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**BEFORE THE HOUSE HIGHER EDUCATION & CAREER READINESS COMMITTEE**

**REPRESENTATIVE LAURA LANESE  
CHAIR**

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

**MARCH 23, 2021**

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**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 Lanese, Vice Chair Young, Ranking Minority Member Ingram, and members of the House Higher Education and Career Readiness 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 the President of the IUC.

The IUC was established in 1939 as a voluntary educational association of Ohio's public universities. It is committed to ensuring affordable opportunities for the more than 300,000 students attending our member institutions without sacrificing the quality of their education or experience.

I am testifying today in support of House Bill 77, sponsored by Representatives Susan Manchester and Bride Sweeney. The IUC would like to thank 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, as well as the work of co-sponsor Sweeney.

The bill is straightforward and timely. It would permit a board of trustees of a state institution of higher education, which includes the state's public universities, 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. We believe this structure and these guidelines are appropriate. The board may add other additional standards or requirements 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.

While this approach and these standards grant flexibility, which is necessary at times for members who may not be able to attend for any given reason – including a global pandemic, they also ensure that an institution can maintain the integrity of an in-person meeting. Having the option to hold meetings via electronic communication means greater flexibility in how and when state universities could conduct board meetings. Enabling attendance via an electronic means of communication also could expand the applicant pool for trustees, allowing a greater number of highly qualified, dedicated individuals to be considered for service.

The definition of “electronic communication” as proposed by House Bill 77 is broad enough to allow for both audio and video conferencing. Technologies and software like WebEx, Zoom, Skype, Go-To Meeting, PolyCom, and others 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 fast become the new normal during the pandemic and, we believe, its use will continue to grow in the future – both in the public and private sectors. According to Fortune Business Insights, the global video conferencing market size was USD 5.32 billion in 2019 and is projected to reach USD 10.92 billion by 2027. There also has been a significant rise in the usage of telepresence in the education and healthcare sectors as

it offers a realistic way of interaction between the participants and helps reduce operational and management costs, subsequently improving productivity.

In the world of public higher education, many states have already moved in this direction. As previously mentioned, the sponsors of House Bill 77 based this legislation on Purdue University's policy. The state of Texas has amended its Code to permit audio and video conferencing. 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 77 appears to be in line with what other states are permitting, the direction technology is taking us and, most importantly, it would establish this authority in permanent law.

And, as you know, the state of Ohio currently permits public bodies to hold virtual meetings, but that authority is only temporary and expires on July 1, 2021. In fact, over the last year, all fourteen of Ohio's public universities have conducted board meetings under that authority. 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 2019 and 2020 averaged about 40 attendees per meeting. Often this is driven by limited physical space in the board room. But since operating under the new 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, 2020 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, for example, more than 1,500 people participated in the public sessions of the full board.

Meeting virtually has not compromised public attendance or participation, in our opinion. 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 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 in such a way 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, it is easy to monitor, verify, and control who is in attendance during the meetings.

Utilizing electronic communication, like audio or video conferencing, will enable Ohio's public university board of trustee members to participate in meetings when it might otherwise be impossible or make no sense. It will increase efficiencies, reduce costs, and grant flexibilities that we believe will improve productivity at our state institutions of higher education. Again, the IUC supports this legislation, and, on behalf of Ohio's public universities, we respectfully ask for your favorable consideration.

Thank you, Madam Chair. I am happy to answer any questions the committee may have.