

## NOTICE OF PUBLIC MEETING

The Board of Trustees of the University of Oregon will hold a public meeting in White Stag Building at UO Portland on September 12<sup>th</sup>, 2023. Topics of the meeting will include: standing reports; consideration of seconded motions from September 11<sup>th</sup> committee meetings; an executive session regarding collective bargaining; a report on the impact of recent Supreme Court activity on the university; an update on university athletics; and a presentation on regional dynamics and the role of higher education in the Portland metro community.

The meeting will occur as follows:

**Tuesday, September 12th**  
**8:00 -9:00 a.m. Pacific Time – Executive Session**  
**9:00 a.m. Pacific Time – Public Board Meeting**

White Stag Building, Room 142/144, Portland Campus

The meeting's agenda and materials are available at <https://trustees.uoregon.edu/upcoming-meetings>.

A livestream link will be available at: <https://trustees.uoregon.edu/meetings>. If telephone conference, sign language for the deaf or hard of hearing, or accessibility accommodations are required, contact [trustees@uoregon.edu](mailto:trustees@uoregon.edu) at least two business days in advance of the posted meeting time. Please specify the sign language preference if applicable.

### Public Comment

To provide public comment during the meeting, or if you would like to provide remote public comment, please sign up by emailing [trustees@uoregon.edu](mailto:trustees@uoregon.edu) and include your name, affiliation with the university, and topic for discussion. Public comment guidelines are available [here](#).

Those wishing to provide comments in writing may do so via [trustees@uoregon.edu](mailto:trustees@uoregon.edu). All written comments will be shared with members of the board, but to ensure comments are provided to trustees *in advance* of the meeting, they must be received by 5:00 p.m. Pacific Time on September 9th, 2023.

### BOARD OF TRUSTEES

6227 University of Oregon, Eugene OR 97403-1266 | (541) 346-3166 | [trustees.uoregon.edu](https://trustees.uoregon.edu) | [trustees@uoregon.edu](mailto:trustees@uoregon.edu)

**Board of Trustees**  
**Public Meeting | September 12, 2023 | 9:00 a.m.**  
**Executive Session 8:00 a.m.**  
**White Stag Building, Room 142/144 | Portland Campus**

**Convene**

- Call to order, roll call
- Approval of Minutes

- 1. Executive Session Regarding Collective Bargaining:** Mark Schmelz, Vice President and Chief Human Resources Officer; Chris Meade, Director of Employee and Labor Relations.

The Board of Trustees of the University of Oregon will meet in executive session on September 12, 2023. The board will meet to discuss collective bargaining as authorized under Oregon Revised Statutes (ORS) 192.660(2)(d). Pursuant to ORS 192.660(6), no final action will be taken, or final decision made in the executive session. This session is closed to members of the public and the media. There are no materials for this meeting.

- 2. Public Comment and Standing Reports.**

- 2.1 Public Comment (if requested):**

- 2.1.1** --Officers of Administration Council.
- 2.1.2** --Campus Labor Organizations.
- 2.1.3** --Other Public Comment.

- 2.2 Standing Reports**

- 2.2.1 Associated Students of the University of Oregon.** Chloe Webster, ASUO President.
- 2.2.2 University Senate.** Gerard Sandoval, University Senate President.
- 2.2.3 President's Report.** Karl Scholz, President and Professor of Economics.

- 3. Resolutions (Action) Pending September 11th committee action.**

- 3.1** Bylaw Amendment Approval.
- 3.2** Policy on Retention and Delegation.
- 3.3** FY24 Audit Plan Approval.
- 3.4** Student Conduct Code Change Approval.

- 4. Supreme Court Activity and Enrollment.** Kevin Reed, Vice President and General Counsel; Yvette Alex-Assensoh, Vice President for Equity and Inclusion.

- 5. University Athletics.** Rob Mullens, Director of Intercollegiate Athletics; Eric Roedl, Deputy Athletic Director.

- 6. State and Regional Dynamics and the Role of Higher Education.** John Tapogna, Senior Policy Advisor, ECONorthwest.

# **Agenda Item #1**

## **Executive Session**

The Board of Trustees of the University of Oregon will meet in executive session on September 12<sup>th</sup>, 2023. The board will meet to discuss collective bargaining as authorized under Oregon Revised Statutes (ORS) 192.660(2)(d). Pursuant to ORS 192.660(6), no final action will be taken, or final decision made in the executive session. This session is closed to members of the public and the media. There are no materials for this meeting.

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## **Agenda Item #2**

### **Standing Reports**

**ASUO President**

**UO Senate President**

**University President\***

**\*No written materials included**



## Associated Students of University of Oregon

### Board of Trustees Report

Fall 2023

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The Associated Students of University of Oregon (ASUO) Executive Branch onboarded 13 secretaries over the summer to fill its Executive Cabinet. The new administration has outlined three main priorities for the upcoming year:

#### **ENGAGE STUDENTS AND BUILD RELATIONSHIPS**

ASUO will have high visibility and engagement across student organizations and actively seek feedback on the student experience. Students will not only know what ASUO is, but also what ASUO funds.

#### **PROVIDE DYNAMIC SUPPORT**

ASUO will be a partner to students and student organizations. By maintaining regular communication and understanding students' needs, ASUO can streamline campus processes, making it easier for students to access resources.

#### **IMPROVE STUDENT QUALITY OF LIFE**

ASUO will be a catalyst for student success. By hosting events that build community, working on projects that address student concerns and organizing activities that make time on campus more meaningful, ASUO can play a critical role in elevating the UO student experience.

### **UPDATES**

#### **PARTNERSHIP WITH UNIVERSITY OF OREGON PORTLAND CAMPUS**

Students at the University of Oregon Portland campus currently pay half of the normal incidental fee (I-Fee), without any of the money being utilized to fund their student organizations. After meeting with the UO Portland Staff, we plan to establish the Portland Council, the primary student organization currently responsible for student-campus leadership, as an officially recognized ASUO organization. This will give the Portland Council access to surplus funding for the 2023-2024 school year and allow them to participate in the regular ASUO budgeting process for years to come. The Portland Council will also have the ability to distribute the funding to the Portland campus's 27 student organizations.

#### **DEVELOPMENT OF ASUO DIVERSITY ACTION PLAN**

ASUO met with the UO Office of DEI and leaders of the Multicultural Center to start development of the ASUO Diversity Action Plan for the first time in over a decade. The plan will utilize the new student-facing IDEAL framework, prioritizing equity and inclusion throughout ASUO's leadership structure, decision-making processes and

programming. Additionally, ASUO is conducting research on previous ASUO diversity initiatives. This research will be presented to a group of students to receive feedback on ASUO efforts to lift up underserved students on campus and provide equal opportunity for all students to engage and participate with ASUO and affiliate programs.

## **STATE-LEVEL ADVOCACY**

ASUO is building on previous work to unite student voices and speak up in favor of legislative issues that directly impact the student body. Last year ASUO saw great success in bringing student voices together to secure funding for universities through the Public University Support Fund, Oregon Opportunity Grant and Oregon Tribal Student Grant. Wins like this are significant because they show that student voices have an impact at the state level. Priorities for the upcoming short session include Open Educational Resources and Hunger Free Campuses and long-term planning about a Higher Education Success Act. In addition, ASUO will establish regular communications with surrounding student governments to combine resources and strengthen connections.

## **CAMPUS SAFETY**

ASUO is partnering with health-focused student organizations and local nonprofits to administer Fentanyl test strips to students after passing HB 2395. This will increase campus safety by reducing the risk of overdoses and educating students about harm reduction. Additionally, ASUO has partnered with the Division of Student Life to establish a position within the department to ensure longevity for the Party Registration Program. ASUO will continue sponsoring programs and training to uphold the program and sustain student-centered results.

## **BASIC NEEDS SUPPORT**

ASUO will address student concerns by working closely with Basic Needs to ensure students' highest priority needs are being met. ASUO is in the process of identifying these high-priority needs through research from the recent Hope Survey and qualitative data from student organizations and affinity groups. This information will be supplemented with additional research to gain insights about increasing accessibility of Basic Needs and other need-based programs on campus.

## **UPCOMING OPPORTUNITIES FOR BOARD INVOLVEMENT**

### **Fall Term Coffee Hours: Wednesday, 9:30AM**

ASUO hosts weekly coffee hours in the ASUO Suite to engage students, listen to concerns, and share resources. We would be happy to set up a time for Board Members to attend and connect with the student body.

### **Street Fair: October 11-13th**

The Fall Street Fair is a vibrant expression of community that brings together vendors, community organizations, and UO students to celebrate returning to Eugene. Board Member participation is welcome and appreciated.

August 29, 2023

TO: University of Oregon Board of Trustees  
FROM: Gerard Francisco Sandoval, Senate President and Professor of Planning,  
Public Policy and Management  
Alison Schitke, UO Vice-President and Senior Instructor of Education  
Sandy Weintraub, UO Senate Secretary and Advisor to President  
SUBJECT: **University of Oregon Senate Update, September 11-12**

## 1. President Scholtz

UO Senate leadership is excited to begin a new academic year – especially with President Karl Scholtz – at the helm of the University. President Scholtz has already established a collaborative relationship with our Senate leadership, meeting with us throughout the summer plans and sharing his vision for our work.

## 2. UO Senate President priorities for the year

### Post Affirmative Action

The Senate shall support UO administrators, staff, faculty, and students in maintaining the resources they currently have to increase the representation of underrepresented students.

We incorporated a Senator, Harinder Kaur Khalsa, into the Post Affirmative Action Committee chaired by Kevin Reed. Our Senate shall continue the work we started last year on our committees in helping them make decisions focused on diversity, equity, inclusion, and belonging.

### Faculty of Color Retention

There is a crisis at the UO with retaining our faculty of color. The Center for Diversity and Community (CODAC) commissioned a two report where outside UO consultants interviewed 40 faculty of color – and most – were extremely unhappy at the University. Faculty told stories of cultural taxation, racist macroaggressions, unappreciated ethnic-related research, and tokenism – to name a handful of issues. The CODAC report titled Voice of Faculty of Color can be provided to the Board of Trustees as requested. The stories within the report are eye-opening and shocking. Therefore, it's essential to recruit faculty

#### **University of Oregon Senate**

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of color, yet, I would argue, it's even more critical to retain and keep them satisfied at UO.

### Implementing Service Task Force Recommendations

During the past two years, a Senate task force on service has studied the overburdened service faculty engaged at UO. They also studied best practices nationwide to make recommendations on how the UO could better manage the service commitments of their faculty. The extensive Senate report has many ideas and recommendations for better measuring and allocating university services. This year will be a year of implementation as the Senate will develop a working group to closely collaborate with the Provost's office on developing strategies and techniques to create institutional change that will provide equal faculty service commitments. Much of the "invisible" service at UO is being done by faculty of color and women, which will be the most challenging part to manage.

### Re-building UO's IFS relationship

UO has not been very active in the Interinstitutional Faculty Senate (IFS) during COVID and the year after. The interinstitutional Faculty Senate represents all faculty Senates of Oregon public universities. It is a vital organization as it serves as an avenue to advocate for state educational policy decisions. This year, the key issues were aligning the community college credits to university prerequisites and having the HECC determine whether courses meet university requirements. Many faculty saw this as an infringement on their academic freedom. The preventatives of the UO IFS include the Senate President and Vice President and an elected Senator. We will select a Senator during our first Fall Senate meeting.

## **3. Policy Development**

### Military mobilization orders

The Senate is working with partners from the UO Veterans Resource Center, academic advising and faculty colleagues to develop a clear policy addressing class absences for mandatory drills, training requirements, or mobilization orders by our National Guard and military Reserve Students. We have no official university policy that outlines how faculty should accommodate these

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students, and a policy is needed both to benefit students, and to ensure compliance with Oregon law.

### Finalizing Academic Related Policy Development

The Senate is collaborating with the Provost's office and other campus colleagues to finalize the process of codifying all academic policies in the University Policy library. This will finally complete a multi-year process to transition all academic policies to a central and easily accessible location.

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## **Agenda Item #3**

### **Resolutions**

**3.1 Bylaws**

**3.2 Policy on Retention and Delegation of Authority**

**3.3 FY24 Audit Plan**

**3.4 Student Conduct Code Changes**

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## **Agenda Item #3.1**

### **Bylaws Amendments**

The primary documents governing the University of Oregon's Board activities are its Bylaws and Policy on Retention and Delegation of Authority. These documents provide the governing framework for the Board and clarify roles between the Board, President, and their administration. As a part of effective governance periodic review is necessary to ensure the Board's governance is in line with best practice and in operational alignment with university procedures.

To advise the Board Chair on any necessary changes to the Bylaws and Policy on Retention and Delegation of Authority a workgroup comprised of trustees and administrators reviewed the Board's bylaws and have made several recommendations for consideration. While many of the proposed amendments are focused on technical and clarifying adjustments, several proposed changes make more substantive adjustments. In addition to the attached redline and accompanying resolutions, below are summaries of key substantive amendments to both documents.

#### **Board Bylaws (Exhibit A)**

- Article I – No changes.
- Article II – No changes.
- Article III – Makes several technical adjustments to Board practices. Establishes that a Board Chair and Board Vice Chair may serve a maximum of two terms in those roles.
- Article IV – Makes several technical adjustments. Clarifies practice for trustee declaring a conflict when they have an actual conflict of interest.
- Article V – Aligns Board operations with practical operations.
- Article VI – Makes technical adjustments.
- Article VII – No changes.
- Article VIII – Aligns language regarding student trustees' ability to attend executive sessions on collective bargaining with recent updates to state statute.
- Article IX – Makes technical adjustments.
- Article X – Adds new language to align with state statute regarding the requirement trustees have institutional emails that are posted publicly.

#### **Retention and Delegation (Exhibit B)**

- Section 1 – Adds language to allow the Board Chair and Vice Chair to adjust the President's contract provided they adjustments do not impact compensation. Moves authority of the Board

to establish codes of conduct for university staff to section three, where the authority is delegated to the President. Increases financial threshold for projects or instruments needing Board authority. Moves authority to accept gifts of non-traditional investment assets and deferred gifts to the President as outlined in Section 3. Adds the UO Alumni Association to the entities that receive gifts for the university in accordance with agreements with the university. Makes technical adjustments.

- Section 2 – Removes unnecessary language regarding public notice and public meeting requirements given obligation under state statute to comply with Oregon Public Meeting Law. Makes technical adjustments.
- Section 3 – Delegates authority from Section 1 to the President to establish codes of conduct for university employees. Increases financial threshold for research grants or contracts that must be reported to the Board. Inserts authority for the President to accept gifts of non-traditional investment assets and deferred gifts. Adds authority of the President to execute agreements with the Higher Education Coordinating Commission related to grants or loan agreements to accept state appropriations to the university. In accordance with recent state legislation, delegates to the President new requirement to conduct ongoing reviews of the practices and policies of the university relating to transparency and access. Makes technical adjustments.
- Section 4 – No changes
- Section 5 – No changes.

**Board of Trustees of the University of Oregon**

**Resolution: Adoption of Amendments to Board Bylaws**

WHEREAS, the University of Oregon (University) is governed by, and the business and affairs of the University are ultimately overseen by, the Board of Trustees as described in ORS Chapter 352;

WHEREAS, as provided in ORS 352.029, the Board of Trustees manages the affairs of the university by exercising and carrying out all of the powers, rights and duties that are expressly conferred upon the board by law, or that are implied by law or are incident to such powers, rights and duties;

WHEREAS, as provided in ORS 352.087(1)(m), the Board of Trustees may establish policies for the organization, administration and development of the university which, to the extent set forth in those policies, shall have the force of law;

WHEREAS, effective governance is benefited by the Board’s periodic review of its bylaws to ensure alignment with best practice and state statute;

WHEREAS, a review of the bylaws has resulted in recommended changes outlined in Exhibit A, attached to this resolution;

WHEREAS, the Executive, Audit, and Governance Committee has referred this matter to the full Board of Trustees as a seconded motion, recommending adoption;

NOW, THEREFORE, the Board of Trustees of the University of Oregon hereby approves the amendments to the Board’s bylaws as outlined in Exhibit A.

Moved: \_\_\_\_\_

Seconded:

Trustee	Vote	Trustee	Vote
Aaron		Moses	
Boyle		Seeley	
Evans Jackman		Storment	
Fick		Tykeson	
Holwerda		Ulum	
Hornecker		Wool	
Madison		Worden	

Dated: \_\_\_\_\_

Recorded:



PROPOSED REDLINES TO MARCH 2015 ADOPTED VERSION – DRAFT PROPOSED SPRING 2023

BYLAWS OF THE UNIVERSITY OF OREGON

ARTICLE I
Name

The legal name of this independent public body is the University of Oregon ("University").

ARTICLE II
Purposes of Organization

The purposes for which the University is organized are to carry out and exercise the powers, rights, duties and privileges, within and outside this state, that are expressly conferred upon the University, or that are implied by law or are incident to such powers, rights, duties and privileges.

ARTICLE III
Board of Trustees

1. Business and Affairs. The University shall be governed and the business and affairs of the University shall be managed by the Board of Trustees of the University of Oregon ("Board"), which may exercise all such powers, rights, duties and privileges as are expressly conferred upon the University, or that are implied by law or are incident to such powers, rights, duties and privileges. The Board may delegate and provide for the further delegation of any and all such powers, rights, duties and privileges subject to limitations expressly set forth in law.

2. Membership. The membership of the Board is established by law. With the exception of the President of the University, the Trustees are appointed by the Governor of the State of Oregon and are subject to confirmation by the Oregon Senate in the manner prescribed by law. To assist the Governor in appointing Trustees, the Board may submit recommendations to the Governor for consideration whenever there is a vacancy.

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3. Vacancies. A vacancy on the Board shall exist upon the death, resignation, removal or expiration of the term of any Trustee. A Trustee may resign at any time by delivering written notice to the Governor and at least one of the following: the Chair of the Board of Trustees, the President of the University, or the University Secretary.

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4. Removal. The Governor may remove a Trustee other than the President as provided by law. The Board may terminate the status of the President as a Trustee by terminating the President's appointment as President of the University, subject to the rights, if any, of the President under a contract of employment.

