- Connect to K-12 and OEIB's P-20 continuum; and
- Focus on outcomes.

[Note: It is expected that the subcommittee will have additional recommendations regarding weighted funding for under-represented students and for higher cost programs in high-demand fields of study. These will be addressed in Section 3. But they will also influence the construction of budget requests.]

In addition to funding for operations, budget development will also address statewide public services, research and capital needs.

The Funding and Achievement Subcommittee has adopted as its working priorities for the 2013-15 budget the development of funding mechanisms that

support efforts to serve under-represented students and better reflect the cost of high-demand programs.

- ✓ **ACTION 1.6:** Prepare budget development guidance for community colleges, universities, CCWD, OUS and the Oregon Student Access Commission (OSAC) and communicate this guidance – by February 2014.

This process was initiated with a letter to community college and university presidents and the OUS Chancellor's office to solicit responses to the HECC's proposed budget framework.

- **ACTION 1.7:** Prepare a consolidated budget request for 2015-17 – by September 2014.

This will involve:

- Aggregated budget requests for community colleges and universities, focused on our 40-40 goals, with separate categorization for operations and capital;
- Detailed budget requests for student support, such as the Oregon Opportunity Grant program and ASPIRE;
- Separate requests for statewide services, such as forestry research and agricultural services; and
- Supplemental requests for university research.

e) Assist in developing the postsecondary elements of a longitudinal database.

To support the OEIB's State Longitudinal Data Base System, the HECC is charged with designing and maintaining a postsecondary "data warehouse" to track student progress and success from enrollment through completion and beyond. The HECC will partner with existing data owners to define the set and scope of elements needed, identify intergovernmental agreements required and develop the processes necessary to protect confidentiality of individual student records. The HECC will work to prepare an extract of longitudinal records to the OEIB on a quarterly basis beginning in 2015-17.

2) Make the Pathways Accessible, Affordable and Supportive for Students

a) Respond to requests for approval of tuition increases above five percent per year by universities with governing boards.

The HECC will act on requests if and when received.

b) Monitor tuition policies for their impact on students and the state's 40-40 goals.

Pursuant to HB 3472, the HECC was tasked by the Legislature to conduct a study of the costs and benefits of freezing tuition increases generally and, more specifically, guaranteeing a fixed rate of tuition for incoming undergraduate students (as with the Western Oregon University Promise program). Included in

this study is an estimate of the long-term costs of continuing the Legislature's September 2013 appropriations to buy down tuition increases.

- ✓ **ACTION 2.1:** Complete tuition freeze study and report to the Legislature – by February 2014.

c) Review and develop recommendations for improving the state's financial aid programs.

At the request of the OEIB, the HECC has established a work group to analyze the efficacy and benefits of the Oregon Opportunity Grant program, review the accuracy of its cost of attendance and affordability measures, and recommend alternative program designs for different levels of state investment.

- **ACTION 2.2:** Complete initial report on financial aid redesign to OEIB – by April 2014.

Pursuant to Senate Bill 1524 (2014), the HECC has been directed to study how Oregon could provide two years of free tuition and fees to all Oregon high school graduates who attend community colleges. (See "Legislative mandates for 2014-15" above.) Our commission will take on this task in the light of the above findings and recommendations of its Financial Aid Work Group. Prior to the 2015 Legislative session, our commission will attempt to reconcile, integrate and prioritize options for student financial aid beginning with the 2015-17 biennium.

- **ACTION 2.3:** Complete an analysis of a program that offers two years of free community college and report to the Legislature – by September 2014.
- **ACTION 2.4:** Prepare recommendations for the OEIB and the Legislature that integrate and prioritize options for improving the state's financial aid programs and promoting access and affordability – by September 2014.

d) Design a pilot project for Pay It Forward.

Pursuant to House Bill 3472 (2013), the HECC has established a work group to:

- Develop a detailed plan for a pilot program for Pay It Forward, for a specified cohort or subgroup of students at one or more postsecondary institutions in Oregon that can be implemented during the 2015-17 biennium;
- Include a budget that identifies and quantifies the source of funding and the cost of administration for the life of the program; and
- Consider alternative models for promoting access and affordability for postsecondary students, to be forwarded to the Student Success Subcommittee.

The plan developed by this work group will be considered by the HECC for possible presentation to the Legislature in 2015. Our commission will also address the possibility of a Pay It Forward pilot as part of its integration and prioritizing of financial aid programs, pursuant to Section 2c above.

→ **ACTION 2.5:** Design and analyze a Pay It Forward pilot project for consideration by the HECC and possible presentation to the Legislature in 2015 – by September 2014.

e) Organize administrative functions and secure resources to improve student access and affordability.

Beginning in July 2014, the HECC's agency responsibilities will include the administration of the state's financial aid programs through OSAC and, potentially, the organization of statewide initiatives to maximize student financial aid generally.

f) Ensure the efficient administration of consumer protection functions.

The HECC houses two offices that provide oversight and administration for the authorization of degree programs and the licensure of private career schools:

- The Office of Degree Authorization administers laws, standards and services that protect students, holders of legitimately earned degrees, institutions, businesses, employers, patients, clients and licensing boards.
- The Private Career School office licenses private career schools and provides educational leadership, technical assistance, training and support to over 235 private career schools in Oregon.

The systems currently in place for states to manage and regulate the delivery of postsecondary education vary in methods and approach. These different systems create barriers for students and institutions to access and provide education across state lines, a problem that has become more acute with the expansion of online learning. For this reason, the HECC will consider exercising its authority to join Oregon to the voluntary State Authorization Reciprocity Agreement, which provides national standards for the interstate offerings of postsecondary distance education courses and associated programs.

✓ **ACTION 2.6:** Prepare legislative changes for inter-state program approvals for the 2014 legislative session – by February 2014.

g) Design mechanisms for guiding and coaching students through their postsecondary education choices.

The HECC will use its institutional “steering functions” to accelerate student progress and straighten the pathways to attainment of certificates and degrees. This will include the development of learning standards to assure that our institutions adopt common approaches to recognizing progress on the pathways to completion. Examples include common course numbering, articulation agreements and credit for prior learning, as addressed in the institutional steering section that follows.

The Student Success Subcommittee will investigate the development of a “net cost calculator” and data showing best estimates of demand for degrees by field of study.

The Student Success subcommittee will also investigate the creation of a web-based portal to facilitate students’ navigation of the system, with a feature that allows students to “mix and match” course offerings from multiple providers and institutions and “stack” credits in a straight-line path to attainment of certificates and degrees. In this effort, the subcommittee will build on and learn from the efforts of OUS’s Office of Student Success Initiatives related to K-16 alignment, including the Articulated Transfer Linked Audit System (ATLAS), a web-based system designed for more effective transfer of credits between community colleges and OUS institutions.

→ ACTION 2.7: Investigate the development of a web-based portal, based on OUS’s experience with the ATLAS program – Ongoing.

House Bill 4019 (2014) requires the HECC to identify annually the federal or national entity that best provides information about the affordability and value of institutions of higher education in Oregon. Also, this legislation requires postsecondary institutions to link to the entity identified by the HECC from their websites. Finally, this legislation requires the HECC to work toward developing a website that provides information on the affordability and value of higher education institutions operating in Oregon, which is consistent with the action item above.

→ ACTION 2.8: Survey national websites with information on postsecondary affordability and value and select one for use by postsecondary institutions in Oregon – by June 2014.

3) “Steer” the Higher Education Enterprise

a) Develop models for, and oversee, the distribution of budgeted funds to institutions.

The HECC has launched an early outreach program to solicit from the administrators of our community colleges and universities their observations and recommendations regarding:

- What is not working well under the current formulas; and,
- Eliminating barriers to effective achievement.

The HECC intends to provide enough lead time for institutions to respond to any change in the funding formula and does not anticipate any significant changes in funding formulas for the 2014-15 fiscal year. However, it is also possible that proposed funding enhancements in the 2015-17 biennium will be based in part on outcomes achieved in the 2014-15 fiscal year.

In examining the potential benefits of outcomes-based funding formulas, the HECC will be mindful that shifting the share of costs borne by the state or by students does not improve the return on investment (ROI) in the aggregate. Instead, such shifts simply redistribute costs and benefits. What can improve ROI and create a win-win for both the state and students is to reduce costs, achieve new efficiencies and/or accelerate completion.

→ ACTION 3.1: Develop distribution formula – by December 2014.

→ ACTION 3.2: Implement distribution formula – by July 2015.

→ ACTION 3.3: Advance funding and related policy recommendations of the Funding and Achievement Subcommittee – by September 2014.

b) Approve university missions and significant program changes.

House Bill 3120 (2013) authorizes the HECC to approve the mission statements of the universities and to “approve or disapprove any significant change to the academic program of a community college or university.”

The HECC has designated one of its members as its liaison, along with the HECC Executive Director and staff, to review the mission of the universities and adopt the necessary rules for overseeing the program approval process for community colleges and universities.

→ ACTION 3.4: Approve university missions and establish program approval process – by September 2014.

c) Evaluate universities with governing boards.

Pursuant to Senate Bill 270 (2013), the HECC is responsible for submitting annual evaluations to the Legislature for each university with a governing board and make recommendations regarding each university’s “ability to meet academic goals and fulfill its fiduciary responsibilities.” Evaluations must include a report on outcomes, measures of progress, goals and targets. Although these evaluations will not be due until the conclusion of the 2014-15 academic year, we have decided to establish the criteria by July 2014 to provide the universities with appropriate guidance at the start of this year.

→ ACTION 3.5: Develop evaluation criteria and communicate to university boards – by July 2014.

d) Develop, and monitor progress toward, state goals contained in achievement compacts.

Our role is to advise and assist the OEIB in the development of these goals in annual achievement compacts with community colleges, public universities and student access programs.

e) Use convening authority to promote cooperation, inter-institutional transfer and articulation programs and coordination with K-12.

Predictable pathways that are easy to follow are critical to broadening access and enhancing students' progress to certificates and degrees. Facilitating seamless transfers and minimizing wasted credits allows the process to become more intuitive and transparent for students.

Statewide collaborative efforts have addressed these goals with the Associate of Arts-Oregon Transfer (AAOT), Associate of Science-Oregon Transfer (ASOT), Oregon Transfer Module (OTM) and Core Course Equivalency programs between and among community colleges and universities. Faculty and staff feedback into these multiple efforts over the past 15 years began with alignment of content and has recently shifted to alignment of learning outcomes and course equivalencies. Additional work needs to be done to ensure the continuation and refinement of these efforts.

The HECC will continue to promote and facilitate these efforts and will consider the potential for a system-wide audit of how existing articulation and transfer programs are working.

→ **ACTION 3.6:** Use our convening authority to promote the alignment of programs to common standards for learning outcomes and establish reliable assessments among and between our colleges and universities – Ongoing.

f) Advance a system of credit for prior learning.

Pursuant to House Bill 4059 (2012), the HECC is charged with increasing the number of credits earned and types of credit for prior learning (CPL) offered by Oregon's postsecondary institutions, while maintaining quality assessments of learning. To meet this charge, a CPL Advisory Committee is working to establish a pilot project that will involve at least one community college and one university in the 2014-15 academic year.

→ **ACTION 3.7:** Launch Credit for Prior Learning pilot project – by July 2014.

g) Develop and encourage the adoption of best practices.

The OEIB has undertaken a number of grant-funded pilot projects that will advance STEM initiatives and promote regional collaborations among K-12 school districts, postsecondary institutions and community partners. These will inform the work of the HECC in promoting better alignment with the state's P-20 system.

Also, surveys and analyses of best practices both in-state and throughout the nation can provide useful action plans for our institutions, as demonstrated by the HECC's earlier work on textbook affordability.

Finally, the HECC has found that it can use its convening authority to good effect in promoting the adoption of such best practices, rather than attempting to mandate educational practices through rules or budget policies. This approach is

consistent with the tight-loose governance model now in effect for the state and its postsecondary institutions.

→ **ACTION 3.8:** Use our convening authority to encourage the adoption of practices to make textbooks more affordable for students, in collaboration with community college and university faculty – Ongoing.

4) “Cheer” the Promotion of College Completion and Career Readiness

a) Engage the public in the creation of a culture of college going and completion.

Oregon ranks 12th out of 29 states reporting sufficient data in the share of full-time students earning an associate’s degree within three years of college entry. The state ranks 5th among 25 reporting states in the share of full-time students earning a bachelor’s degree within six years of college entry.

Programs such as Complete College America and federal initiatives for college attainment have created a drumbeat of encouragement for college going and completion.

At the state level, programs such as ASPIRE and GEAR UP have demonstrated the effectiveness of early outreach and support for low-income and first generation college-going students.

At the local level, programs such as the Bernard Daly Educational Fund in Lake County have proven that well-tailored financial aid programs can motivate students to pursue education beyond high school.

The HECC will work to raise the profile of ongoing efforts. One example would be an annual recognition event for Oregon Opportunity Grant recipients.

→ **ACTION 4.1:** Complete an inventory of national and state-level polling and interviews regarding the attitudes of the public toward higher education, especially parents and students. Supplement findings with targeted polling to complete the picture in Oregon – Ongoing.

