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Regular Meeting of the State Board of Higher Education (#851)
October 7, 2011
Portland State University

Minutes


Chancellor’s Office staff present: Chancellor George Pernsteiner, Sona Andrews, Bridget Burns, Michael Green, Ryan Hagemann, Jay Kenton, Jan Lewis, Patricia Snopkowski

Campus representatives present included Presidents Bob Davies (EOUG), Chris Maples (OIT), Ed Ray (OSU), Wim Viewel (PSU), Mary Cullinan (SOU), Richard Lariviere (UO), and Mark Weiss (WOU); Provosts Lorraine Davis (UO), Kent Neely (WOU), Sabah Randhawa (OSU), Bob Vieira (OHSU); and Vice Presidents Frances Dyke (UO), Mark McCambridge (OSU), Craig Morris (SOU), Lon Whitaker (EOU), and Mary Ann Zemke (OIT).

1. CALL TO ORDER/ROLL CALL/WELCOME

President Donegan called the meeting to order at 10:19 a.m. and welcomed the Board and presidents.

2. REPORTS

a. Chancellor’s Report

President Donegan called upon Chancellor Pernsteiner for his report. He advised that, per a request from the Governor’s Office, reduction scenarios are beginning in anticipation of the November forecast and its implications for the February 2012 legislative session; the reduction in revenue is largely attributed to continued economic weakness and continues to raise concern about the state revenues.

i. 40-40-20 Targeting Efforts

Chancellor Pernsteiner called upon Vice Chancellor Andrews to provide an update on the System’s 40-40-20 efforts. The Board’s Academic Strategies Committee charged the provosts to develop targets for the 40-40-20; they will be reviewing data on the high school and community college pipeline, the portion of the ‘40’ for which public institutions will be responsible (private and not-for-profit institutions also contribute towards this goal), and strategizing on ways to accomplish these targets. Of concern would be capacity restraints (additional and/or existing facilities, faculty, developing targeted programs, instructional technology enhancements, etc.)
and retention efforts. The targets and goals developed by the provosts will be provided to the Committee in December and to the full Board in early 2012. A 10-year budget will be presented to the Board for approval in July 2012 and will include these efforts; flexibility will be needed during the five biennia to take advantage of various opportunities, but the budget will be a framework to work within. Other factors to consider are the ratio of resident to nonresident students and how this enrollment mix will benefit the universities given the declining state funding, and the appropriate mix of degree offerings. These variables will need to be considered by the Oregon Education Investment Board (OEIB).

ii. Court Ruling on OAR 580-022-0045(3)
Chancellor Pernsteiner and Mr. Ryan Hagemann, OUS legal counsel, provided a brief on the court ruling pertaining to concealed weapons on campuses. The Oregon Court of Appeals ruled that the Administrative Rule, adopted in 1991, is not valid and has been preempted by state statute. This will allow the bearer of a valid concealed weapons permit to carry a concealed weapon on the university campuses. The Chancellor’s staff will be meeting with attorneys to make the determination of the best course to take with regard to an appeal; however, a review of the variety of options is being conducted with the purpose of maintaining the highest level of safety on the campuses. It was stressed that this is an issue that could prove to be very damaging in terms of international students and the perception of safety.

The presidents, when queried, advised student organization were voicing requests for appeal and, with the opinion expressed by the Chancellor and Mr. Jack Isselmann concerning the legislative climate, Presidents Lariviere, Ray, and Wiewel stressed the need for an immediate appeal and that administrative measures be taken to restrict or limit gun possession on campuses.

iii. Eastern Oregon Promise
President Davies advised that, currently, of the Eastern Oregon residents, 25 years old and above, 64 percent have attained a high school diploma, 10 percent attained an associate’s degree, 20 percent attained a bachelor’s degree, and 7 percent have not attained a degree of any kind. Much work is needed to meet the civic, social, and economic goals that are the foundation of public higher education. The Eastern Promise began with a simple premise that necessary change can only be brought about with partnerships between the K-12 system, community colleges, university, and business communities. The collective goal is to break down barriers to the children in Eastern Oregon by implementing innovative strategies to overcome the challenges of education in a rural setting. Consolidating resources and improving efficiencies will enable Eastern Oregon to promise students and parents a different level of accountability in all of education.