5. Board Officers.

a. Every three years, the Board shall select one of its members as Chair and another as Vice Chair, who shall be the Board Officers. The term for a board officer shall be approximately three years, or until death, resignation, removal or expiration of appointment as a Trustee within a term. The Chair and Vice Chair may be elected to consecutive terms. The Chair and Vice Chair may serve a maximum of two full terms in each respective position. The Chair and Vice Chair shall not be employees or students at the University and shall not, as Chair and Vice Chair, be authorized to bind the University. The Board may appoint such other Board Officers with such duties as the Board determines necessary or

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appropriate.

- b. In the event of a vacancy in the position of Chair, the Vice Chair shall, as soon as practicable, call a meeting of the Board for purposes of filling the vacancy; the Vice Chair shall temporarily assume the responsibilities of the Chair until such a meeting occurs and a new Chair is elected. A vacancy in the position of Vice Chair shall be filled by the Board at its next regular meeting. In the event of a vacancy in both positions simultaneously, the President shall facilitate a meeting of the Board, as soon as practicable, for the purpose of filling both vacancies.
  - c. The Chair shall establish the agenda for and preside at all meetings of the Board. The Chair shall perform such other duties as assigned by the Board. In the absence of the Chair or in the event of the Chair's inability to act, the Vice Chair shall perform the duties of the Chair, and when so acting, shall have the powers of and be subject to all the restrictions upon the Chair. The Vice Chair shall perform such other duties as assigned by the Board. The Chair may designate another trustee, who is not the President, to temporarily preside over a meeting.
  - d. Notwithstanding the appointment of a Chair and Vice Chair, authority is vested in the Board collectively and not in any individual Trustee. Individual trustees do not speak on behalf of the Board or the University unless authorized to do so by the Board or Chair. The Chair may speak on behalf of the Board and the University, unless otherwise determined by the Board.
  - e. A Board Officer serves at the pleasure of the Board. A Board Officer may be removed from office by a two-thirds majority vote of Trustees eligible to vote. A Board Officer may voluntarily relinquish his or her position as Chair or Vice Chair by submitting a letter of resignation to the Secretary with an effective date.
- 6. Compensation; Reimbursement of Expenses.** A Trustee performing his or her official duties is not acting as an employee of the University and shall not receive a salary for Board service. In accordance with University policy and upon approval by first the Secretary and then the Treasurer of the University, a Trustee may be reimbursed for reasonable expenses incurred in connection with the performance of official duties.
- 7. Faculty and Non-faculty Staff Trustees.** The Faculty Trustee and Non-faculty Staff Trustee are each hereby granted reasonable leave with pay at their regular compensation as employees of the University to attend meetings of the Board and other official Board functions that occur during their normal work day. Nothing in this section 7 shall be deemed to alter the compensation of the faculty member or staff member for the performance of their duties as a University employee.

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#### ARTICLE IV Meetings of the Board

- 1. Public Meetings.** A "Public Meeting" of the Board is the convening of the Board for a purpose for which a quorum is required in order to make a decision or to deliberate toward a decision on any matter. All Public Meetings of the Board shall be conducted in compliance with Oregon Public Meetings Law. Public Meeting does not include any statutorily exempted meetings, including any on-site inspection of any project or program or the attendance of Trustees at any international, national, regional, state or local association.
- 2. Quorum of the Board.** Except as otherwise specified herein, a quorum of the Board is required

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to conduct Board business. A quorum of the Board shall be a majority of the Trustees in office at the time of the meeting.

**3. Manner of Acting.**

- a. Except as otherwise specified herein, action upon a matter for which a quorum is required shall be taken upon the approval of a majority of the Trustees present.
- b. All Trustees present must vote affirmatively or negatively on any matter on which a vote is called by the Chair, except that a Trustee may not vote if the Trustee has refrained from participation on the matter due to an actual conflict of interest as defined in Article VIII section 1 of these bylaws.
- c. The Board may permit any or all Trustees to participate in a meeting by, or conduct the meeting through use of, any means of electronic communication by which all Trustees participating may simultaneously hear each other or otherwise communicate with each other during the meeting. Participation in such a meeting by a Trustee shall constitute such Trustee's presence in person at the meeting.
- d. Any item referred to the Board under unanimous support from a committee may be presented to the Trustees on a Consent Calendar at the recommendation of the committee chair. The Consent Calendar shall be considered at the next regularly scheduled meeting of the Board and all items on the Consent Calendar shall be considered en bloc. An item shall be removed from the Consent Calendar if two or more trustees so request, in writing to the Chair, not later than two hours prior to convening of the Board meeting at which the Consent Calendar will be considered. An item may be removed from the Consent Calendar at the discretion of the Chair at any time.

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**4. Quorum not Required.** A majority of the voting Trustees present at a meeting that is subject to the quorum requirements of this Article, although less than a quorum, may:

- a. Adjourn the meeting from time to time to a different time or place before the date of the next regular meeting without further notice of any adjournment. At such adjourned meeting at which a quorum is present, any business may be transacted that might have been transacted at the meeting originally held.
- b. Set a time for adjournment.
- c. Call a recess.
- d. Take any measure necessary or appropriate to assemble a quorum.

**5. Waiver of Notice by Trustee.** A Trustee's attendance at or participation in a meeting waives any required notice of the meeting to the Trustee unless the Trustee at the beginning of the meeting objects to the holding of the meeting or the transaction of business at the meeting and does not subsequently vote for or assent to action taken at the meeting. A Trustee may at any time waive any notice required by law or as described in Article V section 5(b) of these Bylaws, with written notice, signed by the Trustee and specifying the meeting for which notice is waived. Any such waiver of notice shall be filed with the minutes of the meeting for which notice is waived.

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6. **Parliamentary Rules.** Procedural disputes shall be resolved by traditional procedural rules, as interpreted by the Chair.

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**ARTICLE V  
Public Meeting Procedures**

1. **Regular Meetings.** Regular Public Meetings of the Board shall be held at least four times per calendar year, on such dates and at such times as specified by the Chair, and on such additional dates and at such times as specified by the Chair or in writing signed by a majority of the Trustees then in office.

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2. **Special Meetings.** Special Public Meetings of the Board may be called at any time by the Chair and must be called by the Chair within twenty-four (24) hours after the Chair's receipt of a written request for a Special Public Meeting signed by a majority of the Trustees then in office and specifying the purpose of the meeting. Signatures may be electronic and in counterparts.

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3. **Emergency Meetings.** Emergency Public Meetings of the Board may be called at any time by the Chair in instances of an actual emergency and must be called by the Chair within twenty-four (24) hours after the Chair's receipt of a written request for such a meeting signed by a majority of the Trustees then in office, identifying the actual emergency and specifying the purpose of the meeting. Signatures may be electronic and in counterparts. Meeting notice and minutes of emergency Public Meetings shall describe the emergency justifying the emergency Public Meeting.

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4. **Place of Meetings.** All regular Public Meetings and Special Public Meetings of the Board shall be held in a location or through a platform that is compliant with Oregon Public Meetings Law.

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5. **Notice of Meetings.**

a. Notice of all regular Public Meetings shall be given in a manner reasonably calculated to give interested persons, including the media, actual notice of the time and place of the meeting and principal subjects anticipated to be considered at the meeting. Notice of Special Public Meetings shall be given to interested persons, including the news media, which have requested notice and to the general public at least 24 hours prior to the hour of the meeting. Notice of an emergency Public Meeting shall be such as is appropriate to the circumstance.

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b. Notice of a regular or Special Public Meeting must be given to each Trustee at least 48 hours prior to the hour of the meeting. Notice to each Trustee of an emergency Public Meeting shall be such as is appropriate to the circumstance. Notice of all such meetings may be given to Trustees orally either in person or by telephone or may be delivered in writing, either personally, by mail, by electronic mail, or by facsimile transmission. If mailed other than by electronic mail, notice shall be deemed to be given three (3) days after deposit in the United States mail addressed to the Trustee at the Trustee's address on file with the Secretary for the purpose of receiving Board correspondence, with postage prepaid. If notice is sent by electronic mail or facsimile transmission, notice shall be deemed given immediately if the electronic mail notice is sent to the Trustee's University of Oregon electronic mail address or, as applicable, the Trustee's facsimile on file with the Secretary for the purpose of receiving such correspondence. Notice by all other means shall be deemed to be given when received by the Trustee.

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6. **Minutes of Meetings.** The Board shall provide for the taking of written minutes of all Public

Meetings, which minutes shall give a true reflection of the matters discussed and actions taken at the Public Meetings as well as the views of the participants, unless otherwise permitted by law. In addition to written minutes, the Board may provide for an audio or video recording of a Public Meeting.

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#### ARTICLE VI Officers of the University

- 1. Officers.** The officers of the University shall be a President, Treasurer, General Counsel, Secretary and such other officers as may be deemed necessary by the President to conduct University business. The officers shall have such authority and perform such duties as set forth in the law and these Bylaws and as may be prescribed by the Board or President.
- 2. President.** The Board shall appoint a President. The President of the University is the President of the Faculty. The President is also the executive and governing officer of the University, except as otherwise provided by statute or action of the Board. Subject to the supervision of the Board, the President of the University has authority to direct the affairs of the University. The President shall, periodically, report to the Board all significant matters within the President's knowledge related to affairs of the University. The President shall perform such other duties as assigned by the Board. The President may appoint other officers and employees of the University, who shall have such powers and duties as may be prescribed by the President.
- 3. Treasurer.** The President shall appoint a chief financial officer, who shall be the Treasurer. Subject to the supervision of the Board and applicable law, the Treasurer of the University shall properly account for all monies collected, received and expended by the University and all real and personal property of the University. The Treasurer will keep and maintain, or cause to be kept and maintained, adequate and correct records of the assets, liabilities, and business transactions of the University. The Treasurer will disburse the funds of the University as may be provided for by the Board, may settle and pay all claims against the University, and will render to the President or the Board, upon request, an account of the financial condition of the University.
- 4. General Counsel.** The President shall appoint a General Counsel. The General Counsel to the University is the chief legal officer of the University and represents and advises the University, including the Board, officers, and employees, in all matters related to the affairs of the University. The General Counsel is authorized to accept legal process on behalf of the University.
- 5. Secretary.** The President shall appoint the Secretary. The Secretary shall be responsible for the giving of required notices of meetings of the Board, the preparation of minutes, and proper records management for the Board.

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#### ARTICLE VII Board Committees

Subject to the requirements of applicable law, the Board may establish such committees as it deems appropriate or necessary, and shall define the duties and reporting requirements of such committees and the membership of the committees.

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#### ARTICLE VIII Conflicts of Interest

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1. **In General.** Subject to the requirements of law and of this Article, the Board may take any action involving either a potential conflict of interest or an actual conflict of interest (as defined in ORS Chapter 244). Prior to taking any action in an official capacity on any matter involving a potential conflict of interest or an actual conflict of interest for a Trustee, the Trustee shall publicly announce the nature of the potential or actual conflict of interest. Any Trustee having an actual conflict of interest in a transaction with the University shall in addition (i) refrain from participating in any discussion or debate on the issue out of which the conflict arises, and (ii) refrain from voting on the issue, unless the Trustee's vote is necessary for Board action on the issue and is otherwise not prohibited by ORS Chapter 244.

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2. **Labor Negotiations.** As described in ORS 352.076, the faculty and nonfaculty staff, and student members of the governing board may not participate in any discussions or action by the board or attend any executive session of the board involving collective bargaining issues that affect faculty, nonfaculty staff, or student employees at the university.

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3. **Other.** The Board may adopt such other policies and standards pertaining to conflict of interest and ethics as the Board determines to be appropriate.

**ARTICLE IX**  
**Indemnity**

**1. Indemnification and Defense in General.**

a. The University shall defend and indemnify any Trustee or Officer ("Party") against any Claim, whether groundless or otherwise, arising out of an alleged act or omission occurring in the performance of official duties. The University shall not provide indemnification and defense in case of malfeasance in office, willful or wanton neglect of duty, or in judicial or administrative action in which the Party is found to have violated the Oregon Government Ethics Law. The University may cease to provide indemnification or defense upon a determination by the University, in its sole discretion, that an act or omission may constitute criminal conduct.

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b. The University may choose to defend a Party under a reservation of rights. Any Party to whom the University is providing a defense shall cooperate fully with the University in the defense of such Claim. If the University determines, in its sole discretion, that such Party has not so cooperated or has otherwise acted to prejudice the defense of the Claim, the University may at any time terminate its defense and indemnity or proceed under a reservation of rights.

**2. Legal Expenses when Claim is by a Governmental Entity or Professional Licensing Authority.**

a. Expenses incurred by a Party in the defense of a civil Claim by a governmental entity or a professional licensing authority may be advanced or reimbursed by the University if the University, in its sole discretion, determines that the civil Claim arose out of the Party's performance of official duties. Such advancement or reimbursement constitutes part of the Party's official compensation package for purposes of ORS Chapter 244. The University may decline to reimburse a Party for any expenses incurred prior to the University's written commitment to provide reimbursement.

b. Expenses shall be paid by the University in advance of the final disposition of a civil Claim described in this section 2 at the written request of the Party if:

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- (1) The University determines, in its sole discretion, that the conduct of such Party was in good faith, and the Party reasonably believed that such conduct was in the best interests of, or not opposed to the best interests of, the University.
- (2) The Party furnishes the University a written undertaking to repay such advance to the extent it is ultimately determined by the University, in its sole discretion, that such Party is not entitled to be indemnified by the University under this Article or under any other indemnification rights granted by the University to such Party.

Such advances shall be made without regard to the person's ability to repay such advances.

**3. Legal Representation.** The General Counsel shall have the exclusive authority to select counsel and to defend against any Claim. The General Counsel will consult with the Party regarding any term of a settlement agreement that affects the legal rights of the Party.

**4. Definition.** The term "Claim" means any threatened, pending, or completed investigation, action, suit, or proceeding brought by a party other than the University.

**5. Non-Exclusivity and Continuity of Rights.** This Article: (i) shall not be deemed exclusive of any other rights to which those indemnified may be entitled under any statute, agreement, general or specific action of the University or otherwise, both as to action in the official capacity of the person indemnified and as to action in another capacity while holding office, (ii) shall continue as to a person who has ceased to be a Party, (iii) shall inure to the benefit of the heirs, executors, and administrators of such person.

**6. Amendments.** Any repeal of this Article shall only be prospective, and no repeal or modification hereof shall adversely affect the rights under this Article in effect at the time of the alleged occurrence of any action or omission to act that is the cause of any Claim or complaint.

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**ARTICLE X**  
**Miscellaneous Provisions**

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**1. Principal Office.** The principal office of the University is located at the 1098 East 13<sup>th</sup> Avenue, University of Oregon, Eugene, Oregon 97403.

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**2. Email.** All trustees will be provided with an institutional email address. Trustee email addresses will be clearly and publicly on the university website.

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**3. Severability.** Any determination that any provision of these Bylaws is for any reason inapplicable, invalid, illegal, or otherwise ineffective shall not affect or invalidate any other provision of these Bylaws. The headings in these Bylaws are provided for convenience and shall not be considered in the interpretation or construction of these Bylaws.

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**4. Authority.** Because the Board is the final University authority, these bylaws and Board policies

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and standards have precedence over other policies and standards of the University and its constituent parts. Any policies and standards adopted by the University and its constituent parts shall be consistent with these Bylaws.

**5. Amendment of Bylaws.** These Bylaws may be altered, amended, restated or repealed and new bylaws may be adopted by the Board at any regular or Special Public Meeting.

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## **Agenda Item #3.2**

### **Policy on Retention and Delegation of Authority Amendments**

**Board of Trustees of the University of Oregon**

**Resolution: Adoption of Amendments to Retention and Delegation of Authority Policy**

WHEREAS, the University of Oregon (University) is governed by, and the business and affairs of the University are ultimately overseen by, the Board of Trustees as described in ORS Chapter 352;

WHEREAS, as provided in ORS 352.029, the Board of Trustees manages the affairs of the university by exercising and carrying out all of the powers, rights and duties that are expressly conferred upon the board by law, or that are implied by law or are incident to such powers, rights and duties;

WHEREAS, as provided in ORS 352.087(1)(m), the Board of Trustees may establish policies for the organization, administration and development of the university which, to the extent set forth in those policies, shall have the force of law;

WHEREAS, effective governance is benefited by the Board’s periodic review of its retention and delegation of authority policy to ensure alignment with best practice and state statute;

WHEREAS, a review of the retention and delegation of authority policy has resulted in recommended changes outlined in Exhibit B, attached to this resolution;

WHEREAS, the Executive, Audit, and Governance Committee has referred this matter to the full Board of Trustees as a seconded motion, recommending adoption;

NOW, THEREFORE, the Board of Trustees of the University of Oregon hereby approves the amendments to the Board’s Retention and Delegation of Authority Policy as outlined in Exhibit B.

Moved: \_\_\_\_\_

Seconded:

Trustee	Vote	Trustee	Vote
Aaron		Moses	
Boyle		Seeley	
Evans Jackman		Storment	
Fick		Tykeson	
Holwerda		Ulum	
Hornecker		Wool	
Madison		Worden	

Dated: \_\_\_\_\_

Recorded:

PROPOSED REDLINES TO SEPTEMBER 2021 ADOPTED VERSION – SPRING 2023

**Board of Trustees of the University of Oregon  
Policy on Retention and Delegation of Authority**

**Preamble**

As provided in ORS 352.025, the Legislative Assembly has found that the State of Oregon will benefit from having public universities with governing boards that provide transparency, public accountability and support for the university and act in the best interests of both the university and the State of Oregon as a whole.

As provided in ORS 352.029, the Board of Trustees manages the affairs of the university by exercising and carrying out all of the powers, rights and duties that are expressly conferred upon the board by law, or that are implied by law or are incident to such powers, rights and duties.

As provided in ORS 352.087, the Board of Trustees may perform any other acts that in the judgment of the Board are required, necessary or appropriate to accomplish the rights and responsibilities granted to the board and the university by law.

As provided in ORS 352.096, the president of the university is the president of the faculty. The president is also the executive and governing officer of the university, except as otherwise provided by statute or action of the governing board. Subject to the supervision of the governing board, the president of the university has authority to direct the affairs of the university.

As provided in ORS 352.146, the president and professors constitute the faculty and as such have the immediate government and discipline of a university with a governing board and the students therein, except as otherwise provided by law or action of the Board of Trustees. The faculty may, subject to the supervision of the Board and ORS 352.089 prescribe the course of study to be pursued in the university and the textbooks used.

Nothing in this Policy affects any collective bargaining agreement entered into prior to the adoption of this Policy.

