

**BEFORE THE SENATE GOVERNMENT OVERSIGHT & REFORM COMMITTEE**

**SENATOR BILL COLEY  
CHAIR**

**TESTIMONY  
OF  
BRUCE JOHNSON  
PRESIDENT  
INTER-UNIVERSITY COUNCIL OF OHIO**

**NOVEMBER 18, 2020**

---

**The Public Universities of Ohio**

The University of Akron  
University of Cincinnati  
Miami University  
Ohio University  
Wright State University

Bowling Green State University  
Cleveland State University  
Northeast Ohio Medical University  
Shawnee State University  
Youngstown State University

Central State University  
Kent State University  
The Ohio State University  
The University of Toledo

Chair Coley, Vice Chair Huffman, Ranking Minority Member Craig and members of the Senate Government Oversight & Reform Committee, thank you for the opportunity to testify before you today on behalf of the state's fourteen public universities, all of which are members of the Inter-University Council of Ohio (IUC). My name is Bruce Johnson and I am President of the IUC. The IUC was established in 1939 as a voluntary educational association of Ohio's public universities.

I am testifying today in support of House Bill 404, sponsored by Representatives Susan Manchester and Bride Sweeney. The IUC would like to thank the sponsors, particularly Representative Manchester for her work in drafting this legislation and for offering state institutions of higher education an option that, by using existing and developing electronic communication technologies, will improve operational and administrative efficiency at the institution. We very much appreciate her outreach to us and her consideration of our perspective.

The bill would permit a board of trustees of a state institution of higher education, which includes both the state's public universities and community colleges, to adopt a policy allowing the trustees to attend a board meeting via means of electronic communication. It is permissive and does not mandate that an institution of higher education adopt an electronic communications policy for board meetings. The bill further stipulates that if a board does adopt such a policy, then it must incorporate in that policy several minimum standards governing the conduct of such a meeting. The board may add other additional standards or requirements to the policy as it determines necessary.

The minimum standards identified by the bill's sponsors are designed to uphold the integrity of board meetings at our institutions should they be conducted via electronic communication. Modeled after Purdue University's successful electronic communication policy, the bill identifies the following minimum standards that should be included in the board's policy:

- The number of regular meetings at which each trustee shall be present in person -- specifically that the trustee must attend no less than fifty percent of regular meetings in person annually.
- That one third of the trustees must be present in person at the meeting location.
- That all votes taken at the meeting are taken by roll call vote.
- That a trustee who intends to attend a meeting via means of electronic communication notified the chairperson of that intent not less than forty-eight hours before the meeting, except in the case of a declared emergency.

Having the option to hold meetings via electronic communication means greater flexibility in how and when state universities can conduct board meetings and now, because of the COVID pandemic – which was unforeseen at the time this bill was introduced – it means meetings can be held in a manner that protects the health of those participating. As you know, in response to the pandemic, House Bill 197 granted authority to public bodies to hold, and members to attend, hearings via electronic means of communication.

All fourteen of Ohio's public universities have conducted board meetings under that authority since the option became available at the end of March. And it has worked well. Attendance and participation in the meetings have increased, meeting notification is being made as required, board materials are available electronically, and access is widely available to the public. We believe this is evidenced by the numbers of those participating. For example:

- University of Akron in-person board meetings in October and December 2019 and February 2020 averaged about 40 attendees per meeting. Often this is driven by limited physical space in the board room. But since operating under the HB197 authority, board meeting public participation has increased – more people are tuning in. UA's June 10, 2020 meeting had 596 attendees, the July 15, 2020 meeting saw 2,146 attendees, and the August 12, 2020 board meeting had 314 attendees.
- Kent State University also has seen its numbers increase – from 28 on March 4, 2020 to as high as 170 at its September 16 board meeting which was all virtual.
- Youngstown State University, its non-virtual (pre-COVID) meetings typically drew between 8-15 in-person attendees, on average. But since meeting via electronic means, public participation has increased. At its September 2, 2020 meeting there were 58 participants per session, plus an additional 48 views post-livestream. On September 3, 2020 there were 50 participants per session, plus an additional 79 views post-livestream. And at its August 10, 2020 meeting, there were 59 participants per session, plus an additional 101 views post-livestream.

- Ohio State University, there is physical space in the board meeting room for about 65 chairs, and many of those are reserved for speakers or people being recognized by the Board. However, by meeting virtually over the last several months, participation has dramatically increased. On June 3, 2020 more than 1,500 people participated in the public sessions of the full board.

As you can see, meeting virtually has done nothing to compromise public attendance or participation. The trend is just the opposite, more people are logging in to watch these proceedings and to be informed about the business of the state's public universities. Further, the reports we have from our IUC members is that the technology is working. As with any technology, there is the possibility for glitches. In the beginning, there were a few instances of technical difficulties, but these were not significant issues with, or complaints from the public about, being unable to attend meetings. As you might expect, as these meetings have become more routine, the "seamlessness" with which they have occurred has improved considerably. We also have not had any reports about the public accessing meetings without authorization. The institutions can construct access to ensure that does not occur. We are unaware of any meeting being "hacked." In fact, with the Microsoft Teams platform, as well as others like Webex and Zoom, one can view who is in attendance, so it is easy to both monitor, verify, and control who is in attendance during the meetings.

The definition of "electronic communication" as proposed by House Bill 404 is broad enough to allow for both audio and video conferencing. Technologies and software like Skype, Webex, Go-To Meeting, Zoom, PolyCom, and others – which we're all much more familiar with now than we were six months ago – allow for inter-active meetings where all parties can be seen, heard, and can actively participate. Documents can be uploaded, accessed, and used with ease and convenience. Videoconferencing has become the new normal and its use will continue to grow in the future.

In the world of higher education, many states have already moved in this direction. As previously mentioned, the sponsors of House Bill 404 based this legislation on Purdue University's policy. The state of Texas has amended its Code to permit audio and video conferencing for meetings of Governing Boards of Institutions of Higher Education and the Texas Higher Education Coordinating Board. The Board of Trustees at the University of Louisville in Kentucky has adopted bylaws permitting trustees to participate and vote via videoconference meetings. House Bill 404 appears to be in line with what other states are permitting and the direction technology is taking us.

Utilizing electronic communication, like audio or video conferencing, will enable Ohio's public university board of trustee members, and members of the public in general, to participate in meetings when it might otherwise be impossible or make no sense, or when it is necessary to protect one's health. It will increase efficiencies, reduce costs, and grant flexibilities that we believe will improve productivity at our state institutions of higher education and better inform the public about what actions its state-supported universities are taking.

Again, the IUC supports this legislation and, on behalf of Ohio's public universities, we respectfully ask for your favorable consideration. Thank you, Chairman Coley and members of the committee for this opportunity to share our perspective with you.