

BACKGROUND PAPER 03-05

**BACKGROUND INFORMATION
HIGHER EDUCATION GOVERNANCE**

Article 11, Section 7 Constitution of the State of Nevada

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I. HIGHER EDUCATION GOVERNANCE STRUCTURES

Throughout this country, state governance structures for public higher education have taken many forms, reflecting the interests of citizens, the expectations of policymakers, and the regard for past institutions and organizations. Nevada is no exception to this. From time to time, public debate has centered on the means of selection of members of the Board of Regents of the University and Community College System of Nevada (UCCSN). At other times, the discussion has focused on the powers and duties of the Board. Other debates have drawn attention to the role of public higher education in the state's overall economic and societal well-being.

In recent years, a number of states have changed their governance structures: Consolidation of power has occurred in some states, while decentralization has resulted in others. Proposals to alter the governance structure of the UCCSN Board of Regents are anticipated in the 72nd Session of the Nevada Legislature. A review of these structures and the history of the composition of the UCCSN Board of Regents is, therefore, timely.

A. Source of the Authority

Among the 50 states, 31 have established their governance structures by statute. Sixteen states have provided for a governing structure in their constitutions. Because their university systems have been separated from community college systems, two states establish their structures through a combination of constitutional provisions and statutes. One state, Vermont, does not have a statewide governance structure for higher education. With powerful institutional governing boards, Michigan provides very limited statewide coordination through its state board of education.

B. Extent of the Authority

The 49 states that do provide for some form of statewide governance of public postsecondary education have erected a system either that governs the institutions or that serves as a coordinating and planning agency. Typically, those states that elect to coordinate postsecondary education are part of a structure that includes powerful institutional governing boards. In some state structures with one statewide governing board, an institutional advisory board may exercise a limited role. Some states provide separate governing boards for four-year colleges and universities and for two-year community colleges and technical institutes.

A statewide governing board has control and broad administrative powers over all state postsecondary public institutions assigned to it. These powers typically include setting policy, developing budgets, approving academic programs, hiring and evaluating presidents of institutions, awarding academic degrees, advocating for the needs of the institutions under the board's control, and planning and maintaining a statewide delivery system. Under this structure, the governing board is usually a single corporate

entity with rights and responsibilities assigned by state statute, while the individual institutions under its jurisdiction are not.

The authority of a coordinating board will depend upon the statutory provisions creating it. A coordinating board, however, is likely to hold some combination of the following responsibilities: developing comprehensive statewide plans for postsecondary education, which might include private institutions; approving new institutions or new academic programs; providing advice and consultation to the governor and legislature; reviewing the annual budgets of the state institutions; collecting data; conducting studies and recommending policies related to the conclusions of those studies; serving as an adjudicator in disputes among institutions, which may include articulation, for example; and administering federal and state financial aid programs. Typically, coordinating boards do not have corporate status.

In addition to the governing boards and coordinating boards, a third model, the limited planning, regulatory, or service agency, is used in some states. These kinds of agencies often administer financial aid programs, register and license career schools, negotiate interstate reciprocity agreements, oversee library planning, and collect and maintain data. They typically exist to supplement services, when states have powerful institutional governing boards. (See Appendix A for McGuinness, Education Commission of the States, *Models of Postsecondary Education Coordination and Governance in the States*, 2002.)

C. Process of Selection

Most of the boards, whether constitutional or statutory, are appointed by the state's governor. Some states provide guidance through statute to ensure that the members thus appointed represent specific groups of people, geographic areas of the state, or elected officeholders. For example, a number of states include a student member. A few provide that a member of the faculty is appointed. Some specify that a member must be appointed from each congressional district or from each state-drawn district. Several states include ex officio members, such as the administrative head of the state department of elementary and secondary education, the chairs of certain legislative committees, or representatives of public and private higher education institutions.

The state legislature plays a role in selecting members in some states. In California, for example, the governor, the Senate Rules Committee and the speaker of the Assembly each appoint a designated number. Further, Minnesota, New York, and North Carolina provide that the state legislature elects or appoints the members of those boards, rather than the respective governors of those states.

Although Michigan elects its state board of education, which has a very limited coordinating function in higher education, and elects the Board of Regents of the University of Michigan, Nevada appears to be the only state where the voters elect members of the statewide higher education governing board. (See Appendix B for the table *Postsecondary Education Governance or Coordination Structures*; and

II. NATIONAL TRENDS IN GOVERNANCE STRUCTURES

According to Aims McGuinness, Education Commission of the States, unlike Nevada, few states had statewide governing structures in the first half of the 20th Century. To manage the increasing number of institutions and to prevent or slow duplication in academic programs, beginning in the 1960s, many states moved to some form of statewide management of public institutions of postsecondary education. In the last five years, McGuinness cites eight states that eliminated, established, or changed the authority of state-level boards. These states include Arkansas, Colorado, Florida, Kansas, Kentucky, Louisiana, Utah, and West Virginia. Another five states, Hawaii, Maine, Maryland, North Dakota, and Texas, made less significant changes in governance or the roles of state-level boards or systems. McGuinness places these changes into four major categories:

- Comprehensive reforms linked to a public agenda for the future of the state;
- Establishment of K-16/K-20 structures;
- State structures for community and technical colleges; and
- Decentralization and deregulation.¹

McGuinness notes that the state-level boards are increasingly distinguished as one of two kinds. One kind of board has made the transition from the regulatory coordination of the past to a new role of policy leadership in the public interest. The other kind of board maintains policies and regulatory practices of the past. He asserts that in states, where the latter holds, there is little current demand from the state's policy leaders for an agency focused on policy leadership.² (See Appendix D for McGuinness, Education Commission of the States, *Reflections on Postsecondary Governance Changes*, 2002; and Appendix E for an excerpt from Association of Governing Boards, Center for Public Higher Education Trusteeship and Governance, *State Governance Action Report: Recent and Pending Legislative, Executive, and Citizen Action on Governance, Trusteeship, and Institution-Related Foundations*, 2001.)

¹ Aims McGuinness, *Reflections on Postsecondary Governance Changes*, Education Commission of the States (2002), p. 4.

² McGuinness, *Reflections*, p. 6.

III. NEVADA'S BOARD OF REGENTS

A. History of the Composition of Nevada's Board of Regents

Section 7 of Article 11 of the *Constitution of the State of Nevada* provides for the election of a board of regents. At statehood, a temporary board composed of the governor, secretary of state, and superintendent of public instruction was to govern for four years until their successors could be elected, according to Article 11. A cursory review of the *Official Report of the Debates and Proceedings of the Constitutional Convention of the State of Nevada*, by Andrew J. Marsh, Official Reporter (1866), does not reveal a debate on the process whereby Nevadans would become members of the Board of Regents. If any method of filling the positions besides general election was contemplated, such a debate was not recorded.

The establishment of a state university in Nevada was influenced by the enactment of the Morrill Act by Congress in 1862. This act provided the states the grants of land that could be sold or leased to generate revenues to support public colleges and universities. The Morrill Act required a state to act within a specified number of years to establish a college or university. The Nevada Legislature petitioned Congress to grant extensions, which it did in 1866 and again in 1873. The Legislature opened the University at Elko in 1874. Between 1864 and 1869 the governor, secretary of state, and superintendent of public instruction served as the Board of Regents.

In 1869, the Legislature declared that the Board of Regents would consist of three electors, who would be elected by the Legislature in joint convention. These regents would hold their offices for four years and until their successors would be elected. (Chapter 80, *Statutes of Nevada 1869*) During the 1881 Session, the Legislature continued the manner of election of regents by the Legislature. It provided for staggered terms with one regent to be elected by the 1881 Legislature and two regents to be elected by the 1883 Legislature. The governor was authorized to fill vacancies that might occur between sessions (Chapter 53, *Statutes of Nevada 1881*).

In 1885, the Legislature provided for the relocation of the University from Elko to Reno (Chapter 71, *Statutes of Nevada 1885*). In 1887, the governor, secretary of state, and superintendent of public instruction once again served as the Board of Regents until 1889, when they would be replaced. Effective January 1, 1889, the Board would be constituted by three members, two to be elected for terms of four years and one to be elected for a term of two years. They were to be elected in the same manner as other statewide officers (Chapter 37, *Statutes of Nevada 1887*).

In 1905, the Legislature increased the number of regents to five members, effective January 1, 1907. The Legislature provided for the election of "Long-Term Regents" who would be elected for four-year terms and "Short-Term Regents" who would be elected for two-year terms (Chapter 88, *Statutes of Nevada 1905*).

In 1917, while maintaining the number of members of the Board of Regents, the Legislature increased the terms of office to ten years, providing a staggered implementation of the increase in length of terms over the elections of 1918 and 1920 (Chapter 189, *Statutes of Nevada 1917*). In 1941, the Legislature reduced the term of office for the five regents to four years. Those currently in office at the general election in 1942 were to continue in office until the expiration of their terms. Persons elected to fill those vacancies would serve four-year terms (Chapter 68, *Statutes of Nevada 1941*).

In 1957, the Legislature increased the membership from five to nine members. It also established the seat of the University at the campus in Reno and authorized a regional branch campus in Clark County to be known as Nevada Southern. Assembly Bill 342 of that Legislative Session contains the first election of regents by district; Washoe County was to be District No. 1, Clark County became District No. 2, and the remainder of the state was designated as District No. 3. Each district was authorized to elect three members to the Board.

Other provisions of A.B. 342 are noteworthy. Subsection 1 of the act is provided below:

1. By the provisions of chapter 284, Statutes of Nevada 1955, on page 463, the legislative commission was authorized and instructed to engage the services of a firm of management consultants or other expert assistance for the purpose of making an investigation into the administration and academic operation of the University of Nevada and to report the results thereof and make recommendations in connection therewith to the legislative commission. As required by law, the report and the recommendations of the expert assistance engaged by the legislative commission have been transmitted to the 48th session of the legislature. The legislature specifically finds and declares, as a result of such investigation into the administrative and academic operations of the University of Nevada, that the emergency situation respecting the University of Nevada is a special occasion calling for extraordinary action on the part of the legislature and that an emergency exists now whereby it is necessary that the number of the board of regents of the University of Nevada be increased and that such increased number should be inducted into office prior to their election by the people.

Assembly Bill 342 further provided that the four vacancies created by the act would be filled by appointment by the Legislature in joint convention immediately after the effective date of the act. The act was approved on March 21, 1957. Those appointed would serve until positions could be filled by election (Chapter 122, *Statutes of Nevada 1956-57*).

In 1967, the Legislature increased the Board membership to 11. The membership from Clark County grew from three to five regents (Chapter 191, *Statutes of Nevada 1967*).

In 1971, however, the Legislature again reduced the size of the Board from 11 to nine members. The membership from the district consisting of Washoe County and from the district encompassing the remainder of the state was reduced from three to two regents in each district, while the five members from Clark County was maintained (Chapter 650, *Statutes of Nevada 1971*).