**1.0 Authority of the Board of Trustees; Appointment of the President of the University**

1.1 Board Authority. The Board of Trustees is the final University authority and has full control of the University and its property of various kinds. The Board may take any and all Board actions as it determines necessary or appropriate to the extent permitted by law. Board actions have precedence over other policies, standards, directives and other actions of the University and its constituent parts. Any policies, standards, directives and other actions of the University and its constituent parts shall be consistent with Board actions. To the extent permitted by law, the Board may review and intervene in any and all aspects of the University; modify any policy, standard, or directive; amend or rescind any existing policy, standard or directive; and enact and issue such policies, standards and directives as it deems proper for the University. The Board shall adopt a mission statement for the University in consultation with the faculty, students and staff members.

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1.2 Appointment of the President of the University. As provided in ORS 352.096, in consultation with the Governor, or the Governor’s designee, the Board shall appoint and employ a President of the University. Except in the case of an interim or acting president, the hiring committee for the president of the University shall include representatives of the university community and at least one other president of a public university based in Oregon. The President reports exclusively to the Board, and the Board supervises the President. The Board shall prescribe the President’s compensation and terms and conditions of employment and is responsible for the reappointment or removal of the President. The Board Chair and Vice Chair may make adjustments to the President’s employment contract provided such adjustments do not result in change to the President’s compensation. The President shall perform such duties as are assigned by the Board. Except as otherwise provided by law or Board action, the President is the executive and governing officer of the University and President of the faculty. The President shall, periodically, report to the Board all significant matters within the President's knowledge related to the affairs of the University.

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1.3 University Budget. The Board shall adopt the budget of the University.

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1.4 Tuition and Fees.

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- 1.4.1 The Board shall determine tuition and mandatory enrollment fees in accordance with ORS 352.102, ORS 352.103, ORS 352.105, and other applicable law.
- 1.4.2 The President determines all other fees, fines and charges, after providing notice to the Board. In arriving at a determination of fees, fines and charges, the President shall consult with employees and students as the President deems appropriate.

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1.6.1 – The Board has the authority, subject to any collective bargaining agreements, to appoint and employ any instructional, research, administrative, professional, trade, occupational and other personnel as are necessary or appropriate and establish their compensation and other terms and conditions of employment. The Board also has the authority to appoint volunteers as necessary or appropriate and establish the terms and conditions of the activities of such appointed volunteers. The Board has delegated the authority described in this subsection as set forth in Board actions.

1.5 Student Conduct. The Board has the authority to establish written standards of student conduct in consultation with the President, faculty and students.

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1.6 Business and Administrative Affairs. The Board retains authority for the following:

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- 1.6.1 The approval of the naming of University buildings or outdoor areas in recognition of individuals or organizations.
- 1.6.2 The approval of the execution of instruments relating to real property where the anticipated cost or value to the University exceeds \$10,000,000.
- 1.6.3 The approval of the appointment of external auditors.
- 1.6.4 The approval of a capital project budget that is anticipated to exceed \$10,000,000, including for architects, construction managers, engineers and other professional consultants; and approval of any increase to a board-approved capital project budget that causes the total of all increases to the capital project budget to exceed \$5,000,000 or fifteen percent (15%) of the approved budget, whichever is greater.
- 1.6.5 The approval of the execution of instruments relating to any borrowing or debt finance transactions which are or may be in excess of \$10,000,000, singularly or in the aggregate.

1.6.2 – Subject to any collective bargaining agreements, the Board has the authority to establish written codes of conduct for instructional, research, administrative, professional, trade, occupational and other personnel, including volunteers. ¶

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- 1.6.6 The approval of the execution of instruments relating to any shares, stock or other equity or interests in or obligations of any entity other than the University in excess of \$10,000,000, unless the shares, stock or other equity or interests in or obligations of the entity are publicly traded or provided through the State Treasurer, University of Oregon Foundation or a brokerage firm, investment bank, depository or other licensed firm.
- 1.6.8 The approval of the execution of any other instruments, including but not limited to instruments related to the acquisition, disposal or provision of goods and services, where the anticipated cost or value to the University exceeds \$10,000,000; and approval of any increase or decrease in cost or value that causes the total of all increases or decreases in cost or value to exceed \$10,000,000. When the ultimate aggregate cost to the University is not known in advance for instruments relating to the acquisition, disposal or provision of goods or services on a continuing or intermittent basis (e.g. rental, service, or supply contracts), the amounts set forth in this paragraph shall be calculated on an annual basis.
- 1.6.9 The approval of the execution of any instrument that the President, Treasurer, Chair of the Board of Trustees, or a majority of the Trustees deems appropriate for consideration by the Board or a Board committee, so long as the instrument has not been executed.

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1.8 Academic Programs; Degrees; Admissions.

- 1.8.1 The Board has the authority to establish, eliminate, control or substantially reorganize academic programs and units of operation. Any significant change in the University's academic programs as defined by the Higher Education Coordinating Commission must be approved by the Board prior to submission to the Commission.
- 1.8.2 The Board confers academic degrees, certificates and other forms of recognition upon the recommendation of the faculty. Such academic degrees, certificates and other forms of recognition are granted in the name of the Board of Trustees of the University of Oregon and are executed by the Board Chair and the University President. The Board reserves the right to review and approve the granting of any degree, certificate or recognition. The Board shall have the exclusive authority to approve honorary degrees.
- 1.8.3 Except as provided by Board action, the President of the University has the authority to establish standards, qualifications, policies and practices relating to admission to study at the University and the curriculum, grading, credits, scholarships, and academic standards of the University. Except as set forth in law or Board action, the faculty (the "president and professors") has the immediate government and discipline of the university and the students therein and the authority to prescribe the course of study to be pursued in the University and the textbooks to be used. The faculty shall have primary authority over choice of method of instruction; subject matter to be taught; academic standards for admitting students; and standards of student competence in a discipline.

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1.9 Gifts. The Board retains authority for the acceptance of the following gifts to the University:

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- 1.9.1 Gifts that create obligations on the part of the University for which there is no established funding source.
- 1.9.2 Gifts with a value exceeding \$5,000,000 which involve construction of facilities not previously approved, provided that gifts described in this subsection with a value between \$1,000,000 and \$5,000,000 will be reported to the Board of Trustees quarterly.
- 1.9.3 A gift requiring naming of a University building or outdoor area.
- 1.9.4 Any other gift that the President, Treasurer, or a majority of the Board of Trustees deems appropriate for Board consideration.
- 1.9.5 Gifts of real estate, interests in real estate, or gifts of debt instruments secured by real estate from other than the University of Oregon Foundation. The Treasurer shall determine in each such case, including when the gift is from the University of Oregon Foundation, whether a hazardous waste inquiry or other due diligence is required, and the scope and extent of such inquiry. The President and the Treasurer, in consultation with the Vice President for Advancement, shall establish further policies and procedures regarding evaluation of gifts of real estate, as may be necessary or desirable.

1.10 Gifts to the University of Oregon Foundation and the Alumni Association of the University of Oregon. Gifts to the University of Oregon Foundation and the Alumni Association of the University of Oregon shall be accepted by the University of Oregon Foundation or Alumni Association of the University of Oregon, as appropriate, in accordance with then-current agreements between the University and the Foundation or the University and Association (as may be amended periodically).

2.0 Policies, Standards and Directives

2.1 Governing Documents. The University shall have the following governing documents:

- 2.1.1 Bylaws of the University of Oregon, policies, standards, directives and other actions approved by the Board of Trustees or a committee of the Board as appropriate ("Board actions").
- 2.1.2 Policies, standards and directives approved by the President of the University regarding matters within the authority of the President ("Presidential actions").
- 2.1.3 A University Constitution as described in this policy by which the President, professors and University constituencies shall exercise their shared governance roles.

2.2 Force of Law; Emergency and Temporary Actions. Board actions shall have the force of law to the extent set forth therein. Emergency and temporary Presidential actions may have the force of law to the extent set forth therein. Any Board action or Presidential action that is intended to have the force of law must include an opportunity for appeal.

2.3 Enforcement. Any Board action or Presidential action may be enforced by the University through internal procedures and in any court of competent jurisdiction. All Board actions and Presidential actions are binding on University employees, students, volunteers, contractors and members of the public, except as set forth therein.

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**Deleted:** (2) Non-traditional investment assets (such as real estate, debt instruments, closely held stock, partnership interests, permanent insurance policies, royalties, copyrights, licenses, and other illiquid assets);

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1.9.6 → Deferred gifts, if the University is to act as trustee or custodian of the deferred gift. ¶

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**3.0 Authority of the President of the University**

3.1 Executive and Governing Officer; Delegation. The President of the University is the executive and governing officer of the University, except as otherwise provided by statute or Board actions. Subject to the supervision of the Board and Board action, the President shall direct the affairs of the University. The authorities and responsibilities of the President of the University include, but are not limited to, the authorities and responsibilities set forth in and modified by section 1.0 and this section 3.0, and the President may delegate any authorities and responsibilities, except as provided by Board actions. Any delegation must be consistent with Board actions. The President remains responsible for the proper functioning of the University, notwithstanding any delegation.

3.2 Policies, Standards and Directives; Consultation. The President of the University shall formulate, prescribe and issue Presidential actions regarding matters within the authority of the President when the Board or the President deems it necessary or appropriate. Any Presidential actions are subordinate to and must be consistent with Board actions. In carrying out these duties, the President shall consult with the faculty, other employees, and students as deemed appropriate by the President. Consultation shall not remove from the President the authority and the responsibility vested in the President by law and Board actions.

3.3 Emergency and Temporary Actions; Technical Corrections. The President of the University shall establish emergency and temporary policies, standards and directives when the Board or the President deems it necessary or appropriate. Such policies, standards and directives may have the scope and force of Board actions and must be reported to the Board expeditiously.

Pursuant to expedited procedures, the President of the University may amend Board actions and Presidential actions in order to correct typographical errors, make address or formatting changes, or clarify language without changing their effect. Such amendments must be reported to the Board quarterly. The President may make expedited repeals of Board actions (upon notice to the Board) and Presidential actions, provided that expedited repeals of Board actions must be ratified at the next Board or Executive Committee meeting.

3.4 Committees, Councils and Advisory Groups. The President of the University shall establish and define the charge of any and all University committees, councils, and advisory groups, except as provided in Board action. The establishment and charge of any and all University committees, councils and advisory groups shall be consistent with law and Board actions. The recommendations and reports of all committees, councils and advisory groups shall be made to the President. The President shall inform the Executive Committee of the Board regarding significant recommendations and reports related to the affairs of the University. Upon request by the Chair of the Board or a majority of the Trustees, the President shall provide the Board with a recommendation or report of a University committee, council or advisory group.

3.5 Students. Subject to Board action, the President is responsible for development and administration of university policies and procedures governing the role of students and their conduct. In

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carrying out this responsibility, the President shall take into account the views of students, faculty, and others. The guidelines for student conduct which set forth prohibited conduct and provide for appropriate disciplinary hearings and sanctions for violations of institutional policies and procedures must be consistent with standards of procedural fairness. The Board recognizes and affirms the importance of active student involvement in the deliberative and decision-making processes.

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3.6. University Personnel.

3.6.1 The President of the University shall act for the Board of Trustees regarding all personnel and employment matters, including labor relations and approval of collective bargaining agreements. Subject to Board action, the President has the exclusive authority to and shall establish necessary or appropriate written policies, standards and directives covering all employees not represented by a collective bargaining organization and necessary or appropriate written policies, standards and directives covering employees represented by a collective bargaining organization, subject to any legal obligation to negotiate the terms and conditions of such policies, standards and directives with the exclusive representative of the relevant bargaining unit. Subject to ORS 352.076, upon request by the Chair of the Board or a majority of the Board, the President shall provide the Board with requested information regarding personnel and employment matters, including labor relations and collective bargaining.

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3.6.2 In a manner consistent with applicable state law and applicable collective bargaining agreements, the President may appoint any instructional, research, administrative, professional, trade, occupational and other personnel as are necessary or appropriate and establish their compensation and other terms and conditions of employment.

3.6.3 The President may appoint volunteers as necessary or appropriate and establish the terms and conditions of the activities of such appointed volunteers.

3.6.4. Subject to any collective bargaining agreements, the President has the authority to establish written codes of conduct for instructional, research, administrative, professional, trade, occupational and other personnel, including volunteers.

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3.7 Research Grants and Contracts. The President of the University shall act for the Board of Trustees regarding grants and contracts for research, development, service, and training. However, a quarterly report to the Board is required for each initial contract or grant award that exceeds \$10,000,000, and when any increase or decrease to a contract or grant award causes the total of all increases or decreases to the contract or grant award to exceed \$10,000,000.

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3.8 Execution and Administration of University Affairs. Except as provided by Board action, the President of the University shall act for the Board regarding the execution and administration of instruments and the affairs of the University. Notwithstanding the dollar limits specified in section 1.0



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above, the President shall act for the Board of Trustees regarding the execution and administration of all instruments, business affairs, and operations relating to:

- 3.8.1 Acquisition of electricity, natural gas, sewer, water, and all other utility services;
- 3.8.2 Subcontracts for collaborative research entered into in furtherance of sponsored research programs.
- 3.8.3 The acquisition of goods and services made by participating in contracts entered into by group purchasing organizations or pursuant to collaborative purchasing initiatives with public or non-profit entities.
- 3.8.4 The acquisition of fixtures, equipment and furnishings that are included in capital project budgets that have been authorized by the Board of Trustees.
- 3.8.5 The acquisition of goods and services for sponsored research programs when the source of the goods or services is directed by the sponsor, or the sponsor retains title to the goods acquired.
- 3.8.6 The settlement of claims or lawsuits brought against the University.
- 3.8.7 The acquisition of insurance or self-insurance.
- 3.8.8 Leases and licenses of real property and modifications thereto of up to 20 years.
- 3.8.9 The acceptance of current gifts of non-traditional investment assets, including but not limited to charitable lead trusts, bargain sale gifts of property, and partial interest gifts.
- 3.8.10 The acceptance of deferred gift assets.
- 3.8.11 Real property acquired through gift or devise from the University of Oregon Foundation;
- 3.8.12 The protection of the University's interests, property and operations in an emergency.
- 3.8.13 Actions and execution of documents necessary to establish legal entities, controlled by the University, through which the University may conduct business;
- 3.8.14 The selection of depositories and investments.
- 3.8.15 Instruments from the Higher Education Coordinating Commission, including, but not limited to, grant or loan agreements, to convey funds or state appropriation to the University.
- 3.8.16 The execution of instruments or the conduct of business affairs where approval by the Board or a Board committee is impractical due to time or other constraints. The President shall submit a report of any actions taken pursuant to this delegation to the Board of Trustees or its Executive Committee on or before the next regularly scheduled meeting.

3.9 Legal Action. The President of the University shall act for the Board of Trustees regarding all legal action necessary or appropriate to protect the interests of the University. However, no litigation shall be instituted against a public entity or official or in exercise of the power of eminent domain without approval by the Board of Trustees.

3.10 Gifts. Subject to Board action, the President of the University shall act for the Board of Trustees regarding all current and deferred gifts to the University, including gifts to establish quasi-endowed or permanently endowed funds. Notwithstanding any delegation by the President, a gift with unusual terms or conditions affecting an academic program shall be accepted only with the concurrence of the President to the proposed terms or conditions. The proceeds of any gift, devise, bequest, or contribution received by the University shall be administered in accordance with the intention of the donor and any

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directions of the Board of Trustees in accepting the gift. Wherever possible, the University of Oregon Foundation shall manage gifts. The President of the University is authorized to act for the Board of Trustees regarding the disposition of gifts.

3.11 Fees, Fines and Charges. Subject to Board action and applicable laws, the President of the University shall establish fees, fines, and charges after providing notice to the Board. In arriving at a determination of fees, fines and charges, the President shall consult with employees and students as the President deems appropriate. The President shall enforce the collection of tuition, mandatory enrollment fees, other fees, fines, charges, and all other amounts due to the University.

3.12 Transparency Practices. As described in ORS 352.076, the President shall conduct ongoing reviews of the practices and policies of the university relating to transparency and access.

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**4.0 Authority of the Faculty**

4.1 Role of the Faculty. As provided in ORS 352.146, the faculty, which consists of the President and the professors, has:

- 4.1.1 The immediate government and discipline of the university and the students therein, except as otherwise provided by law or action of the Board.
- 4.1.2 The authority, subject to the supervision of the Board, to prescribe the course of study to be pursued in the University and the textbooks to be used.

4.2 The President and the Professors. The President and the professors constitute the faculty. The President of the University is the president of the faculty. Shared governance, as a principle in American higher education, is embedded in longstanding practices, and reflects the regard for all stakeholders in the academic endeavors of the University.

4.3 Higher Education Coordinating Commission. Any significant change in the University’s academic programs as defined by the Higher Education Coordinating Commission must be approved by the Board committee responsible for academic affairs prior to submission to the Commission.

4.4 University Constitution. The faculty has adopted a University Constitution which was ratified by the President in 2011. A University Constitution, and any amendments to it, must be consistent with law and Board actions.

4.5 Modification. A University Constitution is subject to modification as set forth therein or by the Board of Trustees in consultation with the President and the professors consistent with applicable law.

**5.0 Channel of Authority**

The faculty and officers and employees of the University shall, through appropriate channels, be responsible to the President of the University and through the President to the Board of Trustees,

PROPOSED REDLINES TO SEPTEMBER 2021 ADOPTED VERSION – SPRING 2023

except that the Treasurer, General Counsel and Secretary are responsible to the Board in relation to the business of the Board.

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## **Agenda Item #3.3**

### **FY24 Audit Plan Approval**

**Board of Trustees of the University of Oregon**

**Resolution: Adoption of FY24 Risk Assessment and Audit Plan**

WHEREAS, the University of Oregon (University) is governed by, and the business and affairs of the University are ultimately managed by, the Board of Trustees;

WHEREAS, the University takes seriously the responsibility to manage, invest, and spend resources;

WHEREAS, the University’s Office of Internal Audit (Internal Audit) provides independent, objective evaluations and advisory services that add to the accountability of the University;

WHEREAS, the Internal Audit works closely with university leadership, faculty, and staff to conduct and coordinate a broad range of audit functions for the University;

WHEREAS, the Office of Internal Audit has developed a Risk Assessment and Audit Plan for Fiscal Year 2024, attached hereto as Exhibit C;

WHEREAS, the Executive, Audit, and Governance Committee has referred this matter to the full Board of Trustees as a seconded motion, recommending adoption;

NOW, THEREFORE, the Board of Trustees of the University of Oregon hereby approves the proposed FY24 risk assessment and audit plan contained within the attached Exhibit C, and directs the officers, or their designee(s), of the University to take all actions and steps deemed necessary and proper to implement the approved plan.

