



MINUTES

Committee Members Present: Mike Bailey, Rani Borkar (ex officio), Michele Longo Eder, Ed Feser (ex officio), Julie Manning (Vice Chair), and Irem Tumer (ex officio)

Other Trustees Present: Patty Bedient, Julia Brim-Edwards, Darry Callahan, Khawater Hussein, Becky Johnson, and Kirk Schueler

Trustee Nominees Present: Maria Chavez-Haroldson, Susan Clark, Roman Hernandez, and Inara Scott

University Staff Present: Scott Barnes, Peter Betjemann, Debbie Colbert, Becca Gose, Cathy Hasenpflug, Natasha Mallette, Patti Snopkowski, Lauren Skousen, Irem Tumer, and Virginia Weis

1. Call to Order/Roll/Declaration of a Quorum

Trustee Manning called the meeting to order at 1:44 p.m., noting that Chair Pulliams was unable to be present. Manning asked Board Secretary Colbert to call roll and Colbert noted a quorum.

2. Provost's Report

- a. **Status Report: New and Existing Academic Program Reviews and Professional Accreditations in Progress**
- b. **Workplace Safety, including risk management report**

Feser began by referencing the pivots made due to COVID and acknowledged University Facilities for its work during the pandemic as well as its work to provide support during the wildfires, as detailed in the Workplace Safety report.

Feser then went on to share that Belinda Batten has joined the Provost's Office as senior advisor to the provost for strategic initiatives, providing more capacity to move program development forward, review university work in Portland and assist with the budget model review. Feser also noted that Tim Carroll has been hired as dean of the College of Business, Rick Settersten has been hired as vice provost for faculty affairs, Tuba Ozkan-Haller has stepped in as interim dean of the College of Earth Ocean and Atmospheric Sciences, and Ivory Lyles has been hired as vice provost for extension and engagement.

Feser noted Anita Azarenko stepped in 27 months ago as interim vice provost for extension and engagement and that she was asked to address the challenges facing extension and engagement at that time. Feser said she agreed not knowing that the pandemic was imminent, which pushed out the search for the permanent role. Feser acknowledged Azarenko's ability to take on the challenges

and shared that she was able to make significant changes. Feser then provided an update on current searches including those for the dean of library, the dean of the College of Public Health and Human Sciences, the vice president of OSU-Cascades, the dean of the College of Pharmacy, and the vice president and chief diversity officer.

Feser said strengthening research, including diversifying funding sources, is a significant focus of SP4.0. Feser noted that the research enterprise has grown faster than the support structure, which Tumer is working to address. Feser said it was a terrific year in sponsored research, which will be addressed further in President Johnson's report. Feser indicated efforts are needed to shore up the basic infrastructure that supports faculty sponsored research. Feser noted the increase to the budget in the Research Office this year. Feser went on to introduce the Research Impact Advancement Academy that Tumer is working to create which will support the preparation and mission of large, team-based proposals.

Feser spoke to enrollment trends and acknowledged Enrollment Management and the Financial Aid office teams for their efforts. Feser noted adopting enrollment management best practices is a key component of SP4.0 and was a charge given to Jon Boeckenstedt, vice provost for enrollment management, when he was hired. Feser said that one of the elements of the strategy has been to be more data-driven to be more effective in terms of revenue optimization and financial aid distribution.

Feser then spoke about interpersonal violence and prevention and said that while serving as acting president, he charged Dan Larson, vice provost for student affairs, and Kim Kirkland, executive director of Equal Opportunity and Access, with leading two reviews: a review of Title IX institutional practices and a review of OSU's interpersonal violence prevention and response system. The Title IX institutional practices review found that ensuring presidents are fully aware of Title IX notification protocols (i.e., notification of EOA to the president and other senior leaders) is an area of potential risk that is heightened during presidential transitions. OSU has been operating with an effective protocol for informing the president of pertinent cases, however that protocol was not documented formally. Feser noted that the protocol for communication is now documented, including how often the president meets with the Title IX coordinator, expectations around tracking cases, and circumstances that would merit notification to other senior leaders.

Feser also addressed the review of OSU's interpersonal violence prevention and response system, which Larson charged Jenny Haubenreiser, associate vice provost and executive director for Student Health Services; Kevin Dougherty, associate vice provost and dean of students; and Ian Kellems, executive director for Counseling & Psychological Services to complete. Feser recognized the concern raised on campus that there may not be enough coordinators in the Survivor Advocacy & Resource Center (SARC). The charge included an assessment of whether more advocates are needed. Feser said the report, which is available on the president's website, indicates that SARC is not substantially under-resourced. Rather, there is a difference of opinion on campus about how to approach survivor support and interpersonal violence prevention and

response. Some argue that resources should be centralized under SARC. For a variety of reasons, OSU has built a networked approach instead of a centralized approach, which the review team supports. Feser noted that discussion of this issue will likely continue to come before the Board and that the review group and others will continue to consider how best to provide support to survivors.