In 1973, the Legislature established sub-districts within the districts, which were defined as encompassing specific Assembly districts and enumeration districts. All terms would be for the length of six years, beginning with the 1978 general election (Chapter 183, *Statutes of Nevada 1973*). In 1981, the Legislature further defined the number of regents from specific districts (Chapter 730, *Statutes of Nevada 1981*).

In 1991, the Legislature increased the membership from nine to 11 members. It further specified districts by census voting districts and added Lincoln County and portions of Nye County to District 2, which had been limited to Clark County until then (Chapter 411, *Statutes of Nevada 1991*).

Finally, in a special session in 2001, the Legislature increased the number of regents from 11 to 13. The districts were defined by census tracts (Chapter 23, *Statutes of Nevada Special Session 2001*).

B. 1956 Legislative Study of the University of Nevada

As noted above, in 1955, the Legislature authorized the Legislative Commission to contract with consultants to conduct an investigation into the University of Nevada administration and academic operations. As a result of that report, the Legislature found that an emergency existed and that extraordinary actions were required on its part to address the situation.

According to the consultants' report, titled *The University of Nevada: An Appraisal*, Dr. Minard W. Stout became president of the University in 1952. Dr. Stout's accomplishments included raising faculty salaries, improving the physical plant, reorganizing the administration, admitting more Nevada high school graduates, broadening University offerings, and revising the system of faculty committees and councils.³ He was also successful in doubling the state appropriation in four years. Dr. Stout, however, became mired in several disputes with faculty over academic freedom, some of which attracted national media coverage. Some disputes resulted in litigation, while others ended with faculty resignations.

According to the legislative report, the "principal uproar of 1956 was caused by students," who staged a demonstration in Reno over grievances against the Stout Administration. Seven students were expelled, apparently without a hearing or

³ Nevada Legislative Counsel Bureau, *The University of Nevada: An Appraisal* (December 1956), p. 27.

investigation. Protests from parents and citizens, coupled with advice from the attorney general, persuaded the University to rescind the expulsion.⁴

Subsequent to these events the Legislative Commission contracted for the study. The special investigation was conducted by a team of consultants, three of whom were current or former presidents of colleges or universities located in the western states, one academic vice president and one vice chairman of a faculty university senate also from institutions in western states, and one Nevada author. Three main issues were identified:

- How much democracy in university government is desirable?
- What is the proper role of the University of Nevada? and
- How can the University's relations with the state be improved?

In discussing improvements in relations between the University and the state, the consultants urged an amendment to the *Constitution of the State of Nevada* to abolish direct election of regents in favor of a process of gubernatorial appointment. In support of their suggestion, the consultants cited, among other sources, the 1917 Survey of the University of Nevada made by the United States Bureau of Education, which advised against the election of regents.⁵ The consultants also urged expansion of the membership of regents, which the Legislature did in 1957 by increasing the number from five to nine. (See Appendix F for an excerpt from Nevada Legislative Counsel Bureau, Bulletin No. 28, *The University of Nevada: An Appraisal*, 1956, relating to the composition of the Board of Regents.)

The consultants also advanced a concept grounded in the grant of authority in Section 7 of Article 11 of the *Constitution of the State of Nevada* to the Legislature to “provide for the election” of a board of regents. The consultants suggested that an election by the Legislature was not prohibited by the *Constitution*. As noted above, the Legislature did, in fact, elect the four additional members that it added to the Board via A.B. 342. Subsequently, the Nevada Supreme Court in *State ex rel. Dickerson v. Elwell*, 73 Nev. 187, at 189, 33 P.2d 796 (1957) declared that the “election” contemplated by the *Constitution* is an election by the people.

C. Joint Resolutions to Change the Board of Regents

Since 1957, a number of joint resolutions have been introduced in the Legislature to amend Article 11 of the *Constitution of the State of Nevada*. Some have proposed appointment of regents, while others have put forward separate boards of regents as the nature of postsecondary education has evolved in Nevada.

⁴ Nevada Legislative Counsel Bureau, p. 30-31.

⁵ Nevada Legislative Counsel Bureau, p. 55.

Closely following the report on the University of Nevada, the Legislature passed Assembly Joint Resolution (A.J.R.) No. 12, which would have called for the appointment of regents. It passed both houses in 1957 and passed the Assembly in 1959. It was not reported from committee in the Senate. In 1959, however, Senate Joint Resolution (S.J.R.) No. 10, providing for appointment of regents, passed both houses. It failed to be reported from committee in the Senate in 1961, although S.J.R. 8, which would have set the number of regents at nine members and provided for a method of election as prescribed by law, did pass both houses that year. In 1963, this measure was referred to Senate committee, where it died. Once again, in 1963, a new joint resolution, S.J.R. 12, was filed. It passed the Senate but was not reported from the Assembly Committee on Education.

In 1967, S.J.R. 20 proposed to place the University of Nevada under the control of the Legislature to be exercised through a board of regents appointed by the governor. This measure passed the Senate, but died in the Assembly.

In 1969, A.J.R. 31 would have established separate boards of regents for the two state universities, although both boards would have been elected. This proposal was not reported from committee in the Assembly. Also in 1969, A.J.R. 41 provided for the appointment of regents by the governor. It passed the Assembly but died on third reading in the Senate.

Assembly Joint Resolution No. 42 in 1975 would have subjected the Board of Regents to the control of the Legislature. It was not reported from the Assembly committee to which it was referred.

In 1979, S.J.R. 12 proposed the appointment of the University of Nevada Board of Regents. It also would have authorized the Legislature to create a five-member board of trustees for a system of community colleges. This measure passed the Senate but failed to be reported from the Assembly committee.

In the 1980s, proposals to appoint the Board of Regents were made in 1981 with A.J.R. 22 and in 1985 with A.J.R. 21. In 1983, once again a separate board of regents for the community colleges was introduced in A.J.R. 3. All three of these resolutions failed in the Assembly. No constitutional changes have been proposed since 1985.

IV. KEY ISSUES IN HIGHER EDUCATION RESTRUCTURING

Nevada appears to be the only state that elects the members of its statewide higher education governing board. In any discussion of reorganization of the structure to govern public higher education, McGuinness offers the following guidelines for consideration:

- Set clear goals and objectives based on demographic, economic, and education trends;

- Be explicit about the specific problems that are the catalyst for the reorganization proposals;
- Determine whether the proposed reorganization can address those problems or whether the sources of those problems lie elsewhere;
- Weigh the costs of reorganization against the short- and long-term benefits;
- Weigh state needs with institutional needs;
- Distinguish between coordination and governance; and
- Examine the total policy structure and process, including the roles of the governor, the legislature, and other executive branch agencies, not just the formal postsecondary education structure.⁶

V. CONCLUSION

Nevada appears to be the only state in the nation that elects its statewide higher education governing board. Over the last several decades the Nevada Legislature has considered changes to the governance structure for public higher education. These proposals have ranged from the size and composition of the Board of Regents to the means of selection of members to the separation of governance into more than one board.

Nevada is not alone in examining its governance structure. In recent years, a number of states have altered their structures, whether it is to increase or decrease the authority and independence of the board reflects the circumstances unique to each state.

Most statewide governance structures encompass one of three models: governing boards that administratively control institutions assigned to them; coordinating boards that organize the delivery of postsecondary education through management, consultation, and review; and planning or service agencies that provide bureaucratic functions.

Any restructuring of governance might examine the role of higher education in the future development of Nevada and the most appropriate structure to realize that role.

⁶ Aims McGuinness, *Guidelines for States Considering Reorganization*, Education Commission of the States (2002), pp. 1, 2.

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Education Commission of the States. *State Comparisons – Postsecondary Governance Structures, System/Institutional Governing Boards*, downloaded February 13, 2003. Excerpted with permission from the ECS Tool and Resources “Postsecondary Governance Structures Database,” published by ECS, Denver, Colorado. ©1999 from ECS Web site www.ecs.org. All rights reserved.

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VII. APPENDICES

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APPENDIX A

Models of Postsecondary Education Coordination and Governance in the States

1



Education Commission
of the States

StateNotes

Governance

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Models of Postsecondary Education Coordination and Governance in the States

Aims C. McGuinness

March 2002

Introduction

The models in this paper are intended to illustrate the diversity of postsecondary education governance structures in the states; they are not intended to be precise organization charts. The three major types of states are: Governing Board States, Coordinating Board States and Planning/Regulatory/Service Agency States.

Symbols Used in Models



Governing Board

These are boards with governing or line responsibility for institutions. The governing relationship to institutions is shown with a solid line: _____



Coordinating Board

These are boards with coordinating responsibility for institutions. The actual authority for these boards varies significantly from state to state. The coordinating relationship to institutions is shown with a dotted line: _____



Planning,
Regulatory
and/or Service
Agency

These are boards with either limited or no formal governing nor coordinating authority, and which carry out regulatory and service functions (e.g., student aid). Because there is limited or no governing or coordinating relationship to institutions, there is usually no line.



Univer-
sity or
State
College



Com-
munity/
Technical
College or
2-Year Campus



State-Level
Governing/Coordinating
Board

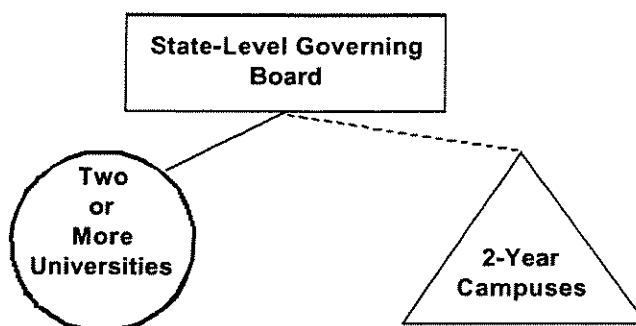
These are boards with governing and coordinating authority for state-operated universities and locally governed community colleges. The governing and coordinating relationship to universities and community colleges is shown with a solid or dotted

1. Governing Board States

State-level governing boards are distinguished according to whether they are responsible for consolidated systems or multicampus systems. Consolidated systems are composed of several previously independently governed institutions that were later consolidated to make a system. Multicampus systems were developed primarily through extensions of various branches or campuses.

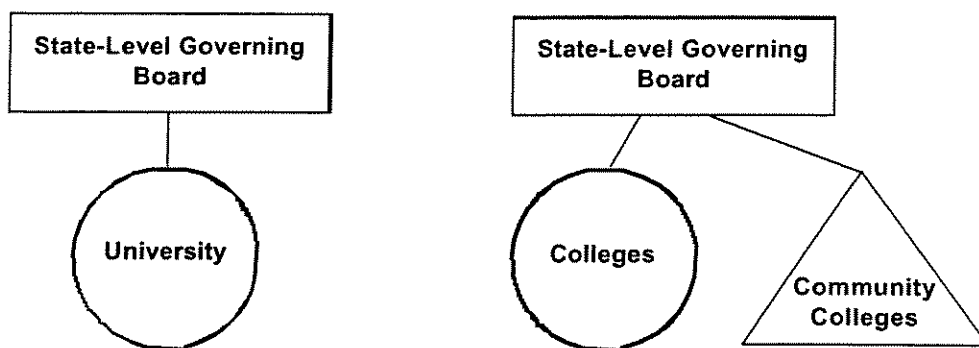
Combined Consolidated Governing Board for Universities and Coordinating Board for Community Colleges

All public institutions are under a single statewide board. The board has governing responsibility for universities, but only coordinating responsibility for locally governed community colleges. There is no other state higher education planning or regulatory agency between the board and the governor and the legislature. This model is unique to Kansas.