Moved: \_\_\_\_\_

Seconded:

Trustee	Vote	Trustee	Vote
Aaron		Moses	
Boyle		Seeley	
Evans Jackman		Storment	
Fick		Tykeson	
Holwerda		Ulum	
Hornecker		Wool	
Madison		Worden	

Dated: \_\_\_\_\_

Recorded:

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# Risk Assessment Methodology and Internal Audit Plan

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FY24 - OFFICE OF INTERNAL AUDIT

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## BACKGROUND

The Institute of Internal Auditors' (IIA) International Professional Practices Framework (IPPF) requires the chief audit executive to establish a risk-based plan to determine priorities for the internal audit function.

Risk assessment activities are a normal part of internal audit and a routine framework by which auditors interpret information. Additional emphasis on these activities occurs to develop an annual plan.

## METHODOLOGY

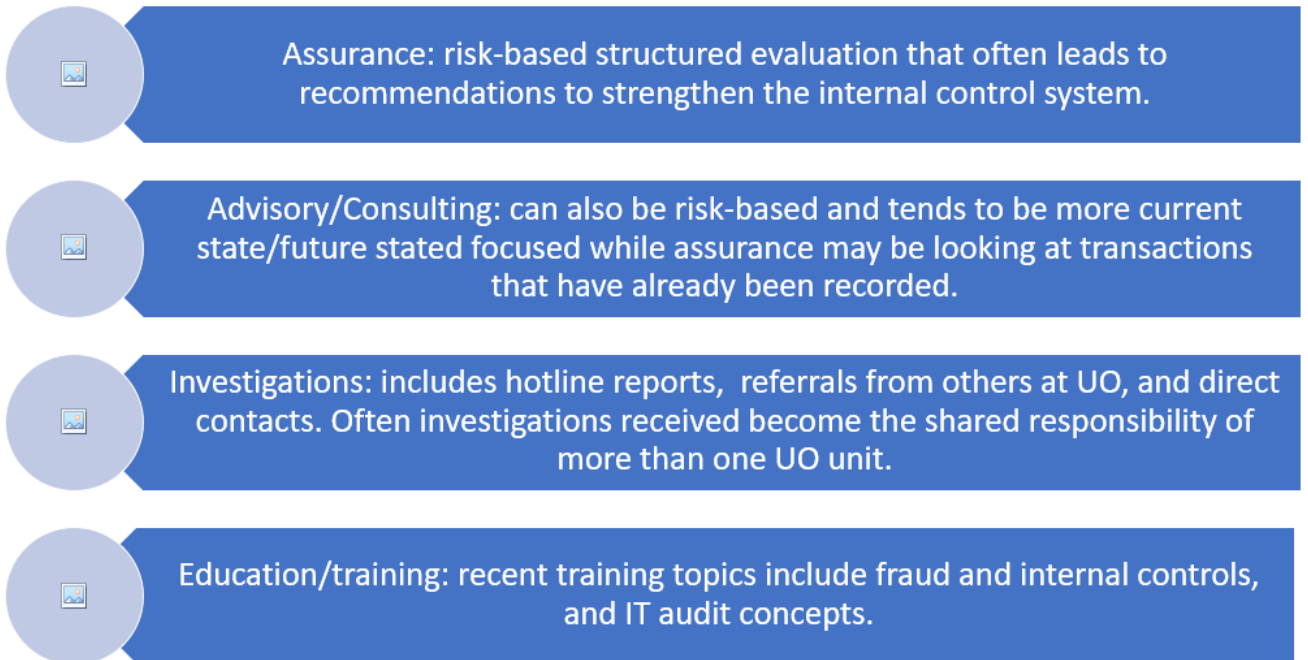
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### Mission Statement

The mission of internal audit is to enhance and protect organizational value by providing risk-based and objective assurance, advice, and insight.

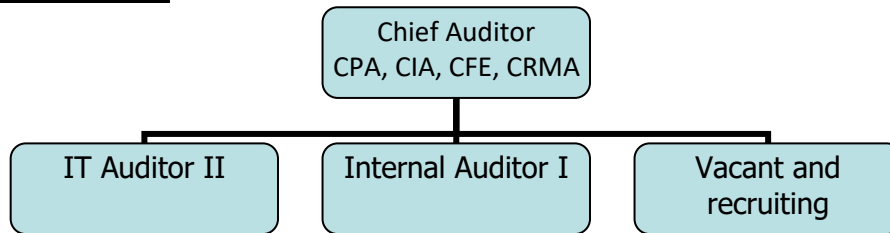
### Activities

Internal Audit engages in four primary activities – assurance, advisory/consulting, investigations, and education/training services.





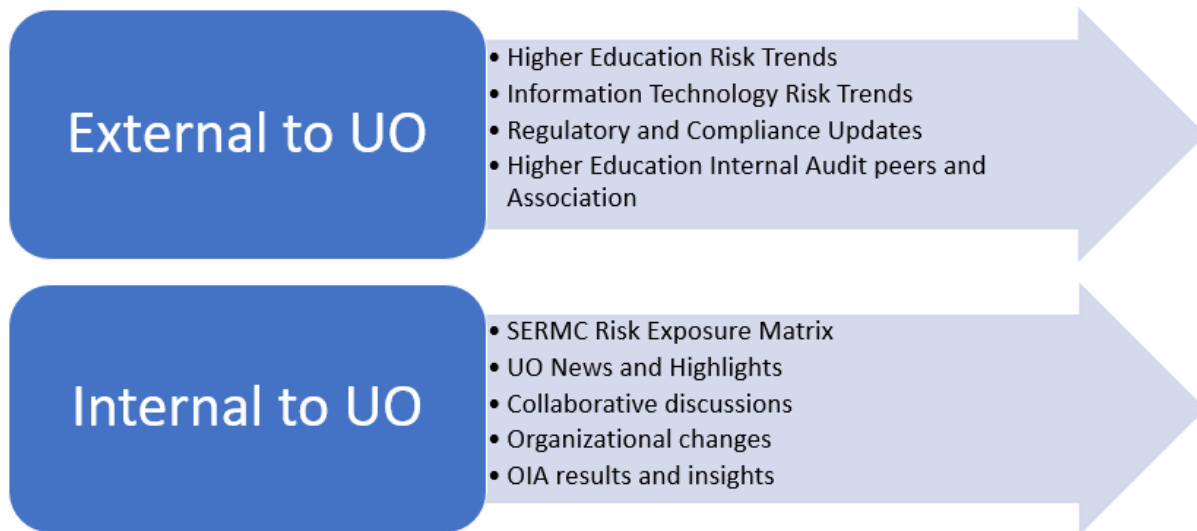
## Audit Resources



The OIA is supplemented by Finance and Shared Services (FASS) for administrative support and by Baker Tilly for IT audit services/consultations.

## Risk Assessment

Multiple sources of information inform the audit plan, including, but not limited to:



The internal audit plan is predominately risk-based with a small amount of recurring required work. Required projects have specific procedures associated to their objectives and they address risks identified by others. For FY24, required projects include NCAA Attendance Confirmation, a specific Scholarship Recipient Eligibility Confirmation, and a quality assurance review of internal audit with an external component.

Working closely with the Strategic Enterprise Risk Management Committee (SERMC) throughout the year allows us to continually monitor management's response to risk, challenges to implementing controls, and the resulting residual risk. Monthly meetings in which candid conversation about operations facilitate the sharing of information and risks and strategy are disclosed and play a major role in the internal audit risk assessment process.

Other inputs to the plan include the changing regulatory and compliance environment in which the university operates. Close monitoring of our higher education internal audit peers and headlines stimulates a response ranging from conversations with management to audit projects determined by the risk level at UO.

Importantly, the internal audit team routinely records Risks for Consideration into our departmental working papers. This listing includes detailed information an auditor learned from a project that was deemed out of scope for that project but deserves a second look. Ultimately, a column is populated with an agreed-upon resolution for that line item. Resolution options include more information needed, added to audit plan, prepare for consultation, or notes from a discussion with management that provide a conclusion. This document is discussed periodically to assess the escalation of projects denoted for audit plan that have no imminent project planned. You may see these audits on the plan in Tier II or III when there is no escalation or urgency to that audit being completed.

Requests for our work often come from management but can also come from executives, the board, and internal audit team members. Discussion is held to assess the concern and define the level of urgency. Additional planning is used to determine whether an audit project or a consultation should be planned.

Many risk-based projects were available for the audit plan. The plan you see proposed here is designed to include required projects and risk-based projects. Tier I includes projects we plan, as of now, to initiate during the year. Tiers II and III include projects that may substitute for Tier I projects. Reasons for substitution include penetrating or key personnel turnover in the area, implementation of new process or primary application within the process being reviewed, and the imminent need to complete one project over another. Projects placed in Tiers II and III are likely to be moved into Tier I in subsequent years, absent new or escalating risks not addressed in this plan. While we are hopeful to initiate Tier I projects during FY24, we recognize that we will not complete all of Tier I during the year.

FY24 Internal Audit Plan*		
	Operational Audits	IT Audits
Required Projects	Scholarship Recipient Eligibility Confirmation	
	NCAA Attendance Confirmation	
Tier I	Athletics Revenue Contract Payments	Identity Management
	Conflict of Interest/Commitment Processes	Data Center – Eugene Campus
	External Quality Assessment of OIA	
	Distributed Compliance (Consultation)	
Tier II	Clery Act Compliance	Data Center – other location(s)
	ESG Reporting	Knight Campus IT Risk Assessment
	Policy Governance Review	Business Continuity and Disaster Recovery
	Construction Project	FASS IT Risk Assessment
Tier III	National Security and Research	Research Data Security
	Custody of Human Remains, Phase II	Centers and Institutes
	Background Screening Process	

\*Listed are projects we plan to *initiate* as circumstances beyond our control contribute heavily to delays, at times.

Objectives for required audits:

- Scholarship Recipient Eligibility Confirmation: The objective is to provide assurance that can ultimately be shared with the award sponsors that the selected recipient meets their stated criteria. An additional objective is to confirm the award’s receipt by the selected recipient.
- NCAA Attendance Confirmation: The objective is to confirm attendance recorded at UO home football games meets or exceeds the NCAA’s required threshold.

Preliminary objectives for Tier I risk-based audits:

- Athletics Revenue Contract Payments: The preliminary objective is to confirm payments received by UO Athletics align with contract terms and conditions. This review is not likely to involve the contract negotiation process but will focus on an analysis of payments received reviewing for conformance to the contract terms. The audit will begin with a selection of the contract(s) to be analyzed.
- Conflict of Interest/Commitment Process: The preliminary objective is to determine whether the process of identifying conflicts is optimally managed and there is consistency in the process for management plans, as needed.
- External Quality Assurance of the Office of Internal Audit: The Institute of Internal Auditors describes an external component to assessing the operations of the internal audit activity and recommends this component every 5 years.

- Distributed Compliance (Consultation): This project includes an evaluation of distributed positions with compliance responsibilities, staffing for those positions including percentage of FTE dedicated to compliance, and the compliance activities being performed.
- Identity Management: This project will review the identity management controls that safeguard the confidentiality and integrity of systems and data by restricting users to only the rights needed to fulfill authorized actions.
- Data Center – Eugene Campus: Widely accepted guidance for data centers includes physical and technical safeguards designed to facilitate the security and reliability of the data held within. This project will review the university’s Eugene data centers’ implementation of those safeguards.

Preliminary objectives for Tier II risk-based audits:

- Clery Act Compliance: The Clery Act requires universities with police departments or security departments to maintain certain crime data. Also required is a report that includes Clery reportable crimes. This project will review the adequacy of the process that informs the Clery Report for the university.
- ESG Reporting: Environmental, Social, and Governance reporting requirements are increasing and are becoming more impactful to reputation. This project will review reports made by UO and the data sources linked to those reports.
- Policy Governance Review: The preliminary objective for this review is to assess the governance processes for policy review. Upon dissolution of the Oregon University System, each university inherited the responsibility for developing their own policies. This review will include what is known at UO as Big P Policies though a similarly structured process might occur at the department or unit level.
- Construction Project: Construction projects begin with an idea, require funding, and are governed by architectural drawings and a contract. This project is not yet defined and will likely be determined by the type of contract utilized for the construction project.
- Environmental: This project is not yet defined but will have a regulatory/compliance component.
- Data Center – other location(s): Widely accepted guidance for data centers includes physical and technical safeguards designed to facilitate the security and reliability of the data held within. This project will review data centers’ (other than Eugene) implementation of those safeguards.
- Knight Campus IT Risk Assessment: An IT risk assessment project will provide foundational knowledge of risks particular to the Knight Campus. Of particular interest, will be exploring the necessary requirements for expansion of research project types.
- Business Continuity and Disaster Recovery: The primary objectives of a business continuity plan are to limit downtime during a business interruption, protect personnel in the event of a disaster, minimize financial losses due to a disruptive incident and

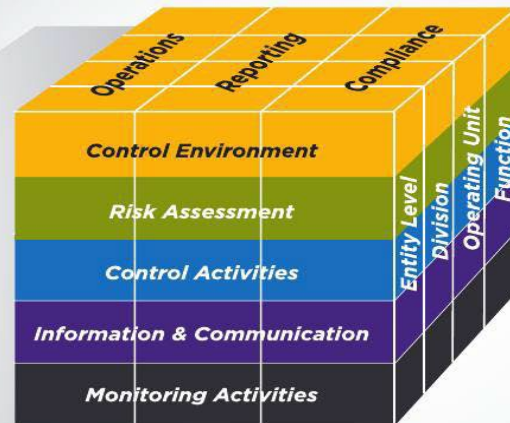
restore critical business functions and infrastructure following an incident. This project will review the business continuity and disaster recovery plans.

- FASS IT Risk Assessment: Increasing in popularity and use at UO, FASS IT services will undergo a risk assessment to evaluate the appropriateness of controls in this decentralized environment.

Preliminary Objectives for Tier III risk-based projects:

- National Security and Research: Undue influence in research generally occurs within the following categories: peer review violations, foreign employment arrangements, or overlap or over-commitment supporting a foreign grant or research effort. This project will examine the university's processes for protection in these areas and conformance to updated guidance.
- Custody of Human Remains, Phase II: This project will be initiated soon after management actions from Phase I can be confirmed as complete. Phase I recommendations included the development of an inventory and the implementation of work group recommendations. Phase II will include audit procedures for the inventories.
- Background Screening Processes: This review will take an in-depth look at the various background screens completed that occur pre-hire and upon internal transfer.
- Research Data Security: Controls for research data security begin prior to accepting research projects and continue through the life of the research project and include records management, retention, and possibly destruction. The preliminary objective for this project is to assess those data security controls.
- Centers and Institutes: Centers and Institutes: Certain centers and institutes operate IT environments at UO and are not directly connected to VPRI or ISO. The preliminary objective for this review is to assess research data controls.

# COSO Internal Control — Integrated Framework Principles



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## Control Environment

- 1 The organization demonstrates a commitment to integrity and ethical values.
- 2 The board of directors demonstrates independence from management and exercises oversight of the development and performance of internal control.
- 3 Management establishes, with board oversight, structures, reporting lines, and appropriate authorities and responsibilities in the pursuit of objectives.
- 4 The organization demonstrates a commitment to attract, develop, and retain competent individuals in alignment with objectives.
- 5 The organization holds individuals accountable for their internal control responsibilities in the pursuit of objectives.

## Risk Assessment

- 6 The organization specifies objectives with sufficient clarity to enable the identification and assessment of risks relating to objectives.
- 7 The organization identifies risks to the achievement of its objectives across the entity and analyzes risks as a basis for determining how the risks should be managed.
- 8 The organization considers the potential for fraud in assessing risks to the achievement of objectives.
- 9 The organization identifies and assesses changes that could significantly affect the system of internal control.

## Control Activities

- 10 The organization selects and develops control activities that contribute to the mitigation of risks to the achievement of objectives to acceptable levels.
- 11 The organization selects and develops general control activities over technology to support the achievement of objectives.
- 12 The organization deploys control activities through policies that establish what is expected and procedures that put policies into action.

## Information & Communication

- 13 The organization obtains or generates and uses relevant, quality information to support the functioning of internal control.
- 14 The organization internally communicates information, including objectives and responsibilities for internal control, necessary to support the functioning of internal control.
- 15 The organization communicates with external parties regarding matters affecting the functioning of internal control.

## Monitoring Activities

- 16 The organization selects, develops, and performs ongoing and/or separate evaluations to ascertain whether the components of internal control are present and functioning.
- 17 The organization evaluates and communicates internal control deficiencies in a timely manner to those parties responsible for taking corrective action, including senior management and the board of directors, as appropriate.



For more information  
about COSO,  
visit [coso.org](http://coso.org).