We also recognize that the magnitude of the challenges we face exceeds the capacity of our budget and staffing. Success in creating and sustaining a culture of college aspiration will depend in large measure on the engagement of civic organizations, community groups and partners in education, culture and business.

→ **ACTION 4.2:** Develop and implement an outreach and external communications plan – by May 2014 and ongoing thereafter.

Preliminary research indicates that as many as 20 percent of Oregon students enrolled in our postsecondary institutions may be eligible for federal Pell grants but not receiving them, thereby raising their cost of attendance and retarding their progress to completion. With more than \$400 million in Pell grants flowing to Oregon students every year, this “under-subscription” rate could amount to as much as \$80 million annually in foregone resources for our postsecondary students.

The HECC is examining plans for pilot projects focused on high school counseling, the processing of applications for late-enrolling community college students and outreach to targeted populations and communities to boost the Pell take-up rate in the 2014-15 school year. Longer term, we see the need for a more coordinated, statewide effort to monitor Pell applications and promote greater participation in the program.

→ **ACTION 4.3:** Move forward with plans to work with high schools to boost the filing of FAFSA applications and establish a “control tower” function to monitor Pell participation in the future – beginning April 2014 and ongoing.

Finally, we will work to develop and implement plans for outreach to minority communities and to low-income students from rural communities, consistent with the goals of the OEIB/HECC Equity Lens and the imperatives of our 40-40 goals.

b) Build support for financing postsecondary education in Oregon.

The greatest challenge to any realistic plan for the achievement of our 40-40 postsecondary goals is lack of resources. “Smarter” and “faster” can only take us so far. There is no dearth of best practices and compelling ideas for expanding access and improving student success. And there is great potential for achieving new efficiencies and economies of scale in online learning. But all of these initiatives will require additional resources, as will the infrastructure of our institutions and the capacity of their faculty and staff to meet the demands for postsecondary education that we hope to create and sustain.

To these ends, we will seek the engagement and support of the philanthropic foundations, civic organizations, businesses, labor unions, community leaders and individual Oregonians to help finance new initiatives and bring new ideas to fruition. We also recognize that completion of the 40-40-20 project will require the engagement of citizens and organizations, not just as supporters and donors, but as voters and taxpayers willing to support the reinvestment needed to achieve our vision of opportunity and progress for our people and our state.

Conclusions and Comments

We appreciate the many comments and critiques of this plan that we have received from students, faculty and administrators in our community colleges, public universities and private institutions; from members of the Legislature; from our colleagues at the OEIB and other state agencies, boards and commissions; from community organizations and from individual Oregonians.

As we have been repeatedly reminded during the development of this plan, Oregon colleges and universities are about much more than certificates and two- and four-year degrees. Our community colleges, for example, dedicate substantial resources to the valuable work of GED preparation, adult basic skills courses, and community/continuing education. At public universities, research and graduate education creates new knowledge that helps fuel our economy, improve our society, and prepare the next generation of scholars and innovators. The HECC understands its mission to include a responsibility for helping to nurture and foster these activities. At the same time, we are mindful that our commission exists partly in order to recommend state priorities for higher education from among a variety of overlapping goods. This will be no easy task given the breadth of our institutions' missions and the extraordinary value that each of their activities contributes to their local communities and the state. While 40-40-20 will serve as an important guidepost as we attempt to discern and establish state priorities, we appreciate that it does not encompass all that is valuable about higher education. Particularly as we look beyond the certificate and degree-seeking students who are at the heart of 40-40-20, we will emphasize our partnerships with other state entities whose interests in these areas overlap with our own, such as the Youth Development Council, the OWIB and the Oregon Innovation Council.

We have not been able to incorporate all suggestions we have received in the course of circulating multiple drafts of this report, nor were we able to resolve all the differences of perception, emphasis or policy. But we expect that, where there are areas of disagreement or concern, we will work in consultation and partnership to find common ground on the pathways to progress we envision here.

To that end, we note the following questions and concerns that we will continue to work to answer and address.

- What explains the increase in the costs of higher education, beyond the impacts of cost shifts to students?
- “Steering” is not the exclusive function of the HECC. Or, to put it another way, there are multiple steering wheels. Every community college and university board has steering functions and responsibilities for its own institution.
- The relationship of the HECC’s responsibility for monitoring and assessing the impact of tuition policies to the autonomous authority of the community colleges to establish tuition rates can create tensions going forward.
- Unaffordability is not always the most significant barrier for students. Sometimes the unavailability of certain courses is a greater barrier. Thus, the relationship

between affordability for students and the capacity of our institutions needs to be examined.

- Community colleges contribute not just to the postsecondary “40-40,” but to the secondary “20,” by virtue of GED programs, adult high schools, middle colleges and dual enrollment. Recognition of, and support for, these activities will require ongoing attention.
- The benefits and trade-offs of relying on out-of-state students to subsidize in-state students deserves more attention.
- The quality of educational offerings should not be an arms’ length concern for the HECC.
- Better assistance and counseling for students can straighten the pathways for students and minimize time spent on courses unrelated to a degree.
- HECC should look first at redistributing new funds, rather than existing funds, in its funding distribution formulas.
- Research matters. By focusing only on undergraduate student success, the HECC may be ignoring the most important aspect of being a research university.
- Enrollment of Oregonians at many of our universities has flat-lined or declined this year. Our focus should be squarely on the educational attainment of Oregonians.
- More should be said about the connection between individual educational attainment and jobs and personal income growth.
- This is more an action plan than a strategic plan. The action plan for the remainder of this biennium should inform a five-year strategic plan thereafter.

HECC Equity Lens



Oregon

Higher Education Coordinating Commission
775 Court St. NE
Salem, OR 97301
503-378-5690

April 18, 2014

Dear President-

We would like to draw your attention to the attached Equity Lens that has been adopted by the Oregon Education Investment Board (OEIB), the Higher Education Coordinating Commission (HECC), and other state and local education-related boards in order to help guide discussions and practice at pre-schools, K-12 schools, colleges, and universities throughout Oregon.

We have established equity as a cornerstone of the State's approach to policy and budgeting. As a practical matter for education, that means that the OEIB, the HECC, and their associated state agencies will be guided by the commitments we have made through the adoption of this Lens. For the HECC, for example, the Equity Lens shapes the Commission's (a) early efforts to significantly increase access to the federal Pell Grant, and (b) interest in establishing weighted funding for outcomes attained by students of color.

We know that your institution is committed not merely to achieving educational outcomes for Oregonians, but to ensuring that those outcomes are achieved equitably. Too often, however, *conviction* about equity has not been matched by *clarity* about what it means and or *direction* how it shall be achieved. The Lens is especially helpful in this regard. It establishes, for example, that the primary focus of the equity lens is on race and ethnicity. It clearly defines the terms such as "equity," "race," "underserved students," and "achievement gap." It poses eight questions that are designed to help guide resource allocation decisions both at the state and institutional levels. We hope that your Board of Trustees will adopt that Lens, and that it will serve as a jumping-off point for your own conversations and efforts.

We look forward to following up with you to learn more about your institution's equity work, including how you are putting into practice the beliefs and commitments that are made in the Lens. Please don't hesitate to be in touch with any questions or comments.

Yours sincerely,

John A. Kitzhaber
Governor

Ben Cannon
Executive Director

Nancy Golden
Chief Education Officer



Education Investment Board: Equity Lens

OEIB Vision Statement

To advise and support the building, implementation and investment in a unified public education system in Oregon that meets the diverse learning needs of every pre-K through postsecondary student and provides boundless opportunities that support success; ensuring a 100 percent high school graduation rate by 2025 and reaching the 40-40-20 goal.

OEIB Equity Lens: Preamble

The Oregon Educational Investment Board has a vision of educational equity and excellence for each and every child and learner in Oregon. We must ensure that sufficient resource is available to guarantee their success and we understand that the success of every child and learner in Oregon is directly tied to the prosperity of all Oregonians. The attainment of a quality education strengthens all Oregon communities and promotes prosperity, to the benefit of us all. It is through educational equity that Oregon will continue to be a wonderful place to live, and make progress towards becoming a place of economic, technologic and cultural innovation.

Oregon faces two growing opportunity gaps that threaten our economic competitiveness and our capacity to innovate. The first is the persistent achievement gap between our growing populations of communities of color, immigrants, migrants, and low income rural students with our more affluent white students. While students of color make up over 30% of our state- and are growing at an inspiring rate- our achievement gap has continued to persist. As our diversity grows and our ability to meet the needs of these students remains stagnant or declines- we limit the opportunity of everyone in Oregon. The persistent educational disparities have cost Oregon billions of dollars in lost economic output¹ and these losses are compounded every year we choose not to properly address these inequalities.

¹ Alliance for Excellent Education. (November 2011). *The high cost of high school dropouts: What the nation pays for inadequate high schools.* www.all4ed.org

The second achievement gap is one of growing disparity between Oregon and the rest of the United States. Our achievement in state benchmarks has remained stagnant and in some communities of color has declined while other states have begun to, or have already significantly surpassed our statewide rankings. If this trend continues, it will translate into economic decline and a loss of competitive and creative capacity for our state. We believe that one of our most critical responsibilities going forward is to implement a set of concrete criteria and policies in order to reverse this trend and deliver the best educational continuum and educational outcomes to Oregon's Children.

The primary focus of the equity lens is on race and ethnicity. While there continues to be a deep commitment to many other areas of the opportunity gap, we know that a focus on race by everyone connected to the educational milieu allows direct improvements in the other areas. We also know that race and ethnicity continue to compound disparity. We are committed to explicitly identifying disparities in education outcomes for the purpose of targeting areas for action, intervention and investment.

Beliefs:

We believe that everyone has the ability to learn and that we have an ethical responsibility and a moral responsibility to ensure an education system that provides optimal learning environments that lead students to be prepared for their individual futures.

We believe that speaking a language other than English is an asset and that our education system must celebrate and enhance this ability alongside appropriate and culturally responsive support for English as a second language.

We believe students receiving special education services are an integral part of our educational responsibility and we must welcome the opportunity to be inclusive, make appropriate accommodations, and celebrate their assets. We must directly address the over-representation of children of color in special education and the under-representation in “talented and gifted.”

We believe that the students who have previously been described as “at risk,” “underperforming,” “under-represented,” or minority actually represent Oregon’s best opportunity to improve overall educational outcomes. We have many counties in rural and urban communities that already have populations of color that make up the majority. Our ability to meet the needs of this increasingly diverse population is a critical strategy for us to successfully reach our 40/40/20 goals.

We believe that intentional and proven practices must be implemented to return out of school youth to the appropriate educational setting. We recognize that this will require us to challenge and change our current educational setting to be more culturally responsive, safe, and responsive to the significant number of elementary, middle, and high school students who are currently out of school. We must make our schools safe for every learner.

We believe that ending disparities and gaps in achievement begin in the delivery of quality Early Learner programs and appropriate parent engagement and support. This is not simply an expansion of services -- it is a recognition that we need to provide services in a way that best meets the needs of our most diverse segment of the population, 0-5 year olds and their families.

We believe that resource allocation demonstrates our priorities and our values and that we demonstrate our priorities and our commitment to rural communities, communities of color, English language learners, and out of school youth in the ways we allocate resources and make educational investments.

We believe that communities, parents, teachers, and community-based organizations have unique and important solutions to improving outcomes for our students and educational systems. Our work will only be successful if we are able to truly partner with the community, engage with respect, authentically listen -- and have the courage to share decision making, control, and resources.

We believe every learner should have access to information about a broad array of career/job opportunities and apprenticeships that will show them multiple paths to employment yielding family-wage incomes, without diminishing the responsibility to ensure that each learner is prepared with the requisite skills to make choices for their future.

We believe that our community colleges and university systems have a critical role in serving our diverse populations, rural communities, English language learners and students with disabilities. Our institutions of higher education, and the P-20 system, will truly offer the best educational experience when their campus faculty, staff and students reflect this state, its growing diversity and the ability for all of these populations to be educationally successful and ultimately employed.

We believe the rich history and culture of learners is a source of pride and an asset to embrace and celebrate.

And, we believe in the importance of supporting great teaching. Research is clear that “teachers are among the most powerful influences in (student) learning.”² An equitable education system requires providing teachers with the tools and support to meet the needs of each student.

Oregon Educational Investment Board Case for Equity:

Oregonians have a shared destiny. Individuals within a community and communities within a larger society need the ability to shape their own present and future and we believe that education is a fundamental aspect of Oregon’s ability to thrive. Equity is both the means to educational success and an end that benefits us all. Equity requires the intentional examination of systemic policies and practices that, even if they have the appearance of fairness, may in effect serve to marginalize some and perpetuate disparities. Data are clear that Oregon demographics are changing to provide rich diversity in race, ethnicity, and language.³ Working toward equity requires an understanding of historical contexts and the active investment in changing social structures and changing practice over time to ensure that all communities can reach the goal and the vision of 40/40/20.

