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Minutes

Board members present included President Matt Donegan and Directors Lynda Ciuffetti, Brianna Coulombe, Jill Eiland, Allyn Ford, Farbodd Ganjifard, Paul Kelly, Emily Plec, Kirk Schueler, and David Yaden. Director Jim Francesconi arrived at 9:05 a.m. Director Preston Pulliams was absent due to a business conflict.

Chancellor’s staff present included: Chancellor George Pernsteiner, Sona Andrews, Bridget Burns, Michael Green, Ryan Hagemann, Jay Kenton, Jan Lewis, Di Saunders, Patricia Snopkowski, Charles Triplett, Denise Yunker, Alice Wiewel, and Marcia Stuart.

Campus personnel present included: Presidents Bob Davies (EOU), Mary Cullinan (SOU), Chris Maples (OIT), Ed Ray (OSU), Mark Weiss (WOU), and Wim Wiewel (PSU); others present included Provosts Sabah Randhawa (OSU) and Lorraine Davis (UO); Vice Presidents Jamie Moffitt (UO), Craig Morris (SOU), and Monica Rimai (PSU); Tiffany Dollar, Emily McLain, and Emma Kallaway (OSA); Sarah Andrews-Collier (IFS), and Dr. Rudy Crew (CEO) and Tim Nesbitt (Governor’s Office).

1. **CALL TO ORDER/ROLL CALL/WELCOME**

   President Donegan called the meeting to order at 7:35 a.m. and asked Secretary Triplett to call the roll.

2. **CONSENT ITEM**

   a. **Approval of Minutes, March 2, 2012**

      **ACTION:** With no amendments to the minutes proposed, President Donegan called for a motion to approve the consent agenda. Directors Jill Eiland and Emily Plec made the motion and second, respectively. Motion carried.
3. **REPORTS**

a. **Chancellor’s Report**

Chancellor Pernsteiner congratulated the graduating class of 2012 and the presidents and Board members for their contributions to ensuring the future success of these students. This wraps up a successful year in which the universities have enrolled more students and increased student success than ever before in the history of the System, granting over 19,000 degrees.

b. **Committee Action Reports**

   i. **Academic Strategies Committee**
   
   ii. **Finance & Administration Committee**
   
   iii. **Governance & Policy Committee**

Vice Chancellor Andrews reported that the Academic Strategies Committee will be engaged, over the coming months, in establishing the targets for the achievement compact and moving forward new academic programs. The Committee is also working on its work plan for new initiatives for the 2012-13 year.

Chair Kirk Schueler, Finance & Administration Committee, shared that the Committee has been working on the capital and operating biennial budgets and the proposed tuition and fee rates. In the process of constructing the Round 1 submission of the 2013-2015 budget, ASC Chair, Jim Francesconi attended the May 11, 2012 F&A Committee meeting to outline the legislative proposals submitted to F&A by the ASC.

Chair Paul Kelly, Governance & Policy Committee, deferred the substance of his report to the G&P Committee’s recommendation on institutional governing boards (action item). He noted that that item has been the focus of the work of the Committee over recent months.

c. **UO Search Update**

Director Ford, chair of the University of Oregon’s presidential search committee, advised that the committee was impressed with the quality of the candidate pool provided for their review. The committee’s recommendation should be provided within the next week, with the anticipated Board selection by June 15. At President Donegan’s query, Director Ford described the search committee as being comprised of 23 participants from various campus constituencies (faculty, staff, students, alumni, and the business community) who were actively engaged in the process. The committee studied and discussed each candidate at length and Director Ford expressed his confidence that the committee will have consensus on the top candidates to be forwarded for Board consideration. President Donegan and Chancellor Pernsteiner thanked Chair Ford for his strong leadership over the past six months.
d. Interinstitutional Faculty Senate (IFS) President