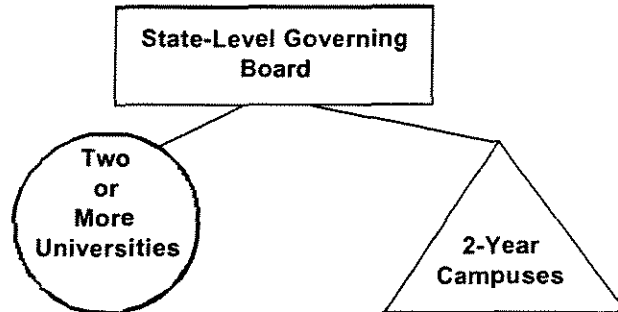
Governing Board for State University, and Governing Board for State Colleges and Community Colleges

There are two separate state-level boards that are responsible for all public institutions, one for universities and one for state colleges and community colleges. There is no state-level planning or regulatory agency between the boards and the governor and the legislature. This model is unique to Vermont.



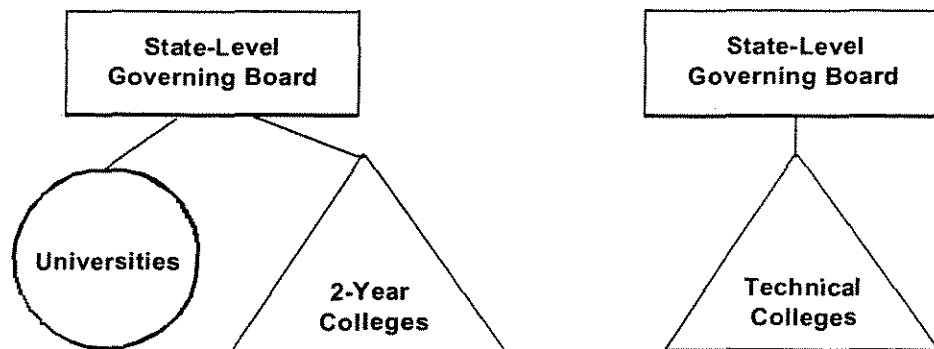
Consolidated Governing Board for All Public Institutions

A single statewide consolidated governing board governs all public institutions. Two-year campuses may include two-year primarily transfer campuses and/or community or technical colleges. This structure is found in Alaska, the District of Columbia, Hawaii, Idaho, Montana, Nevada, North Dakota, Puerto Rico, Rhode Island, South Dakota and Utah. The Idaho State Board of Education is responsible for all levels of education.



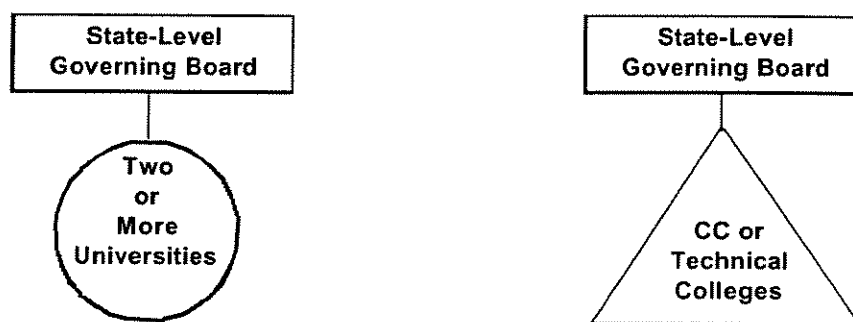
Consolidated Governing Board for Universities and Two-Year Colleges, and Separate State Board for Technical Colleges

Two separate boards govern public institutions, one for the research university and other university campuses, as well as two-year primarily transfer colleges and one for technical colleges. This structure is found in Georgia and Wisconsin.



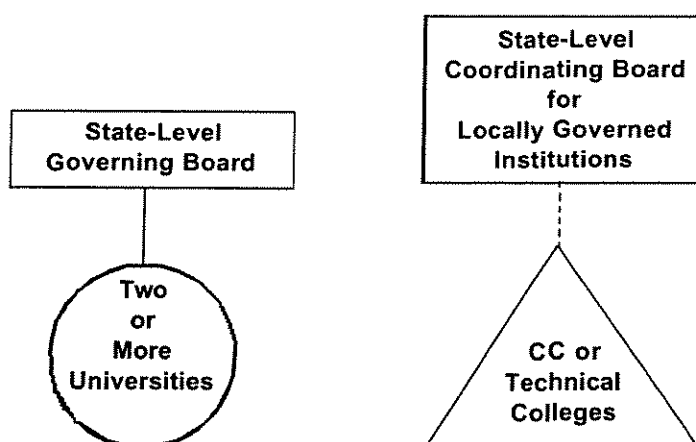
***Consolidated Governing Board for Universities, Separate Governing Board
for Community or Technical Colleges, and No State Coordinating
or Planning/Regulatory Agency***

Two separate state-level boards are responsible for all public institutions, one for universities and one for community or technical colleges. There is no state-level postsecondary education planning or regulatory agency between the boards and the governor and the legislature. Boards for community or technical colleges are state-level governing boards. This structure is found in Maine, New Hampshire and North Carolina. In Maine, the Maine Maritime Academy has an independent governing board. In New Hampshire, a planning/regulatory agency has limited authority.



***Consolidated Governing Board for Universities, Separate Coordinating Board for
Community or Technical Colleges, and No Coordinating Board or
Planning/Regulatory Board***

Two separate state-level boards are responsible for all public institutions, one for universities and one for community colleges. There is no state-level postsecondary education planning or regulatory agency between the state boards and the governor and the legislature. This structure is found in Arizona, Iowa, Mississippi, Oregon, South Dakota and Wyoming. South Dakota technical institutes are governed by local school districts and regulated by the state board of education. There is only one university in Wyoming.

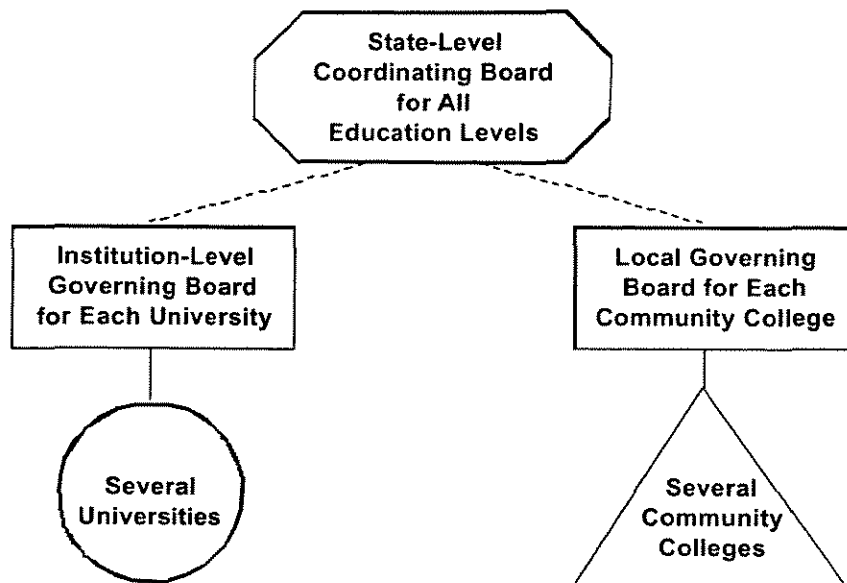


2. Coordinating Board States

Coordinating boards vary significantly in formal authority and informal power and influence.

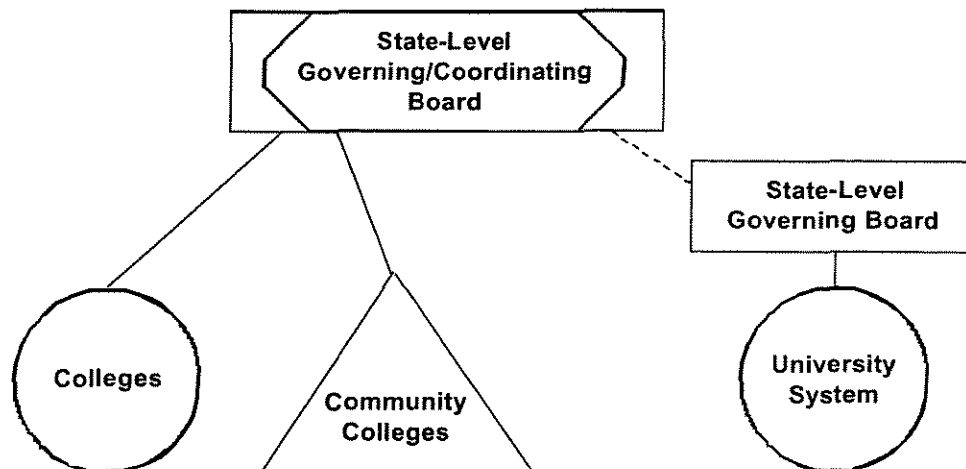
State-Level Coordinating Board for All Education Levels, Separate Governing Boards for Each Public University, and Local Boards for Community Colleges

Each public university has a governing board, and each community college has a local governing board. There is a state-level coordinating board for all levels of education. This structure is unique to Florida.



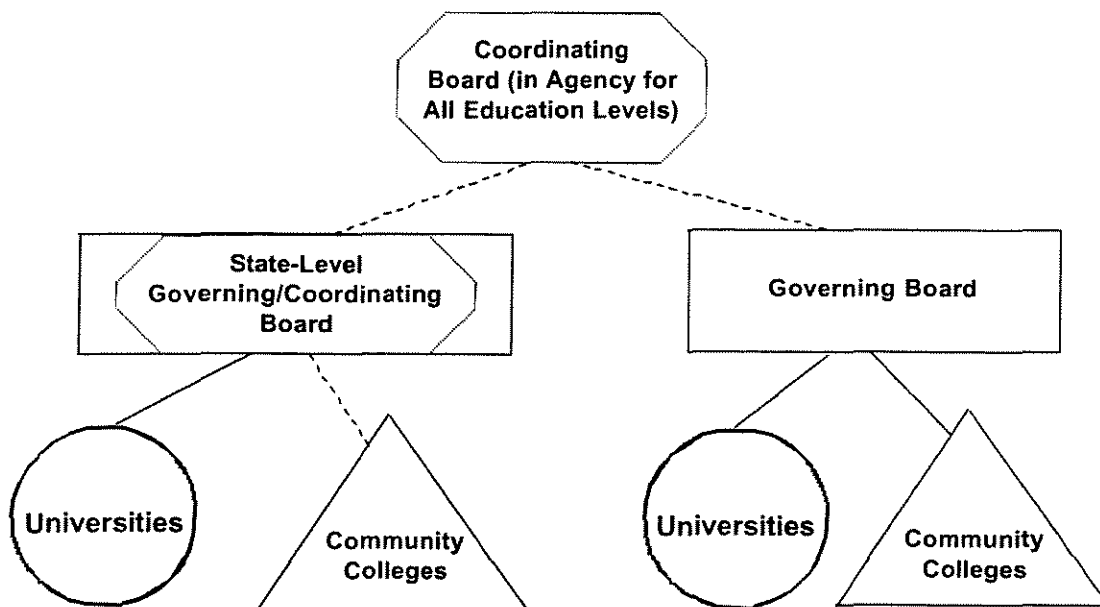
Combined Coordinating Board for All Public Higher Education, and Governing Board for State Colleges and Community Colleges

Two separate boards govern public institutions – one governs the research university and other university campuses and one governs the state colleges and community colleges. The second board also has responsibility for planning and coordinating all public postsecondary education. This structure is unique to Massachusetts.