Purpose of the OEIB Equity Lens: The purpose of the equity lens is to clearly articulate the shared goals we have for our state, the intentional investments we will make to reach our goals of an equitable educational system, and to create clear accountability structures to ensure that we are actively making progress and correcting where there is not progress. As the OEIB executes its charge to align and build a P-20 education system, an equity lens will prove useful to ensure **every** learner is adequately prepared by educators focused on equity for meaningful contributions to society. The **equity lens** will confirm the importance of recognizing institutional and systemic barriers and discriminatory practices that have limited access for many students in the Oregon education system. The equity lens emphasizes underserved students, such as out of school youth, English Language Learners, and students in some communities of color and some rural geographical locations, with a particular focus on racial equity. The result of creating a culture of equity will focus on the outcomes of academic proficiency, civic awareness, workplace literacy, and personal integrity. The system outcomes will focus on resource allocation, overall investments, hiring and professional learning.

² Hattie, J. (2009), *Visible learning: A synthesis of over 800 meta-analyses relating to student achievement*. P. 238.

³ Oregon Statewide Report Card 2011-2012. www.ode.state.or.us

ADDENDUMS

Basic Features of the Equity Lens:

Objective: By utilizing an equity lens, the OEIB aims to provide a common vocabulary and protocol for resource allocation and evaluating strategic investments.

The following questions will be considered for resource allocation and evaluating strategic investments:

- 1. Who are the racial/ethnic and underserved groups affected? What is the potential impact of the resource allocation and strategic investment to these groups?**
- 2. Does the decision being made ignore or worsen existing disparities or produce other unintended consequences? What is the impact on eliminating the opportunity gap?**
- 3. How does the investment or resource allocation advance the 40/40/20 goal?**
- 4. What are the barriers to more equitable outcomes? (e.g. mandated, political, emotional, financial, programmatic or managerial)**
- 5. How have you intentionally involved stakeholders who are also members of the communities affected by the strategic investment or resource allocation? How do you validate your assessment in (1), (2) and (3)?**
- 6. How will you modify or enhance your strategies to ensure each learner and communities' individual and cultural needs are met?**
- 7. How are you collecting data on race, ethnicity, and native language?**
- 8. What is your commitment to P-20 professional learning for equity? What resources are you allocating for training in cultural responsive instruction?**

Creating a culture of equity requires monitoring, encouragement, resources, data, and opportunity. OEIB will apply the equity lens to strategic investment proposals reviews, as well as its practices as a board.

Definitions:

Equity: in education is the notion that EACH and EVERY learner will receive the necessary resources they need individually to thrive in Oregon's schools no matter what their national origin, race, gender, sexual orientation, differently abled, first language, or other distinguishing characteristic.

Underserved students: Students whom systems have placed at risk because of their race, ethnicity, English language proficiency, socioeconomic status, gender, sexual orientation, differently abled, and geographic location. Many students are not served well in our education system because of the conscious and unconscious bias, stereotyping, and racism that is embedded within our current inequitable education system.

Achievement gap: Achievement gap refers to the observed and persistent disparity on a number of educational measures between the performance of groups of students, especially groups defined by gender, race/ethnicity, and socioeconomic status.

Race: Race is a social – not biological – construct. We understand the term “race” to mean a racial or ethnic group that is generally recognized in society and often, by government. When referring to those groups, we often use the terminology “people of color” or “communities of color” (or a name of the specific racial and/or ethnic group) and “white.”

We also understand that racial and ethnic categories differ internationally, and that many of local communities are international communities. In some societies, ethnic, religious and caste groups are oppressed and racialized. These dynamics can occur even when the oppressed group is numerically in the majority.

White privilege: A term used to identify the privileges, opportunities, and gratuities offered by society to those who are white.

Embedded racial inequality: Embedded racial inequalities are also easily produced and reproduced – usually without the intention of doing so and without even a reference to race. These can be policies and practices that intentionally and unintentionally enable white privilege to be reinforced.

40-40-20: Senate Bill 253 - states that by 2025 all adult Oregonians will hold a high school diploma or equivalent, 40% of them will have an associate's degree or a meaningful postsecondary certificate, and 40% will hold a bachelor's degree or

advanced degree. 40-40-20 means representation of every student in Oregon, including students of color.

Disproportionality: Over-representation of students of color in areas that impact their access to educational attainment. This term is a statistical concept that actualizes the disparities across student groups.

Opportunity Gap: the lack of opportunity that many social groups face in our common quest for educational attainment and the shift of attention from the current overwhelming emphasis on schools in discussions of the achievement gap to more fundamental questions about social and educational opportunity.⁴

Culturally Responsive: Recognize the diverse cultural characteristics of learners as assets. Culturally responsive teaching empowers students intellectually, socially, emotionally and politically by using cultural referents to impart knowledge, skills and attitudes.⁵

⁴ (The Opportunity Gap (2007). Edited by Carol DeShano da Silva, James Philip Huguley, Zenub Kakli, and Radhika Rao.

⁵ Ladson-Billings, Gloria (1994). *The Dreamkeepers: Successful Teachers of African American Children*.

H Orientation on Legal Matters

Board of Trustees of the Oregon Institute of Technology

Orientation on Legal Matters



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Introduction

This material covers a variety of topics that you will encounter as a member of the historic first Board of Trustees of Oregon Institute of Technology. Some of this information may seem overwhelming or just complicated. The good news is that you are not alone on a deserted island. Oregon Tech has a terrific staff that is available to assist you, and you have colleagues at the other public universities that have gone through this process or are going through it now. It is important, however, that you rely on official Oregon Tech channels for formal advice. Doing so protects you and the university.

The following will be covered to one degree or another in this presentation:

1. Why You Are Here and How This Happened
2. Brief History of Higher Education Governance in Oregon
3. Status of Oregon Tech Currently and as of July 1, 2015
4. Role of the Board of Trustees under SB 270
5. Role of the President and Faculty under SB 270
6. Role of the Oregon Education Investment Board and Higher Education Coordinating Commission
7. Overview of the Oregon Public Records Law
8. Overview of the Oregon Public Meetings Law
9. Overview of the Oregon Government Ethics Law
10. Annual Reporting of Economic Interests
11. Fiduciary Duties of Boards of Trustees of Colleges and Universities
12. Transition Activities Performed Between July 2013 and June 2014
13. Transition Activities Required Between Now and July 1, 2015
14. General Discussion of Foundational Documents

The details of some of these topics, including distribution and discussion of foundational documents and required transitional activities will be covered in-depth at future meetings.

Although your tasks may seem daunting, you should be comforted by the fact that you are on the same timeline as Oregon State University, Portland State University, and the University of Oregon were on last year, and many of the transition activities that you would otherwise need to accomplish were completed earlier this year.

Finally, this is not legal advice. It is always advisable to consult legal counsel if you have any questions, concerns or doubt about the propriety of any conduct.

1. Why You Are Here and How This Happened

The Board of Trustees of Oregon Institute of Technology exists by virtue of Senate Bill 270 passed in the 2013 regular session of the Oregon Legislative Assembly, and House Bill 4018 passed in the 2014 regular session of the Oregon Legislative Assembly.

SB 270 established independent governing boards and granted extensive authority and autonomy to Oregon State University, Portland State University, and the University of Oregon effective July 1, 2014. SB 270 also included provisions by which Oregon Institute of Technology, Southern Oregon University, Eastern Oregon University and Western Oregon University could be granted independent governing boards and the same authority and autonomy as OSU, PSU and UO.

HB 4018 amended SB 270 to change the process that had been set forth in SB 270 by which Oregon Tech, SOU, EOU and WOU could become independent of the Oregon University System. Each chose to seek its own governing board. Each of you, except the President (who is an ex-officio, non-voting member of the board by operation of law), was nominated by the Governor and subsequently confirmed by the Oregon Senate - and here you are.

2. Brief History of Higher Education Governance in Oregon

Oregon Tech started in 1947 when the state of Oregon acquired the U.S. marine barracks facilities in Klamath Falls and charged the State Board of Education with establishing a state vocational school at that location. That school was originally known as Oregon Vocational School. By 1949, it became known as Oregon Technical Institute. Then, in 1973, the institution's name was changed to Oregon Institute of Technology.

The State Board of Higher Education was established in 1929. However, Oregon Tech was governed by the Division of Vocational Education of the State Board of Education until 1957 when the State Board of Education began governing the school directly. In 1959, governance of the school was transferred to the State Board of Higher Education (the "State Board"). The State Board (and the Oregon University System) and each of the individual institutions were state agencies. The position of chancellor has existed since 1929, but the existence of the position and its duties were not set forth in law until many years later.

In 1995, the Legislative Assembly granted Oregon Health and Sciences University (OHSU) independence from OUS. OHSU ceased to be a state agency under the governance of the State Board. OHSU became an independent public corporation governed by a board of directors.

Also in 1995, the legislature granted significant "regulatory relief" to OUS. For example, OUS no longer was subject to the state personnel system, no longer was required to conduct procurement and contracting through the Oregon Department of Administrative Services, and gained other independent authority. However, OUS remained a state agency in many if not most respects, and the State Board lacked certain key authorities that similar governing boards in other states enjoyed.

In 2011, the Oregon Legislative Assembly enacted Senate Bill 242, which was an amalgam of higher education reform proposals made by the Legislature's Joint Committee on Higher Education and the

higher education governance reform proposals made by OUS. The bill provided the State Board of Higher Education and the chancellor with additional power and OUS with relief from additional state regulatory requirements but did not provide additional authority or autonomy to the universities.

SB 270 established each of OSU, PSU and UO as an independent public body governed by strong boards of trustees based on the model pioneered by OHSU. The bill provides for the universities to have "statewide purposes and missions" and be "without territorial boundaries." Further, none of the three universities is a state agency, board, commission or institution for purposes of state statutes or constitutional provisions.

Until July 1, 2015, the State Board remains the governing board for Oregon Tech, EOU, SOU and WOU.

3. Status of Oregon Tech Currently and as of July 1, 2015

Oregon Tech is governed by the State Board of Higher Education and is one of the public universities that comprise the Oregon University System through June 30, 2015. Today, OUS consists of the office of the Chancellor and Oregon Tech, EOU, SOU and WOU. The State Board has substantially the same authorities it has had since 1929, except as modified in 1995 and 2011. The Chancellor is the chief executive officer of OUS and supervises the presidents of Oregon Tech, EOU, SOU and WOU.

The State Board and the Board of Trustees must live with some ambiguity until June 30, 2015. While the State Board remains the legal governing board of Oregon Tech, the trustees have broad authority to take all actions necessary to assume responsibility for Oregon Tech on July 1, 2015. On that date, Oregon Tech will become an "independent public body" governed by the Trustees with the full authority set forth in SB 270 and other applicable law.

4. Role of the Board of Trustees Under SB 270

Effective July 1, 2015, Oregon Tech will be an "independent public body" governed by the Board of Trustees. This is the same as PSU, OSU and UO currently and is much like OHSU as well. Indeed, Senate Bill 270 is largely based on the statutes applicable to OHSU. It is critical to understand that the board of trustees is not itself a legal entity and is not separate from Oregon Tech. Rather, Oregon Tech is akin to a public corporation, and the Board of Trustees is the board of directors of the public corporation. The legal entity is the "Oregon Institute of Technology." The board of trustees is the university's governing board, and the president of the university is the organization's chief executive officer. Because of the culture of colleges and universities, as well as statutory provisions with a long history in Oregon (and in other states), the faculty also play a significant role in the academic operation of the organization.

Under SB 270, the Board of Trustees has very broad authority to manage and govern the university. Under the board's supervision, the university may operate inside or outside the State of Oregon, including in foreign countries. While the university will continue to be a governmental entity, it will not be a unit of local or municipal government or a state agency, board, commission or institution for purposes of state statutes or constitutional provisions. This provides the university with a broad exemption from state and local regulation in Oregon. Of course, the university remains subject to a wide-range of federal and some state regulation.

The board will have every authority necessary or appropriate for the operation of a public university, including the authority to:

- Appoint and employ a President and other employees.
- Set tuition, mandatory enrollment fees, and charges, fines and fees for services, facilities, operations and programs, except that the authority to increase resident undergraduate tuition and mandatory enrollment fees is capped at five percent per year absent approval of the Higher Education Coordinating Commission or the Legislature.
- Approve the university budget.
- Manage, invest, and spend all available money without approval of the Legislature, the Oregon Department of Administrative Services, or the State Treasurer, except for the portion of the operating budget provided by the state (currently just over 15% of the operating budget) and the proceeds of state bonds.
- Borrow money and issue bonds secured by university revenue.
- Acquire, hold, and dispose of any kind of property, real or personal, tangible or intangible. Real property will be held in the name of the "State of Oregon acting by and through the Board of Trustees of Oregon Institute of Technology."
- Authorize the construction, improvement, and operation of any kind of building or structure.
- Acquire by condemnation private property for public use.
- Establish any and all university policies.
- Establish, supervise and control all academic and other programs, subject to the authority of the Higher Education Coordinating Commission (HECC) to approve "significant changes in academic programs."
- Sue and be sued.
- Establish a police department and regulate conduct, traffic and parking on university property.