Professor Sarah Andrews-Collier, IFS president, provided the senate’s report. Of note, with the University of Oregon recently organized under a union, the IFS expressed concern of the rising costs, continuing reductions in public funding; continual pressure to increase productivity by raising the faculty/student ratio, expanding online learning, and enlarging research quotas; continued reductions the ratio of full-time tenured faculty to part-time hires; inflating the numbers of and expenses for university administrations; and escalating the athletics and campus amenities ‘arms races.’ From the opposite side, faculties are facing the pressures on their classrooms and instruction from rising tuition and student debt. They are witnessing their students arrive less prepared for college than in previous generations while shouldering a financial burden that inhibits them from doing their best work. The IFS pledged in this report to: support the State Board in its efforts to provide a quality education for every deserving Oregonian; support the Chancellor’s concept of the central State Board and the role it plays in representing all students and the faculty who instruct them; the Chancellor’s concept of a University System with the independence and freedom to set its own rules and rate, collect its own fees, and manage its own affairs; support the 40-40-20 education goals, with the caution that reductions in quality may result from the increased numbers of 4-year degrees awarded; and support the goal of a quality education.

e. Oregon Student Association (OSA) Chair

Ms. Tiffany Dollar provided the students’ report to the Board; highlights include a report on the OSA’s statewide vote drive (over 14,511 registered to vote in just 17 school days) and the preparation of candidate surveys on issues of utmost concern to students (budgets, tuition equity, student parent-childcare, cultural competency trainings for healthcare professionals, and a focus on schools not prisons). Ms. Dollar also provided comments on the proposed tuition and fee rate increases (her full report is available in the Board’s Office). In conclusion, it was stated that OSA is collectively concerned about the state and budget notes, as a whole, explaining that “a dismissal of the importance of those budget notes does not speak well to what OUS will do with the new found freedoms allowed with the passage of Senate Bill 242...Please keep our tuition affordable and maintain an open process with the legislature so that we see a true reinvestment in higher education and a well-deserved trust of the Oregon University System. Moreover, let’s work together on the same side to advocate for our school budgets and financial aid for students.”

f. Chief Education Officer

President Donegan welcomed Dr. Rudy Crew as the newly appointed Chief Education Officer. Dr. Crew expressed his belief that in promoting change in the educational system to meet the challenges faced by Oregonians, “we must be constructive and adopt an attitude of improving, being flexible enough to change, and being smart enough to collaborate as we go along.” Dr. Crew noted that while he is familiar with issues faced by K-12 and community colleges, he looks forward to working with the State Board of Higher Education and the OUS universities in
better understanding Oregon higher education and helping to achieve Oregon’s education goals.

The Chief Education Officer position was created by legislation passed in 2011 as part of a package of education reforms meant to ensure that by 2025, all Oregon students will graduate from high school, 40 percent will get at least two years of postsecondary education or training, and another 40 percent will earn a bachelor’s degree or higher (40-40-20). The Oregon Education Investment Board (OEIB) conducted a nationwide search for the position, including public input on key job criteria.

4. **ACTION ITEMS**

a. **OUS, 2013-2015 State Budget Process and Round 1 Submission**

In anticipation of the 12:00 p.m. budget deadline and at the discretion of the Board president, the biennial budget process item was brought forward on the agenda. President Donegan called upon Vice Chancellor Jay Kenton and Associate Vice Chancellor Jan Lewis to present the item. Due to the new budget process, upon approval of the preliminary budget, it will be submitted to the two funding teams (Education and Economy/Jobs Funding Teams) for review by the team members, consultants, and Department of Administrative Services Budget & Management analyst. Ms. Lewis drew the attention of the Board to Appendix A, noting that it is primarily historical funding, background on the program, and the first attempt to link existing and proposed programs to the outcomes defined by the State. Although Round 1 submission does not include actual dollar requests, each proposed program has been reviewed and approved by the associated Board Committees. Once the funding teams have reviewed the proposals, feedback will be given to the System and further instructions for the submission of Round 2, which will constitute the Agency Request Budget (ARB) with appropriate funding amounts, and is tentatively scheduled for review and approval at the August Board meeting. Chancellor Pernsteiner pointed out that, in addition to the budget, targets for the Achievement Compacts will require “truing-up” with the budget request, having been placed within the framework of a 10-year plan to form a 10-year progression of achievements. In order for the new budget process to work, it must be tied to outcomes and the ensuring that the submission ties back to the outcomes that progress along the continuum.