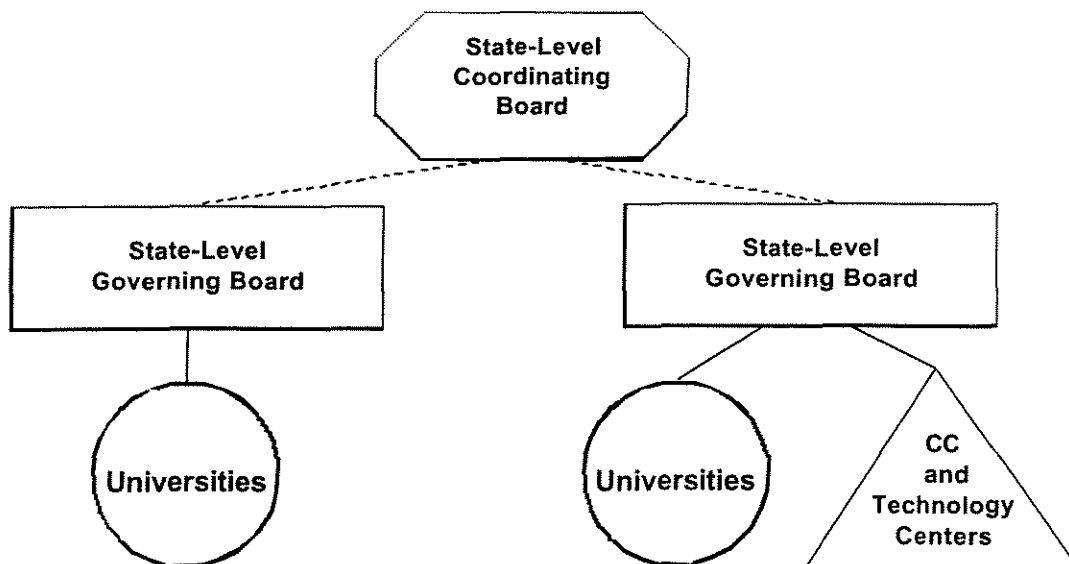
***Coordinating Board in Agency for All Education Levels, State-Level Governing/
Coordinating Board for Universities and Community Colleges, and Governing
Boards for Universities and Community Colleges***

One board coordinates all postsecondary education in the state. Two separate boards have responsibility for public institutions. One board governs state-operated universities and coordinates locally governed community colleges. The other board governs city universities and community colleges. This structure is unique to New York.



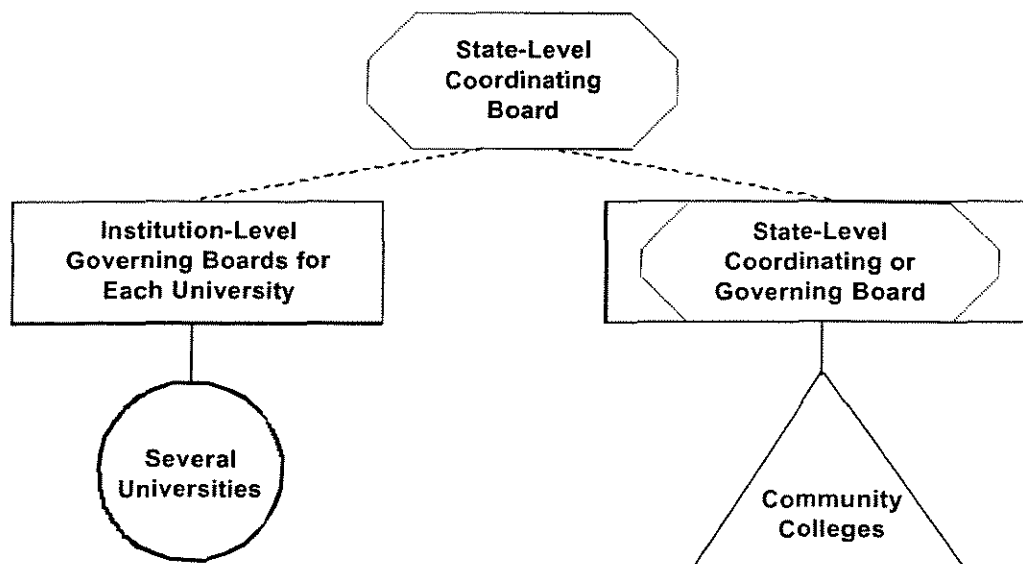
***State-Level Coordinating Board, State-Level Governing Board for Universities,
and Consolidated Governing Board for Universities, Community Colleges
and/or Technology Centers***

There is a state-level coordinating board and two separate state-level governing boards, one for universities and one for universities, community colleges and technical institutions. This structure is unique to Tennessee.



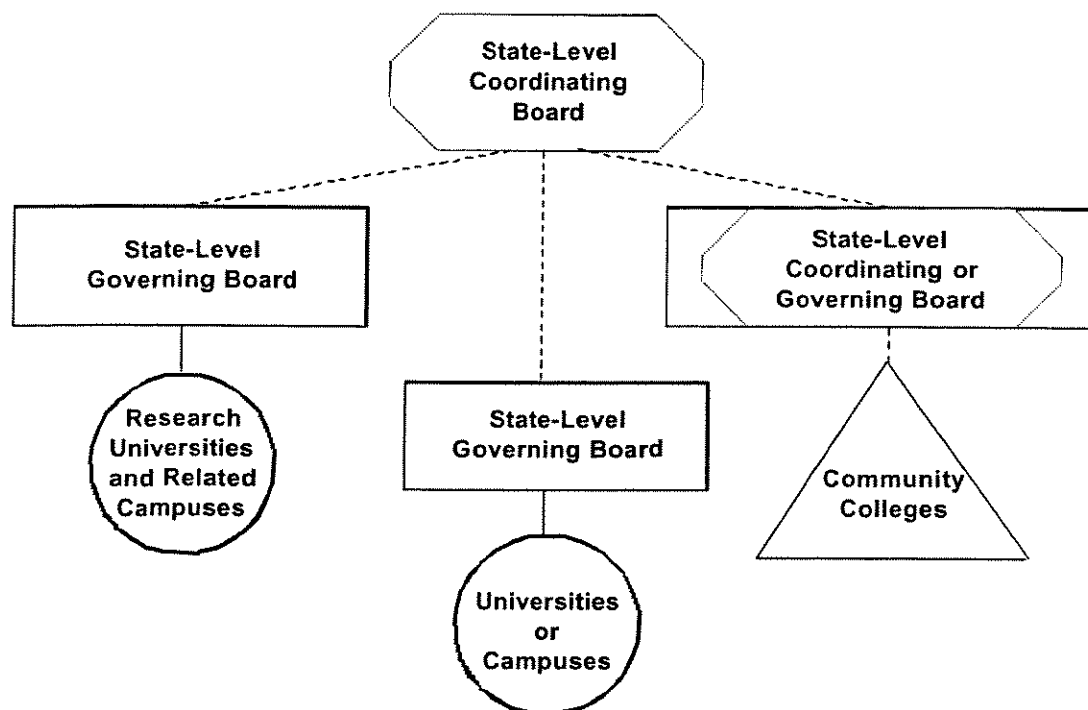
State-Level Coordinating Board, State-Level Governing or Coordinating Board for Community Colleges, and Individual Boards for Each University

Each public university has a governing board. State boards for community colleges either govern the colleges or coordinate locally governed community colleges. Coordinating boards plan and coordinate the whole system. This structure is found in Kentucky, Virginia and Washington. Kentucky and Virginia community college boards are statewide governing boards, whereas the Washington community college board is a coordinating board for locally governed colleges.



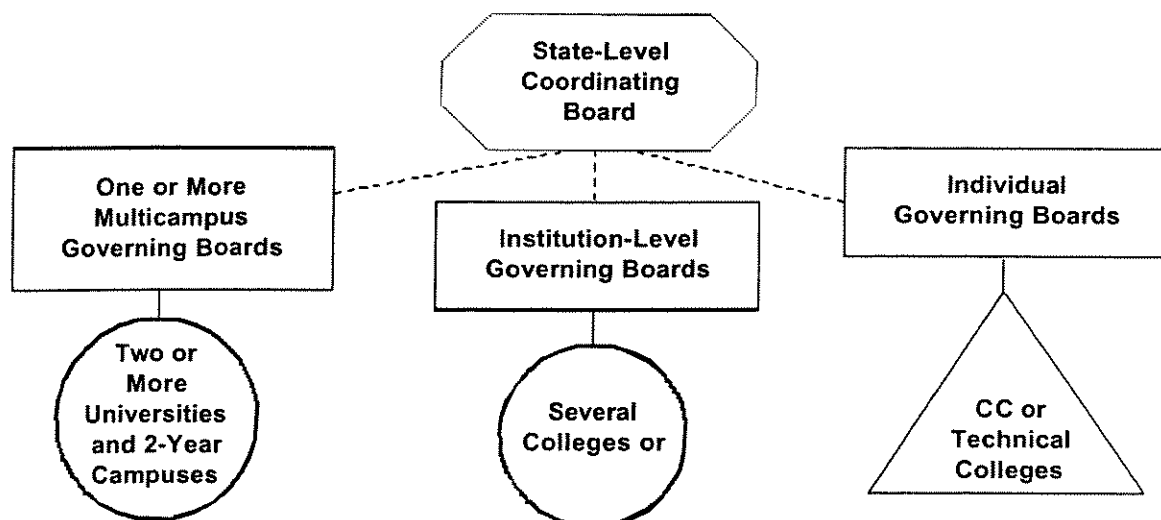
State-Level Coordinating Board, State-Level Governing Boards for Universities, and State-Level Coordinating or Governing Board for Community Colleges

There is a state-level coordinating board. Public institutions are organized under three state-level boards: a governing board for research universities, a governing board for other state universities, and a coordinating or governing board for locally governed community colleges. This structure is found in California, Connecticut, Louisiana and Nebraska. In Nebraska, a statewide association performs limited statutory functions.