Having the authority does not in all cases mean that the authority must be exercised. However, there are some authorities that the trustees must exercise, including setting tuition and mandatory enrollment fees and approving the university budget, as well as selecting, evaluating, and dismissing the president.

Between now and July 1st the university (under the direction of and as delegated by the board) may take any action that is necessary for the university to exercise on and after July 1st all of the duties, functions and powers granted by SB 270.

5. Role of the President and Faculty Under SB 270

The president of the university is the "executive and governing officer of the university," the "president of the faculty," and, subject to the Board's supervision, has the authority to "direct the affairs" of the university. The faculty of the university consists of the "president and professors."

In American higher education, there is a tradition of shared academic governance between and among the governing board, president and faculty, although ultimate authority resides with the governing board via the president. Thus, the president and the professors as the faculty have the immediate government and discipline of a university and the students therein, *except as otherwise provided by law*

or action of the board. The faculty may, subject to the supervision of the board and the Higher Education Coordinating Commission, prescribe the course of study to be pursued in the university and the textbooks to be used.

6. Role of the Oregon Education Investment Board and Higher Education Coordinating Commission

The Oregon Education Investment Board (OEIB) was established in 2011 by the Oregon Legislative Assembly. The OEIB was established for the purpose of ensuring that all public school students in this state reach the education outcomes established for the state. The OEIB was charged with accomplishing this goal by overseeing a unified public education system that begins with early childhood services and continues throughout public education from kindergarten to post-secondary education.

The duties of the board include:

- Ensuring that early childhood services are streamlined and connected to public education from kindergarten through grade 12 and that public education from kindergarten through grade 12 is streamlined and connected to post-secondary education. To assist the board in fulfilling this duty, the OEIB oversees:
 - a. The Early Learning Council.
 - b. The Higher Education Coordinating Commission established by ORS 351.715.
- Recommending strategic investments in order to ensure that the portion of the public education budget appropriated by the state is integrated and is targeted to achieve the education outcomes established for the state.
- Providing an integrated, statewide, student-based data system that monitors expenditures and outcomes to determine the return on statewide education investments. The OEIB must provide the data system by:
 - a. Developing the data system or identifying or modifying an existing data system that accomplishes the goals of the data system; and
 - b. Ensuring that the data system is maintained.
- Working with the Quality Education Commission to identify best practices for school districts and the costs and benefits of the adoption of those best practices by school districts.

The OEIB also reviews and enters into achievement compacts with school districts, education service districts, community colleges, the public universities, and OHSU. The achievement compact is one vital way that the OEIB accomplishes its purposes. The OEIB is not a governing board, and the university boards of trustees do not report to the OEIB.

House Bill 3120 (passed in 2013) activated the Higher Education Coordinating Commission (HECC), which had been created in 2011. Funding for the HECC is primarily through some of the funds that formerly

would have been appropriated to OUS and used by the Chancellor's Office. As its name indicates, the HECC serves a coordinating function relative to significant changes to the academic programs of the community colleges and public universities (and has narrow approval authority in that regard), the relatively modest, although not insignificant, portions of operating and capital budgets that are funded by the State of Oregon, and strategies for achieving state post-secondary education goals.

The HECC's role is limited and carefully circumscribed. The HECC may exercise only powers, duties and functions expressly granted by the legislature. All other authorities reside with the boards of trustees. This approach contrasts with the powers, duties and functions granted to the boards of trustees, which not only have all of the powers, rights and privileges that are expressly conferred, but all that are implied by law or are incident to such powers, rights and privileges.

The HECC may:

- Advise and assist the OEIB on state goals and associated achievement compacts for community colleges and public universities; strategic investments in higher education; and coordination of the post-secondary elements of data collection and structure.
- Adopt a strategic plan for achieving state post-secondary education goals.
- Recommend to the Governor and OEIB a consolidated higher education budget request for appropriated funds and state bonds.
- Adopt rules governing the distribution of appropriated funds to community colleges and public universities.
- Approve or disapprove any “significant change” to the academic program of a community college or a public university.
- Approve the mission statement adopted by a board of trustees.

The HECC has a variety of other responsibilities relative to community colleges and private colleges and universities.

7. Overview of the Oregon Public Records Law (OPRL)

Oregon Institute of Technology and the Trustees are Subject to the OPRL

Oregon Institute of Technology is a public body covered by the OPRL. The board of trustees is the governing body of Oregon Tech and thus each trustee in his or her official capacity is subject to the OPRL. Any public record prepared, owned, used or retained by a trustee and related to the public's business is subject to the OPRL.

Records Covered by the OPRL

The definition of "public record" is very broad and "includes any writing that contains information relating to the conduct of the public's business, including but not limited to court records, mortgages, and deed records, prepared, owned, used or retained by a public body regardless of physical form or characteristics." *This serves to include any writing that relates to the conduct of the public's business and that is contained on a privately owned computer or a privately owned email account of a trustee or a university employee.*

A "writing" is any "handwriting, typewriting, printing, photographing and every means of recording, including letters, words, pictures, sounds, or symbols, or combination thereof, and all papers, maps, files, facsimiles or electronic recordings." *This definition includes emails, text messages and voice mails that are retained.* Even after an e-mail message is "deleted" from a computer or account, the message may continue to exist on back-up media, and the university is required to search for the record. As with any public record, the university must make all nonexempt e-mail that constitutes a public record available for inspection and copying *regardless of its storage location.*

Using a private email or text message account does not necessarily result in a record being beyond the ambit of the OPRL.

Prepared, Owned, Used or Retained by a Public Body

A record prepared by a public body is subject to the OPRL as long as it relates to the conduct of the public's business. However, records need not have been prepared originally by the university or a trustee to qualify as public records. If records prepared outside government contain "information relating to the conduct of the public's business," and are "owned, used or retained" by the university, the records are within the scope of the OPRL. For example a letter from the American Assembly of Collegiate Schools of Business (AACSB) to PSU was a public record when in the possession of PSU because it was retained and used by PSU. However, the copy in the possession of the AACSB is not a public record.

A document prepared by a private entity does not become a public record merely because a public official reviews the document in the course of official business so long as the official neither uses nor retains the document. Further, not all documents in the possession of a trustee necessarily constitute public records. For instance, correspondence between the Oregon Government Ethics Commission (OGEC) and a trustee concerning the trustee's possible violation of ethical obligations in ORS chapter 244 is not a public record in the hands of the trustee because the OGEC investigation pertains to the

trustee in his or her individual capacity and the liability of the trustee is personal. However, that same correspondence may be a public record in the hands of OGE.

This is a key point: a document may not be a public record when in the possession of one public body but may be a public record when in the possession of another public body. We will address this issue further in the discussion of exemptions from the OPRL.

Destruction of Public Records

It is a crime to knowingly destroy, conceal, remove or falsely alter a public record. It is a good practice for each trustee to ensure that the board secretary or other appropriate Oregon Tech official retains a copy of all correspondence, electronic or otherwise, relating to the conduct of the public's business to and from trustees. As long as the board secretary or other appropriate official retains one copy, the university and the trustee need not retain other copies, unless revised or altered in some way.

Records That Are Not Within the Scope of the OPRL

There are a few kinds of records that are, by definition, not subject to the OPRL. For purposes of a public university in Oregon, certain records pertaining to faculty members are by statute not public records.

Records That May Be Exempt from the OPRL

There is a lengthy list of records that are or, under certain circumstances may be, exempt from disclosure. The decision about whether a record is exempt should be made by the applicable person at Oregon Tech and, as appropriate, with the advice of legal counsel.

There are "unconditional" and "conditional" exemptions from disclosure. An unconditional exemption exists when the record falls within the exemption provision without any further balancing of confidentiality interests and public disclosure interests. A conditional exemption *requires* that the university balance these interests. In determining whether an exemption applies, the university should be aware that the identity of the requester and the circumstances surrounding the request are irrelevant to the question concerning whether the information fits within the category of the exemption. The circumstances of a particular request become relevant only if the requested information comes under an exemption that requires a balancing of interests. In that context, the requester's purpose in seeking disclosure may be relevant to determining whether the public interest requires disclosure.

The following are brief descriptions of some of the records that are most relevant to universities and may be exempt from disclosure:

- Certain public records pertaining to litigation
- The portion of a record containing a trade secret
- Tests and exam material
- Certain real estate appraisal records
- Certain records pertaining to personnel disciplinary actions

- Certain records pertaining to faculty research
- Certain public safety plans
- Certain records that may affect the security of facilities
- Certain records pertaining to security measures
- Student email addresses
- Records containing “internal advisory communications”
- Records the disclosure of which would constitute an unreasonable invasion of privacy
- Records containing certain personal information such as home address, age, weight, and residential telephone number
- Records that include “confidential submissions”
- Records or information the disclosure of which is prohibited by federal law. The primary example in the college and university setting are records and information prohibited from disclosure by the Family Educational Rights and Privacy Act of 1974 (FERPA)
- Records or information the disclosure of which is prohibited or restricted or otherwise made confidential or privileged under Oregon law
- Records protected by the attorney-client privilege

Separation of Exempt and Non-exempt Material and Information

If any public record contains material which is not exempt and also material which is exempt from disclosure, the university must separate the exempt and nonexempt material and make the nonexempt material available for examination. This is why public bodies redact portions of records that are disclosed.

Consultation with Legal Counsel

Public bodies often must consult with legal counsel regarding public record requests. Briefly postponing the disclosure of records for that purpose does not violate the OPRL. It is also reasonable for the university to obtain legal advice before responding to an extensive public records disclosure request when compliance will seriously disrupt the institution’s operations. Similarly, it is reasonable for the university to consult counsel about disclosure of documents that appear to be exempt, in whole or in part, from the disclosure requirements of the OPRL. When the university receives a request for records that the university believes may be pertinent to a legal claim or litigation against the public body, it is also advisable to consult counsel.

8. Overview of the Oregon Public Meetings Law (OPML)

Oregon Institute of Technology and the Trustees are Subject to the OPML

The board of trustees is a governing body of a public body and thus will almost always be subject to the OPML. Board committees may also be subject to the OPML.

Meetings That May Be Subject to the OPML

The OPML defines a meeting as the convening of a governing body of a public body for which a quorum is required in order to make a decision or to deliberate toward a decision *on any matter*. Even if a meeting is for the sole purpose of gathering information or conducting an investigation to serve as the basis for a subsequent decision or recommendation by the board, the meetings law will apply, as long as a quorum is present. Typically, a quorum is a majority of the members of a board or certain committees. However, the bylaws that you adopt may define a quorum differently.

A gathering of less than a quorum of a board, committee, subcommittee, advisory group or other governing body is not a "meeting" under the OPML. Moreover, if the members of a committee, subcommittee or advisory group are charged to form their recommendations individually rather than collegially through a quorum requirement, the Public Meetings Law does not apply.

Governing body meetings with administrative staff are subject to the requirement of the OPML if a quorum of the members of the governing body convenes to receive information from staff on topics related to particular substantive or administrative matters that a quorum of the governing body will or may be called upon to decide.

The OPML expressly recognizes that meetings may be conducted by telephonic conference calls or "other electronic communication." Such meetings are subject to the OPML. For nonexecutive session meetings held by telephone or other electronic means of communication, the public must be provided at least one place where its members may "listen" to the meeting by speakers or other devices. As discussed in greater detail below, representatives of the news media may need to be provided access to such facilities when executive sessions are conducted electronically unless the representatives may be excluded lawfully from the executive session.

Use of more sophisticated means of electronic communication, such as "WebEx" or "Go To Meeting" in lieu of face-to-face official meetings has become more common in recent years. Communications between and among a quorum of members of a governing body convening on electronically-linked personal computers are subject to the OPML if the communications constitute a decision or deliberation toward a decision for which a quorum is required, or the gathering of information on which to deliberate.

Meetings That Are Not Covered by the OPML

Social Gatherings: Purely social gatherings of the members of a governing body are not covered by the OPML. The Oregon Court of Appeals has held that social gatherings of a school board at which members sometimes discussed "what's going on at the schools," did not violate the OPML. The *purpose* of the

meeting triggers the requirements of the law. However, a purpose to deliberate on any matter of official policy or administration may arise *during* a social gathering and lead to a violation. Trustees constituting a quorum must avoid any discussions of official business during such a social gathering. Trustees should also be aware that some citizens may perceive social gatherings as an effort to avoid issuing a notice of a public meeting.

Retreats and Goal-setting Sessions: Governing bodies sometimes want to have retreats or goal-setting sessions. These types of meetings are nearly always subject to the OPML because the governing body is deliberating toward a decision on official business or gathering information for making a decision. For example, the board may wish to have an informal, long-range planning session to help guide (in general terms) the future priorities of the university. Because the discussion at such a session is very likely to lay the foundation for subsequent decisions, whether a decision on which general issues to pursue over the next year or a decision on how to approach a particular issue, it would be subject to the OPML. It does not matter that the discussion is "informal" or that no decisions are made; it is still a "meeting" for purposes of the OPML.