The Board of Trustees exercises oversight for the development and performance of internal control through each of the five components of the *COSO Integrated Framework*, as illustrated in the table below:

Internal Control Component	Oversight Activities of the Board
Control Environment	<ul style="list-style-type: none"> <li>• Oversee the definition of and apply the standards of conduct of the University</li> <li>• Establish the expectations and evaluate the performance, integrity, and ethical values of the President</li> <li>• Establish oversight structures and processes aligned with the objectives of the University (e.g., Board and committees as appropriate with requisite skills and expertise)</li> <li>• Commission Board oversight effectiveness reviews and address opportunities for improvement</li> <li>• Exercise fiduciary responsibilities and due care in oversight (e.g., prepare for and attend meetings, review the University's financial statements and other disclosures)</li> <li>• Challenge senior management by asking probing questions about the University's plans and performance, and require follow-up and corrective actions, as necessary (e.g., questioning transactions that occur repeatedly at the end of interim or annual reporting periods)</li> </ul>
Risk Assessment and Management	<ul style="list-style-type: none"> <li>• Consider internal and external factors that pose significant risks to the achievement of objectives; identify issues and trends (e.g., sustainability implications of the University's operations)</li> <li>• Challenge management's assessment of risks to the achievement of objectives, including the potential impact of significant changes (e.g., risks associated with entering a new market), and fraud or corruption</li> <li>• Evaluate how proactively the University assesses risks relating to innovations and changes such as those triggered by new technology or economic and geopolitical shifts</li> </ul>
Control Activities	<ul style="list-style-type: none"> <li>• Make specific inquiries of management regarding the selection, development, and deployment of control activities in significant risk areas and remediation as necessary (e.g., in response to significant risks emerging from internal or external factors)</li> <li>• Oversee senior management in its performance of control activities</li> </ul>
Information and Communications	<ul style="list-style-type: none"> <li>• Communicate direction and tone at the top</li> <li>• Obtain, review, and discuss information relating to the University's achievement of objectives</li> <li>• Scrutinize information provided and present alternative views</li> <li>• Review any financial statement disclosures for completeness, relevance, and accuracy</li> <li>• Allow for and address upward communication issues</li> </ul>
Monitoring	<ul style="list-style-type: none"> <li>• Assess and oversee the nature and scope of monitoring activities, any management overrides of controls, and management's evaluation and remediation of deficiencies</li> <li>• Engage with management, internal and external auditors, and others, as appropriate, to evaluate the level of awareness of the University's strategies, specified objectives, risks, and control implications associated with evolving business, infrastructure, regulations, and other factors</li> </ul>

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## **Agenda Item #3.4**

### **Student Conduct Code Amendments**

## PURPOSE AND BACKGROUND

The UO's Student Conduct Committee ("Committee") and the Office of the Dean of Students seek Board of Trustees approval for revisions to the Student Conduct Code ("Code"). Per the Code, *"Upon approval by the Board of Trustees of the University of Oregon, this Student Conduct Code becomes effective and supersedes all previous policies pertaining to student discipline at the University of Oregon."*

The Committee provides a peer perspective on matters of student conduct and academic integrity at the University of Oregon. The Committee of students, faculty, and staff serves a tripartite purpose for supporting the university conduct system through Advising, Advocating, and Advancing.

**Advising**—Reviewing and making recommendations to the Code and related procedures.

**Advocating**—Providing educational outreach to university students, faculty, and staff.

**Advancing**—Exploring new and innovative ways to increase student and faculty awareness of and involvement in the student conduct program.

### 2022-2023 Student Conduct Committee Membership

#### *Student Membership:*

Katarina Finseth—Undergraduate Student

Sam Galyen—Undergraduate Student

Seth Jaksha—Law Student

Mikayla Johnson—Undergraduate Student

#### *Faculty Membership:*

Erik Girvan—Associate Professor, School of Law and CRES Faculty Director

Jana Prikyl—Multidisciplinary Science Program Director, Biology Adviser/Senior Instructor

Michael Tomcal—Senior Instructor I, Accounting

#### *Staff Membership*

Laurel Bastian—Faculty Consultant, Teaching Engagement Program

Kristi Patrickus—Attorney, Student Advocacy Program

Sandy Weintraub—Director, Oregon Law Commission

Hannah white—Coordinator, Holden Center for Leadership and Community

#### *Administrative and Advisory Personnel*

Sarah Barton—Student Conduct Coordinator, Student Conduct and Community Standards (SCCS)

Dianne Tanjuaquio—Associate Dean of Students, and Director of SCCS

The Committee met on the following dates to discuss, finalize, and approve proposed revisions to the Code to be presented to the Board of Trustees:

- April 17, 2023
- May 1, 2023

- May 22, 2023
- June 5, 2023

## Recommendations

### “Unauthorized Collaboration” as a separate definition from “Cheating”

This is a continuation of work done by the 2021-2022 Committee that was further reviewed by the 2022-2023 Committee.

“Unauthorized Collaboration” currently exists in the Code only as one form of Cheating, and the term itself is undefined. The 2021-2022 Committee determined that this term needed to be defined in order to provide clarity to students on University expectations, and that “unauthorized collaboration” should be included in the Code as a distinctive type of academic misconduct.

After extensive discussion between leadership from the Division of Student Life, Office of the Provost, and the Board of Trustees, this item was tabled so that the 2022-2023 Committee could review and make recommendations on amended draft policy language which resulted from that discussion. The 2022-2023 Committee made only minor revisions to that draft language, as described in the Notes below.

### Proposed Definition:

*Working with others in the submission of an assignment, exercise, or other academic requirement for assessment when not expressly permitted by the instructor.*

*This section is not intended to prohibit the type of collaboration that promotes productive discourse and learning between students, such as engaging with lecture materials or course texts; discussing subject matter concepts, ideas, and themes; talking through problem-solving strategies and approaches; or study groups working to prepare for an exam. Unless expressly prohibited by the instructor, such collaboration is encouraged to the extent that students remain able to submit work for assessment which reflects their own individual interpretations, analysis, and conclusions. This level of collaboration will not constitute a violation of the Code, unless expressly prohibited by the instructor.*

### Notes re: Proposed Definition

- The Committee determined that inclusion of the term “academic requirement” allows for review of work that may be associated with an academic program rather than a specific course (e.g., comprehensive exam, capstone project, etc.)
- The Committee determined that use of the term “for assessment” rather than “for grading” allows for review of work that may not be graded, but submission of that work nonetheless fulfills a course or other academic requirement.
- The proposed definition strongly emphasizes and further clarifies that certain types of collaboration are generally encouraged.
- This will not apply to work that is, by design, intended to result in a group submission on behalf of multiple students.

## Further Defining “Plagiarism”

The Committee determined that the current definition of “Plagiarism” is so vague that it does little to assist students with understanding the University’s expectations for behavior.

The Committee found that the broadness of the definition perpetuates the misperception common among students that plagiarism simply means copying and pasting work from somewhere else. The Committee determined that a proposed definition needed to acknowledge the realities of how plagiarism presents in the classroom, assist students with understanding nuanced applications of the policy that they may actually encounter, and provide faculty with a tool to help facilitate discussion about plagiarism with their students.

The Committee reviewed an inventory of policies from institutions nationally, identified elements that could augment the current definition of Plagiarism contained in the Code, and drafted the proposed policy language by adapting some of these elements.

### **Current Definition:**

*Presenting another’s material as one’s own, including using another’s words, results, processes, or ideas, in whole or in part, without giving appropriate credit.*

### **Proposed Definition**

*Presenting another’s material as one’s own, including using another’s words, results, processes, or ideas, in whole or in part, without giving appropriate credit. Plagiarism is contingent on the content of the submitted work product, regardless of whether the unattributed material was included intentionally or unintentionally. The use of material taken from any source—whether directly quoted, paraphrased, or otherwise adapted—must be attributed to that source.*

*Plagiarism also includes the submission of material generated by others. This may include artificial intelligence (AI) content generators and generative AI tools such as ChatGPT; websites with a question-and-answer feature such as CourseHero, Chegg, and Bing; assistance from tutors or online language translators that results in unoriginal work; and work that is purchased or otherwise prepared by another individual.*

### **Notes re: Proposed Definition**

- Students may engage in plagiarism unintentionally, and this is often indicative that improved organization and note-taking skills could be needed or that the student was in a rush and could not double-check their work. The proposed definition clarifies that students are responsible for the integrity of any work that they submit, even under these circumstances.
- The second paragraph of the proposed definition reflects some of the most significant trends in academic misconduct over the last five years. The use of question-and-answer features rose in prevalence during the remote instruction period of the COVID-19 pandemic, while the use of ChatGPT and other AI has become the most common type of plagiarism reported since March 2023.

Proposed changes are provided in EXHIBIT A.

**Board of Trustees of the University of Oregon**

**Resolution: Adoption of Proposed Changes to Student Conduct Code**

WHEREAS, UO Policy III.01.01, the Student Conduct Code (“Code”) stipulates that the primary mission of the Code is to “set forth the community standards and procedures necessary to maintain and protect an environment conducive to learning”;

WHEREAS UO Policy III.01.01 notes that a corollary mission of the Student Conduct Code is to teach students to live and act responsibly in a community setting, with respect for the rights of other students and members of that community...and to encourage the development of good decision-making and personal integrity;

WHEREAS to be effective, the Student Conduct Code must be updated and kept current, and must be aligned with state law, federal law and best practices;

WHEREAS certain portions of the UO’s Student Conduct Code require updates to reflect best practices, provide greater clarity, and reflect new knowledge, issues, and understanding since the Code’s last update (2021);

WHEREAS, the Board of Trustees has been presented with a set of recommended changes put forward by the Student Conduct Committee and the Office of the Dean of Students;

WHEREAS, the UO’s Policy on the Retention and Delegation of Authority stipulates that the Board retains authority to approve any and all changes regarding student conduct policies;

WHEREAS, ORS 352.029 provides that the Board manages the affairs of the university by exercising and carrying out all of the powers, rights and duties that are expressly conferred upon the board by law, or that are implied by law or are incident to such powers, rights and duties; and,

WHEREAS, the Academic and Student Affairs Committee has referred this matter to the full Board of Trustees as a seconded motion, recommending adoption;

NOW, THEREFORE, the Board of Trustees of the University of Oregon hereby adopts proposed changes to the Student Conduct Code attached hereto in EXHIBIT D.

*Vote recorded on the following page.*

Moved: \_\_\_\_\_

Seconded:

Trustee	Vote	Trustee	Vote
Aaron		Moses	
Boyle		Seeley	
Evans Jackman		Storment	
Fick		Tykeson	
Holwerda		Ulum	
Hornecker		Wool	
Madison		Worden	

Dated: \_\_\_\_\_

Recorded:

## Policy

### Section 1: Introduction

The University of Oregon's mission statement states, "The University of Oregon is a comprehensive public research university committed to exceptional teaching, discovery, and service. We work at a human scale to generate big ideas. As a community of scholars, we help individuals question critically, think logically, reason effectively, communicate clearly, act creatively, and live ethically." As a community of scholars,

- We value the passions, aspirations, individuality, and success of the students, faculty, and staff who learn and work here.
- We value academic freedom, creative expression, and intellectual discourse.
- We value our diversity and seek to foster equity and inclusion in a welcoming, safe, and respectful community.
- We value, and endeavor to learn from, the unique history and cultures of Oregon that shape our identity and spirit.
- We value our shared charge to steward resources sustainably and responsibly.

The Student Conduct Code sets forth the community standards and procedures that maintain and protect an environment that is conducive to learning and supports the educational objectives of the University of Oregon.

### Section II: Definitions

1. "Cannabis" means the parts, product, and derivatives of the plant *Cannabis sativa*, *indica*, *ruderalis*, and hybrid strains, regardless of the delta-9-tetrahydrocannabinol level, and is a federally controlled substance. Pursuant to federal law, the use of cannabis, including medical use, is prohibited on University Premises and at University Sponsored Activities. Cannabis, for the purpose of this policy, does not include FDA approved substances or industrial hemp as permitted by federal law.
2. "Case Manager" means a University employee who is designated by the Director to investigate and/or determine the appropriate resolution of an alleged violation of the Student Conduct Code.
3. "Complainant" generally means the University. In reports of discrimination or harassment, Complainant may also mean the Student that has been the subject of another Student's alleged misconduct. A Student Complainant has the same opportunities under the Student Conduct Code as are provided to the Respondent.
4. "Director of Student Conduct and Community Standards" is the person designated by the University to be responsible for the administration and interpretation of the Student Conduct Code, or their designee. This person may be referred to as "Director".
5. "Person Reporting" means any person who reports an allegation. This person is not automatically considered the Complainant.

6. "Policy" means the written rules and regulations of the University.
7. "Respondent" means any Student or Student Organization reported to have violated the Student Conduct Code.
8. "Student" means any person registered or enrolled in a University academic course or program, and any person admitted to the University who is on University Premises for any purpose related to the person's registration or enrollment, or any person who participates in University programs that require Student status. Student includes any person who was a student in the previous term and is eligible for registration.
9. "Student Organization" means any group of University of Oregon Students meeting the University's criteria for organizational recognition or registration established by the University or its units, colleges, or departments. Jurisdiction is retained for behavior that occurred when the Student Organization was recognized or registered, regardless of current status.
10. "Support Person" means any person who accompanies a Respondent or Complainant for the purpose of providing support, advice, or guidance. Any limitations on the scope of a support person are defined in written procedures or other relevant University policy. Witnesses or other Respondents are not allowed to serve as Support Persons.
11. "University Appellate Body" means the person or persons designated to consider an appeal from the outcome of an administrative conference. The appellate body for Discriminatory Misconduct and Student Organization conduct cases will be designated by the Vice President for Student Life. The appellate body for all other conduct cases will be designated by the University President.
12. "University Official" means a person having assigned University responsibilities who is performing their University duties. This includes Students who have been authorized to act on behalf of the University, such as resident assistants.
13. "University Premises" includes all land, buildings, or grounds owned, leased, operated, controlled, or supervised by the University and adjacent sidewalks and streets.
14. "University Sponsored Activity" means any activity that is directly initiated or supervised by the University or a Student Organization, on or off University Premises.

### **Section III: Scope, Authority, and Jurisdiction**

1. The Director of Student Conduct and Community Standards (Director) develops procedures for the administration of the student conduct system.
2. Allegations of misconduct may be reported to the Director at any time, whether or not the Respondent is currently enrolled or registered. The Director has the authority to determine whether or not the allegation merits further response, including referral to the University student conduct system.



3. The Student Conduct Code applies to each Student for behavior that occurs from the time of admission, registration, or enrollment (whichever occurs first) through the actual awarding of a degree or complete withdrawal as defined by the University, regardless of when the behavior is reported.
  - a. It applies to behavior that occurs during periods of suspension from the University.
  - b. It applies even if the Respondent subsequently withdraws from the University.
  - c. It applies to behavior that occurs between periods of enrollment unless the Respondent completely withdraws before the deadline to register for the next term. For Students enrolled in the spring term, jurisdiction is maintained until the deadline to register for the fall term.
4. The Student Conduct Code applies to all activities on University Premises and during any University Sponsored Activity regardless of location. The University may apply the Student Conduct Code to Student behavior which occurs off-campus in which the University can demonstrate a clear and distinct interest as an academic institution regardless of where the conduct occurs and a) which causes substantial disruption to the University community or any of its members, b) which involves academic work or any University records, documents, or identifications, or c) which seriously threatens the health or safety of any person.
5. Proceedings under the Student Conduct Code are separate from civil or criminal proceedings and may, at the discretion of the Director, be carried out prior to, simultaneously with, or following civil or criminal proceedings.
6. Allegations of misconduct by Student Organizations will be managed using the same process (Section V. Resolution Process) as individual Students.

#### **Section IV: Prohibited Conduct**

1. **Academic Misconduct**
  - a. Assisting in the commission of academic misconduct: Helping another engage in academic misconduct.
  - b. Cheating: ~~Unauthorized collaboration, a~~ accessing or using of unauthorized materials, information, tools, or study aids.
  - c. Fabrication: Providing false information in fulfillment of an academic assignment, exercise, or other requirement, including making up data, sources, efforts, events, or results and recording, reporting, or using them as authentic.
  - d. Multiple submissions of work: Using or submitting the same or substantially the same academic work for credit more than once, unless specifically authorized by the instructor of record for the course in which it's being submitted for credit. If authorized, appropriate disclosure and citation is required.
  - e. Plagiarism: Presenting another's material as one's own, including using another's words, results, processes or ideas, in whole or in part, without giving appropriate

credit. Plagiarism is contingent on the content of the submitted work product, regardless of whether the unattributed material was included intentionally or unintentionally. The use of material taken from any source—whether directly quoted, paraphrased, or otherwise adapted—must be attributed to that source.

Plagiarism also includes the submission of material generated by others. This may include artificial intelligence (AI) content generators and generative AI tools such as ChatGPT; websites with a question-and-answer feature such as CourseHero, Chegg, and Bing; assistance from tutors or online language translators that results in unoriginal work; and work that is purchased or otherwise prepared by another individual.

e.f. Unauthorized Collaboration: Working with others in the submission of an assignment, exercise, or other academic requirement for assessment when not expressly permitted by the instructor.

This section is not intended to prohibit the type of collaboration that promotes productive discourse and learning between students, such as engaging with lecture materials or course texts; discussing subject matter concepts, ideas, and themes; talking through problem-solving strategies and approaches; or study groups working to prepare for an exam. Unless expressly prohibited by the instructor, such collaboration is encouraged to the extent that students remain able to submit work for assessment which reflects their own individual interpretations, analysis, and conclusions. This level of collaboration will not constitute a violation of the Code, unless expressly prohibited by the instructor.

f.g. Unauthorized recording and/or use: Recording and/or dissemination of instructional content, or other intellectual property, without the express written permission of the instructor(s), intellectual property owner or the Accessible Education Center.

## 2. Substance Use Misconduct

- a. Alcohol.
  - i. Possession or consumption of alcohol by those under the legal drinking age.
  - ii. Furnishing of alcohol to a person under the legal drinking age.
  - iii. Possession or consumption of alcohol by a person of the legal drinking age in unauthorized areas or furnishing of an alcoholic beverage to any person in unauthorized areas.
  - iv. Causing another to ingest alcohol without consent.
- b. Cannabis.
  - i. Use, possession, or procurement of cannabis except as expressly permitted by both State and Federal law. Per Oregon law, possession of cannabis by someone under the age of 21 includes possession by consumption, permitted the consumption occurred within the past 24 hours.
  - ii. Furnishing, cultivation, manufacturing, distributing, or selling cannabis except as expressly permitted by both State and Federal law.
  - iii. Causing another to ingest cannabis without consent.

- c. Other controlled substances.
  - i. Use, possession, or procurement of a Controlled Substance except as expressly permitted by both State and Federal law.
  - ii. Furnishing, cultivation, manufacturing, distributing, or selling of a Controlled Substance, except as expressly permitted by both state and federal law.
  - iii. Causing another to ingest a controlled substance without consent.
- d. Smoking and tobacco.
  - i. Smoking and tobacco use, including “vaping,” is prohibited on University owned or controlled property by University Policy.
  - ii. Possession of tobacco products and inhalant delivery systems (“e-cigarettes”) by those under 21 years of age on University Premises or at a University Sponsored Activity, is prohibited in accordance with state law. This does not prohibit the use or possession of products that have been approved by the United States Food and Drug Administration for sale as a tobacco cessation product, provided the product is marketed, sold, and used solely for the approved purpose.