**ACTION:** Following the presentation, President Donegan called for a motion to approve the submission of Round 1 information as provided in Appendix A of the docket to the Department of Administrative Services in conjunction with the Governor’s 10-Year Plan for Oregon budgeting process and authorize the Chancellor, or designee, to provide supplemental materials as may be subsequently requested by either the Education or Economy and Jobs Funding Team. Directors Kirk Schueler and David Yaden made the motion and second, respectively. Motion carried.
b. OUS, Recommendation of the Governance and Policy Committee Regarding Institutional Governing Boards

President Donegan called upon Director Paul Kelly, chair of the Governance & Policy (G&P) Committee, and Chancellor Pernsteiner to present the item. Director Kelly directed the Board’s attention to the three documents included in the docket, the narrative describing the process, a matrix delineating the functions and/or powers that the State Board or the institutional board would exercise, and a summary of distribution of powers between the State Board and an institutional board, pursuant to the G&P Committee’s recommendations. Before beginning his presentation, Chair Kelly thanked the Committee members, university presidents, System staff, and the myriad guests who participated in the process. He added a special ‘thank you’ to Directors Lynda Ciuffetti and Emily Plec, who gave of their time to attend and participate in these meetings, stating that their participation provided a scope of understanding that broadened the Committee’s viewpoint.

The 2011 Legislature enacted Senate Bill 242, granting the University System greater autonomy and flexibility but the authority to create institutional governing boards was not included in the bill. At the Board’s direction, the G&P Committee focused its work on this topic over recent months—reviewing research on the approaches taken by other state systems, reports and recommendations from consultants and experts with a national-scope, and specific proposals presented by the University of Oregon and Portland State (both of whom are advocating for institution-level governing boards). Also received were advice, guidance, and commentary from the remaining five System university presidents, none of whom seek institutional-governing boards on their campuses; the Oregon Student Association; the Institutional Faculty Senate; and from other constituents.

The fundamental questions addressed by the recommendation included: If institutional boards were to be established at one or more institutions, what should they look like? What powers and authority ought they have? How would they interconnect with the rest of the System? Premises underlying the recommendation include the following: 1) to devolve down to the institutions as much operating authority as is appropriate; 2) all seven universities remain devoted to their public purposes and in achieving the State Board’s and the legislature’s goals, including 40-40-20; 3) that the changes should be assessed in terms of how they further the public purpose and further the achievement of those goals; 4) to cause ‘no-harm’ to the other institutions in the System; and 5) that a system of higher education is retained, with institutional boards working within the Oregon University System structure. It is unknown, at this time, how the System structure will interconnect and relate to the Higher Education Coordinating Commission (HECC) and the Oregon Education Investment Board (OEIB).

Following Chair Kelly’s detailed description of the Governance & Policy Committee recommendation, President Donegan thanked Director Kelly for his leadership and opened the floor for discussion.
President Wiewel expressed his concern with the concept of delegated authority as presented, stating that the proposal places the presidents in the position of reporting to two boards. On behalf of President Berdahl, Provost Lorraine Davis urged the Board to support institutional boards, with the expectation that a proposal be approved by the 2013 legislature for implementation by January 2014 (adding that the UO has an implementation plan in the ready). However, the UO stressed that another bureaucratic layer is not appropriate from both a financial and operational standpoint.

In response to a question pertaining to authority, Chancellor Pernsteiner advised that, with the exception of bonding debt and presidential compensation, it was the intention of the Committee that authority delegated to institutional boards would also be delegated to university presidents who choose not to have a local board; however, there are shared services responsibilities yet to be determined that could impact the delegated presidential authority. Several members remarked that, although they may not be comfortable with all points in the proposal, the proposal provided a solid framework for considering institutional governing boards.