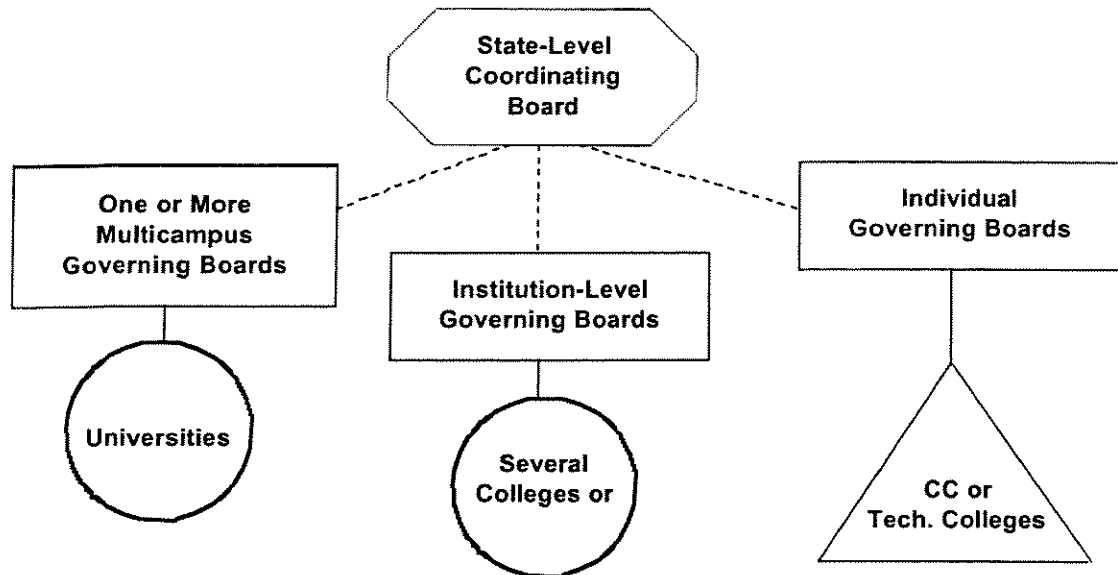
State-Level Coordinating Board, and Single-Institution and Multicampus Governing Boards

This structure is made of a complex system of institutional governance, including some multicampus systems with governing boards and some individual institutions with governing boards. The state-level board is responsible for coordinating the whole system. This structure is found in Arkansas, New Mexico, Ohio, Oklahoma and West Virginia. Some West Virginia community colleges are administratively linked to other institutions.



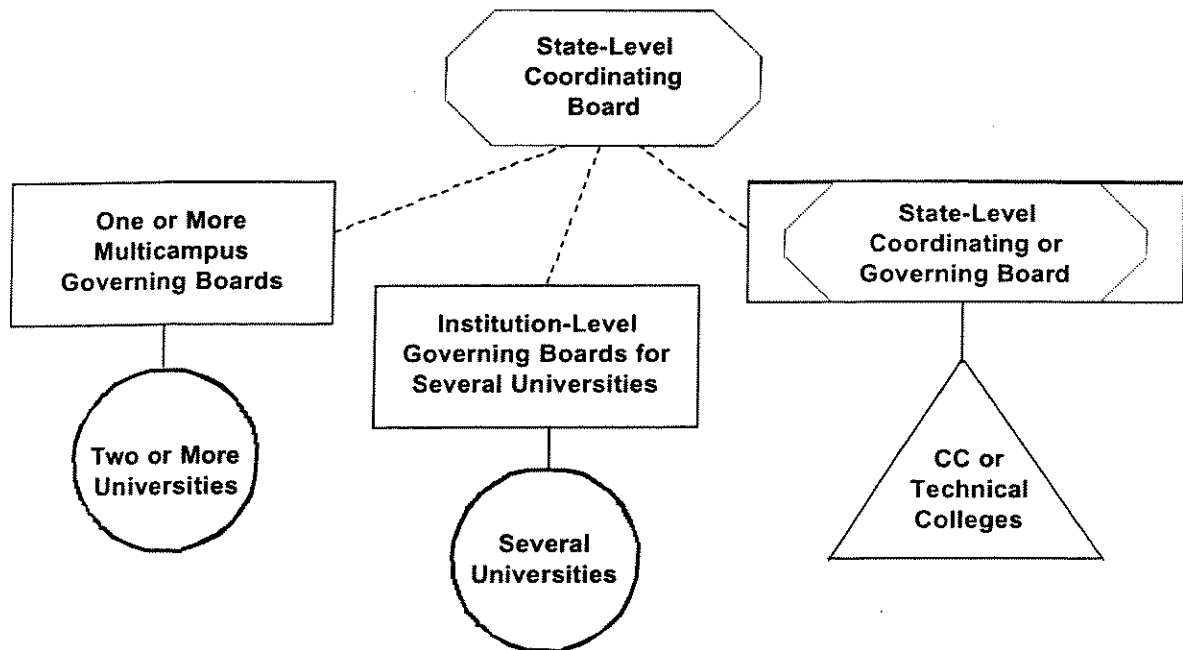
State-Level Coordinating Board, and Single-Institution and Multicampus Governing Boards

This structure is made of a complex system of institutional governance, including some multicampus systems and some institutions with individual governing boards. The state-level board is responsible for coordinating the whole system. This structure is found in Maryland, Missouri and New Jersey.



State-Level Coordinating Board, State Coordinating or Governing Board for Community Colleges, and Single-Institution and MultiCampus Governing Boards

This structure is made up of a complex system of institutional governance, including some multicampus systems with governing boards and some individual institutions with governing boards. The state-level board is responsible for coordinating the whole system. This structure is found in Alabama, Colorado, Illinois, Indiana, South Carolina and Texas.

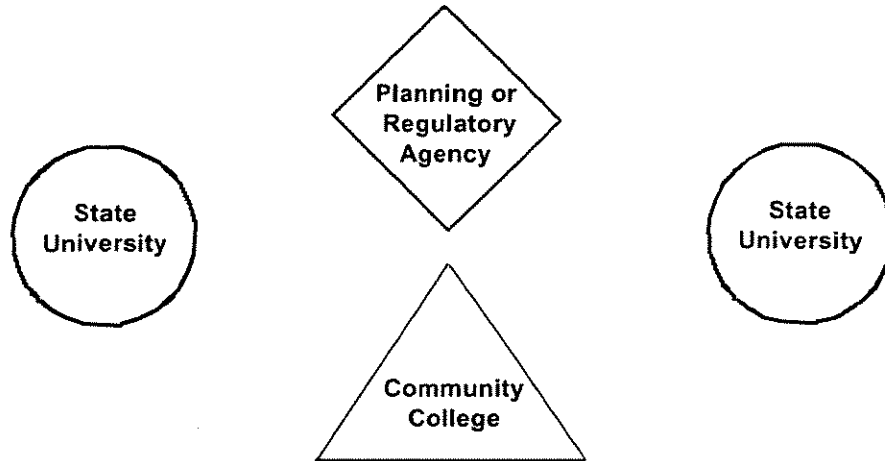


3. Planning/Regulatory/Service Agency States

Planning/Regulatory/Service Agency states have limited or no formal coordinating or governing authority.

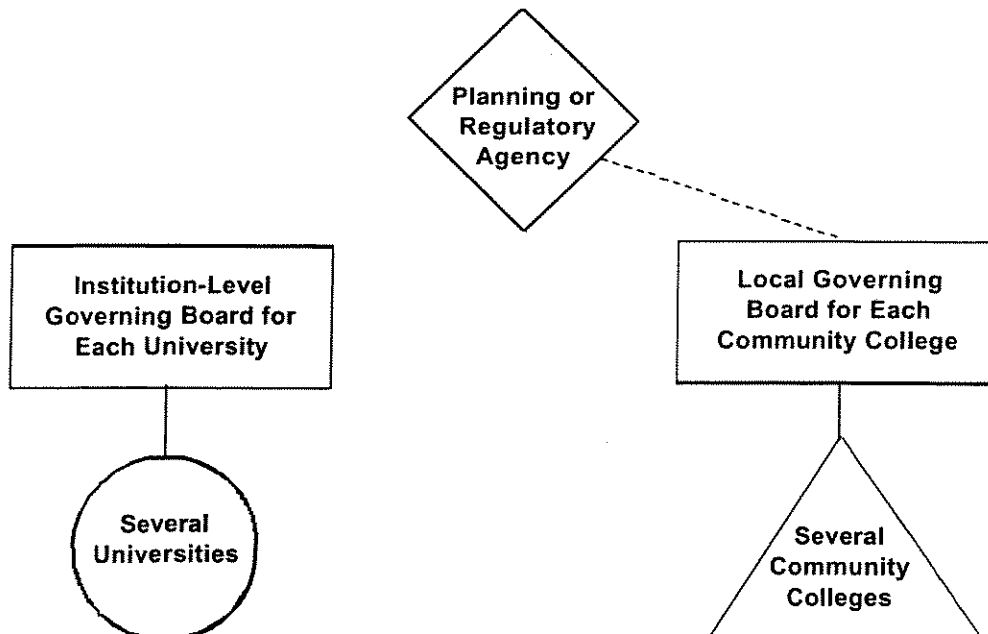
Three Separate Governing Boards and a Planning/Regulatory Agency

Each public institution has a governing board. The planning/regulatory agency has no formal coordinating authority. This structure is unique to Delaware.



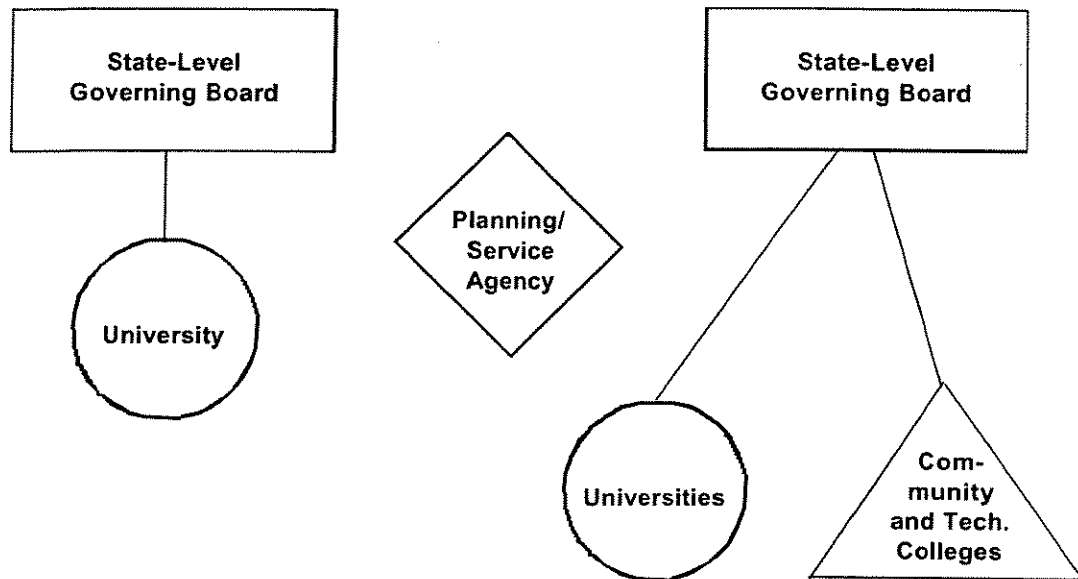
Separate Governing Boards for Each Public University, Local Boards for Community Colleges, and Planning/Regulatory Agency for Locally Governed Community Colleges

Each public university has a governing board. Each community college has a local governing board. A state-level planning/regulatory agency for community colleges either governs the colleges or coordinates locally governed community colleges. This structure is unique to Michigan. The Michigan state board of education has limited coordinating authority related to locally governed community colleges.