The Eastern Oregon Promise has five goals: 1) increase the number of students from Eastern Oregon who are prepared to attend college directly from high school, 2) increase the number of students who have attained the Oregon Transfer Module or the Associates of Art Oregon Transfer degrees, 3) increase the number of BMCC and TVCC students who have earned degrees or certificates and remained in the region, 4) increase the number of graduates from
BMCC and TVCC who successfully transferred to EOU or another 4-year institution, and 5) increase the number of EOU students who graduated with a bachelor’s or advanced degrees who continue to live in the region.

The Promise has gained the endorsement and full support of two education service districts, with three others accepting portions of the concept; 11 school districts and 9 high schools have signed memorandums of understanding to serve as pilot programs; partnerships with nearly 20 elementary schools are being formed and supported by their respective school districts.

Another program, scheduled to begin in fall 2012, will provide opportunities for 5th graders to attend EOU for three days. Students will stay in residential halls, attend sporting events, and will be mentored by student athletes. Local mentorships will be developed through the Regional Solution Center (housed at EOU and spearheaded by Governor Kitzhaber). The program will pair business and civic leaders with 5th and 6th graders and student progress will be monitored through middle school, high school, and on to college.

Although there are many successful programs throughout the country that focus on the needs of inner city children, the Eastern Oregon Promise is unique in that it will address the needs of rural children. This program is a true collaborative effort of the university, community colleges, various boards, and a regional community.

b. Interinstitutional Faculty Senate (IFS) President

Dr. Johnson provided the IFS update and advised that the IFS is volunteering their time and expertise in the redesigning of performance measures and assessment protocols to support the Systems work in aligning with the terms of Senate Bill 242, especially in the “articulation and implementation of this vital aspect of their collective careers as teachers and researchers.” Dr. Johnson advised that faculty are deeply concerned with the direction the Public Employees Benefits Board is taking with the new healthcare program and are offended by a model that has imposed draconian timelines for enrollment that sometimes seems more “designed to eliminate people from coverage than to facilitate their participation.” The program appears to threaten and penalize for non-participation rather than soliciting and, perhaps, rewarding participation. It was his opinion that the new Healthcare Engagement Model to “skirt the line of a flat-out violation of employee privacy.” The IFS will continue to express their concerns to the Board and other outside audiences.

c. Oregon Student Association (OSA) Chair

Ms. Tiffany Dollar was called upon for the OSA report. She shared a brief biographical sketch of her personal postsecondary experiences, advising she is working toward a teaching degree.

Of note, in the Court of Appeals overturn of the OAR that prohibited guns on campus, the OSA is primarily concerned with the safety of students and the risks that guns on campuses pose to students. Other issues of concern include: the formation of a work group to research the issue
of institutional boards on campuses, tuition review committees on campuses, and the UO’s request for a sworn police force and the potential for armed safety officers.

3. **Discussion Item**

   a. **Statewide Public Services (SWPS)**

   President Ray provided background on the Statewide Public Services’ missions and accomplishments and then introduced Dr. Sonny Ramaswamy, Oregon Agricultural Experiment Station (AES), Dr. Scott Reed, OSU Extension Service (ES), and Dr. Hal Salawasser, Oregon Forest Research Laboratory (FRL).

   Dr. Salawasser advised that annual appropriation for the FRL is matched by a harvest tax, self-imposed by Oregon harvesters, and that the combined revenue stream supports faculty who leverage approximately $12 million of external grants and contracts. Mr. Tom Holt, chief forester for Forest Capital Partners and chair of the Oregon Forest Industries Council, provided testimony concerning the impact of the FRL’s research on the forest industry. New opportunities are developing in the renewable biomass industry and the linkage of Oregon wood as a green building material and the new green design sector. Oregon enjoys a competitive advantage in the global market directly related to the contributions of OSU College of Forestry and the FRL in the development of this natural resource. These contributions include research in forest sustainability and product innovation. As examples, he shared how the Watershed Co-op continues to conduct pioneering research that keeps forestry regulations effective and efficient in producing outcomes desired by the public (e.g., maintaining water quality) while keeping the operating costs reasonable. In product innovation, a discovery of toxic-free organic adhesive for interior wood panels enables Oregon to sell products into California and other venues where builders are interested in constructing toxic-free homes for their customers.

   Dr. Reed advised that, no matter where one lives or works in Oregon, there is an OSU campus close by—either physically or a virtual campus. Two-thirds of the Extension Service faculty live and work in communities throughout the state. An average faculty member supports 112 volunteers (e.g., master gardeners, master woodland managers, master food preservers, and climate masters) who stimulate peer-to-peer education. He noted that for every $2 from the state, county government puts in $1 and for every $4 from the state, the federal government provides $1.