ACTION: Following discussion, Chair Kelly made a motion to endorse the recommendation of the Committee with respect to institutional governing boards and authorize the staff to forward the State Board of Higher Education’s recommendation to the appropriate state legislative and executive officials, agencies, and bodies; Director Eiland seconded the motion and the motion carried.

c. OUS, Adoption of Optional Retirement Plan Amendment

President Donegan called upon Director Denise Yunker, OUS Human Resources, to present the item. She advised that the System received a compliance statement from the Internal Revenue Services to correct by plan amendment an error that was identified in 2010 and subsequently worked through to resolve on behalf of faculty who have tenure-relinquishment agreements. A draft amendment was proposed to the IRS and a compliance letter was received stating that if the Board adopts and enacts the amendment as presented, then the IRS approves the correction in a way that is entirely favorable to the participants, to the plan, and to the universities. Vice Chancellor Kenton explained that the ORP requires that once an employee retires, they are no longer eligible for subsequent contributions, even if hired back on a part-time basis. However, 29 employees erroneously received contributions after their retirement. Two methods were discussed to rectify the error: 1) recover the contributions with accrued interest or 2) file a plan amendment to allow those specific individuals to be eligible to retain the contributions. Following consultation with the impacted universities and legal counsel, the best course of action was determined to be the appeal to the IRS to accept said amendment.

ACTION: Following discussion, President Donegal called for a motion to adopt the Fourth Amendment to the 2008 Restatement of the Oregon University System Optional Retirement Plan as presented in Appendix C of the docket materials. Directors Farbodd Ganjifard and Kirk Schueler made the motion and second, respectively. Motion carried.
d. **OUS, Achievement Compact Targets**

President Donegan called upon Director Jim Francesconi and Vice Chancellor Andrews to present the item. Francesconi thanked the provosts and the Academic Strategies Committee for their work. Chancellor Pernsteiner advised that K-12 and community colleges are similarly preparing 2012-13 targets with the assumption of the current budget as appropriated to set a baseline for the OEIB to use when looking at targets for 2013-2015 and beyond. This reference point demonstrates what has been achieved in the past and what is expected to be achieved in the coming year. There are no rewards for meeting or exceeding nor are there penalties for not reaching the target—this is the year to “set the base.” As the budget process unfolds, the requested appropriations will be matched with the targets set for the future through the 10-Year Plan laid out by the Governor.

**ACTION:** Following brief discussion, President Donegan called for a motion to approve the 2010-11 actuals, 2011-12 projections, and 2012-13 targets in the OUS and Institutional Achievement Compacts and forward them to the OEIB for their approval. Directors Emily Plec and David Yaden made the motion and second, respectively. Motion carried.

e. **OUS, 2012-13 Proposed Tuition and Fee Rates and Policy Changes, Amendment of OAR 580-040-0004; 2012-13 Academic Year and 2013 Summer Session Fee Book**

Vice Chancellor Kenton provided a background and a brief overview of the System compared to their peers. In 2011, the state General and Lottery Funds appropriation for higher education was $823.6 million; however, in 2011-2013, $691.3 million was received, a $132.3 million reduction, equating to a 16.1 percent decrease in funding. In comparison, the tuition base on all students—graduates, undergraduates, resident, nonresident—is approximately $800 million. An 8 percent increase on all students would be required in order to recoup the $132.3 million. In addition, increases have been incurred in costs—for example, PERS rates increased by 43 percent, costing the System $96 million this biennium; PEBB rates increased 5 percent per year with the System paying $190 million per year and each 5 percent increase equates to about a $10 million per year increase in healthcare costs; additionally, labor agreements were changed after many years of pay freezes and furloughs.

