



H.B. 162

124th General Assembly
(As Introduced)

Reps. Salerno, Beatty, Britton, Ford, Metelsky, Metzger, R. Miller, Ogg, Olman, Patton, Stapleton, Sulzer, Womer Benjamin, Hoops, Hollister, Boccieri, Perry, Seaver, Hartnett, Flowers, Krupinski, Redfern, Allen

BILL SUMMARY

- Grants student members of state university boards of trustees voting power, considers them in determining whether a quorum of a board is present at a meeting, and entitles them to attend executive sessions of the boards on which they serve, unless excluded by a three-fifths vote of the nonstudent members of the board.
- Prohibits a student from being disqualified as a student trustee on a state university board if the student receives financial aid or is employed in certain student employment positions.
- Prohibits a student trustee from attending meetings or participating in discussions on matters that may be deemed to be a conflict of interest for the student trustee.

CONTENT AND OPERATION

Voting by student members of state university boards of trustees

Under current law, each four-year state university has a board of trustees consisting of eleven members, two of whom are students at the institution governed by that board.¹ These student members are appointed by the Governor, with the advice and consent of the Senate, from a group of candidates selected

¹ *Student trustees at the following 13 state universities would be covered under the bill: the University of Akron, Bowling Green State University, Central State University, the University of Cincinnati, Cleveland State University, Kent State University, Miami University, Ohio University, Ohio State University, Shawnee State University, the University of Toledo, Wright State University, and Youngstown State University.*

under a procedure adopted by the student government of each institution. The student members serve on the board of trustees for two years. Currently, student trustees have no voting power on these boards of trustees, are not considered in determining whether a quorum is present at a meeting, and are not entitled to attend executive sessions.

The bill makes three changes to current law governing the voting activities of the student members of university boards of trustees (secs. 3335.02(B), 3337.01(B), 3339.01(B), 3341.02(B) and (D), 3343.02(B), 3344.01(B), 3352.01(B), 3356.01(B), 3359.01(B), 3360.01(B), 3361.01(B), and 3362.01(B)). Under the bill, student members of state university boards of trustees would be:

- (1) Given voting power on their respective boards;
- (2) Considered in determining whether a quorum of their board is present at a meeting; and
- (3) Entitled to attend executive sessions of their board unless three-fifths of the nonstudent members of that board voted to exclude the student members (sec. 3345.34(E)).

Additional provisions pertaining to conflicts of interest by student trustees

Current law governing the Board of Trustees of The Ohio State University prohibits a trustee or a relative of the trustee from being eligible for a faculty or other position at the university if the compensation for that position is paid from the state treasury or a university fund (sec. 3335.09). The current law governing the Board of Trustees of Central State University contains both the same prohibition and a prohibition against an officer, teacher, or other employee of the university being eligible for membership on the board of trustees while holding such a position (sec. 3343.06).

Under the bill, a student cannot be disqualified from membership on the board of trustees of any of the state universities because the student (1) receives a scholarship, grant, loan, or any other financial assistance payable out of the state treasury or a university fund or (2) is employed by the institution in a work-study program or other student employment (including as a graduate teaching assistant, graduate administrative assistant, or graduate research assistant), the compensation for which is payable out of the state treasury or a university fund. Moreover, the bill specifically prohibits acceptance of such financial assistance or employment by a student trustee from being considered a violation of provisions of the Ohio Ethics Law (Chapter 102. of the Revised Code, not in the bill) and other provisions of state law (secs. 2921.42 and 2921.43, not in the bill) pertaining to receipt of improper compensation by public officials or improper financial

interests in public contracts by public officials. (Secs. 3335.02(B), 3337.01(B), 3339.01(B), 3341.02(B) and (D), 3343.02(B), 3344.01(B), 3352.01(B), 3356.01(B), 3359.01(B), 3360.01(B), 3361.01(B), and 3362.01(B).)

Current law also prohibits any student trustee from using his or her trusteeship to influence any grade or other performance evaluation made by a member of the faculty or other employee of the state university. In addition, members of the faculty or other employees of a state university are prohibited from conferring any favor, advantage, preference, or other benefit on a student trustee because of the student's trusteeship. Under the bill, any vote of a board of trustees of a state university in which vote a student trustee participates, is void if (1) a student trustee is convicted of, or pleads guilty to, using the trusteeship to influence a grade or performance evaluation or (2) a faculty member or other employee is convicted of, or pleads guilty to, conferring a favor or other benefit on a student trustee because of the student's trusteeship. (Sec. 3345.34(D).)

Finally, the bill prohibits a student trustee of a state university from attending any portion of a meeting or participating in any discussions or votes of the board of trustees the student is a member of, including executive sessions of the board, involving any matter that may be deemed to be a conflict of interest for the student trustee, including any acts considered to be conflicts of interest under the Ohio Ethics Law and other provisions of state law pertaining to receipt of improper compensation by public officials and improper financial interests in public contracts by public officials. Violation of this prohibition is a first degree misdemeanor. Also, any vote of a board of trustees in which a student trustee participates is void if the student trustee is convicted of, or pleads guilty to, attending a meeting or participating in any discussions involving a matter that is a conflict of interest for the student trustee. (Secs. 3345.34(C) and (D) and 3345.99(B).)

HISTORY

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