

Board Policy Review and Amendments

BACKGROUND

A number of administrative rules, policies, and internal management directives of the State Board of Higher Education (SBHE) transferred to the university when the transition in governance occurred in 2014. These policies and directives apply to the university, until and unless the university repeals, amends, or otherwise replaces them.

In October 2017, 2018, and 2019 the Board repealed a number of these transferred policies which have been since superseded by OSU Board of Trustees policies, were outdated, or were no longer applicable. The Board Secretary was instructed to continue this review process to ensure the currency of Board policies, as required by the Board's bylaws.

Concurrently, the University Policy and Standards Program has been amending and repealing those transferred policies and standards that relate to functions that have been delegated by the Board to the university. The policy director continues to work with the President, the Executive Policy and Standards Committee, and other university leaders to modernize university policies and standards by repealing or amending those that were transferred, or adopting new policies as needed.

PROPOSED REPEALS

The Board Office worked with staff in the University Policy and Standards Program, Provost's Office, Office of General Counsel, and relevant units to review an additional increment of board-related policies transferred from the SBHE. The policies proposed for repeal are provided in Exhibit A of Attachment 1. The SBHE policy on political activities is one policy proposed for repeal to be replaced with the updated policy provided in Exhibit B. Changes to the SBHE policy are shown in red text and strikethrough.

RECOMMENDATION

Staff propose that the Executive & Audit Committee recommend to the Board that it adopt the resolution repealing and updating policies as provided in Attachment 1.

RESOLUTION NO. _____



**Oregon State University
Repealing and Amending Certain Policies**

BACKGROUND

Whereas, the Board of Trustees of Oregon State University (the “Board”) is the governing body of Oregon State University pursuant to Oregon Revised Statute (ORS) 352.054; and

Whereas, ORS 352.087(m) grants the Board authority to establish policies for the organization, administration, and development of the university; and

Whereas, Article IV, Section 1 of the Board’s bylaws require that the Board maintain the currency of its governance policies and practices; and

Whereas, Oregon State University transferred policies and directives during the transition of governance from the State Board of Higher Education (SBHE) to the institutional Board of Trustees of Oregon State University in July 2014, many of which are inapplicable, superseded by state law or otherwise irrelevant;

Whereas, a list of such policies recommended for repeal was developed by the Board Secretary and provided in the table attached hereto as Exhibit A; and

Whereas, the policy on political activities transferred by SBHE needed updates, including updates to reflect the current governance structure, attached hereto as Exhibit B;

RESOLUTION

Now, therefore, be it resolved by the Board of Trustees that the policies and directives provided in Exhibit A are repealed and the policy provided in Exhibit B is approved.

This Resolution is effective _____

APPROVED by the Board of Trustees _____

Secretary to the Board

Date

Policies for Repeal by the OSU Board of Trustees

	Original Source/ Item to Repeal	Rationale for Repeal
Gift, Grant, and Contract Management	SBHE Standard	Superseded and outdated. This policy describes responsibilities and considerations relating to the request and acceptance of gifts, grants, or contract funds. This legacy standard is in part superseded by the Delegation to the University approved by the Board. Processes for and limitations on gift acceptance have been further refined in more recent policy adopted by the university (Fiscal Policy: Gift Funds).
Political Activities	SBHE Policy	Outdated. This policy outlines expectations of employees seeking to participate in community and public affairs, including candidacy for public office. This policy is proposed for replacement by the updated policy provided in Exhibit B.
Finance and Business Affairs	SBHE Internal Management Directive	Outdated. This policy describes maintaining financial reserves for repairing depreciable assets and the fiscal management of auxiliaries. This policy was in part superseded by the Delegation of Authority to the University , the Finance & Administration Committee Charter , and annual budget and reporting practices instituted by the OSU Board since its transition to independent governance. Elements of the SBHE Internal Management Directive related to reserve funds and auxiliary enterprises have been updated and modernized in more recently adopted fiscal policies (Reserve Funds: Auxiliary Enterprises).
Sustainability	SBHE Policy	Superseded. This policy describes the roles and responsibilities of OUS institutions relating to the development and implementation of sustainability practices. It is superseded by OSU's Strategic Plan 4.0 , the President's Carbon Commitment, Requirements for Sustainable Development and rules around Energy Consumption Use . Faculty Senate is also in the process of instituting a permanent Standing Committee on sustainability.
Electronic Commerce	SBHE Policy	Outdated and no longer applicable. This policy is outdated and was intended to align financial transactions between the OUS