   Dr. Ramaswamy advised that the land grant university model, established by Abraham Lincoln in 1862, enabled America to be the greatest nation on earth—in part because of the kinds of discoveries made in the SWPS. Americans spend less than 10 cents of every dollar on food, compared to 90 cents per dollar in Africa. Ms. Allison Hensey, Oregon Environmental Council, provided testimony, sharing that the council relies heavily on information from the ES and the FRL. Mr. Craig Reeder, representing Hale Company and farmer from Hermiston, testified concerning farming co-ops and their dependency on research conducted by OSU’s statewide
public services. He emphasized that for every $1 provided to the SWPS equates to $11-12 in the local economies. Mr. Tom Fuller, Portland, provided testimony pertaining to the impact 4-H had on his personal development and the impact of the Agricultural Experiment Station’s Food Innovation Center on people in the Portland metro area.

President Ray concluded the presentation by noting the critical role that SWPS plays in the Oregon economy and the direct impact of $262 million in research grants and contracts. Wheat is the largest export from the Port of Portland and “Clearfield 101” is the major variety of wheat used in Oregon; this seed was developed by the College of Agricultural Sciences and the Agricultural Experiment Station. He encouraged the Board to continue to support the Statewides with the legislature.

Board comments included an emphasis on the impact of the Statewides in the rural communities and the role of technology transfer in the areas of farming and forestry and the expanding global markets. Advocacy for undergraduate and graduate research in the System is essential and the Board is at a critical stage in developing strategies for applying not only education dollars but economic development monies provided by public and private partners.

Following a robust and informative discussion, President Donegan complimented OSU for the work of the Statewides. He noted that the FRL is the top-rated forestry school in the country and the graduates are of high quality. Donegan thanked the panel for their willingness to participate in the discussion.

4. **Consent Items**

   a. **Finance and Administration Charter Revision**
   b. **OUS, Amendment to Board Policy on Centers and Institutes in OUS**
   c. **OSU, Lease between OSU and the OSU Bookstore, Ground Floor of the Parking Facility located at SW 26th street and SW Washington way on the OSU campus**
   d. **OSU, Authority to Execute a Provision in the OSU Site License agreement with REDCO**
   e. **OSU/UO/REDCO, authority to modify existing OSU Site License agreement and include additional sites at the UO**

At Finance & Administration Chair Kirk Schueler’s request, Consent Item A was pulled from the agenda for further discussion and included for action during the budget allocation item. President called for a motion to approve the consent agenda as amended.

**ACTION:** Directors Hannah Fisher and Kirk Schueler made the motion and second, respectively. Motion carried.
5. **ACTION ITEMS**

a. **UO, Authority to Establish Police Department and Commission Employees as Sworn Police Officers**

Following a review of the history of Senate Bill 405, President Donegan called upon President Lariviere and Vice President Frances Dyke to present the item; Vice President Dyke introduced Senator Floyd Prozanski, Eugene Police Dept. (EPD) Chief Peter Kerns, Dean of Students Paul Shang, and Executive Director and Chief of UODPS Doug Tripp, who provided testimony.

University of Oregon President Lariviere shared that this is the next step in what has been a multi-year process to transition the campus public safety department to a police department. It has involved extensive conversations with students, faculty, community members, campus administrators, and the UO safety officers. During this time, Chief Doug Tripp and Assistant Vice President Brian Smith worked closely with Senator Prozanski while building a robust department of public safety to meet the needs of an increased campus population. Of note is the amendment to the legislation that addresses oversight and accountability for a police department on any campus. As evidenced by the Fiscal Impact Statement, the costs of the implementation on the University of Oregon campus are minimal as the university has, with the support and approval of the past two presidents, been engaged in the rebuilding of the department and covering the cost of the officer additional training.

A six-year plan was developed, with the goal of ensuring that the officers would ultimately be sworn as a police or peace officer after completing training in community-oriented policing and problem-solving, the Cleary Act, the Family Education Right-to-Privacy Act, and other campus crime reporting obligations. The officers will also be equipped with crisis-intervention skills, emergency medical first-responder training, and other skills specific to a university setting.

Although the University is requesting permission to create a police department, no decision has been made regarding arming the officers and that decision will only be made after extensive campus conversations.