Training Sessions: Whether a governing body's training sessions are subject to the OPML will depend on whether any substantive issues are discussed. For example, the board may have a training session on improving personal interaction among the trustees. If that training is carefully structured to avoid any discussion of official business, and no such discussion occurs, the training would not be subject to the meetings law. This is a very sensitive area, however, and advice from legal counsel should be sought.

On-site Inspection of any Project or Program: Visits by trustees to a research laboratory to conduct an on-site inspection of a research program or to a facility in order to conduct an on-site inspection of the design or construction of a facility are statutorily exempt from the OPML.

Attendance at Conferences: Attendance of trustees at any national, regional or state association to which the university or the trustees belong (e.g., the Association of Governing Boards if the university is a member) is statutorily exempt from the OPML.

OPML Issues That Will Be Problematic for the Trustees

Lack of Sufficient Advance Notice of a Meeting: The university must give public notice, "reasonably calculated to give actual notice" to interested persons including news media which have requested notice, of the time and place for holding *regular meetings*. Typically, this is accomplished by emailing the notice to the trustees, posting the notice on a website dedicated to the trustees, and issuing a press release to local media and any other news media that have requested notice.

A *special meeting* requires at least 24 hours' notice to the trustees, the news media which have requested notice, and, usually by posting on the trustee web site, the general public. In case of an actual *emergency*, a meeting may be held upon such notice as is appropriate under the circumstances, but the minutes for such a meeting must describe the emergency justifying less than 24 hours' notice.

Content of the Notice and any Agenda: The OPML requires that the notice of any meeting "include a list of the principal subjects anticipated to be considered at the meeting." The list should be specific enough to permit members of the public to recognize the matters in which they are interested. It may be

advisable to provide more than a list of principal subjects, either in the notice or by posting an agenda which includes a more detailed description of significant items to be discussed and also includes drafts of policies or transactions proposed to be approved.

Executive Sessions: Sometimes a meeting will include both a session open to the public and an executive session. It is good practice to include this on the notice, along with the statutory authority for the executive session. If only an executive session will be held, the notice must be given to the trustees, to the general public and to news media which have requested notice, stating the specific provision of law authorizing the executive session.

Permissible Subjects of an Executive Session: There is a statutory list of subjects that may be discussed during an executive session. Most germane to a university governing board are: (1) to consider the employment of a public officer, employee, staff member or individual agent; (2) to consider the dismissal or disciplining of, or to hear complaints or charges brought against, a public officer, employee, staff member or individual agent who does not request an open hearing; (3) to conduct deliberations with persons designated by the governing body to carry on labor negotiations; (4) to conduct deliberations with persons designated by the governing body to negotiate real property transactions; (5) to consider information or records that are exempt by law from public inspection; (6) to consider preliminary negotiations involving matters of trade or commerce in which the governing body is in competition with governing bodies in other states or nations; (7) to consult with counsel concerning the legal rights and duties of a public body with regard to current litigation or litigation likely to be filed; and (8) to review and evaluate the employment-related performance of the chief executive officer of any public body, a public officer, employee or staff member who does not request an open hearing.

Presence of the News Media in Executive Sessions: Oregon appears to be the only state that allows “representatives of the news media” to attend certain executive sessions. Given the changing nature of the news media, there is much current discussion about who is a “representative of the news media.” Representatives of the news media are not permitted in executive sessions where the trustees conduct deliberations with persons designated to carry on labor negotiations. Representatives of the news media may also be excluded when records or information that is confidential under federal law is discussed. An example typical in higher education is the discussion of education records rendered confidential by the Family Educational Rights and Privacy Act of 1974 (FERPA). Overall, the presence of the news media in executive sessions substantially reduces the usefulness of executive sessions even though the law imposes, and the university may place, some restrictions on what news media representatives who are present may report.

Misunderstanding What is a Social Gathering: It is useful to build the culture of a board by having the members get to know each other in social settings. However, presentations by staff members or others may serve to turn what would otherwise be a social gathering into a public meeting.

Inadvertently Converting a Social Gathering or Other Non-public Meeting Into a Public Meeting: A quorum of trustees may not engage in discussions of official business during a social gathering. Further, sometimes a meeting planned for less than a quorum of trustees, such as dinner with a small group of trustees from other institutions, may inadvertently be attended by more than a quorum, thus potentially converting it into a public meeting.

Dinner Meetings: I have provided an article from the *Seattle Times* about dinner meetings held by the Board of Regents of the University of Washington. There is nothing wrong with having a meeting around a meal. Persons other than trustees need not be served any food or beverages. However, problems can arise when dinner meetings are held in restaurants, hotels, or out-of-the-way locations and are not purely social gatherings. Dinner meetings where business will be conducted should be held in a facility that is easily accessible to members of the public.

Electronic Communications: The application of the OPML to meetings conducted by electronic means is discussed above. Trustees should also be careful about serial emails, serial text messages, and serial telephone calls among trustees.

Locations of Meetings: The Board of Trustees of Oregon Tech may meet anywhere in Oregon. However, it would be generally advisable to limit meetings to Oregon Tech facilities in Klamath Falls, and, if desirable, facilities in Portland.

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Local News

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UW regents move dinner meetings for public access

Times Watchdog: The University of Washington Board of Regents is moving its monthly dinner meeting from the president's house, which critics challenged as inaccessible to the public, to a club on campus.

By Katherine Long

Seattle Times higher education reporter

Prompted by a legal challenge into whether its dinner meetings were truly open to the public, the University of Washington Board of Regents will no longer regularly be holding them at the off-campus home of UW President Michael Young, as has been its practice for many years.

Instead, the 10-member board will meet at the University of Washington Club, a nonprofit campus social club.

Observers still won't get dinner, but they will have an easier time finding the meeting, and likely a more comfortable place to watch, too. Last month, observers of the dinner had to stand on a porch that adjoined the dining room, behind a velvet rope, watching the regents eat and talk. No chairs were provided.

Critics applauded the move.

"It looks like they took the concerns to heart," said Toby Nixon, president of the Washington Coalition for Open Government and a member of the Kirkland City Council.

"I think they should be commended for doing the right thing rather than circling the wagons and resisting," he said.

Last month, the group Don't Expand UW Primate Testing claimed the governing board broke the state's open-meetings law when it discussed the construction of a new animal-research laboratory during a dinner meeting at the president's mansion's last year.

The lawsuit claims that a chain of emails shows the board illegally reached a consensus on approving the project at dinner on Nov. 13, 2013.

The lawsuit claims that the dinner meetings have "the purpose and effect of shutting the public out of this decision-making process and shielding defendants from accountability for their positions."



The UW has argued that the dinner meetings are public meetings, which are properly advertised, and conducted in accordance with the state's Open Meetings Act.

"However, as a result of the spotlight recently shed on them (the dinner meetings), we thought we would give more of the public access by moving to the UW Club," said UW spokesman Norm Arkans. Most future dinner meetings likely will be held in that location as well, he said.

The board routinely has a dinner meeting the Wednesday night before its regular monthly meeting on the second Thursday of the month — a common practice for the governing boards of the state's other public universities.

But the other universities have their dinners on campus, or stipulate that the dinners are purely social in nature.

The UW's regular board meetings take place during the day, usually in a large, open room in the Allen Library.

Nixon, the open government advocate, was critical of the UW's previous failure to give an address for the president's house, which is about 2 miles south of campus, in its dinner-meeting notice.

This month, the notice, which is on the regents' website, gives clear directions to the UW Club.

The agenda for this Wednesday's dinner meeting, which starts at 5:30 p.m., includes a legislative preview, an update on the medical-school program, a presentation on enhancing the UW's relations with the city of Seattle, and a discussion of university goals by Young and Provost Ana Mari Cauce.

Also this week, during the Thursday meeting, the regents will take a second vote on the Animal Research and Care Facility — the \$123.5 million building that is to be constructed underground, and which will allow the university to expand animal testing.

The regents approved that construction a year ago. It was the vote to approve that building that spurred the lawsuit.

The regents are voting a second time "out of an abundance of caution" because of the lawsuit, according to the board packet.

That project will be discussed during the finance and asset management committee's meeting at 8:30 a.m. Thursday in 142 Gerberding Hall, followed by a vote during the regular meeting at 12:45 p.m., in the Peterson Room of the Allen Library.

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9. Overview of the Oregon Government Ethics Law (OGEL)

A Trustee is a Public Official and Thus Subject to the OGEL

The OGEL restricts some choices, decisions or actions of a public official. A trustee is a public official. This section will address how the OGEL applies to trustees. Initially, it is essential to understand that the OGEL applies to trustees individually and not to the actions of the board as a whole or the university. Each individual trustee is personally responsible for complying with provisions in the OGEL, although you will discuss in the future the extent to which the university should provide a defense to an individual trustee who is the subject of an ethics complaint.

Relatives

The OGEL also applies to some relatives of a trustee. “Relative” means:

- (a) The spouse, parent, stepparent, child, sibling, stepsibling, son-in-law or daughter-in-law of the public official or candidate;
- (b) The parent, stepparent, child, sibling, stepsibling, son-in-law or daughter-in-law of the spouse of the public official or candidate;
- (c) Any individual for whom the public official or candidate has a legal support obligation;
- (d) Any individual for whom the public official provides benefits arising from the public official's public employment or from whom the public official receives benefits arising from that individual's employment; or
- (e) Any individual from whom the candidate receives benefits arising from that individual's employment.

Businesses With Which Trustees are Associated

The OGEL also touches businesses with which a trustee may be associated.

“Business” means any corporation, partnership, proprietorship, firm, enterprise, franchise, association, organization, self-employed individual and any other legal entity operated for economic gain but *excluding* any income-producing not-for-profit corporation that is tax exempt under section 501(c) of the Internal Revenue Code with which a public official or a relative of the public official is associated only as a member or board director or in a non-remunerative capacity.

“Business with which the person is associated” means:

- (a) Any private business or closely held corporation of which the person or the person's relative is a director, officer, owner or employee, or agent or any private business or closely held

corporation in which the person or the person's relative owns or has owned stock, another form of equity interest, stock options or debt instruments worth \$1,000 or more at any point in the preceding calendar year;

- (b) Any publicly held corporation in which the person or the person's relative owns or has owned \$100,000 or more in stock or another form of equity interest, stock options or debt instruments at any point in the preceding calendar year;
- (c) Any publicly held corporation of which the person or the person's relative is a director or officer; or
- (d) Any business listed as a source of income on the annual verified report of economic interests.

Substantive Provisions Prohibiting or Requiring Certain Acts

Use of Position for Personal Gain: A key provision of the OGEL prohibits public officials from using or attempting to use their official positions or offices to obtain a financial benefit for themselves, relatives or businesses they are associated with through opportunities that would not otherwise be available but for the office held. This provision has been the subject of many opinions of the OGEC. It is well beyond the scope of this presentation to set forth the many matters considered by the OGEC.

Gifts Solicited or Received by a Public Official or Made to a Public Official: During a calendar year, a public official or a relative may not solicit or receive, directly or indirectly, any gift or gifts with an aggregate value in excess of \$50 from any single source that could reasonably be known to have a legislative or administrative interest. During a calendar year, a person who has a legislative or administrative interest may not offer to the public official or a relative or member of the household of the public official any gift or gifts with an aggregate value in excess of \$50.

“Legislative or administrative interest” means an economic interest, distinct from that of the general public, in any matter subject to the decision or vote of the public official acting in the public official's capacity as a public official.

This seems like a broad prohibition on the receipt of gifts. However, in the absence of a legislative or administrative interest in any matter subject to the decision or vote of the public official, no gift limit exists. Further, there are numerous exceptions to the definition of “gift,” the most germane of which are mentioned below.

Use of Certain Confidential Information for Personal Gain: Public officials often have access to or manage information that is confidential and not available to members of the general public. The OGEL prohibits public officials from attempting to use confidential information gained because of the position held or by carrying out assigned duties to further the public official's personal gain. The OGEL also prohibits a former public official from attempting to use confidential information for personal gain if that confidential information was obtained while holding the position as a public official, from which access to the confidential information was obtained.

Appearances Before the Board: The OGEL addresses circumstances that may arise when a public official owns or is associated with a business. The type of business is one that may occasionally send a representative of the business to appear before the governing body on behalf of a client for a fee. Public officials who are members of governing bodies and own or are employed by businesses, such as a law, engineering or architectural firm, may encounter circumstances in which this provision may apply. For example, a member of a city council who is an architect has a developer as a client of the architect's business. If the developer has a proposed subdivision to be approved by the city council, the architect may not appear before the city council on behalf of the client developer. Another person representing the client developer on behalf of the architect's business may appear, but not the councilor/architect.

Typical Circumstances Not Prohibited by the OGEL:

Official Compensation: "Official compensation" means the wages and benefits provided to the public official. Typically, a governing board would adopt policies that apply to board members regarding the direct payment of expenses by the public body and benefits that are permissible because they involve duties associated with the public body, such as attending performances and sporting events.

Reimbursement of Expenses: Public officials are allowed to receive reimbursement of expenses incurred by the public official in the course of performing official duties. Payment of expenses in advance is also permissible.