Feser reminded the Board that in fall 2018, the university implemented a new budget model, called the shared responsibility budget model (SRBM). Previously OSU distributed revenues to units as discretionary allocations from the Office of the Provost, generally as minor increments from the previous year's budget. SRBM model is a modified responsibility centered management (RCM) budgeting approach that distributes budgets to colleges based on key metrics like majors, credit hours, research activity, and other factors. Feser said that when the university shifted to the new model, it committed to undertaking a periodic assessment of how well it is working. The first such periodic review got underway in 2021 and is about two-thirds complete.

Trustee Darry Callahan asked Feser whether there should be explanation to the university to make sure people understand the viewpoint of the committee that reviewed the interpersonal violence response and prevention structure and approach. Feser said he will share that with Larson and Haubenreiser and said that it comes down to legitimate differences in views about how best to support survivors. Feser said when the assessment of the system is complete, OSU may decide to add additional advocates or other resources. Feser said that it might be a good idea to over-communicate on the matter, as it is a complex issue that does not come down to simply providing more resources or not, but rather to differences in perspective about how to manage a very complex system that crosses advocacy and compliance boundaries. Hurd then asked about the differences of opinions and if Feser is hearing whether they are based off of what other universities are doing. Feser said the approaches by universities vary. Feser went on to provide an example of whether dedicated counselors are utilized specifically for survivor support, or if embedded counselors with such expertise are placed within Counseling and Psychological Services (CAPS). Feser said that OSU's approach in this case is to provide counselors within CAPS, because this allows a level of specialization that would not be possible if organized under a single survivor support unit such as SARC. Feser said the differences in approaches of this kind make it difficult to simply compare levels of FTE across units in different universities.

3. Consent Agenda

a. Minutes of the May 20, 2021, Academic Strategies Committee Meeting

Manning asked whether there was a motion to approve the minutes of the May 20, 2021, Academic Strategies Committee meeting. The motion was made and seconded, and the motion carried.

4. Action Item

a. 2022 Academic Strategies Committee Work Plan and 2021 Board Assessment Results

Manning thanked Feser and Board Secretary Debbie Colbert for joining the discussion. Manning noted that the committee considers a broad portfolio and that it seems the committee is on the right track by focusing meeting time on

discussions and less time on presentations, with support materials provided as docket items. Manning said she and Chair Pulliams are proposing to continue with the briefing approach combined with regular reports from the provost. Trustee Eder suggested she would like to see more about Athletics, noting she has a gap in knowledge about the relationship of OSU Athletics and the PAC-12, including revenue generation. Callahan said that the topic should be broadened to include information about the PAC-12 and NCAA. Colbert said that the Athletics briefing could be expanded this year to include specific educational and background information on NCAA and PAC-12.

Hearing no further discussion, a motion was made and seconded to approve of the 2022 Academic Strategies Committee Work Plan, and the motion carried.

5. Discussion Items

a. Faculty Affairs Briefing

Manning began by introducing vice provost for faculty affairs and senior international officer, Rick Settersten. Settersten referenced the briefing docket and then began by sharing how the Office of Faculty Affairs, and the many academic units that support faculty, have been experiencing and responding to the pandemic. Settersten indicated that he had assembled a panel of academic faculty to join him to share their experiences and discuss lessons learned during the pandemic. Settersten introduced Peter Betjemann, the Patrica Valian Reser director of arts and education and director of the College of Liberal Arts' School of Writing, Literature and Film; Natasha Mallette, instructor and professional practice engineer in the School of Nuclear Science and Engineering; and Virginia Weis, distinguished professor of integrative biology and College of Science Dr. Russ and Dolores Gorman Faculty Scholar.

Settersten began by asking the panelists to share what a typical day is like for them. Weis explained that she is a coral reef biologist with a major laboratory to manage. Weis said her average day is spent primarily engaging with the people who work in her laboratory. Weis compared her work to running a small business in that she applies for grants, manages the budget, and is enthusiastic about the work staff are doing. Mallette indicated that her typical day is spent preparing course materials and her primary focus is teaching. Mallette said that during the pandemic she missed being able to interact with students in-person and support them in attaining their goals as well as seeing students interact with one another and supporting each other. Betjemann shared that he holds both administrative and academic roles. Betjemann finds meaning in how artists challenge one another, which relates to his administrative work with the creation of the Arts and Education Complex.