Of note, Dr. Kenton advised that, when he discussed the proposed Southern Oregon University tuition increase with their administration, they decided to submit the request to the Legislative Emergency Board (E-Board); however, the Legislative Fiscal Office’s analysts viewed the increase, coupled with the proposed reduction of student fees, as complying with ‘the spirit’ of the legislative budget note and did not require E-Board consideration.

Ms. Lewis advised that the two tuition and fee processes (academic year and subsequent summer session) have been combined under the new annual fee plan and described the process that took place in the development of the proposed changes.
Director Schueler provided insight on the F&A Committee’s review and discussion of the proposal. The issue with the increase at Southern must be viewed through the lens of a business strategy—how do campuses maintain viability, meet their financial obligations, and yet not break the backs of the students. An additional stress factor is the state’s 40-40-20 goal, placed on the universities by the state without a viable funding structure to meet those requirements. Director Ciuffetti acknowledged the concerns presented at the Committee meeting and expressed her opinion that the elimination of health fees has the potential to disproportionately impact the most disadvantaged and vulnerable of the student body. She recommended keeping close attention to this issue. With respect to the increase in tuition, the Committee members were not in favor of the prospects of continued increases and acknowledged the hardships that many students and their families will experience with the increases; however, they are fully aware of the escalating costs to institutions to deliver the high-quality undergraduate and graduate education to Oregonians. Ciuffetti concluded by stating that, until the state commits to increasing its investment toward the actual cost of educating Oregonians, she believes the institutions, the F&A Committee, and the Board will “continuously find themselves between a rock and a hard place.” Director Ganjifard added that student input at the F&A Committee meeting strongly encouraged the Board to take a more proactive and vocal role in the legislature and capitol to ensure that the state does not further reduce funding and to find better ways to meet the needs of students and campuses without “putting it on the backs of students.”

Director Kelly expressed his concern with the symbolic impact of the proposed tuition increases at Southern, especially in light of the proposed institutional governing boards. What will be the message in the future with institutional governing boards who are seeking full-authority for residential tuition-setting, if a rate increase is approved that is substantially above the level previously set as the parameter? He then asked what the effect will be on Southern if the proposed increase is not approved by the Board.

President Cullinan expressed her appreciation for the Board’s concern and noted that this was a very difficult decision, made following inclusive and thoughtful conversations with the campus community. This proposal endeavors to keep the reserves at or above the Board policy, to manage a $2.5 million reduction, and to create as much stability as possible into the future. Conservative enrollment, tuition, state-allocation projections were used in the process. Various scenarios were shared with the student body to fully inform them of the state of the campus. Students fully understand that the reduction in student fees will offset the increase in tuition, culminating in an overall increase of 3.2 or 4.2 percent rather than 9.9 percent.

Students were also aware that the student recreation center referendum, of which they had themselves proposed, was a major factor in the decision of student fees and understood the possible impact on the student rec project. President Cullinan also worked to budget an additional $250,000 to $300,000 in need-based remissions for 2012-13, with calculations showing that no needy Oregon student will be impacted by the tuition increase as financial aid will be back-filled with General Fund need-based support. A funding pool is also being created...
to assist needy students with needed healthcare. In conclusion, she explained that Southern remains second only to Eastern Oregon University as the least expensive institution in the System and remains a “very good deal.”

Chancellor Pernsteiner advised that, during past year, SOU conducted an open budgeting process to review the next two years’ budgets and they are trimming more than $2 million from operating costs going into the 2012-13 academic year and are planning for another reduction of $450,000 going into 2013-14—demonstrating that Southern Oregon has engaged in significant budget reductions over the past six years for a campus their size. Given the situation, the 9.9 percent tuition increase is necessary. The Chancellor also noted that an explanatory letter was submitted to the E-Board for approval. A significant concern is the impact of a 9.9 percent increase on enrollment; five-eighths of their graduates are Pell Grant eligible, putting them on the high-end range of the other System universities. However, juxtaposed to the tuition increase, they will continue to have the second lowest of the System tuition rates, which is appropriate for an institution given their demographic. Chancellor Pernsteiner emphasized that President Cullinan has promised the increased financial aid, over and above the kinds of financial aid that, historically, campuses have made available. The purpose is to help to buy-down the cost of the tuition increase.