Honoraria: Public officials are allowed to accept an honorarium. An honorarium is a payment or something of economic value given to a public official in exchange for services upon which custom or propriety prevents the setting of a price. Services include, but are not limited to, speeches or other services rendered in connection with an event. You should not solicit or negotiate an honorarium.

Acceptance of Certain Gifts: Under specific conditions public officials may also accept gifts without regard to quantity or aggregate value. As noted above, in the absence of a legislative or administrative interest in any matter subject to the decision or vote of the public official, no gift limit exists. Further, there are numerous exceptions to the definition of "gift" when a legislative or administrative interest exists. The following are a few of the exceptions most likely to apply to trustees:

- Gifts from relatives or members of the household of the trustee.
- An unsolicited token or award of appreciation in the form of a plaque, trophy, desk item, wall memento or similar item, with a resale value reasonably expected to be less than \$25.
- Informational or program material, publications or subscriptions related to the recipient's performance of official duties.
- Admission provided to or the cost of food or beverage consumed by a trustee, or a member of the household or staff of the trustee when accompanying the trustee, at a reception, meal or meeting held by an organization when the trustee represents the university.
- Expenses provided by one public official to another public official for travel inside the state to or from an event that bears a relationship to the receiving public official's office and at which the official participates in an official capacity.
- Food or beverage consumed by a trustee at a reception where the food or beverage is provided as an incidental part of the reception and no cost is placed on the food or beverage.

- Entertainment provided to a trustee or a relative or member of the household of the trustee that is incidental to the main purpose of another event.
- Entertainment provided to a trustee or a relative or member of the household of the trustee where the trustee is acting in an official capacity while representing the university for a ceremonial purpose.
- Anything of economic value offered to or solicited or received by a trustee, or a relative or member of the household of the public official or candidate:
 - (i) As part of the usual and customary practice of the person's private business, or the person's employment or position as a volunteer with a private business, corporation, partnership, proprietorship, firm, enterprise, franchise, association, organization, not-for-profit corporation or other legal entity operated for economic value; and
 - (ii) That bears no relationship to the trustee's holding of, or candidacy for, a position on the board of trustees or another public office.

Declaration of Actual and Potential Conflicts of Interest

Another provision that frequently applies to trustees when engaged in official actions is the requirement to disclose the nature of conflicts of interest. When met with an actual or potential conflict of interest, a trustee must:

- Announce publicly the nature of the *potential* conflict prior to taking any action thereon in the capacity of a trustee; or
- When met with an *actual* conflict of interest, announce publicly the nature of the actual conflict and refrain from participating in any discussion or debate on the issue out of which the actual conflict arises or from voting on the issue.

“Actual conflict of interest” means any action or any decision or recommendation by a person acting in a capacity as a public official, the effect of which would be to the private pecuniary benefit or detriment of the person or the person's relative or any business with which the person or a relative of the person is associated unless the pecuniary benefit or detriment arises out of circumstances described in the definition of potential conflict of interest.

“Potential conflict of interest” means any action or any decision or recommendation by a person acting in a capacity as a public official, the effect of which could be to the private pecuniary benefit or detriment of the person or the person's relative, or a business with which the person or the person's relative is associated, *unless* the pecuniary benefit or detriment arises out of the following:

- (a) An interest or membership in a particular business, industry, occupation or other class required by law as a prerequisite to the holding by the person of the office or position.
- (b) Any action in the person's official capacity which would affect to the same degree a class consisting of all inhabitants of the state, or a smaller class consisting of an industry, occupation or other group including one of which or in which the person, or the person's relative or business with which the person or the person's relative is associated, is a member or is engaged.

- (c) Membership in or membership on the board of directors of a nonprofit corporation that is tax-exempt under section 501(c) of the Internal Revenue Code

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By Tony Boom

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July 16, 2013 12:01AM

State ethics panel drops case against Talent city manager

TALENT — Oregon's Government Ethics Commission has voted to drop an investigation into allegations that City Manager Tom Corrigan improperly benefited when city workers installed panels on the side of a personal trailer he was using to haul trees to a city nursery.

TALENT — Oregon's Government Ethics Commission has voted to drop an investigation into allegations that City Manager Tom Corrigan improperly benefited when city workers installed panels on the side of a personal trailer he was using to haul trees to a city nursery.

Commissioners voted 5-1 in Salem Friday to drop the case despite a staff recommendation to move to investigation. There appeared to be a "substantial objective basis to believe that violation of Oregon Government Ethic laws may have occurred," a staff report said.

Joe Strahl, who oversees city engineering under a contract, filed the complaint on April 8. Public Works Superintendent Lester Naught and employees Bret Marshall and Chance Metcalf also signed the complaint.

"I wished they had gone forward," Strahl said Monday. "I'm disappointed. I think a lot of misinformation that was out there could have been resolved by doing an investigation."

Corrigan and attorney Lauren Sommers of the Local Government Law Group, which represents the city, attended the session in Salem. The Talent City Council had earlier agreed to supply legal counsel for Corrigan in the matter.

"I would compliment the ethics commission on their work," said Corrigan. "It is a very difficult job. They are very diligent in their pursuits. I appreciate the job they have to do and the conclusion that they reached."

Commissioners felt they had enough information to decide against going forward, said commission Executive Director Ron Bersin. The meeting was a closed executive session and Bersin would not discuss the reasoning behind the commission's action.

"There are times that the staff here will recommend to move (an investigation) forward. We may want to know more information," said Bersin. "I believe (the commissioners) got all the information they needed to get their decision."

According to the complaint, Corrigan benefited financially when wooden panels were fitted to his trailer by Metcalf and Marshall. Corrigan was bringing trees on the trailer from his property in Sams Valley to a tree nursery established by the city's Together for Talent Committee.

Corrigan paid for the panels, but Metcalf and Marshall spent an estimated 51/2 hours on procurement and installation in late February.

According to information cited in the report:

- Corrigan donated more than 100 trees to the project. Larger ones that had to be hauled on the trailer about 40 miles arrived wind-buffed and defoliated.
- City staff recommended the panels and offered to install them using scrap metal brackets, the report notes. The brackets have been returned to the city.
- When contacted by the ethics commission in mid-April, both Metcalf and Marshall indicated they felt pressured to sign the complaint and, given more time for consideration, might not have signed. They felt Strahl had a "personal vendetta" against Corrigan.

The employees also said the work was performed to protect the trees while in transit.

But Strahl said he did not regret pursuing the case.

"I had to do what I did. I did the right thing. My obligation to the city of Talent and those employees is satisfied," said Strahl. "It was up to the commission and they chose not to pursue it further."

Strahl's complaint also indicated that Corrigan advised Strahl during a meeting before the installation that he was "the sole person in charge at the city and that his authority was not to be questioned."

Corrigan would not discuss specifics in the report. Strahl had not seen the report and also declined to talk further about details. Naught declined to comment on the commission ruling.

Tony Boom is a freelance writer living in Ashland. Reach him at tboomwriter@gmail.com.

<http://www.mailtribune.com/article/20130716/News/307160330>

Print Page

10. Annual Reporting of Economic Interests

On or before April 15 of each year, a trustee must file with the OGEC a verified statement of economic interest. Based on advice provided by the OGEC in 2014, Oregon Tech trustees will first file the verified statement in April 2016. Legal counsel or the board secretary should be charged with ensuring that your name has been provided to the OGEC so that you will receive a form. Legal counsel or the board secretary should also alert you to the requirement in early 2016 and follow up with you to ensure that you have filed. A specimen of the current form is attached.

STATE OF OREGON



2014

ANNUAL VERIFIED STATEMENT OF ECONOMIC INTEREST

[INFORMATION FOR THE CALENDAR YEAR 2013]

PLEASE READ CAREFULLY:

- The Oregon Government Ethics Commission (Commission) has been informed that you are a public official who is required by ORS 244.050 to file a Statement of Economic Interest (SEI) form. The governing body you serve has provided us with your name, position, and mailing address. If any of our information is incorrect, please notify your governing body as soon as possible, and also make the correction on the SEI form before you return it so we may update our records.
- You must file if you will hold your position on April 15, 2014. The information you report must reflect the economic interests you held at **any time during the calendar year January 1, 2013 through December 31, 2013**. This applies even if you did not hold your position during the calendar year 2013.
- Do not leave any section blank. Indicate "N/A" if the requested information does not apply to you, **except in item 2, Sources of Income**. You may attach additional sheets if necessary to provide complete information. Please see instructions on page 2 for additional information.
- Enter your name in the space provided at the top of each page.
- Sign, date, and provide your daytime telephone number and email address in the spaces provided at the bottom of page 6.
- **Please make a copy of the completed form and retain it for your own records in case you are asked for a copy at a later date.** If you return your form by fax or email, please include this cover sheet as it contains information we need for prompt processing of your filing.

NOTE: Failure to complete and file this form by the final filing date may subject you to an automatic civil penalty of \$10.00 for each of the first 14 days the SEI is late and \$50.00 for each day thereafter, up to a maximum of \$5,000 [ORS 244.350(4)(c)].

Name
Jurisdiction
Address 1
Address 2
City, State, Zip

Annual Verified Statement of Economic Interest
Filing Instructions

- ORS 244.050 specifically identifies certain public officials who are required to complete the SEI form. Your position is one of those listed. **If you do not believe that you are required to file a SEI or if you have other questions, please call the Commission at (503) 378-5105 as soon as possible.**
- If you hold more than one position that is required to file, you may receive multiple forms. You need only return one form. We will apply the filing date of that one form to each position in our database that is associated with your name. It helps us if you indicate on the front page of the form what additional position(s) you hold.
- The most common errors officials make when filing their form are:
 - (a) Forgetting to sign and date the form on the last page.
 - (b) Failing to list all sources of household income for question 2. All sources of income exceeding 10% of the total annual household income must be listed. *(The question does not relate only to the public position you hold.)* Do not overlook the fact that a pension or social security benefit represents part of the household income. Please refer to the definition of income on page 3.
 - (c) Completing items 7 to 10 when not necessary. Please carefully read the instructions in the box on page 5. The questions need to be answered only if the conditions described in the instructions apply to your responses.
- **Please do not fail to respond to this notification!** ORS 244.350(4)(c) prescribes assessment of a penalty of \$10 for each of the first 14 days the SEI is late and \$50 for each day thereafter that passes after the filing deadline date, up to a maximum of \$5000.
- Please return this form to the Oregon Government Ethics Commission as soon as possible. **It must be postmarked or received no later than Tuesday, April 15, 2014.** Please contact the Commission at 503-378-5105 if you have questions.
- Return your form as soon as possible:

By mail to be postmarked on or before April 15 to: Oregon Government Ethics Commission
3218 Pringle Rd. SE, Suite 220
Salem, OR 97302-1544

By Fax to 503-373-1456, or
By scanning and emailing to ogec.mail@state.or.us

Please remember to retain a copy for your records

STATUTORY REFERENCES

Item 4-A, ORS 244.020(6)(b)(F) – Reasonable expenses paid by any unit of the federal government, a state or local government, a Native American tribe that is recognized by federal law or formally acknowledged by a state, a membership organization to which a public body as defined in ORS 174.109 pays membership dues or a not-for-profit corporation that is tax exempt under section 501(c)(3) of the Internal Revenue Code, for attendance at a convention, fact-finding mission or trip, conference or other meeting if the public official is scheduled to deliver a speech, make a presentation, participate on a panel or represent state government as defined in ORS 174.111, a local government as defined in ORS 174.116 or a special government body as defined in ORS 174.117.

Item 4-B, ORS 244.020(6)(b)(H) – Reasonable food, travel or lodging expenses provided to a public official, a relative of the public official accompanying the public official, a member of the household of the public official accompanying the public official or a staff member of the public official accompanying the public official, when the public official is representing state government as defined in ORS 174.111, a local government as defined in ORS 174.116 or a special government body as defined in ORS 174.117.

- (i) On an officially sanctioned trade-promotion or fact-finding mission; or
- (ii) In officially designated negotiations, or economic development activities, where receipt of the expenses is approved in advance.

DEFINITIONS

"Business" means any corporation, partnership, proprietorship, firm, enterprise, franchise, association, organization, self-employed individual and any other legal entity operated for economic gain. This does not include income-producing not-for-profit corporations that are tax-exempt under section 501(c) of the Internal Revenue Code with which a public official or relative of a public official is associated in a non-compensated capacity. [ORS 244.020(2)]

"Income" means income of any nature derived from any source, including but not limited to any salary, wage, advance, payment, dividend, interest, rent, honorarium, return of capital, forgiveness of indebtedness, retirement income, real estate transactions, inheritance income, or anything of economic value received as income including income from government sources (i.e., social security, your public salary, etc.). [ORS 244.020(8)]

"Honorarium" means a payment or something of economic value given to a public official in exchange for services upon which custom or propriety prevents the setting of a price. Services include, but are not limited to, speeches or other services rendered in connection with an event. [ORS 244.020(7)]

"Person" means, for purposes of this form, (a) the public official required to file a Statement of Economic Interest and (b) an individual, corporation, partnership, joint venture, and any other similar organization or association.