### 3. General Misconduct

- a. Attempts, threats, or inciting others: Attempting to, threatening to, or inciting others to engage in any of the conduct prohibited by this Code.
- b. Damage and/or destruction: Damage to or destruction of University property or the property of another.
- c. Disruptive behavior: Engaging in behavior that could reasonably be foreseen to cause, or that causes, the disruption of, obstruction of, or interference with:
  - i. the process of instruction, research, service, administration, administering the Student Conduct Code, or any other University Sponsored Activities,
  - ii. an environment conducive to learning, or
  - iii. freedom of movement on University Premises, either pedestrian or vehicular.
- d. Failure to comply: Failure to comply with any reasonable directive of University or public officials in the performance of their duties. This includes but is not limited to, failures to: adhere to no-contact-directives, remove oneself from University Premises, complete conduct outcomes and/or sanctions, and cease and desist.
- e. Falsification: Knowingly providing/presenting, creating, or possessing falsified or forged materials, records, or documents. Additionally, intentionally initiating any false report or providing false or misleading information to a person acting in their capacity as a University or public official.
- f. Gambling: Any activity not approved by the University in which a person stakes or risks something of value upon the outcome of a contest of chance or a future contingent event not under the control or influence of the person, upon an agreement or understanding that the person or someone else will receive something of value in the event of a certain outcome, except as permitted by law.

- g. Harassment: Engaging in behavior that is sufficiently severe, pervasive, and objectively offensive to a degree that it interferes with a reasonable person's ability to work, learn, live, or participate in or benefit from the services, activities, or privileges provided by the University.
- h. Hazing: Intentionally subjecting another to a situation or action that a reasonable person would foresee as causing mental or physical discomfort, embarrassment, injury, or ridicule. Individual acceptance of or acquiescence to any activity does not affect a determination of whether the activity constitutes hazing. This includes compelled participation in behavior which would violate the law and/or University Policy. Hazing may include, but is not limited to, sleep deprivation or causing excessive fatigue, physical or psychological shock, compelled ingestion of a substance, and other activities not consistent with the parent organization's rules and regulations.
- i. Physical contact: Physical contact that endangers or harms the health or safety of any person. This may include "Violent Behavior" as defined by the Campus Violence Prevention Policy.
- j. Public Urination or Defecation: To urinate or defecate in any public location not specifically designated as a restroom.
- k. Retaliation or Obstruction: Any adverse action taken toward a person who is, or is perceived to be, engaged in an investigation, a report, or student conduct process, because that person participated in the University's process, or to deter a person from participating in the University's process. Includes retaliation as defined by the Discrimination Complaint and Response Policy.
- l. Safety hazard: Tampering with firefighting equipment or smoke detectors, causing a false alarm, or endangering the health or safety of others.
- m. Theft: Unauthorized taking or possession of property of another, including goods, services, and other valuables.
- n. Threatening behavior: Behavior that constitutes a threat, as defined by the Campus Violence Prevention Policy.
- o. Unauthorized access or use: Unauthorized access to, entry to, or use of physical or virtual space, including misuse of access privileges. Unauthorized use of University property or services, or the property of others. This includes conduct which violates the Access Control Policy and the Facilities Scheduling Policy.
- p. Unwanted contact: Repeated contact or communication to another person when the contacting person knows or should know that the contact or communication is unwanted by the other person and:
  - i. The contact would cause a reasonable person fear of physical harm; or
  - ii. The contacting person knows or should know that the contact or communication significantly impacts the other person's ability to perform the activities of daily life.

- q. Misuse of computing resources: Violation of UO acceptable use of computing resources policy pertaining to use of computing or network resources, including:
  - ii. Unauthorized access to, or sharing of information necessary to access, accounts, courses, course materials, or computer labs;
  - ii. Commercial or illegal use of electronic or computer resources; or
  - iii. Violation of copyright law.
- r. Violation of law: Any action or behavior that violates federal, state, or local law.
- s. Violation of University Policy: Any action or behavior, by a Student that violates University Policy.
- t. Weapons.
  - ii. Possession of explosive materials, firearms, ammunition or other dangerous weapons is prohibited on University Premises and at University Sponsored Activities, unless expressly authorized by law and applicable University Policy. Includes violation of the Firearm Policy.
  - ii. Use of explosive materials, firearms, ammunition, other dangerous weapons, or any object or substance used as a weapon is prohibited on University Premises and at University Sponsored Activities, unless expressly authorized by law and applicable University Policy.
  - iii. Weapons, possessed, used, or handled off-campus in a manner that is unlawful or contributes to any other violation of the Code is also prohibited.

#### 4. **Discriminatory Misconduct**

- 1. Any action or behavior prohibited by the University of Oregon Prohibited Discrimination and Retaliation Policy.

### **Section V: Resolution Process**

- 1. **Report.** The Director determines within a reasonable time whether a report alleges a potential violation of the Student Conduct Code and whether the matter should proceed through the conduct process.
- 2. **Student Rights.** If the matter will proceed through the conduct process, the Respondent will:
  - a. Be informed of the alleged violation(s) and the alleged misconduct upon which the report is based.
  - b. Be informed of the process.
  - c. Have the opportunity to meet, in person or virtually, with a Case Manager to review the report, the process, and options for disposition of the case in advance of an administrative conference.
  - d. Have the opportunity to access, prior to an administrative conference, any documentation in possession of the Director that may be relied upon in decision making, subject to limitations from policies, regulations, and State and Federal law. What documentation is available, and how it may be accessed, is defined by written procedure.

- e. Have the opportunity to respond to the allegations to the Director or their designee in an administrative conference and
  - i. Have a reasonable amount of time to prepare for the conference;
  - ii. Have the opportunity to propose relevant witnesses;
  - iii. Have the opportunity to submit questions to the Director for witnesses involved; and
  - iv. Have the opportunity to be accompanied by a Support Person

### 3. Notice and Administrative Conference.

- a. The Director assesses whether an informal resolution, alternative resolution, formal student conduct action, or other process is appropriate. If the Director deems formal student conduct action to be appropriate, the Director will issue a written notice to the Respondent via Respondent's official University of Oregon e-mail address. All communications sent by the Director are considered received when sent. In cases involving Student Organizations, the notice will be emailed to the organization's representative (normally the president on file with ASUO, the Office of Fraternity & Sorority Life, or the Center for Student Involvement).
- b. **Notice.** The notice will identify whether the Respondent may be subject to suspension, expulsion, or negative transcript notation. If the Director receives additional information which could elevate the potential sanction to suspension, expulsion, or transcript notation, the Director will issue a new notice to the Respondent informing them of the additional information and potential sanction(s).
- c. The Case Manager will schedule an informational meeting as a part of the above notice. The informational meeting is a meeting between a Respondent and a Case Manager to review the report and relevant information, explain the student conduct process, and review possible options for resolving the matter. Respondents need not provide a response to the allegation(s) in this meeting.
- d. After the informational meeting, the Case Manager will determine whether the case requires an administrative conference. The Respondent may also request an administrative conference. A Student who agrees to resolve violations without an administrative conference may waive their right to appeal. Such a waiver will be knowing, voluntary, and explicit.
- e. If the Respondent, after receiving notice of the administrative conference does not appear for the conference, the conference will proceed without the Respondent.
- f. Following the administrative conference, the Case Manager, applying a preponderance of the evidence standard, will determine if any violation of the Student Conduct Code occurred. The Case Manager will determine any sanctions(s) to be imposed for violation(s). In cases involving allegations of Discriminatory Misconduct, the sanction decision will be made by the Director.
- g. In determining if a Student Organization is in violation, in addition to the above, the Case Manager may consider whether:
  - i. The violation arises out of a group-sponsored, organized, financed, or endorsed activity or event;
  - ii. The organization provides the impetus for the violation;
  - iii. The violation occurs on the premises owned or operated by the group;
  - iv. A group leader has knowledge of the violation being likely to occur before it occurs and fails to take corrective action; or

- v. A pattern of individual violations is found to have existed without proper and appropriate group control, remedy, or sanction
4. **Alternate Dispute Resolution Processes.** The Director and Respondent may determine that an alternate dispute resolution process (facilitated dialogue, mediation, etc.) is appropriate. Any case resolved through an alternate dispute resolution process may not be appealed and does not result in a finding of a conduct violation.
5. **Accommodations for Students with Disabilities.** A Student requesting an accommodation must follow the appropriate process for requesting an accommodation through the Accessible Education Center. The Accessible Education Center will make a determination regarding the request and notify the appropriate parties.
6. **Action Plan.** When a Student or Student Organization is found to be in violation of the Student Conduct Code, the Director will develop an action plan intended to promote personal reflection and growth, repair any harm caused, and help the Student or Student Organization realign with institutional values. The following describes the outcomes and sanctions that may be imposed, individually or in various combinations, on any Student or Student Organization as part of an action plan. An administrative sanction may be deferred for a designated length of time.
- a. Outcomes.
    - i. Educational Outcome: The Student or Student Organization is required to complete a project or activity designed to promote learning and prompt changes to Student behavior and prevent further misconduct. Educational outcomes may include, but are not limited to, workshops, seminars, meetings, assignments, and substance abuse assessments.
    - ii. Reflective Outcome: The Student or Student Organization is required to complete a project or activity designed to promote self-reflection on one's actions and the impact of those actions on others.
    - iii. Restorative Outcome: The Student or Student Organization is required to complete a project or activity designed to address the impact of the behavior and repair harm caused to any person and/or community.
  - b. Administrative Sanctions.
    - i. Conduct Warning. The Student or Student Organization is given written notice that the conduct engaged in is inconsistent with University standards and expectations and informed that future violations of the Student Conduct Code may result in the imposition of more serious sanctions.
    - ii. Disciplinary Probation. A period of probation may be imposed during which any violations of the Student Conduct Code will result in more serious sanctions than might be otherwise imposed. A Student or Student Organization on probation may lose designated privileges during the period of probation.
    - iii. Suspension.
      - 1. Individual Suspension. The Student is separated from the University for a specified period. A Student who has been suspended from the University shall not be permitted to reside in University-owned or operated facilities and may not participate in any University Sponsored Activity.

- 2. Group Suspension. A Student Organization loses University recognition or registration and all associated privileges for a specified period.
- iv. Expulsion. The Student is permanently separated from the University. A Student who has been expelled from the University shall not be permitted to reside in University-owned or operated facilities.
- v. Revocation of Degree. An academic degree previously awarded by the University may be revoked if it was obtained by fraud or a significant part of the work submitted in fulfillment of, and indispensable to, the requirements for such degree constitutes academic misconduct. The Academic Requirements Committee may, upon appeal, stipulate the requirements for obtaining a degree.
- vi. University Housing Transfer or Eviction. As a result of a Student Conduct Code violation, the University may administratively transfer a resident to an alternate housing assignment, or may evict the resident from their housing assignment. Students who are evicted due to a conduct violation are no longer eligible for University Housing.
- vii. Negative Notation on Transcript. Entry of the fact of violation on the Student's permanent academic record may be imposed at the discretion of the Director. After the expiration of the period of time, if any, set by the Director, the notation is removed.
- viii. Exclusion. The Student is not permitted to participate in University Sponsored Activities, or appear at or be present on all, or a specified portion of, University Premises without advance written permission from the Director.
- ix. Loss of Privileges. The Student or Student Organization is denied specified privileges normally associated with Student status or recognized Student Organization status, such as participation in or sponsorship of University activities, use of University facilities or services, or living in University-owned or supervised housing.
- x. Restitution. The Student or Student Organization is required to replace or restore damaged, stolen, or misappropriated property.

7. **Appeals.** A Respondent may choose to appeal an administrative conference decision within ten business days. The appeal goes to the designated University Appellate Body. In cases involving Discriminatory Misconduct, the Complainant may also appeal the decision to the designated University Appellate Body. Faculty may appeal an academic misconduct finding when they are the Person Reporting or the instructor of record. Appeals must be in writing, state the basis for the appeal, and be delivered as directed to the Office of Student Conduct and Community Standards.

- a. Except for new information, an appeal is limited to the case file. An appeal will only be accepted for one or more of the following purposes (Basis for Appeal):
  - i. To determine whether there was any procedural irregularity that affected the outcome of the matter;
  - ii. To determine whether the action plan imposed was appropriate for the violation(s);
  - iii. To determine whether the finding is not supported by the preponderance of the evidence; and/or



- iv. To consider new information that could alter a decision, only if such information could not have been known to the appealing party at the time of the administrative conference.
- b. After considering an appeal, the University Appellate Body may either modify the action plan or send the matter back to the Director with a recommendation for additional fact finding, other resolution, or dismissal of the case. If the University Appellate Body grants an appeal on the basis of “new information” the only action the University Appellate Body may take is to send it back to the Director with a recommendation for additional fact finding, other resolution, or dismissal of the case.

#### **Section VI: Interim Action**

The Director may impose an interim action(s) regarding a Student or Student Organization when, in the professional judgement of the Director or designee, it is necessary to address a substantial and immediate threat of harm to persons or property.

1. Interim action may include, but is not limited to:
  - a. Interim removal/suspension of the Student from the University;
  - b. Interim removal from, or relocation within, University-owned or operated housing facilities;
  - c. Restrictions on the Student’s presence on University Premises or at University Sponsored Activities; and/or
  - d. An administrative hold which would prevent registration and the Student from obtaining an official copy of the Student’s transcript.
2. When the interim action takes place, the Director will:
  - a. Inform the Respondent of the reason for the interim action;
  - b. Schedule a preliminary meeting and inform the Respondent of its date, place, and time. At the preliminary meeting, Respondent has the opportunity to explain why interim action should or should not be taken.
3. Within two business days of the interim action, the preliminary meeting takes place. The Respondent may have a Support Person in attendance.
4. Based on the reasonable evaluation of the information presented at the preliminary meeting, the Director will notify the Respondent of the decision, no later than the following business day, to:
  - a. Dissolve the interim action and take no further action;
  - b. Dissolve the interim action but proceed to an administrative conference; or
  - c. Sustain or modify the interim action until such time as a resolution is reached following an administrative conference.
5. An interim action is reviewed by Vice President for Student Life’s Designee at the request of the Respondent. The review provides an opportunity for the requesting party to explain in writing

why an interim action need no longer be imposed, or should be altered. Subsequent review of the same emergency action may be requested, at most, every ten business days.

### **Section VII: Academic Misconduct Procedures**

Regardless of the method of resolution, relevant University Officials, including faculty members, are required to file a written report of any academic misconduct with the Director.

1. Director Resolution.
  - a. In cases of suspected academic misconduct that are reported by relevant University Officials, the case resolution will be conducted in accordance with the procedures established in this Code.
2. Academic Sanction.
  - a. If the Respondent is found in violation of academic misconduct in a course, in addition to the Action Plan imposed through the regular student conduct procedures, the faculty member may assign an appropriate academic sanction, up to and including an “F” or “N” for the course.
  - b. The Respondent may appeal an academic sanction to the designated University Official within the department, college, or school from which the academic sanction originated.
  - c. If there is a finding that the Respondent did not engage in academic misconduct, no academic sanction may be imposed.
3. Withdrawing from a Course.
  - a. A Respondent may not drop or withdraw from a course that is pending after the Respondent has been made aware of the alleged academic misconduct via notice from the Director.
  - b. If a Respondent’s academic misconduct does not result in an academic sanction, the Respondent may withdraw from the course or change the course’s grading option no later than five business days after the decision or termination of Student Conduct Code proceedings without sanction.

### **Section VIII: Retention of Student Conduct Records**

1. **Student Conduct Records and Files.** Case reports will result in the development of a student conduct record in the name of the Respondent and Complainant, if applicable. These records will be maintained for a minimum of seven years in accordance with State of Oregon records policies and in compliance with federal legislation such as FERPA, the Clery Act, and Title IX.
2. **Petition for non-reportable records.** Respondents may, under some circumstances, petition to the Director for a conduct record to be considered “non-reportable.” The Director’s decision is discretionary and may not be appealed. If the Director is compelled to report the record by lawful order, the approved petition will not apply.

### **Section IX: Student Conduct Code Adoption and Revision**

1. Any question of interpretation regarding the Student Conduct Code shall be referred to the Director for final determination.
2. The Student Conduct Advisory Committee provides peer perspective on matters of student conduct and academic integrity at the University of Oregon. The Committee of Students, faculty, and staff serves a tripartite purpose for supporting the university student conduct system: Advising, Advocating, and Advancing.
  - a. The Committee will assist the Director by:
    - i. Advising. Review and make recommendations for changes to the Code and related procedures.
    - ii. Advocating. Provide educational outreach to university students, faculty, and staff.
    - iii. Advancing. Explore new and innovative ways to increase student and faculty awareness of and involvement in the student conduct program.
  - b. The Director will provide the Committee with an annual report which includes:
    - i. Articulation of currently published procedures
    - ii. Overview of previous year, including the activities of the Committee, trends regarding student behavior, and recommendations for the committee's review.
3. Upon approval by the Board of Trustees of the University of Oregon, this Student Conduct Code becomes effective and supersedes all previous policies pertaining to student discipline at the University of Oregon.
4. This Code is not a contract, express or implied, between any applicant, student, staff or faculty member. This Code may be amended by the Board of Trustees of the University of Oregon, consistent with the Policy on Retention and Delegation of Authority.

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## **Agenda Item #4**

### **Supreme Court Activity and Enrollment**

# University of Oregon's Response to the Students for Fair Admissions (S.F.F.A.) Decision

VP Kevin Reed, UO General Counsel and VP Yvette Alex-Assensoh  
September 12, 2023



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## Agenda

- Introduction to the topic and agenda
- UO Values as a context for our approach to the S.F.F.A holding
- UO Demographic Data on Students, Faculty and Staff
- Brief overview of Race and Admissions in Higher Education from Baake to S.F.F.A
- Key principles of the S.F.F.A. Decision and Implications for UO
- Advancing Inclusive Excellence within the context of S.F.F.A.
- Next Steps



2

## UO Values

- We value the passions, aspirations, individuality, and success of the students, faculty, and staff who work and learn here.
- We value academic freedom, creative expression, and intellectual discourse.
- *We value our diversity and seek to foster equity and inclusion in a welcoming, safe, and respectful community.*
- We value the unique geography, history and culture of Oregon that shapes our identity and spirit.
- We value our shared charge to steward resources sustainably and responsibly.