Settersten then asked panelists to reflect on how the pandemic has brought challenges and opportunities. Weis said that from a research standpoint the first six months were devastating as there was no research moving forward, which was hard on graduate students. Weis explain that with the gradual resumption of research activity, her perspective has changed and she felt renewed in her commitment to create the next generation of scientists. Betjemann added that the applied nature of work in higher education has never been clearer. Mallette shared that what she is seeing in her students is that they have experienced trauma in losing loved ones and many are still dealing with challenges.

Settersten asked if there were any surprises in their work. Betjemann shared that in a class he taught numerous times, he was able to observe students interact in the chat, which enabled him to better understand what is going through the students' minds even when they are not speaking. Weis shared that a point of pride is that OSU had normalized remote learning even before the pandemic began, which meant faculty were more willing and able to readily pivot. Weis said that the pandemic has prompted OSU to advance even further with remote education because of the pandemic and that OSU is ahead of the game nationally.

Manning asked the panelists to speak to the culture of care referenced in SP4.0. Settersten said that one aspect, in existence before the pandemic but which became more pronounced during it, is the practice of empathy and compassion towards colleagues and students. Settersten said another aspect of the culture of care is an advisory group that was started in partnership with Office for Faculty Affairs and Human Resources Labor Relations, with representatives from many areas of the university. Settersten said this advisory group was created to ensure that represented employee groups and student government had space to be heard throughout the pandemic in an effort to respond to their needs and concerns. Mallette shared that the College of Engineering is seeking to create an environment where all students feel welcome and connected. Mallette noted that the dean has emphasized that social justice issues must be incorporated in the first-year curriculum as part of this effort. Betjemann said that he observed faculty immersing themselves into students' lives in a deeper way than they had previously, especially in helping students cope with pandemic challenges. Weis shared that she too observed faculty interacting with students in a way they had not previously.

Borkar asked for examples of things that faculty were forced to do differently and will keep doing indefinitely. Betjemann noted that faculty created a larger suite of potential engagements with students to support students of all different learning types (i.e., visual, spatial, independent). Mallette added that, in engineering, there is a tendency to resist online learning and that she will continue to record lectures, which adds another opportunity for learning. Mallette shared that she assigned teams in classes that she would not normally create; the teams were not required to complete a specific assignment but rather to support one another. Weis shared that Zoom has transformed the way people interact, and people are regularly engaged in hybrid ways, which has created flexibility in interactions.

Bedient asked about the frequency and quality of interaction with students outside of class hours. Mallette said she had more students attending office hours and Betjemann said it has been very powerful in terms of advising, with more students showing up online. Weis shared that there are limits to remote engagement in research.

Callahan asked about the role of private sector experience in their fields. Weis said that it has evolved, and faculty are trying to incorporate the private sector into graduate programs as there are not as many academic positions available anymore. Betjemann said that in arts and humanities, faculty are working hard to help students articulate how their degrees can translate to career opportunities.

Malette said her teaching is informed by her working experience as an engineer and that she believes it would be ideal if every student had a job shadow or internship before graduation. Hurd then commented that in Athletics, former players come back and talk to the next generation of players about career opportunities and wonders whether that occurs in these contexts. Mallette, Betjemann, and Weis said similar opportunities are available in their fields.

b. Talent Management, including risk management report

Manning began by introducing Cathy Hasenpflug, chief human resources officer; Mike Green, vice president for finance and administration; and Ed Feser, provost and executive vice president.

Feser began by sharing that OSU's goal is always to attract the best faculty and staff. Feser said that the wide variety of the types of employees within a university setting makes Human Resources (HR) efforts complex. Feser said that OSU is attempting to manage talent comprehensively, which requires close integration of HR, the Division of Finance and Administration (DFA), and the Office of Faculty Affairs. Feser emphasized that COVID-19 pandemic work arrangements, such as remote and hybrid work, present opportunities for OSU to meet the mission of the university, support productivity, and provide for better work-life balance, while maintaining the character of an in-person university. Feser said that a task force is being created to look at the emerging work environment. Feser then turned the presentation over to Green.

Green described the HR strategy to expand and adapt. Green noted the human resources strategic partner (HRSP) model that has been implemented and that it has been helpful in supporting units with HR processes. Green shared that, despite challenges of the pandemic, significant progress has been made in HR functions through partnerships and collaboration with other units across the university. Green then turned the presentation over to Hasenpflug.