"Member of Household" means any person who resides with the public official. [ORS 244.020(10)]

1. **BUSINESS OFFICE OR DIRECTORSHIP: BUSINESS NAME:**

- A. If you or a member of your household were an officer or director of a business (see definition of "business" above) during **2013**, please indicate that information below. (These would be personal business ventures, not the public position you hold. Items A and B may be the same and Item B may be subsidiary of parent company listed in Item A for example.)

	<u>Business Name</u>	<u>Business Address</u>	<u>Description of Business</u>	<u>Title of Office</u>	<u>Held By Whom</u>
1.	_____	_____	_____	_____	_____
2.	_____	_____	_____	_____	_____

- B. List the names under which you or members of your household did business (see definition of "business" above) during **2013**:

	<u>Business Name</u>	<u>Business Address</u>	<u>Description of Business</u>	<u>Held By Whom</u>
1.	_____	_____	_____	_____
2.	_____	_____	_____	_____

2. **SOURCES OF INCOME:** Identify the sources of income (See definition of "income" on page 3) received by you or a member of your household, who is 18 years of age or over, during the **2013** calendar year that produced 10% or more of the total annual household income. (Your business would be a source, not the individual clients of your business.)

	<u>Name of Source</u>	<u>Address of Source</u>	<u>Description of Source</u>
1.	_____	_____	_____
2.	_____	_____	_____
3.	_____	_____	_____

Name _____
Last First

3. **REAL PROPERTY:** List all real property (*residential, commercial, vacant land, etc.*) in which, during **2013**, you or a member of your household had any ownership interest, any option to purchase or sell, or any other right of any kind in real property, including a land sales contract, **located within the geographical boundaries of the public entity you serve.** (*Boundaries for legislators, or filers from state agencies, boards, commissions or institutions would be the state borders. Boundaries for local filers would be the limits of the city, county or district you serve.*) **Do not list your principal residence.**

Description

Address

1. _____
2. _____
3. _____

4. **OFFICE RELATED EVENTS:**

A. List the amount of any expenses with an aggregate value exceeding \$50 provided to you during **2013** when participating in a convention, mission, trip, or other meeting as described in ORS 244.020(6)(b)(F), (*see reference on page 2*), which is an exception to gift restrictions. (*Do not list expenses that were paid by the public body you represent.*)

Date

Organization Name

Address

Nature of Event

Amount

1. _____
2. _____
3. _____

B. List the amount of any expenses with an aggregate value exceeding \$50 provided to you during **2013** when participating in a mission, negotiations, or economic development activities described in ORS 244.020(6)(b)(H), (*See reference on page 2*), which is an exception to the gift restrictions. (*These events are those that were officially sanctioned or designated by your public body. Do not list expenses that were paid by the public body you represent.*)

Date

Organization Name

Address

Nature of Event

Amount

1. _____
2. _____
3. _____

5. **HONORARIA:** List all honoraria (*see definition on page 3*) allowed in ORS 244.042, with a value exceeding \$15, received by you or a member of your household during **2013**.

Date

Organization Name

Nature of Event

Amount

1. _____
2. _____
3. _____

Name _____
Last First

6. **SHARED BUSINESS WITH LOBBYIST:** List the name of any compensated lobbyist who was associated with a business with which you or a member of your household was also associated during **2013**. (Example: The public official or household member is an employee or owner of a private company that also employs a lobbyist. Owning stock in a publicly traded company in which the lobbyist also owns stock is not a relationship that requires disclosure.)

	<u>Name of Lobbyist</u>	<u>Name of Business</u>	<u>Type of Business</u>
1.	_____	_____	_____
2.	_____	_____	_____
3.	_____	_____	_____

PLEASE NOTE – Do NOT answer items 7, 8, 9, and 10 unless the source of the interest is derived from an individual or business that has a legislative or administrative interest or that has been doing business, does business or could reasonably be expected to do business with the governmental agency of which you hold an official position or over which you exercise any authority.

"Legislative or administrative interest" means an economic interest, distinct from that of the general public in any matter subject to the decision or vote of the public official acting in the public official's capacity as a public official.

(Please refer to the instructions in the box above.)

7. **INCOME OF \$1,000 OR MORE:** Respond only if you or a member of your household received a source of income exceeding an aggregate amount of \$1,000 during **2013**, and that income was derived from an individual or business that has been doing business, does business, or could reasonably be expected to do business with, or has a legislative or administrative interest in the governmental body you serve.

	<u>Income Source</u>	<u>Address</u>	<u>Description</u>
1.	_____	_____	_____
2.	_____	_____	_____
3.	_____	_____	_____

(Please refer to the instructions in the box above.)

8. **DEBT OF \$1,000 OR MORE:** Respond only if you or a member of your household owed a debt of \$1,000 or more to a person (see definition of "person" on page 3) during **2013**, and that debt involved an individual or business that did business with, or reasonably could be expected to do business with, or had a legislative or administrative interest in the public body you serve. (Note: Do not list loans from state or federally regulated financial institutions (banks, etc.) or retail credit accounts and do not list the amounts owed.)

	<u>Name of Creditor</u>	<u>Date of Loan</u>	<u>Interest Rate of Loan</u>
1.	_____	_____	_____
2.	_____	_____	_____
3.	_____	_____	_____

Name _____
Last First

(Please refer to instructions in the box on page 5.)

9. **BUSINESS INVESTMENT OF MORE THAN \$1,000:** Respond only if you or a member of your household had a personal, beneficial interest or investment in a business (see definition of "business" on page 3) of more than \$1,000 during **2013**, if the investment involved an individual or business that did business with or reasonably could be expected to do business with, or had a legislative or administrative interest in the public body you serve. (Note: Do not list the amount of the investment. Do not list individual items in a mutual fund or blind trust, or a time or demand deposit in a financial institution, shares in a credit union, or the cash surrender value of life insurance.)


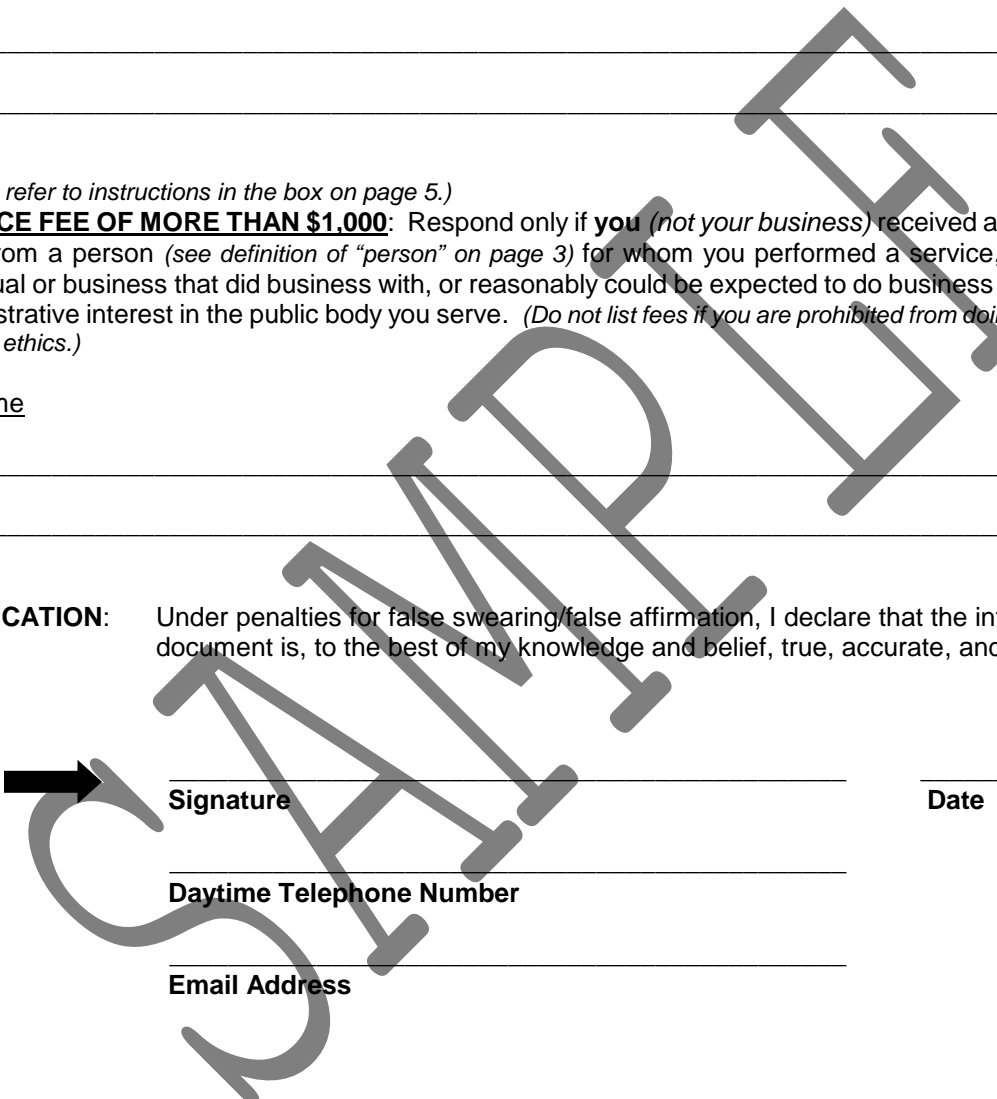
	<u>Business Name</u>	<u>Address</u>	<u>Description of Business</u>
1.	_____	_____	_____
2.	_____	_____	_____

(Please refer to instructions in the box on page 5.)

10. **SERVICE FEE OF MORE THAN \$1,000:** Respond only if **you** (not your business) received a fee of more than \$1,000 in **2013** from a person (see definition of "person" on page 3) for whom you performed a service, if the service involved an individual or business that did business with, or reasonably could be expected to do business with, or had a legislative or administrative interest in the public body you serve. (Do not list fees if you are prohibited from doing so by law or a professional code of ethics.)

	<u>Name</u>
1.	_____
2.	_____

11. **VERIFICATION:** Under penalties for false swearing/false affirmation, I declare that the information submitted in this document is, to the best of my knowledge and belief, true, accurate, and complete.



<u>Signature</u>	<u>Date</u>
<u>Daytime Telephone Number</u>	
<u>Email Address</u>	

Return your form as soon as possible:

By mail to be postmarked on or before April 15 to: Oregon Government Ethics Commission
3218 Pringle Rd. SE, Suite 220
Salem, OR 97302-1544

By Fax to 503-373-1456, or
By scanning and emailing to ogec.mail@state.or.us

Please remember to keep a copy for your records. If you return your form by fax or email, please include the cover sheet as it contains information we need for prompt processing of your filing.

11. Fiduciary Duties of Boards of Trustees of Colleges and Universities


A discussion of fiduciary duties from “Consequential Boards: Adding Value Where It Matters Most,” a report issued the National Commission on College and University Board Governance on November 6, 2014, is attached.

APPENDIX: FIDUCIARY DUTIES OF BOARDS OF TRUSTEES OF COLLEGES AND UNIVERSITIES

Fiduciary Duties: In General

Under state statutory and common law, officers and trustees of corporations—including public bodies and nonprofit corporations that oversee colleges and universities—are fiduciaries and must act in accordance with the fiduciary duties of *care*, *loyalty* and *obedience*. Taken together, these obligations require trustees to make careful decisions collectively in the best interest of the institution consistent with its public or charitable mission, independent from undue influence from any party or from financial interests. The specifics of what that means and how it is enforced through board policies and procedures may differ somewhat from institution to institution or by state. Good practice suggests that all trustees are informed of the legal meaning of their fiduciary role, accompanied by practical examples of decisions likely to face the board that require explicit attention to the balancing of interests necessary to carry out the fiduciary role. In addition, trustees and officers must understand that while they hold fiduciary duties individually, they act collectively as a board. Absent a particular designation of authority by the board to an individual trustee or officer (such as the authorization of a board chair to enter into an employment agreement with the president on behalf of the institution), no single trustee or officer has authority to bind the institution or determine its course of action, even those who may be appointed by a state governor or through a political process.

Legally, a fiduciary relationship is one of trust or confidence between parties. A fiduciary is someone who has special responsibilities in connection with the administration, investment, monitoring, and distribution of property—in this case, the charitable or public assets of the institution. A college or university trustee has duties to the institution and its beneficiaries under the law that a faculty member, a student, or an administrator does not. The precise meaning and extent of each duty may vary from state to state, depending on statutory language and judicial interpretation. These duties may also be described in and imposed by a college or university's bylaws, governing board policies, standards of conduct, or code of ethics. In the case of a public institution, state law may describe or apply these standards of conduct differently (for example, under particular rules applicable to regents or public bodies); however, adherence to these principles remains a key governance best practice in both private and public colleges and universities.


 **The Duty of Care.** The duty of care generally requires officers and trustees to carry out their responsibilities in good faith and using a degree of diligence, care, and skill that prudent persons would reasonably exercise under similar circumstances. A board member, therefore, must act in a manner that he or she reasonably believes to be in the best interests of the institution or system. As an example, the proper exercise of the duty of care requires a board member to regularly attend meetings, read the meeting materials prepared for the board in advance of the meeting, ask questions and participate actively in board discussions, and be knowledgeable of the institution's purposes, operations, and environment.