EAC Agenda Item 4b – Attachment 1, Exhibit A

		institutions. It is superseded by OSU's practices and more recently adopted fiscal policies on electronic commerce (eCommerce).
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Oregon State University Policy on Political Activities

580-022-0010

Public Activities POLITICAL ACTIVITIES

- 1) Although there is no prohibition against active participation by ~~Department~~ **university** employees in various ~~community and public~~ political affairs and ~~issues~~, it is expected that time given to such activities shall not interfere with the duties of the employees concerned. ~~Unless authorized by the President or their designee, no OSU resources shall be used while participating in political activities.~~
- 2) ~~Unless authorized by the President or their designee, No~~ **no** employee acting in their OSU capacity shall take action or make statements that might ~~be construed as committing~~ commit the ~~institution~~ **university** or the Board to a position on ~~public~~ a political issues.
- 3) ~~No~~ **no** university employee, even if authorized by the President or their designee, may, support or oppose a ballot measure, a referendum or a candidate for office in their university capacity or with university resources.
- 4) ~~Faculty members are encouraged, in their individual faculty capacity and without committing OSU to a particular political position unless authorized, to provide expertise to state and federal agencies and elected officials, including the Oregon Legislature, its members or committees, or staff.~~
- 5) ~~Employees are encouraged to engage in political issues in their personal capacity, not using OSU resources, including the support or opposition of ballot measures, referenda and candidates. Any use of an employee's OSU title while engaging in community and political affairs in a personal capacity must specify its use "for identification purpose only."~~

580-022-0015

CANDIDATES FOR PUBLIC OFFICE

- 1) In accordance with the Oregon Constitution, it is Board policy to allow employees to seek political office and to serve in the event of election. Before an employee shall become a candidate for any public office, whether for a salaried or nonsalaried position, the employee is expected to consult with the ~~P~~**r**esident

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or their designee.

- 2) Political activity shall in no way interfere with the performance of the major duties prescribed by the Board and the Ppresidents.
- 3) Because circumstances under which a campaign is conducted will vary widely depending on the nature of the elective office and the extent of opposition, the determination of whether an employee may continue full-time duties while conducting or engaged in a campaign rests with the ~~employee's Ppresident~~ or their designee. In the event of election to the State Legislature, an employee normally will be placed on leave of absence without pay during the period of full-time responsibility. If elected or appointed to a full-time salaried office, the employee may be placed on leave of absence without pay during the term of office or may be required to resign.

580-022-0020

RELATIONSHIPS WITH STATE GOVERNMENT

- 1) Except for the ~~Chancellor President~~ and designees, no employee of the ~~Department university~~ is authorized to represent the ~~Department university, including any institution or other activity thereof,~~ to the Legislature, its members or committees, to the Office of the Governor, and to the Executive Department and its Divisions. ~~Any activity representing positions of the university will be coordinated through the OSU Government Relations Office.~~
- 2) Nothing in this ~~rule policy~~ shall be construed as inhibiting an employee of the ~~Department university~~ from exercising the right of citizenship in a personal capacity, or be construed as inhibiting any employee of the ~~Department university~~ from appearing before a body of state government identified in this rule in response to a request from that body.
- 3) Faculty members are authorized to visit the Legislative Sessions and Hearings with students in the interests of furthering the effectiveness of organized class work, or to respond to requests from the Legislature for establishment and maintenance of special involvements such as student intern programs.