Hasenpflug said that talent management is not the term typically used in higher education and proceeded to share how the talent management effort has been organized at OSU. Hasenpflug said that the framework used represents the employee life cycle and shared that it will be a multi-year, systems approach. Hasenpflug said HR, the Office for Faculty Affairs, and the Office of Institutional Diversity have partnered closely on the strategy. Hasenpflug then provided information about the talent development dimension of talent management, which included expanded internal and external training for all employees, an OSU training portal where faculty and staff can discover information about internal OSU educational opportunities, and to transform the employee benefits programs as part of the culture of care. Hasenpflug spoke about the OSU Managerial Competency framework which builds important shared understanding and expectations around the role of people management at OSU. Hasenpflug said one college and one administrative unit have been selected to pilot the framework and accompanying tools and resources. Hasenpflug said the pilot will allow the units to try out a modernized approach to performance management. Hasenpflug shared that the HRSP role is critical to the next stage and the ultimate success of the talent management system. Hasenpflug shared that she believes OSU is on a solid path toward a comprehensive system that will support the ability to attract, develop and retain talented faculty and staff.

Manning asked if Hasenpflug could provide an example about how the HRSP role works. Hasenpflug shared that the HRSP model is a modern best practice of HR and represents one leg of a three-legged stool. Hasenpflug said the three-legged stool includes an operational service center, a center of functional expertise, and the HRSP. Hasenpflug shared that the HRSP ensures that HR is responsive to what is actually happening within the organization, and they are the primary contact for a dean or unit leader. Green pointed out that the DFA HRSP sits in on their leadership meetings, so they understand what the DFA's strategic needs and immediate tactical needs are.

Johnson asked if Hasenpflug knew what the turnover at OSU has been relative to other universities and the private sector. Hasenpflug said that OSU does not have the nuanced turnover statistics via the current system but is working towards building that into a future technology tool.

Callahan noted that in academia we tend to seek outside hiring as opposed to hiring from within and asked Hasenpflug to comment on that aspect. Hasenpflug said that in the higher ed culture it seems to be that careers move across universities as opposed to within universities. As well, Hasenpflug shared that higher education has systems in place to ensure that positions are equitable and open to all. Feser agreed with Callahan's statement and believes it goes back to a recruiting mindset at the junior faculty level that universities should not hire from within, noting that it is considered best practice for universities not to hire their own PhD students. Feser said that if OSU does not open up positions to external applicants, the university is not able to diversify the work force. Green added that OSU is trying to provide a career path that gives employees a sense that they can start their career at OSU and there is a way forward.

c. Name, Image, and Likeness Implementation

Manning began by introducing Scott Barnes, vice president and athletic director, and Becca Gose, OSU general counsel. Barnes began by sharing information about athlete performance in and out of the classroom. Barnes said that in the spring OSU student athletes had the highest collective GPA recorded of 3.25. As well, Barnes said that 11 of the 17 programs participated in post season play and five OSU athletes competed in the summer Tokyo Olympics, three of whom are currently at OSU. Barnes turned it over to Gose to discuss the legal landscape of Name, Image, and Likeness (NIL).

Gose shared that previously, NCAA rules prohibited athletes from receiving payments in exchange for the use of their NIL. Gose said that in fall 2019, California passed the Fair Pay to Play Act, the first legislation nationally about NIL rights. Gose said dozens of states followed, and Oregon quickly moved in that direction as well. Gose said a NIL bill was proposed in the Oregon 2020 short session but was not passed. Gose said that a number of federal bills were introduced to try to take a more uniform approach to the issue, rather than a state-by-state patchwork. Gose said that the NCAA and the power five conferences supported a unified approach at the federal level, but none of the federal bills have passed at this point. Gose said that in the past legislative session, on July 1, 2021, Oregon passed S.B. 5 which requires student athletes to be permitted to benefit from the use of their NIL in most circumstances.

Gose shared that on the same day, July 1, 2021, the NCAA issued an interim policy that student athletes could benefit from NIL even in states without NIL laws. Gose noted the related “pay-to-play” effort and the differences from NIL. Gose said pay-to-play is related to athletes being compensated for their athletic participation, while NIL is compensating athletes for the use of their NIL. Gose went on to say that the two concepts are different but intertwined. Gose shared that in summer 2021, the Supreme Court issued a decision in a class action of student athletes challenging the NCAA limits on compensation under antitrust law. Gose said that (because they were currently unchallenged on appeal), the Court left in place the NCAA prohibitions regarding payments not related to education provided by schools but said the NCAA could *not* prohibit schools from providing benefits related to education or academic cash awards. Gose said the Court was explicit in not ruling on the rest of the NCAA’s compensation prohibitions, since they weren’t currently on appeal, but the justices provided language that cast significant doubt on NCAA’s future defense of the rest of the compensation rules Gose said that other antitrust lawsuits challenging NCAA’s prior NIL restrictions are working their way through the courts.