Determining what is in the best interest of the institution lies within the sound judgment of the board of trustees under the duty of care. It will necessarily involve a balancing of interests and priorities appropriate to the institution's mission and consistent with its strategic priorities, including explicit attention to the tradeoffs inherent in achieving appropriate balance, such as that between employees' interests (necessary to maintain quality and to protect the institution's assets), student interests (to maintain affordability), physical assets (grounds and buildings), fiscal assets (endowments and fund balances), consumer value of the degree (cost of degree production versus future job earnings), and community interests in the institution (jobs, economic development).

Also interwoven in the duty of care is the responsibility of board members to maintain the confidentiality of matters brought before the board, both during and after their board service. This is particularly the case with respect to personnel matters and sensitive business matters. In some cases, board members may be asked to sign an oath of confidentiality or a binding statement that sets forth their duties and responsibilities to the institution. Such instruments may be useful; however, they may also seem heavy-handed to some. Nevertheless, the duties will apply to board members who have been duly elected or appointed and have consented to service, whether or not an oath or statement is agreed to.

The duty of care does not require professional expertise, extensive consideration, or full knowledge of the matter at issue by every board member. Instead, the duty generally requires the board member to be reasonably well informed of the relevant issues. A board member may rely on information, opinions, reports, or statements, including financial statements and other financial data, that are prepared or presented by: (a) one or more officers or employees of the institution whom the board reasonably believes to be reliable and competent in the matters presented; (b) legal counsel, public accountants, or other persons as to matters the board reasonably believes are within the person's professional or expert competence; or (c) a committee of the governing board of which he or she is not a member if the board member reasonably believes the committee's review merits confidence. Any reliance on information provided by others must be reasonable under the circumstances,

considering such factors as from what source the information was obtained, whether the information relied upon is a brief summary or an extensive analysis, whether the matter is routine or exceptional, and the time frame in which a decision must be made. Thus, such information should be a tool and a time-saver for an officer or board member in becoming informed, and should not be an excuse for dispensing with or ignoring the information.


 **The Duty of Loyalty.** The duty of loyalty requires officers and board members to act in good faith and in a manner that is reasonably believed to be in the interests of the college or university and its nonprofit or public purposes rather than their own interests or the interests of another person or organization. The fiduciary must not act out of expedience, avarice, or self-interest. The requirement that officers and board members discharge their duties in good faith is a subjective requirement that will vary depending on the facts and circumstances. When at issue, however, courts will generally look to the board member's state of mind to determine whether he or she was motivated by honesty and faithfulness to the institution, or whether self-interest or an interest contrary to the institution's purposes was a motivating factor in the officer or trustee's actions.

Under this requirement, a college or university board member must be loyal to the institution and not use the position of authority to obtain, whether directly or indirectly, a benefit for him or herself or for another organization in which the board member has an interest. Accordingly, the duty of loyalty considers both the financial interests held by a board member and the governance or leadership positions he or she has with other organizations when the conduct of the board member is being evaluated.

Independence by board members is increasingly sought after by regulators and key stakeholders to ensure adherence to the duty of loyalty. In this context, independence means that the board member is not employed by and does not do material business with the college or university. In addition, it means that the board member acts independently of any personal relationship he or she may have with the president or senior leaders of the college or university or with other trustees. It is not required by law that every trustee on the board be independent (for example, some *ex officio* trustees may not be), but ideally, a majority of the trustees should be independent.

In addition, it is incumbent on board members to retain their independence from external stakeholders in the conduct of their oversight and policy responsibilities. This applies to boards of independent institutions and especially public boards whose members are most often selected to their service through some form of political appointment. Public board members, while respectful of the views of appointing authorities, must not confuse such influence as being determinative of board action. It is essential that board members avoid a conflict of loyalty in meeting their fiduciary responsibilities to act on behalf of the institution(s) they hold in trust.

The most critical implementation of the duty of loyalty comes in a college or university's conflict-of-interest policy. Such a policy, when adhering to state law and best governance practices, requires board members to fully disclose financial interests and dual organizational relationships ("dualities of interest") that may affect their decision making on behalf of the institution. The policy will prohibit trustees from participating in or unduly influencing decisions in which they have a material financial conflict of interest or an adverse duality of interest ("recusal"), and may require the trustee to eliminate the duality of interest. AGB's 2013 "Statement on Conflict of Interest with Guidelines on Compelling Benefit" offers clarifying guidance on best practices for boards to consider in managing conflicts of interest within the board.

 **The Duty of Obedience.** A third fiduciary duty, which is arguably an element of the duties of care and loyalty, is the duty of obedience. This is the duty of board members to ensure that the college or university is operating in furtherance of its stated purposes (as set forth in its governing documents) and is operating in compliance with the law. A governing board of a college or university must make reasonable efforts to ensure that the institution is both legally and ethically compliant with the law and applicable internal and external rules (for example, accreditation, environmental, research, or labor rules) and has instituted effective internal controls to achieve compliance and to identify and address problems.

Fiduciary duties are owed by trustees and officers to those who place the board in a position of trust or confidence. Accordingly, trustees and officers act as fiduciaries to students (and those who may pay the tuition for them), faculty, alumni, and donors. Given the desire of institutions to achieve intergenerational equity, these duties also extend to those who will occupy those positions in the future. And fiduciary duties arguably extend to the public and the community at large (for public and independent institutions alike), particularly where the institution has a direct and material impact on the livelihood of its community and the beneficiaries of its research and scholarship.

12. Transition Activities Performed Between July 2013 and June 2014

The seven public universities and the Office of the Chancellor implemented a shared services program on July 1, 2014. This accomplished a great deal of the transitional work that Oregon Tech would otherwise be required to complete between now and June 30, 2015.

Shared services that are mandatory through June 30, 2015, include risk management and insurance; collective bargaining with the SEIU; and certain employee benefits, including the defined contribution retirement plan known as the Optional Retirement Plan and the Tax Deferred Investment Plan. After June 30, 2015, no shared services are mandatory, except for the statutorily-required collective bargaining partnership for the purpose of engaging in collective bargaining with the SEIU. However, a number of shared services are likely to continue for the foreseeable future.

The shared services program offers other services that are used to varying degrees by the seven universities. These include: financial accounting and reporting, such as preparation of financial statements and tax returns; payroll processing and reporting; and the internal bank, including cash management, investment services, and debt management services.

You should note that benefits provided through the Public Employees Retirement System (PERS) and the Public Employees Benefits Board (PEBB) are substantively unchanged. However, cost allocations among the public universities may be altered.

13. Transition Activities Required Between Now and July 1, 2015

First of all, you are on the same timeline as OSU, PSU and UO were on last year, and, positively, many of the transition activities that you would otherwise have to accomplish were completed earlier this year. However, there are a number of actions that you must complete prior to June 30, 2015. This is an outline of those transition activities, many of which may be performed by university staff or consultants. Needless to say, the outline does not reflect the underling complexity or necessary time and effort.

- Adoption of foundational documents
- Determinations regarding board support and board budget
- Review and, as necessary, revise and repeal OUS and Oregon Tech administrative rules and policies
- Determine how to provide the internal audit function
- Adopt a policy on tuition, fees, fines and other charges
- Analyze the adequacy of shared services and the existence of any gaps
- Assume functions no longer being performed centrally (primarily in academic and student affairs)
- Address the management of real property
- Negotiate any necessary changes to the relationship with the State Treasurer
- Activate the relationship with the OEIB and HECC by meeting with key officials
- Assess the labor relations function
- Assess the institutional research function
- Approve capital and operating budgets and expenditure authority for FY 2016

14. Foundational Documents

Bylaws

The bylaws are the basic non-statutory foundational document of a college or university. With public universities, many standard components of bylaws are already set forth in statute. The bylaws should identify or repeat some of what is set forth in statute and also include matters involving the organization and functioning of the Board, such as the following:

- Legal name of the university
- Purposes of the university
- Authority, responsibilities and membership of the board
- Method of selection of board members
- Removal of board members and filling of vacancies
- Resignations and filling of vacancies due to resignations
- Identification of board officer positions and a description of the responsibilities of each
- Meetings; quorum requirements; notice of meetings; application of parliamentary rules
- Public meeting procedures
- If desired, identification of university officer positions (e.g., president, provost, chief financial officer and treasurer, secretary, and others as appropriate) and a general description of the responsibilities of each
- Authorization to appoint standing and ad hoc committees
- Conflicts of interest
- Indemnity of board members
- Procedures for amendment of bylaws

Trustee Roles and Responsibilities

This document helps to establish the culture of the board by committing each Trustee to:

Act as a Responsible Fiduciary: This involves acting in the best overall interest of the university and the state as a whole, rather than the interests of any constituency; participating constructively and consistently in the work of the board; participating in rational, informed deliberations based on reliable information; using one's own judgment in voting; avoiding personal involvement in university affiliates and student and employee organizations; maintain confidences.

Advance the Mission of the University: This involves representing the university positively and proactively to university constituents and helping the university preserve and secure the financial, human and other resources necessary for the university to achieve its mission and goals.

Uphold the Integrity of the Board: This involves speaking *for the board* only when authorized to do so by the board chair or university president; refraining from directing the president, faculty, staff and students; refraining from requesting special considerations; recognizing that the president is a trustee and at the same time reports to the board as a whole; avoiding actual and the appearance of conflicts of

interest; and adhering to the highest standards of personal and professional behavior and discretion to reflect favorably on the university.

Policy on Board Committees

This policy does not include committee “charters.” My recommendation is to have each committee draft a charter for review and approval by the full board. Typically, a board-level committee policy would include the following:

- Names and roles of committees
- Number of members of each committee
- Limitations on membership of committees
- Matters that are delegated to committees
- Notice of committee meetings
- Quorum requirements for committee meetings

Actual assignment of trustees to committees should be done by the board chair, based on experience, knowledge, and interests of trustees, once the board establishes the committees.

Policy on Delegation of Authority

Needless to say, neither the full board nor the committees have the capacity to make decisions regarding the day-to-day operation of the institution. SB 270 provides for the board to delegate nearly all authorities to the institutional president or, as appropriate, other officers such as the chief financial officer and treasurer. The exceptions are approval of tuition and mandatory enrollment fees, approval of the annual budget, and hiring, evaluating, and dismissing the president.

Of course, sound governance requires that the board retain authority to some extent on many matters that could be delegated. Some of these are as follows:

- Preserving complete authority to review and intervene in any and all aspects of the university
- Preserving institutional autonomy and institutional and faculty academic freedom
- Approving and adopting the mission statement and ensuring that it is kept current
- Approving and adopting a strategic plan
- Approving certain kinds of transactions or certain transactions above a dollar threshold
- Approving the incurring of substantial debt
- Ensuring the educational quality and integrity of the university and its academic programs
- Conferring academic degrees upon the recommendation of the faculty
- Approving the establishment, elimination, control, or substantial reorganization of academic programs and units of operation
- Approving the establishment of standards, qualifications, policies and practices relating to admission to study at the University and the curriculum, grading, credits, scholarships, and academic standards of the University, while according substantial deference on these subjects to the faculty

- Preserve final authority to establish standards of student conduct in consultation with the president, faculty and students
- Ensuring that policies and processes are current and properly implemented

The key point is for the board to be able to meet its fiduciary obligations, its obligations to the state, and its obligations to lead the institution, all while empowering the president and, with regard to academic matters, the faculty (which includes the president) and not interfering in the day-to-day operation of the institution. The board will also have to consider other statutes, both state and federal, and collective bargaining agreements in formulating this policy.

Meeting and Executive Session Procedures Including Guidelines on Public Comment

The bylaws should establish the role of the board chair relative to the conduct of meetings and the establishment of agendas. The bylaws should also set forth quorum requirements; requirements regarding notice of meetings; the application of parliamentary rules; and procedures to implement the requirements of the OPML.

However, the board chair, president, and secretary will want to come up with standards for meeting notices, agendas and guidelines. The board will also want to establish procedures for the conduct of public meetings and executive sessions.

Finally, the board should establish guidelines regarding public comment in board and committee meetings. Typically, guidelines include: a requirement of relevance to topics before the Board at a given meeting; time to be allotted overall and to an individual; a sign-up requirement in advance or at the meeting; how written materials may be submitted, and management of public comment by the board chair.

Conclusion

As members of the historic first Board of Trustees of Oregon Institute of Technology, you now have a basic understanding of the context in which the board and you as individual trustees will operate. You should rely on Oregon Tech's terrific staff to assist you. Doing so protects you and the university.

Although the tasks before you may seem daunting, you should be comforted by the fact that significant work has already been completed by Oregon Tech, OUS, and the previous efforts undertaken by the other public universities that have already made the transition to independent governing boards. Because many of the transition activities that you would otherwise need to accomplish were completed earlier this year, Oregon Tech and its board have a magnificent opportunity to direct its efforts to establishing the foundational elements, rules, and culture that will guide Oregon Tech, and its board, for many years to come.

I Oregon Tech Foundation Roster

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