Eugene Chief of Police Peter Kerns advised he has been with the Eugene Police Department since the early 1980s and has had experience with policing around the University. He advised that the EPD has had a contract for policing on the campus for approximately 40 years and, at times, managed that contract for the EPD. He opined that having a police department that is uniquely led, has policies and administration, and hires people who know they will be working as police officers on the campus and not in other parts of Eugene, is a much better situation than contracting with a police department for services. Eugene has a fairly significant property crime problem—85th percentile for cities its size and larger—this is due primarily because of the low numbers of police and few accountability resources. Eugene has fewer police per capita than most of Oregon and Oregon has fewer police per capita for any other state in the country. He has observed that, with the changes made in the UODPS over the past years and the trajectory of professionalism of the officers has poised the department at the perfect time for a

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*Oregon State Board of Higher Education*

*Full Board Meeting*  
*Minutes, October 2011*
change such as this. In response to a query, Chief Kerns advised that the contract between the University and the EPD has expired; when police provide security at athletic events, the EPD is compensated. With the expiration of the EPD/UO contract, the public safety officers respond to 98 percent of the contacts. If those contacts appear to require a police response, EPD is called and the request is put into a response prioritization queue. If a warrant or arrest is made that requires transport to the Lane County Jail, a specialized request for investigation, or a crime that is beyond the UODPS scope of responsibility, the EPD is contacted. It was also noted that the District Attorney’s office only accepts investigations from the EPD, requiring a transfer of investigation to the EPD for adoption.

Senator Floyd Prozanski, District 4, testified in support of the proposal. He advised that when first approached four to five years ago by the University, he could not support the development of the department into a police department as he did not feel the department did not fully understand the formulation and achievement goals needed to transition into a sworn police department. However, they have involved a cross-section of individuals who have many years of law enforcement experience dealing with, not only a university, but also individuals that have been in the federal system and the FBI. Having a cross-section of individuals who actually know how a department needs to be formulated, what their responsibilities are, and how to achieve those goals is vital. When recently shown the time frame and resources committed, Prozanski became confident that they were ready to approach the legislature. As Senate Judiciary Chair, he sponsored the bill through the legislature and continues to support providing universities throughout the state with the opportunity to develop a sworn-officer police department.

A grievance process was included within the Senate Bill that will allow for individuals who are not only directly affiliated with the university as a student, faculty, or staff, but also the community as a large, to be able to have a place to raise concerns. A final recommendation put forth by the Senator was for distinctive markings on the UO police uniforms that would easily identify and distinguish them from Eugene, Springfield, and state police and the Lane County Sheriff’s Department.

UODPS Director Tripp testified that 98 percent of U.S. public universities with at least 15,000 students operate a police department with sworn officers. Of those, more than 85 percent have armed officers. Board members discussed the significance of visibly armed or visibly sworn but not armed officers responding to a shooting incident on campus. Chief Kerns reported that he did not know of an occasion where an active shooter was stopped by an unarmed police officer. Senator Prozanski advised that, when the legislation was crafted, it was with the understanding that all sworn officers in the state should have the tools necessary to fulfill the position—including firearms. Several members expressed support for the proposal to create a sworn police force; however, they also expressed concerns with approving the use of firearms without further study. Other members agreed with the Senator that, given the testimony from the EPD, it would be irresponsible to authorize sworn officers without providing the necessary tools to perform the position. Those tools would also include training for crisis intervention and mental health situations. In response, the Board was advised that public safety officers currently
receive significant training in cultural competency subject matters, use resources available from other UO departments (e.g., student conduct, student affairs, the counseling center), and that their focus is to redirect to the appropriate campus offices.

**ACTION:** Director Kelly made the motion to authorize the University of Oregon to establish a police department and commission one or more employees as sworn police officers with a clear direction that UO police officers will not be permitted to be armed without prior approval of this Board. Director Powers seconded the motion.

Mr. Tripp added that another concern about prohibiting firearms is that to certify as a police officer in this state, candidates must certify on firearms. A non-armed force would also prohibit the hiring of reserve police officers, which is a cost-savings, because reserve police officers, by statute, are required to be armed. It will also not alleviate the concern of a rapid armed response to a critical incident on campus; there will continue to be a delay where armed police officers will be contacted to respond to campus. And then finally there is the unknown—when contacts a made with the public, safety officers don’t know if the individual is armed or not and the officer will be at a tactical disadvantage at that time when responding to that situation. Tripp encouraged the Board to take those points into consideration when making their decision. Director Kelly maintained his stance that more study and conversation should be conducted before a decision is made to arm the officers.

