Ohio Legislative Service Commission

Bill Analysis

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Sub. H.B. 111

130th General Assembly
(As Reported by H. Education)

Reps. Duffey and Stinziano, Brenner, Carney, Cera, Grossman, Hackett, C. Hagan, R. Hagan, Henne, Letson, Mallory, Milkovich, O'Brien, Stebelton, Wachtmann, Dovilla, Fedor, Bishoff

BILL SUMMARY

- Requires state university boards of trustees to adopt a resolution to grant or not grant voting power to student members.
- Authorizes the boards to adopt subsequent resolutions to change the voting status of student trustees.
- Prohibits a student from being disqualified as a voting student trustee if the student receives financial aid or is employed in certain student employment positions.

CONTENT AND OPERATION

The bill

The bill requires the board of trustees of each state university (University of Akron, Bowling Green State University, Central State University, University of Cincinnati, Cleveland State University, Kent State University, Miami University, Ohio University, Ohio State University, Shawnee State University, University of Toledo, Wright State University, and Youngstown State University)[1] and the Northeast Ohio Medical University to adopt a resolution, within 90 days after the bill's effective date, that either grants or does not grant student members voting power. If so granted, student members also have the authority to attend executive sessions of the board and are considered as members in determining if a quorum is present for meetings.[2]

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[1] R.C. 3345.011, not in the bill.

[2] R.C. 3335.02(C), 3337.01(C), 3339.01(C), 3341.02(C) and (F), 3343.02(C), 3344.01(C), 3350.10, 3352.01(C), 3356.01(C), 3359.01(C), 3361.01(C), 3362.01(C), and 3364.01(D).

(Granting voting power to student trustees would change the quorum on most boards from five of nine voting members to six of 11 voting members.) Student members would continue to be appointed by the Governor, with the advice and consent of the Senate, to two-year terms, as under current law (see "**Background**," below).

After the initial vote, the board may adopt a new resolution to change the voting status of student members at any time. All members with voting power at the time of the adoption of a resolution may vote on the resolution. In other words, a student member granted voting power by resolution may vote on a subsequent resolution to revoke student voting power. The resolution takes effect on the date the terms of student members start. For example, the terms of student trustees at Ohio State University begin on May 14, so a resolution adopted by Ohio State's board of trustees would take effect the May 14 following the resolution's adoption. Since student trustees at all state universities serve two-year, staggered terms, the change in voting status will take effect at the start of one student member's term, but will occur mid-term for the other student member.

Also, under the bill, a student granted voting power cannot be disqualified from membership on a board of trustees 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[3] and other provisions of state law[4] pertaining to receipt of improper compensation by public officials or improper financial interests in public contracts by public officials.

The bill further exempts students of Ohio State University and Central State University who are granted voting power from the law that disqualifies OSU or Central State trustees and their relatives from holding faculty or other positions at the university if the compensation for that position is paid from the state treasury or a university fund.[5]

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[3] R.C. Chapter 102., not in the bill.

[4] R.C. 2921.42 and 2921.43, neither in the bill.

[5] R.C. 3335.09 and 3343.06.

Background

Under current law, each four-year state university is governed by a board of trustees consisting of 11 members (except for Ohio State University, which has 17 members, and the University of Toledo, which is phasing down to 11 members since its 2006 merger with the Medical University of Ohio at Toledo). Each board includes two students at the institution governed by that board. These student members are appointed by the Governor, with the advice and consent of the Senate, from a group of candidates selected under a procedure adopted by the student governments of each institution. The student members serve for two years. (Nonstudent trustees serve for nine years.) Currently, student trustees have no voting power on these boards, are not considered in determining whether a quorum is present, and are not entitled to attend executive sessions. Neither student nor nonstudent trustees are compensated for their service, but are to be paid their reasonable and necessary expenses of discharging official duties.

Presumably, granting voting power to student trustees would place them under the same ethics and conflict of interest requirements as nonstudent trustees. These could include annual financial disclosure filings with the Ohio Ethics Commission[6] and recusal from votes on matters with which they may have conflicts of interest.

HISTORY

ACTION	DATE
Introduced	03-27-13
Reported, H. Education	11-19-13

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[6] R.C. 102.02 and 102.22, neither in the bill.