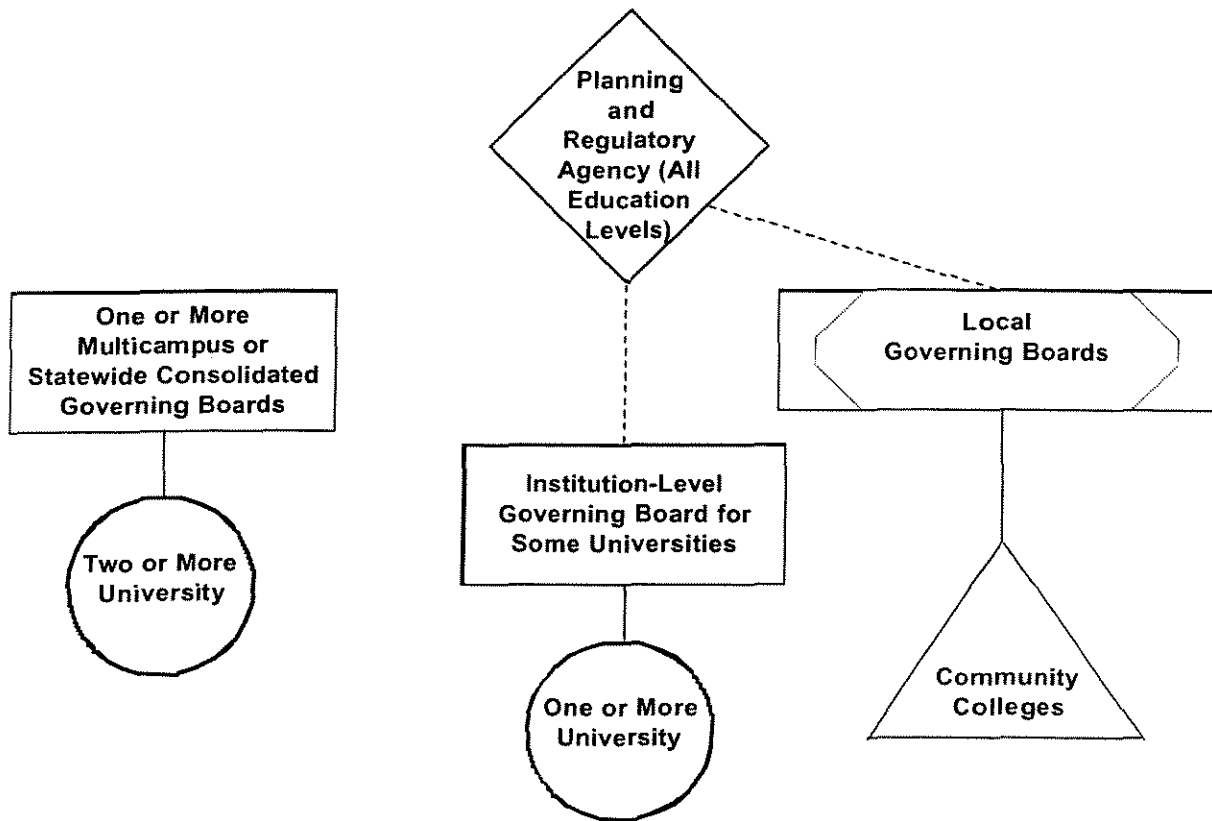
State-Level Governing Board for Universities, Separate Consolidated Governing Board for Universities and Community and Technical Colleges, and a Planning/Service Agency

Two separate state-level boards are responsible for all public institutions. The planning/service agency has no coordinating authority related to governing boards. This structure is unique to Minnesota.



Multiple Forms of System and Institutional Governance and a Planning/Regulatory Agency

This structure is made up of a complex system of institutional governance, including some multicampus systems with governing boards and some individual institutions with governing boards. The state-level board has limited planning and regulatory authority related primarily to community colleges. This structure is unique to Pennsylvania.



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APPENDIX B

Postsecondary Education Governance of Coordination Structures

Postsecondary Education Governance or Coordination Structures

State	Name	Authority	Source of Authority	Selection	Members
Alabama	Commission on Higher Education	Coordinating	Statute	Appointed by Governor	Public, No More Than Two from a Congressional District
Alaska	Board of Regents	Governing	Constitution	Appointed by Governor	Public, Student
Arizona					
University	Board of Regents	Governing	Constitution	Appointed by Governor	Public, Student
Community College	State Board of Directors for Community Colleges	Coordinating	Statute	Appointed by Governor	Public, Ex Officio Office-holders
Arkansas	Higher Education Coordinating Board	Coordinating	Statute	Appointed by Governor	Public
California	Postsecondary Education Commission	Coordinating	Statute	Appointed by Governor, by Senate Rules Committee, by Speaker of Assembly, Ex Officio by Statute	Public, Ex Officio Representing Various Higher Education Governing Boards
Colorado	Commission on Higher Education	Coordinating	Statute	Appointed by Governor	Public
Connecticut	Board of Governors for Higher Education	Coordinating	Statute	Appointed by Governor, by Legislative Leadership	Public
Delaware	Higher Education Commission	Coordinating	Executive Order, Then Statute	Appointed by Governor	Public, Public and Private Institutions, State Departments
Florida	Board of Governors	Governing	Constitution	Appointed by Governor	Public, Student, Faculty, Commissioner of Education
Georgia	Board of Regents	Governing	Constitution	Appointed by Governor	Public At-large, Each Congressional District
Hawaii	Board of Regents	Governing	Constitution	Appointed by Governor	Public
Idaho	State Board of Education/Board of Regents	Governing	Constitution	Appointed by Governor, Ex Officio by Statute	Public, State Superintendent of Public Instruction
Illinois	Board of Higher Education	Coordinating	Statute	Appointed by Governor, Ex Officio by Statute	Public, Ex Officio Representing Various Offices, Student

State	Name	Authority	Source of Authority	Selection	Members
Indiana	Commission of Higher Education	Coordinating	Statute	Appointed by Governor	Public, Student, Faculty
Iowa	State Board of Regents	Governing	Statute	Appointed by Governor	Public, Student
Kansas	State Board of Regents	Governing	Constitution	Appointed by Governor	Public
Kentucky	Council on Post-secondary Education	Coordinating	Statute	Appointed by Governor	Public, Faculty, Student, Commissioner of Education
Louisiana	Board of Regents	Coordinating	Constitution	Appointed by Governor	Public, Student
Maine	Board of Trustees of the University of Maine System	Governing	Statute	Appointed by Governor	Public
Maryland	Higher Education Commission	Coordinating	Statute	Appointed by Governor	Public, Student
Massachusetts	Board of Higher Education	Coordinating Plus Some Governing	Statute	Appointed by Governor, Ex Officio by Statute	Public, Student, Commissioner of Education
Michigan	State Board of Education	Coordinating (very limited)	Constitution	Elected	(According to Elections Laws of State)
Minnesota					
University	Board of Regents	Governing	Constitution	Appointed by Legislature	Public
State Colleges and Universities	Board of Trustees	Governing	Statute	Appointed by Governor	Public
Mississippi	Board of Trustees	Governing	Constitution	Appointed by Governor	Public
Missouri	Coordinating Board for Higher Education	Coordinating	Constitution	Appointed by Governor	Public
Montana	Board of Regents	Governing	Constitution	Appointed by Governor, Ex Officio by Statute	Public, Ex Officio Officeholders
Nebraska	Coordinating Commission for Post-secondary Education	Coordinating	Constitution	Appointed by Governor	Public At-Large, State Districts
Nevada	Board of Regents	Governing	Constitution	Elected	Public, State Districts
New Hampshire	Postsecondary Education Commission	Coordinating	Statute	Appointed by Governor, Ex Officio by Statute	Public, Public Institution Presidents, Students, Ex Officio Officeholders
New Jersey	Commission on Higher Education	Coordinating	Statute	Appointed by Governor	Public, Student, Faculty, Ex Officio Officeholders

State	Name	Authority	Source of Authority	Selection	Members
New Mexico	Commission on Higher Education	Coordinating	Statute	Appointed by Governor	Public, Student
New York	Board of Regents	Coordinating With Some Governing Through Policy	Constitution	Elected by Legislature	At-Large, Each Judicial District
North Carolina	Board of Governors	Coordinating With Some Governing Through Policy	Statute	Elected by Legislature	Public, Special Members as Ex Officio Former Office-holders
North Dakota	State Board of Higher Education	Governing	Constitution	Appointed by Governor	Public
Ohio	Board of Regents	Coordinating	Statute	Appointed by Governor	Public
Oklahoma	State Regents of Higher Education	Coordinating	Statute	Appointed by Governor	Public
Oregon					
University	State Board of Higher Education	Governing	Statute	Appointed by Governor	Public, Student, Faculty
Community College	State Board of Education	Governing	Statute	Appointed by Governor	Public
Pennsylvania	State Board of Education	Coordinating	Statute	Appointed by Governor	Public
Rhode Island	Board of Governors for Higher Education	Governing	Statute	Appointed by Governor, by Statute	Public, Ex Officio Chair of Elementary and Secondary Education, Chairs of Senate and House Finance Committees
South Carolina	Commission of Higher Education	Coordinating	Statute	Appointed by Governor	Public from Congressional Districts, Ex Officio Representatives of Public and Private Higher Education
South Dakota	Board of Regents	Governing	Constitution	Appointed by Governor	Public, Student
Tennessee	Higher Education Commission	Coordinating	Statute	Appointed by Governor, Ex Officio by Statute	Public, Ex Officio Office-holders, Student
Texas	Higher Education Coordinating Board	Coordinating	Statute	Appointed by Governor	Public

State	Name	Authority	Source of Authority	Selection	Members
Utah	State Board of Regents	Governing	Statute	Appointed by Governor, Ex Officio by Statute	Public, Student, Ex Officio State Board of Education
Vermont	NO STATEWIDE AGENCY				
Virginia	State Council of Higher Education	Coordinating	Statute	Appointed by Governor	Public
Washington	Higher Education Coordinating Board	Coordinating	Statute	Appointed by Governor	Public
West Virginia	Higher Education Policy Commission	Coordinating	Statute	Appointed by Governor, Ex Officio by Statute	Public, Ex Officio Secretary of Education, State Superinten- dent of Schools
Wisconsin	Board of Regents	Governing	Statute	Appointed by Governor, Ex Officio by Statute	Public, Ex Officio Superinten- dent of Public Instruction, Representative of Technical College System Board, Student
Wyoming	Education Planning and Coordinating Council	Coordinating	Statute	Ex Officio by Statute	Various Officeholders

Sources: State Comparisons - Education Commission of the States. *State Comparisons - Postsecondary Governance Structures, System/Institutional Governing Boards*, downloaded November 25, 2002. Excerpted with permission from the ECS Tool and Resources "Postsecondary Governance Structures Database," published by ECS, Denver, Colorado. ©1999 from ECS Web site www.ecs.org. All rights reserved. *Voters Approve Florida Governance Shift, Major Bond Measures in California and Virginia*, November 15, 2002, The Chronicle of Higher Education, http://chronicle.com/cgi2-bin/printable_verity.cgi, accessed November 25, 2002.