3

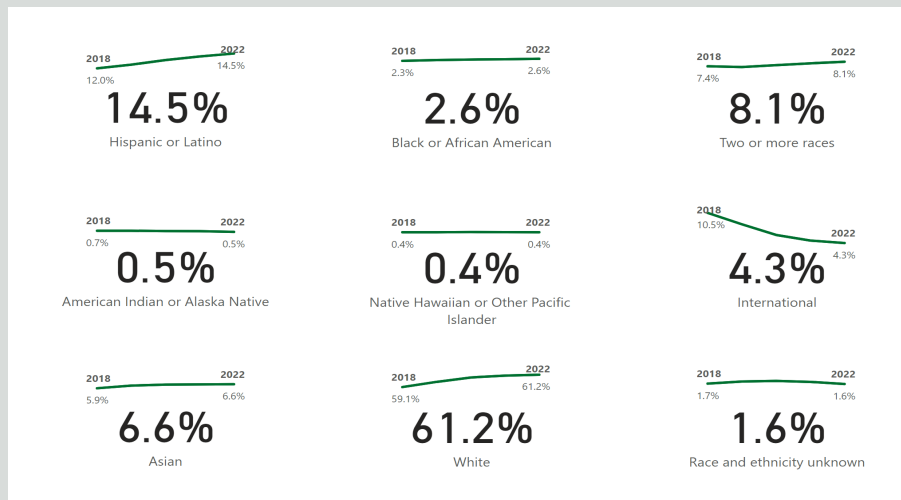
## Inclusive Excellence and Belonging

UO's ability to advance its mission and live out its values depends on how fully it engages and includes the rich diversity of students, faculty, staff, alumni, trustees and institutional partners.



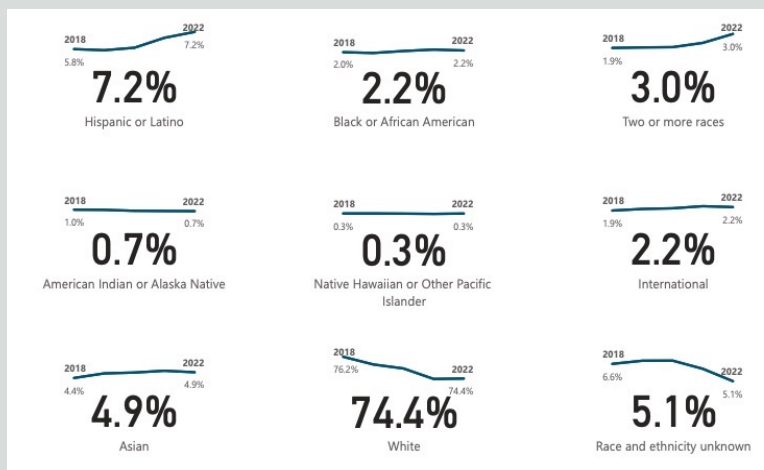
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## UO Demographic Data—All Students



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## UO Demographic Data—Employees (excluding student and GE employees)



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# UO Demographic Data—Employees

## Race and Ethnicity

	White	African American or Black	Hispanic or Latino	Asian American	Native American or Alaska Native	Native Hawaiian or Pacific Islander	Multiracial	International	Unknown
<b>TTF</b>	69.8	2.3	7.2	9.8	0.7	0	1.9	2.3	6
<b>NTTF</b>	78.8	1.2	4.8	6.0	0	0.1	1.5	2.7	4.9
<b>OA</b>	76.4	3.9	7.1	3.6	0.7	0.7	2.9		4.6
<b>Classified</b>	73.7	1.4	9.9	4.7	1.0	0.3	4.4		4.6



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## Key Principles and Implications of the S.F.F.A Decision

- Decision on its face applies only to the use of race in admissions
- The Court made clear that “nothing in [its] opinion should be construed as prohibiting universities from considering an applicant’s discussion of how race affected his or her life, be it through discrimination, inspiration, or otherwise.”
- Guidance released by the US Departments of Justice and Education further support continued use of important tools in “pipeline” programs and important on-campus cultural support.
- It seems safe to work with the assumption that UO can craft its work consistent with schools in “proposition” states.



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# Brief Overview of Race and Admissions in Higher Education

The legal context for race-conscious college admissions has never been simple

In a fractured decision in 1978, the US Supreme Court sanctioned the concept limiting the justification and use of race:

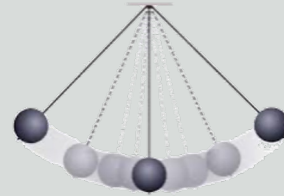
Key holdings:

- no use of “quotas”
- any use of race must be “narrowly tailored”
- Must be justified to advance a college’s educational objectives in creating a diverse academy; remedying societal discrimination NOT sufficient

These principles were largely reaffirmed in later divided Court decisions involving Michigan (2003) and Texas (2013 and 2016)

In intervening years, multiple states enacted laws prohibiting the use of race in admissions. (California 1996, Washington 1998, Florida 1999, Michigan 2006, Nebraska 2008, Arizona 2010, New Hampshire 2012, Oklahoma 2012, Idaho 2020)

The SFFA decision in June effectively makes the law of these states applicable in all 50 states for both public and private institutions of higher education.



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# Advancing Inclusive Excellence Within the Context of S.F.F.A. (offensive maneuvers)

- Educating campus community about the holding, its implications and impact on UO policies, programs and norms.
- Expanding recruitment opportunities overall and also targeting under-served communities
- Enhancing the role of university partnerships in providing financial support for students, especially those who are underserved
- Doubling down on systemic efforts to retain students



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## Advancing Inclusive Excellence Within the Context of S.F.F.A. (defensive maneuvers)

- Measuring the impact of S.F.F.A. on enrollment numbers
- Updating our institutional strategy for equity, inclusion and belonging
- Scanning our programming and updating procedures and policies to ensure compliance with the law.
- Contributing to the diversification of our college admissions profession



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# QUESTIONS

We're here to help



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## **Agenda Item #5**

### **University Athletics**



# Board of Trustees Meetings

## September 2023

1

### ATHLETIC DEPARTMENT GOALS

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Culture of Excellence

Exceptional Student-Athlete Experience

Broaden, unite & strengthen our Oregon Family

Enhance resources to match expectations

Compete for championships in all sports

2

**SINCE 2010**

**17 NATIONAL CHAMPIONSHIPS**  
16 TRACK + FIELD  
1 MEN'S GOLF (2016)

**TRIPLE CROWN**  
WOMEN'S TRACK + FIELD

**MARCH MADNESS**  
COLLEGE FOOTBALL PLAYOFF

**LEARNFIELD SPORTS DIRECTORS' CUP**  
9<sup>TH</sup>  
BEST ALL-TIME FINISH IN THE DIRECTOR'S CUP

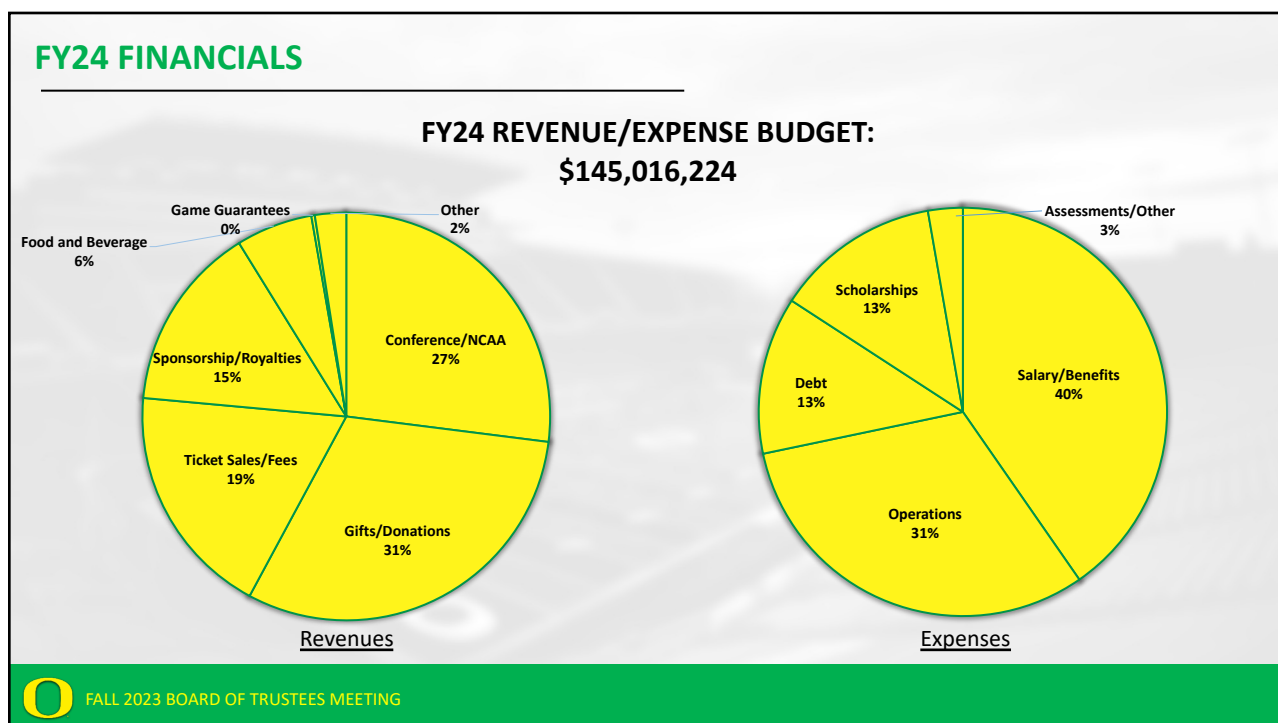
**ONLY SCHOOL TO APPEAR IN THE COLLEGE FOOTBALL PLAYOFF AND BOTH THE MEN'S AND WOMEN'S FINAL FOUR**

**WOMEN'S GOLF NATIONAL CHAMPIONSHIP MATCH APPEARANCE**

**NATIONAL CHAMPION**

**FALL 2023 BOARD OF TRUSTEES MEETING**

3



4

## SCHOLARSHIP SUPPORT

### 242.3 Full Scholarship Equivalencies

- 175 Full Rides (All academic, living expenses, athletic expenses, and cost of attendance is covered – the maximum allowed by the NCAA)
- 226 Partial Scholarships (1% - 99%)
- 142 Walk-Ons

### 2023-24 UNDERGRADUATE COST OF ATTENDANCE

	RESIDENTS	NON-RESIDENTS
Tuition and Fees (Based on enrollment of 15 credits per term (45 credits per year)	\$15,669	\$43,302
On-Campus Housing (Standard Double Occupancy, Standard Meal Plan)	\$15,840	\$15,840
Books and Supplies	\$1,320	\$1,320
Personal Expenses	\$2,460	\$2,460
Transportation	\$432	\$1,380
<b>ESTIMATED TOTAL</b>	<b>\$35,721</b>	<b>\$64,302</b>

**TOTAL COST: \$18.9M**

## PAC-12 INSTITUTIONAL FUNDING

	2015	2016	2017	2018	2019	2020	2022	Totals
1 	\$17.91	\$18.33	\$19.62	\$21.18	\$19.35	\$29.38	\$23.56	\$149.34
2 	\$7.45	\$8.05	\$8.53	\$8.93	\$21.88	\$14.37	\$31.11	\$100.34
3 	\$5.00	\$5.00	\$3.98	\$5.23	\$5.16	\$30.94	\$31.40	\$86.72
4 	\$10.23	\$10.17	\$10.67	\$10.59	\$12.59	\$12.94	\$13.52	\$80.72
5 	\$9.92	\$10.60	\$10.32	\$10.19	\$12.28	\$11.20	\$11.89	\$76.41
6 	\$6.94	\$7.25	\$7.12	\$9.76	\$11.81	\$10.77	\$11.12	\$64.79
7 	\$4.87	\$4.55	\$4.85	\$5.02	\$5.46	\$5.51	\$15.36	\$45.62
8 	\$3.90	\$1.99	\$3.74	\$3.83	\$4.15	\$4.36	\$15.08	\$37.05
9 	\$2.67	\$2.66	\$2.71	\$2.60	\$2.57	\$2.57	\$2.56	\$18.38
10 	\$2.21	\$2.22	\$1.97	\$1.94	\$2.15	\$2.23	\$0.53	\$13.26
<b>AVG.</b>	<b>\$7.11</b>	<b>\$7.08</b>	<b>\$7.35</b>	<b>\$7.92</b>	<b>\$9.74</b>	<b>\$12.43</b>	<b>\$15.61</b>	<b>\$67.62</b>

**Notes:**

- Institutional support includes general fund (tuition), student fees, and state/government support.

- Figures for Oregon include state lottery funds allocated to UO Athletics annually.

- Figures do not account for annual operating losses incurred.

\*In Millions

\*\*Figures unavailable for:





## OREGON VS. TOP 20 D1 REVENUE GENERATORS

Category	Top 20 Average	Oregon	Difference	UO as % of Top 20
Revenue	\$183,674,999	\$140,453,315	(\$43,221,684)	76.5%
Subsidy	\$8,072,075	\$530,816	(\$7,541,259)	6.6%
Football Stadium Capacity	86,991	54,000	-32,991	62.1%
Average FB Attendance	85,247	49,468	-35,779	58.0%
Ticket Revenue (All Sports)	\$38,706,467	\$24,357,945	(\$14,348,522)	62.9%
Average MBB Attendance	11,697	6,970	-4,727	59.6%

- Financial data compiled from USA Today College Athletic Financial Database for 2021-22 year
- Football attendance is from 2021 season.
- Men's basketball attendance is from 2021-22 season

## NCAA DEREGULATION/PERMISSIVE S-A BENEFITS

- NCAA Philosophical Shift From Legislating Competitive Equity To Permissive S-A Benefits
- Major Legislative Changes Since 2015 (Approximate Annual Financial Impact)
  - Student-Athlete Meals/Nutrition (\$2.5M - \$3M)
  - Alston Academic Award (\$2.7M - \$3M)
  - Cost of Attendance (\$900K)
  - Transportation (\$250K)
  - Recruiting (\$200K)
  - Insurance/Medical Support (\$150K)
  - Increased Permissible Number of Paid Assistant Coaches
    - UO Added 4 of Possible 22 for FY24 (\$300K; Potential Impact > \$2M)

## STUDENT-ATHLETE EXPERIENCE & SUPPORT

### • Student-Athlete Development

- Mentorship Program
- Leadership Development
- Panels/Guest Speakers
- Community Service/Engagement
- Student-Athlete Advisory Committee
- Career Development/Networking
- Internship Opportunities

### • Health and Wellness

- Primary Care Physician
- Orthopedic Physicians/Surgeons
- Athletic Trainers/Therapists
- Strength & Conditioning Coaches
- Sports Science Assessment and Support
- Nutritionists/Dieticians
- Behavioral Health/Mental Health Support

### Academic Support

- Academic Advising/Mentoring
- Learning Specialists
- Individualized Tutoring
- Accessible Education Support (testing and referrals)
- State of the Art Jaqua Center
- Technology Equipment and Support
- Academic Supplies

### Athletic Development

- Sport-Specific Coaching/Training
- Regional/National/International Competition
- Team Travel
- World-Class Training and Competition Facilities
- Athletic Career/Agent Advising
- Loss of Value/Disability Insurance (Elite Prospects)
- Sport Psychology/Mental Preparation

**ANNUAL INVESTMENT PER STUDENT-ATHLETE: \$155,000**

\*Excluding Coach/AD salaries, annual debt service, and athletics scholarships\*

## DIVERSITY EQUITY & INCLUSION



OPPORTUNITIES • BEOREGON • STAFF TRAININGS & EVENTS • WOMEN IN FLIGHT • SR. ASSOC. AD FOR



BEUNITED • EDUCATION • GO DO ANYTHING CAMPAIGN • RELATIONSHIPS WITH CAMPUS DEIB PROGRAMMING WORKSHOPS

## BIG TEN MEMBERSHIP/TRANSITION

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- Pac-12 Member Thru August 1, 2024; Big Ten Member Effective August 2, 2024
- Big Ten: Academic and Athletics Excellence
- Academic Collaborations/Big Ten Academic Alliance
- Enhanced National Visibility/Reach For University, Athletic Department and Student-Athletes
- Long-Term Stability For UO Athletics as Landscape Continues to Evolve
- Opportunities To Enter New Markets and for UO's Teams/Student-Athletes To Compete At Highest Level
- Maximizing The Student-Athlete Experience

## CURRENT LANDSCAPE

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Conference Realignment/Big Ten Transition

NIL

Widening Resource Gap

NCAA Transformation/Deregulation

Evolving Consumer Behaviors/Ticket Sales Trends

Student-Athlete Support and Benefits

Inflationary Pressure

Staff Retention

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## **Agenda Item #6**

### **Regional Dynamics and the Role of Higher Education**

# The University and Portland

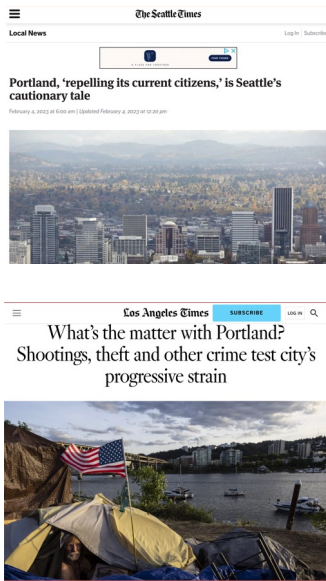
Summer 2023

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1

## Portland Conditions

2



Which Portland?

The region?

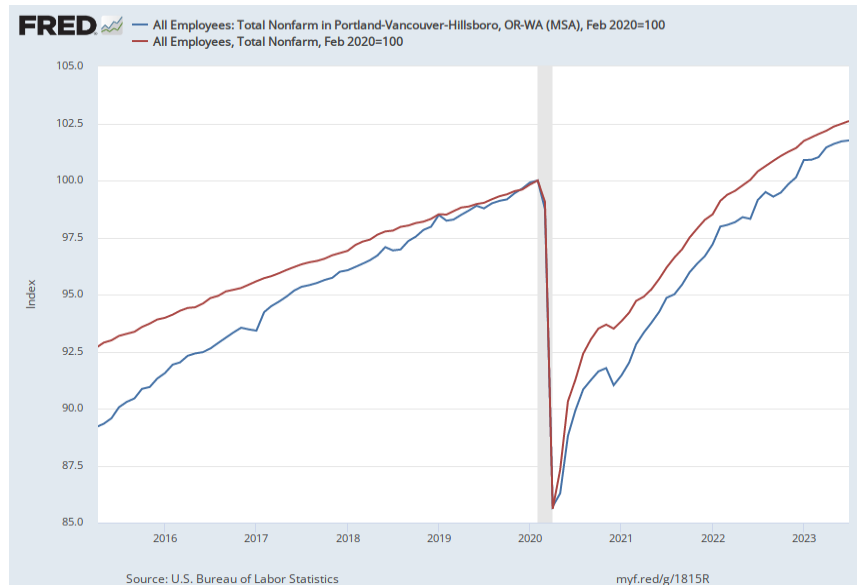
The city?

