

# SENATE BILL REPORT

## SB 5584

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As of February 7, 2017

**Title:** An act relating to college and university presidents.

**Brief Description:** Concerning college and university presidents.

**Sponsors:** Senator Baumgartner.

**Brief History:**

**Committee Activity:** Higher Education: 2/07/17.

**Brief Summary of Bill**

- Requires Senate confirmation for persons appointed to serve as president of a Washington four-year institution.
- Exempts board of regent and board of trustee meetings for selecting a president from open public meeting requirements.
- Exempts documents and materials obtained or created during selection of a new president from public disclosure requirements.

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### SENATE COMMITTEE ON HIGHER EDUCATION

**Staff:** Evan Klein (786-7483)

**Background:** Boards of Regents and Trustees. The University of Washington and Washington State University are both governed by a board of regents. The boards control the university and its property, employ the president, establish admission requirements, establish departments, and carry out other duties. Western Washington, Central Washington, and Eastern Washington Universities and the Evergreen State College are governed by boards of trustees, each with similar powers and duties at that institution.

Presidents. Each of Washington's public four-year institutions of higher education employs a president to oversee the operations of the institution. Presidents are hired by the board of regents or board of trustees and serve at the pleasure of the institution's board.

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

Senate Confirmation. The Washington State Senate has confirmation authority for gubernatorial appointments. The Governor, when making a gubernatorial appointment, must transmit notice of the appointment to the Senate. A gubernatorial appointee subject to Senate confirmation serves unless rejected by a vote of the Senate. If an appointee is rejected by a vote of the Senate, that person may not be reappointed to the same position for at least one year following termination of service.

**Summary of Bill:** The state Senate must confirm any person appointed to serve as president of one of Washington's four-year public institutions of higher education. The appointee will continue to serve unless rejected by a vote of the Senate. If an appointee is rejected by a vote of the Senate, that person may not be reappointed to the same position for at least one year following termination of service.

Meetings of the boards of regents at the University of Washington and Washington State University, and the boards of trustees at The Evergreen State College, and Western Washington, Central Washington, and Eastern Washington Universities for the purpose of selecting a president are not subject to the Open Public Meetings Act. Documents and materials obtained or created for the purpose of selecting a new president are not subject to public disclosure.

**Appropriation:** None.

**Fiscal Note:** Available.

**Creates Committee/Commission/Task Force that includes Legislative members:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Staff Summary of Public Testimony:** PRO: The Regents are currently breaking the law by not hiring presidents during open public meetings. The bill exempts the hiring process from open public meetings, but ensures transparency in the hiring process by subjecting presidential appointees to Senate confirmation.

CON: College and university leaders are not appointed by the Governor. Members of the Senate already have authority to effect this process by confirming or not confirming institutional regents and trustees. These regents and trustees are the ones who appoint presidents of the institutions. The current process avoids political appointments. Presidents, instead, are appointed based on their connection with the community and ability to represent the institution. There are no other individuals in higher education with more accountability. Donors could pull financial support, professors could take a vote of no confidence, and reporters can go after a president. The presidents of these institutions have large effects on the local economy. The process of hiring is highly public, and should not be exempted from the open public meetings or open public records act. The Senate should not have the authority to strip a president of their job if the Senate does not agree with a president's action. Other top executive positions have open hiring processes for the finalists for the position as well.

**Persons Testifying:** PRO: Senator Lynda Wilson, 17th Leg. District.

CON: Paul Francis, Council of Presidents; Rowland Thompson, Allied Daily Newspapers of Washington.

**Persons Signed In To Testify But Not Testifying:** No one.