Gose then shared that there are also continuing debates about whether student athletes should be classified as employees or students under various statutes related to bargaining, wages, and other benefits. Gose said the National Labor Relations Board general counsel recently issued a memo opining that student athletes are employees under the National Labor Relations Act (NLRA) and should be able to unionize. Gose said the NLRA applies to private employers (not public employers like OSU), but what applies to OSU is the Public Employee Collective Bargaining Act (PECBA) and the Oregon Employment Relations Board (ERB). Gose said the ERB in Oregon may choose to follow the NLRB general counsel interpretation if the issue is presented to it. As well, Gose said a class action lawsuit has been filed against the NCAA and Villanova and other institutions in federal court in Pennsylvania. Gose said it is targeted to overtime and minimum wages under the Fair Labor Standards Act (FLSA), and that court has denied a motion to dismiss and allowed the case to go forward on the merits (entertaining the possibility of student athletes being categorized as employees under the FLSA). Gose said this is the first time ever a federal court is entertaining the allegations at this stage of a case. The University of Oregon was recently added to that matter, along with Oregon state law wage/overtime claims, so she would be monitoring the case closely as it proceeds.

Returning to NIL, Gose then shared that S.B. 5 gives very broad rights to student athletes to receive payments for their NIL but explained some of the areas to which those rights do not extend (for example, areas in which their NIL is being used in official OSU activities or any payments made from OSU). Gose said that athletes also have the right to obtain representation for the purpose of NIL and they must provide the university with the terms of their NIL contracts with third parties.

Barnes then shared that what S.B. 5 means for OSU student athletes is that they are able to earn compensation, independent of OSU, for the use of their NIL. Barnes provided examples of business ownership and activities, appearances, providing lessons or camps and being a brand ambassador or social influencer.

Barnes shared that an ExpOSUre Program was developed to maximize athlete's opportunities. Barnes said that the effort includes several different entities on campus including the Athletic Department and the College of Business. Barnes said a consultant has been hired and Athletics is also consulting with former student athletes. Barnes shared that staff have met with all student athletes about the program and that staff share information on OSU's NIL program with recruits. Barnes talked about various educational opportunities available to student athletes, including classes about NIL.

Barnes shared that at OSU so far, there are 27 disclosures provided by 20 student athletes who are active in NIL (out of 550 total student athletes). Barnes said that they are mostly active in social media and that OSU monitors their activity on a weekly basis to ensure they are disclosing their activity and the dollar amount associated with the activity. Barnes clarified that OSU may not compensate athletes, but donors and third-party entities can. Barnes said that the NCAA created guard rails in that recruits may not receive NIL pay (from third parties or schools). Barnes then shared how OSU's athlete NIL activity compares nationally. Barnes ended by stating that NIL is evolving.

Manning asked Gose about what has happened recently in legislatures and what may happen federally, in the courts and with NCAA. Gose responded that they will all influence each other but that if the federal government acts, that will supersede everything else.

Schueler asked about pay-for-play and said that it seems like it may have more ramifications than NIL. Barnes said that if OSU transitions to a pay-for-play employee model, it would reduce the opportunities for scholarships drastically and the impact could be significant.

Bedient asked if OSU takes on any liability because the university is providing educational opportunities to students on NIL. Gose responded that all trainings have disclaimers. Gose also shared that the course offered by the College of Business is not individualized advice, but rather about generally educating on the topic, similar to any other class a student may take. Schueler stated that the offering of the class could be seen as being competitive in recruiting. Schueler then asked whether there are any limits on the compensation received relative to the activity. Barnes said they have been discussing this and there are not currently any limits.

Hurd commented that professional athletes are influencing the progression of NIL and is wondering how the university is responding to that influence. Barnes said OSU is being strategic in responding and in discussions of different legislative efforts.

Eder commented that there may be competition between universities in recruiting for what they can provide to student athletes in support on their NIL activity. Eder also commented there will be potential inequity between and within sports in terms of access to capital, which will be a disadvantage for some athletes. Barnes said it's about finding OSU's niche and understanding what type of student athletes the university is recruiting.

Hearing no other comments or questions, Trustee Manning closed the topic.

6. Adjournment

Trustee Manning adjourned the meeting at 4:54 p.m.

Respectfully submitted,



Jen Humphreys
Assistant Board Secretary