President Ray commented that he appreciated the reminder that “we cannot govern ourselves out of a financial ditch” and that with the 16 percent decrease (8+8) in state revenue in this biennium compared to the last, his sense is that when looking at the total for all campuses—tuition charge increases—are within the legislative budget notes and, adding costs drivers to the mix that are not within the campuses’ control, the notion that the campuses are being extravagant is very misguided. “This is not the case of someone not minding the store.” The next conversation must be how to establish financial viability for the System that will deliver the System’s portion of the 40-40-20 goal.

Public testimony:
Jonathan Farmer, 2011-12 president and president-elect, Associated Students of WOU and Ms. Milikaleakona Hopoi, 2011-12 president, Associated Students of OSU, provided testimony:

Mr. Farmer thanked the Board for being advocates of students and asked that the directors be more aggressive at the legislature to make the “students voice clear.” He asked for caution in regard to the tuition increase proposed at SOU.

Ms. Hopoi stated that “tuition is not credit card, tuition is not a savings account—tuition has real debt and we carry that debt.” Students at Oregon State University are fearful that tuition will increase beyond their means based on the past five-year trend; however, understand that there is shared sacrifice under shared governance. She stressed that “every single time we come to the table, we are the sacrifice.” They are questioning, “Who else is sharing the burden?” The students advocate for clear, open communication and creative thinking. Students do not think of tuition increases in the abstract but in dollars—how will these increases affect our daily lives and the ability to
She stressed that the increase at Southern will affect all students, not just those at Southern, and asked that the Board not forget students. “Be fearless!”

The Board also acknowledged the letters and emails received from students on the tuition proposal.

Following public comment, Director Yaden asked if it is feasible to say “if we’re willing to risk the reserves—for now” where would Southern be? Chancellor Pernsteiner stated that, if enrollment becomes flat at SOU, then another reduction will put their fund balances in the negative and, in his opinion, with their fragile financial condition, they will be unable to take the kind of risks taken at campuses with more robust fundraising capabilities. In years past, when a campus found themselves in a vulnerable financial condition, the System was able to assist by transferring funds from the Chancellor’s Office fund balance; however, that option is no longer available as the Chancellor’s Office no longer has the reserves to step into the gap.

President Cullinan stressed that the university community has had the opportunity to review and comment, and participate, in various planning scenarios. This decision of Southern to increase tuition by 9.9 percent and reduce student fees was not a capricious act but a well thought out plan. President Donegan recognized her comment and explained that the Board is not desirous of micromanaging the campuses and disregarding the work done by Southern, but suggesting a possible revisiting of the Board policy on reserves. Director Schueler agreed and noted the compounding effect on fund balance without the proposed tuition increase.

In conclusion, Director Plec urged the Board to think in terms of the impact on students’ ability to pay for tuition and the number of hours per week necessary to work at minimum wage to pay for their tuition at the proposed rate.

**ACTION:** Following discussion and public input, President Donegan called for a motion to adopt OARs 580-010-0081, 580-010-0089, and 580-040-0040 by permanent rule and the repeal of OAR 580-040-0035 (Summer Session Fee Book) as presented in the docket materials (Appendix B). Directors Kirk Schueler and David Yaden made the motion and second, respectively. Those voting yes: Ciuffetti, Donegan, Eiland, Ford, Francesconi, Kelly, Plec, Schueler, and Yaden; those voting no: Coulombe and Ganjifard. Motion carried.

5. **Public Input**

No additional public input was submitted.

6. **Board Comments**

No additional comments were put forward by the Board.
7. **ADJOURNMENT**

   With no further business proposed, the meeting was adjourned at 1:00 p.m.