APPENDIX C

State Comparisons–Postsecondary Governance Structures:
State-Level Coordinating and/or Governing Agency
and System/Institutional Governing Boards



State Comparisons - Postsecondary Governance Structures

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Details:

Alabama

State-Level Coordinating and/or Governing Agency

The Commission on Higher Education, the statutory coordinating agency for public postsecondary education, was established in 1969. The commission is composed of 12 members, 10 appointed by the governor and 1 each by the lieutenant governor and speaker of the house. All are subject to confirmation by the Senate. No more than 2 members can be from any one congressional district and each is charged with representing the state as a whole. Commissioners serve 9-year terms. The statutory authority of the commission includes planning, coordination, budget review for individual institutions, recommendations of a consolidated budget and program review for the state's public senior and junior institutions. Program review involves new program approval authority for all public postsecondary institutions. The commission has advisory authority relative to the review of existing programs. The commission also has approval authority for off-campus instruction and programs offered in the state by out-of-state institutions. The State Board of Education is a constitutional entity with responsibility not only for K-12 but also for governing 1 upper-division college, 3 junior colleges, 18 community colleges and 7 technical colleges.

Alaska

State-Level Coordinating and/or Governing Agency

The University of Alaska, established in 1917, is the single, multicampus public institution of postsecondary education in the state. The University is governed by the Board of Regents, which is constitutionally founded, and consists of 11 members appointed by the governor and approved by the legislature. Ten of the members serve 8-year terms and 1, a student, serves for 2 years. The board has statutory authority for all public postsecondary education, which includes three regional university campuses, community colleges and centers. A restructuring in the mid-1980's eliminated the position of college president and the separate community boards at 10 of the 11 community colleges. These colleges were grouped into 3 districts and now serve as branch institutions of the 3 campuses of the University of Alaska in Fairbanks, Anchorage and Juneau. The community of Valdez was able to retain independent status for its community college and its own governing board by agreeing to underwrite 30% of the school's cost. The Commission on Postsecondary Education, established by statute in 1974, is the coordinating agency for all postsecondary institutions and programs. There are 14 members of the commission: 2 members from the legislature, 2 members from the regents of the University of Alaska, 1 member of the governing body of a private institution, 1 member

representing proprietary institutions, 1 member representing the State Board of Education, 1 member representing the State Advisory Council on Community Colleges, 1 student member and 5 members broadly and equitably representative of the general public. Members of the Commission serve from 1- to 7-year terms depending on the sector they represent with a 3-year term being the average. The 5 general public members are appointed by the governor with approval of the legislature and the other 9 members are designated by their respective agencies. The Commission is a department within the Department of Education and Early Development for budgetary purposes only. The Commission's executive does not report to the Commissioner of Education nor to the State Board of Education. The commission's responsibilities include: (1) coordinating development of comprehensive plans for the orderly, systematic growth of public and private postsecondary education, including community colleges and occupational education, and submitting recommendations on the need for and location of new facilities and programs; (2) providing advisory services to the governor, the legislature, other state and federal officials and to the governing boards of public and private institutions of postsecondary education; (3) reviewing and commenting on the annual budgets and capital outlay requests of the public university and private colleges; (4) functioning as the state agency for appropriate sections and titles of the Federal Higher Education Act of 1965; and (5) serving as adjudicator when necessary in consortia agreements. The commission is not a cabinet department, and its executive director is appointed by and serves at the pleasure of the commission.

Arizona

State-Level Coordinating and/or Governing Agency

There are 2 statewide boards in Arizona for public-supported institutions: 1 for the universities and 1 for community colleges. The Arizona Board of Regents was created to govern the 3 universities in 1945. The board is composed of 12 members, 8 appointed by the governor with the consent of the state senate, who each serve for 8-year terms, and two students appointed by the governor with the consent of the senate, who each serve a 1-year term. The governor and state superintendent of public instruction serve as voting ex-officio members by the virtue of the office that he or she holds. The board has jurisdiction, control and broad general administrative powers as provided by the state constitution and statutes. Their responsibilities include coordination, planning, budget review and approval and program approval as well as other functions. Although the board is not a formal cabinet department, a close coordinating relationship between the governor's office and the major state government department head is maintained through frequent planning sessions. The executive director of the Board of Regents represents the universities at these meetings. The State Board of Directors for Community Colleges, authorized by the state legislature in 1960, coordinates 10 community college districts, which consist of 18 campuses. The board is composed of 17 members, 15 appointed by the governor for 7-year terms, and 2 serving as ex-officio members by the virtue of the office that he or she holds. The State Board of Directors for Community Colleges is responsible for providing governance, oversight, planning and coordination for Arizona's community college system, in order to provide an integrated statewide system of community colleges that satisfies the differing educational needs of the people of Arizona. The

Commission for Postsecondary Education was created by executive order to assume the planning responsibilities under Section 1202 and 1203 of the Federal Higher Education Act amendments of 1972 and to administer other assigned programs. The commission continues in existence and is composed of 13 members appointed by the governor for 3-year terms. Of these members, 1 represents the general public, 4 represent public institutions, 6 represent private/nonprofit and proprietary institutions, and 2 represent secondary education.

Arkansas

State-Level Coordinating and/or Governing Agency

The Arkansas Department of Higher Education, established in 1971, functions as a statutory cabinet department of the state government and is charged with the coordination of postsecondary education in Arkansas. The department administers the policies set by the Higher Education Coordinating Board, which replaced the State Board of Higher Education in 1997. Consisting of 12 members who are appointed to 6-year terms by the governor, the Higher Education Coordinating Board has statutory responsibility for the planning and coordination of public 4- and 2-year institutions. The Board also has statutory authority for budget review and recommendation, approval of institutions role and scope, and the review and approval of new or existing degree programs for public postsecondary institutions. The executive officer of the agency is appointed by the Higher Education Coordinating Board with substantial input from the Presidents Council and is confirmed and serves at the governor's pleasure.

California

State-Level Coordinating and/or Governing Agency

In 1974, the California Postsecondary Education Commission replaced the Coordinating Council for Higher Education, with duties and powers greater than those assigned to its predecessor. The commission is not a regulatory agency or governing board. Rather, it is an advisory group to the legislature, governor and postsecondary institutions regarding major education policies. It is required to establish a statewide database containing extensive information gathered from all institutions, public and private. The commission has statutory authority to review institutional budgets, to advise on the need for and location of new campuses, and to review all proposals for new academic programs in the public sector. The commission's primary purpose is to prevent unnecessary duplication and to coordinate efforts among the education segments. The commission's efforts are directed by its work plan, which sets out education goals and statewide issues, particularly those that concern large numbers of colleges, universities and proprietary schools. The commission is composed of 16 members. 9 members are appointed from the general public - 3 by the governor, 3 by the Senate Rules Committee and 3 by the California Assembly speaker. Five members represent various sectors of education 1 member from the Board of Regents of the University of California, 1 member from the Board of Trustees of the California State University, 1 member from the Board of Governors of the California Community College, 1 member from the State Board of Education, and 1 member appointed by the governor

to represent independent California colleges and universities. Length of service on the commission varies depending upon the appointing body: public members serve 6-year terms, education sector representatives serve at the pleasure of the appointing authority, the independent colleges representative serves 3 years, and the student representatives serve 2 years. The remaining 2 members are students, both appointed by the governor. The commission is not a cabinet department. The executive officer is appointed by the commission and serves at its pleasure.

Colorado

State-Level Coordinating and/or Governing Agency

The Commission on Higher Education is the statutory agency for planning and coordination of postsecondary education in Colorado. State responsibility for higher education coordination was established in 1965, with responsibilities amended formally 10 times since 1970. The most recent changes were made in 1995. Legislative desire for more centralized policy and coordination of the state's public postsecondary education reflects the 1985 legislature abolishing the existing commission and reestablishing a new commission consisting of 9 public members appointed by the governor with the consent of the senate, each serving 4-year terms. Among its responsibilities are: (1) developing percentages of total state allocation for each governing board of higher education and presenting its decisions to the governor and legislature; (2) reviewing and approving new academic and vocational program proposals; (3) defining geographic and programmatic service areas for extension offerings; (4) prescribing uniform standards for development of capital construction programs, reviewing and approving program plans for capital construction projects or property leasing, and recommending capital construction and funding priorities to the legislature and governor; (5) establishing enrollment policies and differentiated admission and program standards consistent with institutional roles and missions; (6) developing review criteria and distributing allocations for institutional quality incentive grants recognizing centers of excellence; (7) establishing and enforcing student transfer agreement, including those resulting from reciprocal interstate exchanges; (8) adopting and implementing affirmative action policies for the commission, governing boards and institutions; (9) undertaking statistical, programmatic and other higher education studies; (10) pursuing foundation and other grants for state programs; and (11) seeking cooperation and advice of public and private institutions and governing boards in the state. The executive director is appointed by the governor and approved by the legislature, serves as a member of the governor's cabinet, and is, by statute, the executive director of the Department of Higher Education. This department comprises the commission, the state's public institutions of higher education, the Colorado Historical Society, the Council for the Arts, the Colorado Student Loan Program, the Division of Private Occupational Schools and the Colorado Advance Technology Institute.

Connecticut

**State-Level Coordinating and/or
Governing Agency**

The Board of Governors for Higher Education, staffed by the Department of Higher Education, was created March 1, 1983. The Board of Governors consists of 11 lay members 7 appointed by the governor and confirmed by the senate and 4 appointed by the leadership of the house and senate, each approving one member. The initial chairman was appointed by the governor for a 2-year term. Since then the board has elected its own chairman. Board members serve staggered 4-year terms. As the coordinating agency for the public higher education system, the Board of Governors is responsible for statewide planning, budget development and policymaking. It is charged with preparing criteria to govern the merger or closure of institutions; making decisions to merge or close institutions; providing for the initiation, consolidation or termination of programs; and evaluating institutional effectiveness. The board also is responsible for preparing annual consolidated operating and capital budgets and for maintaining academic quality through licensure and accreditation of programs and institutions, both public and independent. The Commissioner of Higher Education is appointed by the board and serves at its pleasure.