**VOTE:** Those voting in favor of the motion included: President Donegan and Directors Ciuffetti, Eiland, Kelly, Powers, and Schueler; those voting in dissent included: Directors Ford, Francesconi, and Ganjifard. Motion carried.

Following the vote, Director Ford indicated that he was opposed to the motion as he felt the decision to arm the officers should be made at the University-level and not by the Board. Director Francesconi agreed and added that the legislature has already spoken to this issue; however, he asked that the University address the questions of the Board.

**b. OUS, Proposed Approach to 2011-2013 Budget Allocation and the Proposed Fiscal Year 2011-12 Operating Budget Allocations**

President Donegan called upon Vice Chancellor Jay Kenton and Assistant Vice Chancellor Jan Lewis to present the item. In response to the federal stimulus Efforts of Maintenance requirements, toward the end of the prior biennium, the legislature appropriated an additional $30 million of General Fund to OUS and these revenues replaced other revenues to cover Fiscal Year 2011 expenditures and consequently freed up funds to be applied to fund balances. Due to the timing of the actions, to the extent that these revenues are not required for reserves, these funds become a resource in FY 2013.

A request for each state agency to provide reduction (hold-back) scenarios was recently received from the Legislative Fiscal Office and, in calculating the amount, it was determined that the hold-back would be applied to debt service and impact would be spread to the
c. Finance & Administration Committee Charter Revision

At the request of Finance & Administration Chair Kirk Schueler, this item was removed from the consent agenda for discussion. Director Schueler advised that following a recommendation resulting from the September Board retreat, the proposed changes to the F&A Charter move many transactional decisions and reviews from the full Board agendas to the F&A Committee, thereby freeing up the Board for policy-level issues. Chair Schueler noted that the Committee reviewed the proposed amendments and discussed at length, the delegated authority to review and approve the annual General Fund allocations, operating budget, and expenditure limitation allocations to campuses and Chancellor’s Office and approval of any changes thereto each year. In the past, Board members were concerned about delegating budget allocation decisions to the Committee. Chair Schuler noted that while the Committee approved the delegation, Committee members wanted to discuss the item with the full Board and gladly defer to the collective decision.

During the discussion, members expressed concern with the delegation of approval for policy-level decisions (e.g., budget allocations and academic policies). Board members recognized the desire to focus full Board attention on policy-level issues but recommended maintaining the approval authority and suggested abbreviated presentations by Committee Chairs to the Board for items requiring final Board approval.
ACTION: President Donegan called for a motion to approve the F&A Committee charter amendments, with the caveat that the “review and recommend” remain rather than delegating policy-level decisions. Directors Paul Kelly and Jill Eiland made the motion and second, respectively. Motion carried.

6. BOARD COMMITTEES

a. Academic Strategies

Chair Jim Francesconi advised that the Committee is currently working on the mission alignment and the next step in the process will be a review by the Provosts’ Council. It was acknowledged that the OEIB will be also involved in the approval of the mission alignment. The Graduate School Deans of Education will be convening to review the future of teacher education and how it relates to the Cradle-to-Career and the broader needs of K-12 and community colleges. Francesconi informed of the suspension of the Research Council; however, advised that the vice presidents for research will continue to work on key areas of research collaboration and economic development. In the near future, the vice presidents will provide the Board with an overview of research missions and activities.

b. Finance & Administration

Chair Schueler advised that the System received the Internal Audit Peer Review report and a “clean” audit opinion and that the department is functioning well; two items of note were concerns pertaining to staffing and capacity. The Committee received a report on SB 242 limitation and the broad scope of items to be considered in the following few months. The F&A Committee meetings will increase to four hours to accommodate increased responsibilities.

c. Governance & Policy

Chair Paul Kelly advised that the Committee received presentations from the research universities on the issues of SB 242 and institutional boards/governance. At the next meeting, the Committee will receive presentations from the regional universities. Committee members remarked that the discussions held during the last few meetings have been informative and thought provoking.

7. PUBLIC INPUT

No public input was submitted.

8. BOARD COMMENTS

President Donegan thanked Board members for the very productive retreat and their constructive feedback. Follow-up items include the 10-year plan/portfolio approach and
building an advocacy capacity. He thanked Director Francesconi for spearheading the advocacy effort and indicated interest has been high.

9. Adjourner

With no further business proposed, the meeting was adjourned at 2:28 p.m.