The downtown?

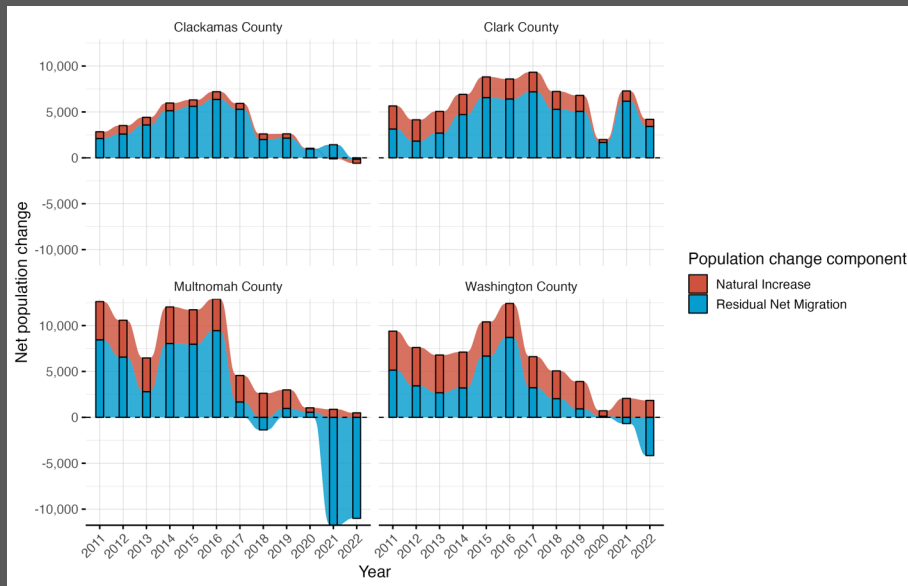
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## Regional job recovery is subpar but not newsworthy

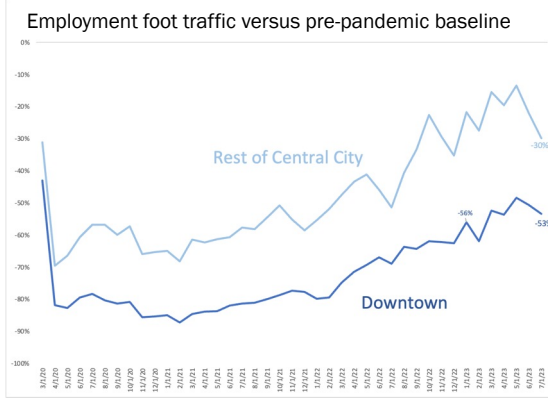
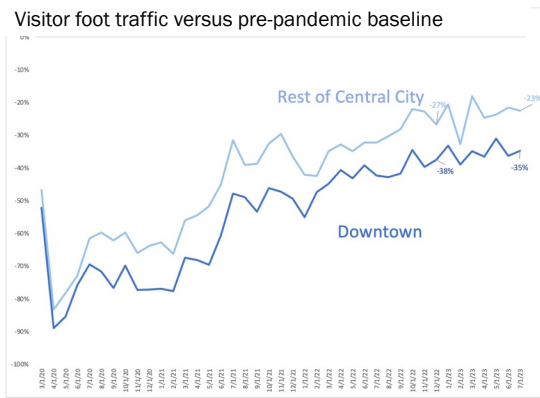


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Source: US Census

5

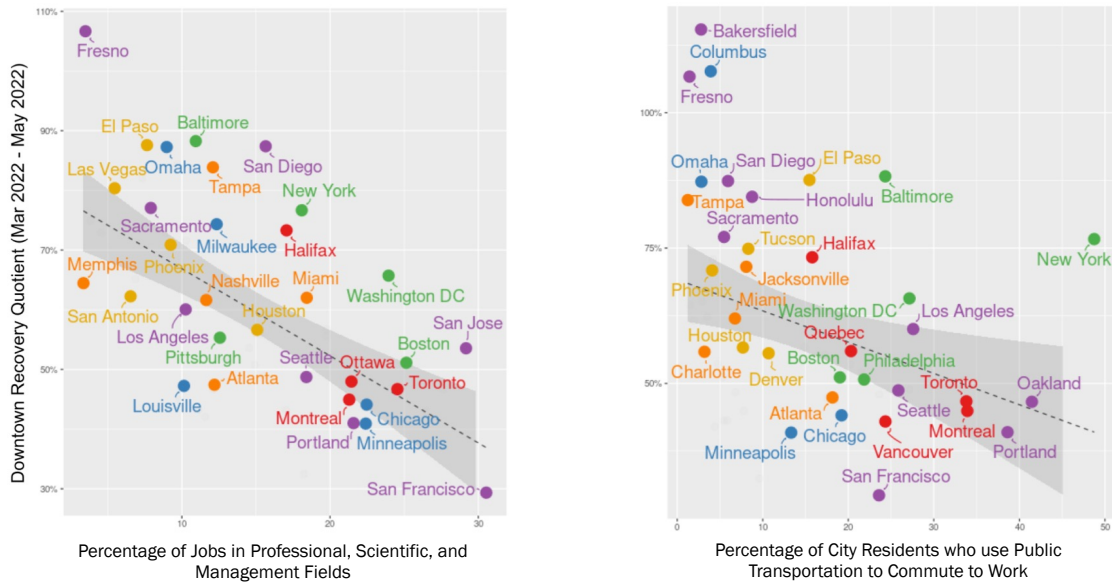


Source: ECONW analysis of Placer.ai data

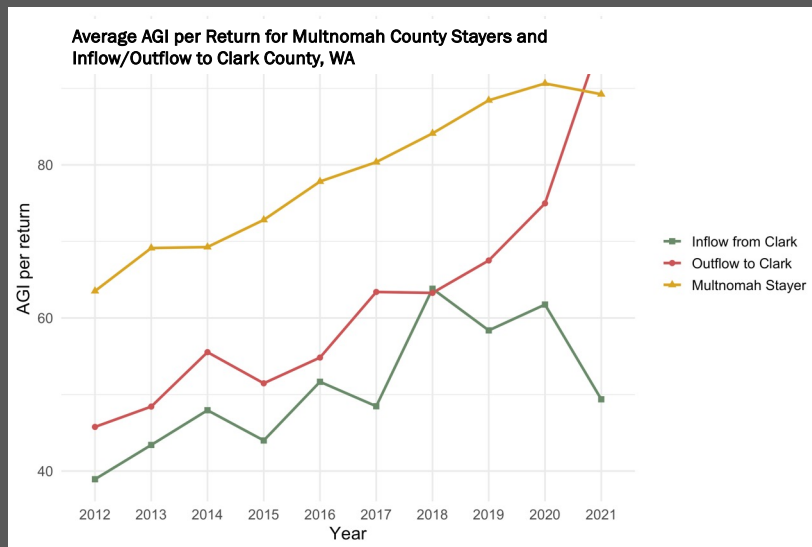
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# Transit-riding, professional service workers



7



Source: US IRS

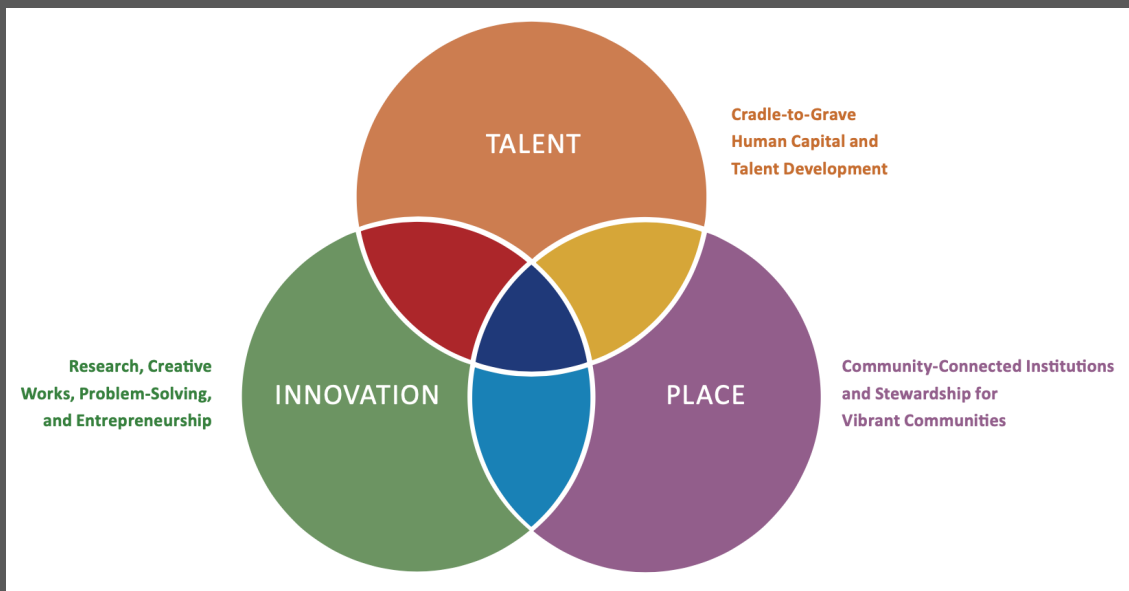
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# The University's Role in Portland

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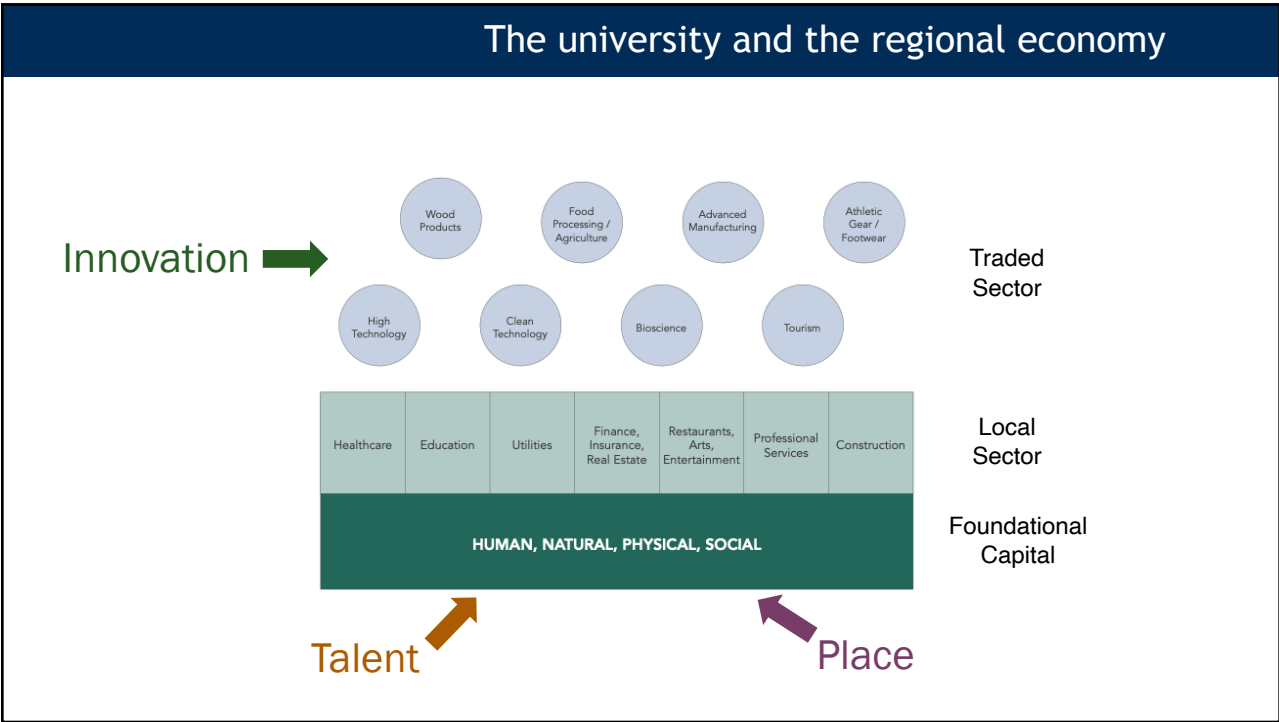
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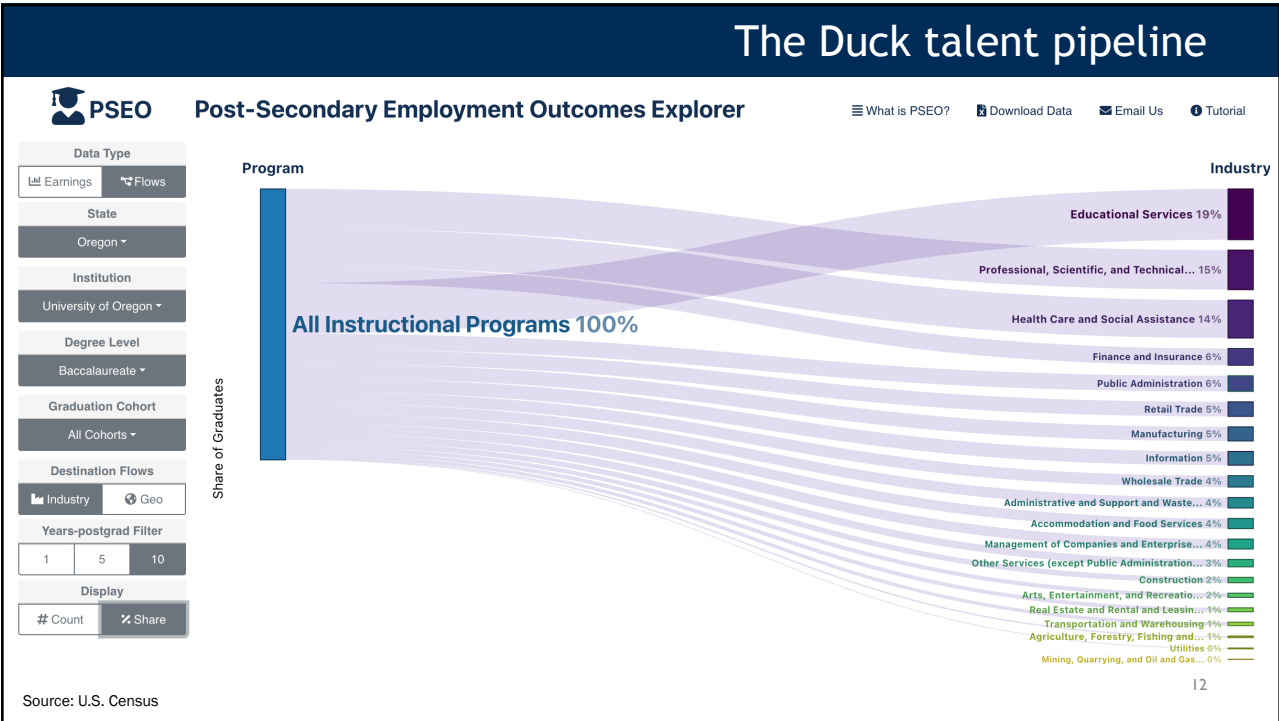
Source: University Economic Development Association

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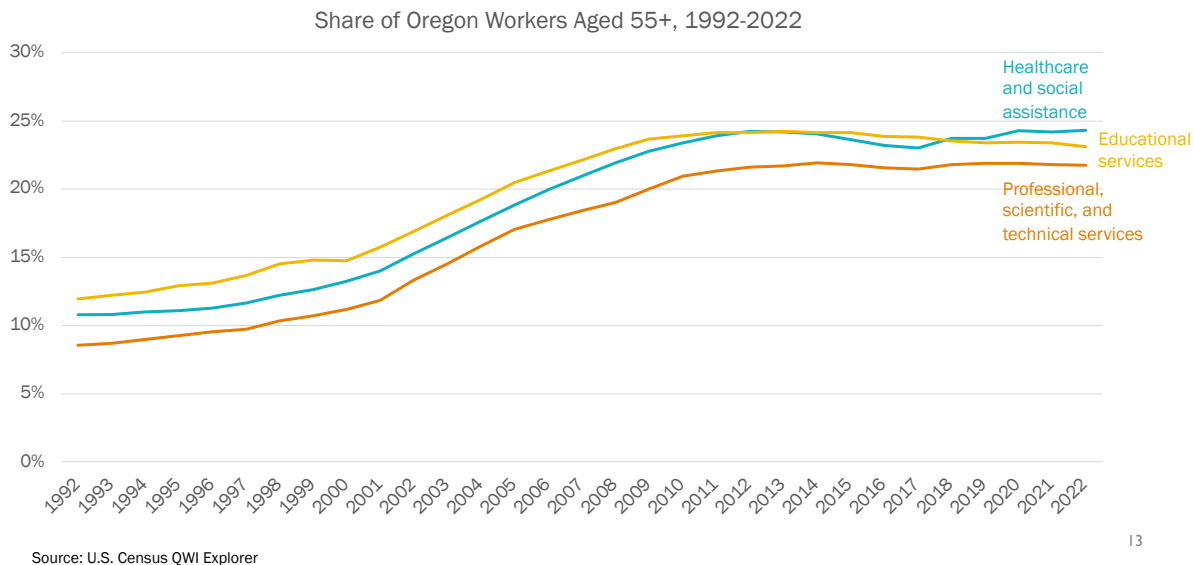


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## The known known: retirements on the way



13

## The known unknown

*AI has extended the frontier of technological possibility towards boundaries that are barely visible at present. The tasks that machines will be able to accomplish, the rate at which new innovations may emerge, and the speed with which socially impactful technological innovations may diffuse is unknown. But the range of possibilities has surely gotten broader, and our certainty about the boundaries has accordingly diminished.*

David Autor (2022)

14

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## Several other UO relevant questions for Portland and Oregon

15

15

How does Portland tell and  
disseminate its recovery story?  
And how does it rebuild its  
once-strong brand?

16

16

How do the city's schools  
deliver value on the Student  
Success Act and its new  
investments in social emotional  
learning?

17

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How do to the city's schools  
revamp early literacy practices  
to catch up to Mississippi's  
progress?

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18

How can the city and the region overhaul their regulatory processes to achieve the Governor's ambitious housing production goals?

19

How does the Portland region maintain its position as a global center of semiconductor research and development?

20

20

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