Delaware

**State-Level Coordinating and/or
Governing Agency**

The Delaware Higher Education Commission was established by executive order in 1974 and revised by executive order in 1977 and 1991. In June 2001, the General Assembly formalized the relationship between the Department of Education and the Higher Education Commission in statute. The law expanded on provisions of existing executive orders, added new responsibilities and reduced the number of members from 21 to 13. Five members represent the general public, 4 represent public institutions, 2 represent private institutions and 2 represent state departments. Members are appointed by the Governor to 3-year terms and legislative consent is not required. The executive director is appointed by and reports to the chairman of the Higher Education Commission and the secretary of education. The commission is responsible for student aid, data collection and reporting, and oversight of interstate agreements. While the commission is not a cabinet department, the commission is a division of the Department of Education, which is a cabinet department.

District of Columbia

**State-Level Coordinating and/or
Governing Agency**

The University of the District of Columbia Board of Trustees governs the university. Of the 16 members on the board, 11 are appointed by the mayor with the advice and consent of the D.C. Council, 3 are alumni members chosen by the University of the District of Columbia Alumni Association, 1 is a student, and the president of the university serves as the ex-officio member by virtue of the elected office he or she holds. The term of the student members is 1 year, and the terms of the other members are 5 years, with initial terms staggered from 2 to 5 years. The Board of Governors of the District of Columbia School of Law consists of 7 members. Four are appointed by the mayor, with the advice and consent of the D.C. Council; 2 are appointed by the District of Columbia Bar; and 1 is elected by the alumni through a

postal-ballot election. The District of Columbia does not have a designated office of secretary of education, and the university's governing board does not serve as a cabinet department. The District has an Office of Postsecondary Education, Research and Assistance within the State Education Office, which serves as the state agency for postsecondary education. The Subcommittee on Postsecondary Education, D.C. Advisory Committee on Education, is the advisory body to the Office of Postsecondary Education, Research and Assistance required by the Higher Education Act of 1965, section 1203E, and also assists with policy matters pertaining to related programs. The Mayor's Office of Policy and Evaluation advises the mayor on education issues, and assists in performing statutory duties and responsibilities required by the D.C. Code, Municipal Regulations and Federal Laws.

Florida

State-Level Coordinating and/or Governing Agency

The chief governing body for public education in Florida is the State Board of Education, which has been in place since 1845. Effective January 2003, the State Board of Education will be replaced by a governor-appointed, 7-member Florida Board of Education. This change is the result of an amendment to the State Constitution adopted in 1998. The current State Board has 7 members, each of whom serves in an ex-officio capacity by virtue of the elected office he or she holds: the governor, secretary of state, state treasurer, attorney general, commissioner of agriculture, state comptroller and commissioner of education. In July 2001, the appointed Florida Board of Education began operation. Beginning in 2003, this new board will appoint the commissioner of education. In the interim, a governor-appointed secretary of education is overseeing the transition process in cooperation with the elected commissioner of education and both the elected and appointed boards. Legislation enacted in 2000 and 2001 has provided a framework for the implementation of this change. Effective July 1, 2001, existing statewide boards and commissioners related to postsecondary education, including the State University System Board of Regents (established in 1965), the State Board of Community Colleges (1983), the State Board of Independent Colleges and Universities (1974), the State Board of Non-Public Career Education (1974), and the Postsecondary Education Planning Commission (1980), were repealed and, in most cases, their duties transferred to the Florida Board of Education. The staff of the Postsecondary Education Planning Commission was assigned to a newly authorized Council for Education Policy Research and Improvement, which is administratively housed in the Office of Legislative Services. The council consists of 5 members appointed by the governor and two members each appointed by the president of the senate and the speaker of the house and shall conduct long-range planning and independent policy research and analysis.

Georgia

State-Level Coordinating and/or Governing Agency

The University System of Georgia's Board of Regents was created in 1931 as a part of the reorganization of Georgia's state government.

With this act, public postsecondary education in Georgia was unified for the first time under a single governing and management authority. The structure and the responsibility of the board was made constitutional in 1943. The governor appoints members to the board, with confirmation of the senate, for staggered 7-year terms. The Board of Regents is composed of 16 members, 5 of whom are appointed from the state-at-large, and 1 from each of the 11 congressional districts. It is anticipated that 2 new members will be added to the board from the 2 recently created congressional districts, due to reapportionment. The board has constitutional responsibility for planning and coordination, institutional budget review, including recommendations for a consolidated budget and program approval. The board elects a chancellor who serves as its chief executive officer and the chief administrative officer of the University System. The board oversees 34 institutions: 4 research universities, 2 regional universities, 13 state universities, 2 state colleges, and 13 2-year colleges. In 1983, the governor established by executive order a State Board of Technical and Adult Education, which was made statutory in 1986. This 15-member board is appointed by the governor with the consent of the senate. All members represent business, industry or economic development and serve 5-year terms. The board has statutory responsibility for leadership, management and operational control of 33 public postsecondary technical institutions.

Hawaii

State-Level Coordinating and/or Governing Agency

The Board of Regents of the University of Hawaii, established in 1907, serves as the constitutional governing board for the University of Hawaii, a statewide multicampus system of 7 community colleges, a complex land-grant university campus, a comprehensive undergraduate campus and an upper-division campus. The 12 members of the Board of Regents are appointed by the governor with consent of the senate and serve 4-year terms limited to 2 consecutive terms. The board has statutory authority in all areas of system policy, budgeting, programming, evaluating and governance.

Idaho

State-Level Coordinating and/or Governing Agency

The State Board of Education/Board of Regents of the University of Idaho serves as a single constitutional board for all public education, including elementary, secondary and postsecondary levels. First established in 1890, the board became 1 of 19 executive branch departments established through governmental reorganization in 1974. The board consists of 8 members 7 appointed by the governor and confirmed by the senate to 5-year terms and the superintendent of public instruction, elected to a 4-year term. All appointed members represent the general public. The board governs the State Department of Education, the 4 public senior institutions of postsecondary education, the Idaho School for the Deaf and the Blind, Professional-Technical Education, the Eastern Idaho Technical College, Vocational Rehabilitation, the Office of the State Board of Education and the statewide Educational/Public Broadcasting System. It also appoints members to the boards of the State Library

and the State Historical Society and has general supervision of the public school system and the state's 2 junior colleges. The board has responsibility in all areas of planning and coordination for all senior, junior and professional-technical public institutions and has statutory authority for program approval for junior and senior public institutions.

Illinois

State-Level Coordinating and/or Governing Agency

The Board of Higher Education functions as a coordinating agency for public and private postsecondary education in Illinois. The board was established in 1961 and its structure and responsibilities have been amended a number of times since then, most recently in 1995. The board consists of 15 members: 10 public members appointed by the governor with the consent of the senate for 6-year terms; a member representing public university governing boards and a member representing independent college and university trustees, both appointed by the governor for 1-year terms; the chair of the Illinois Community College Board and the chair of the Illinois Student Assistance Commission, both of whom serve as ex-officio voting members by virtue of the office that he or she holds and serve at the pleasure of the governor; and a student board member who serves a 1-year term. Legislation enacted in 1995 reduced the membership of the board from 17 to 15 members, eliminating the chairs of the then 4 public university governing boards and adding 2 members, 1 representing independent colleges and university boards of trustees. This same legislation abolished 2 of the 4 public university governing boards, the Board of Governors and the Board of Regents; transferred 1 of their campuses to the governance of the University of Illinois; and established individual institutional governing boards for the remaining 7 institutions, formerly governed by the Board of Governors and Board of Regents. The board has responsibility for planning and coordination of public universities, public community colleges, independent not-for-profit colleges and universities and degree-granting proprietary institutions. The board has statutory responsibilities for the state-level planning function, program review and approval, and development of budget recommendations for all public universities and community colleges. Also, the board has statutory authority to grant operating and degree-granting authority to independent and out-of-state institutions. The board is designated to administer a number of state and federal grant programs, and further, to establish and maintain a college and university information system. The Illinois Board of Higher Education is not a cabinet department, and Illinois does not have a secretary of education. The executive officer of the board is appointed by and serves at the board's pleasure. The Illinois Community College Board serves as the coordinating board for 39 public community college districts that have a combined total of 48 campuses. Each public community college district is governed by a locally elected board of trustees. There are 9 public university governing boards; 7 govern a single campus and 2 govern multiple campuses.

Indiana

State-Level Coordinating and/or

Established in 1971, the Commission of Higher Education functions

Governing Agency

as the statutory coordinating agency for postsecondary education in the state. The commission has 14 members--12 are appointed by the governor for four-year terms and represent the general public; one student and one faculty member serve two-year terms. The commission is charged with six responsibilities by statute: (1) long-range planning for postsecondary education in Indiana; (2) defining institutional roles; (3) approving new campuses or extension sites; (4) approving new program requests; (5) reviewing existing programs; (6) reviewing budget requests and recommending consolidated requests to the executive and legislative branches of state government. Indiana does not have an office of secretary of education and the coordinating agency is not a cabinet department. The executive officer of the commission is appointed by the commission and serves at its pleasure.

Iowa

State-Level Coordinating and/or Governing Agency

The State Board of Regents, established in 1909, serves as the statutory governing body for all public senior postsecondary education in the state. The board is composed of 9 members appointed by the governor with the consent of the senate -- eight represent the general public and there is one student representative with all serving 6-year terms. The board has statutory governing authority for 3 public senior institutions, including program approval, planning and coordination, review and approval of institutional budgets, and recommendations for a consolidated budget. The State Board of Education's Bureau of Community Colleges and Workforce Preparation has jurisdiction over the community colleges in Iowa. Community Colleges are governed by locally elected boards of directors. The State Board of Education, which has statutory oversight authority, is also made up of 9 members appointed by the governor and confirmed by the senate to serve 6-year terms. Iowa does not have an office of secretary of education, and the agency is not a cabinet department within the state. The executive officer of the Board of Regents is appointed by the board and serves at its pleasure. The state director of education serves at the governor's pleasure.

Kansas

State-Level Coordinating and/or Governing Agency

The State Board of Regents, established in 1925, functions as the constitutional governing agency for six public universities in the state. The structure and responsibilities of the agency were amended in 1966, 1970, 1975, 1976, 1978 and 1991. The nine members of the board, appointed by the governor with the consent of the senate, represent the general public and serve four-year terms. Community colleges are under individual governing boards that are supervised by the State Board of Education. Designated postsecondary area vocational schools, which are not community colleges, also are supervised by the State Board of Education. One municipal university has its own governing board. The State Board of Regents, however, has coordinating responsibility for the municipal university in the areas of budget requests and academic program approval. The Board of Regents has statutory responsibility for planning and

coordination, program approval, and institutional budget review, including consolidated budget recommendations for all state senior institutions. The agency does not serve as a cabinet department, and the director of the Board of Regents is appointed by and serves at the board's pleasure. The Legislative Education Planning Committee (LEPC), created in 1974, is a joint committee of the house and senate. Its statutory charge is to "plan for postsecondary education in Kansas, including both public and private institutions and vocational education." The committee considers specific legislative proposals, oversees data collection activities and conducts studies of postsecondary education issues. Study topics also may be assigned to the committee by the Legislative Coordinating Council (LCC). The LCC appoints the committee's membership, which consists of six members from the House of Representatives and five from the Senate.

Kentucky

State-Level Coordinating and/or Governing Agency

The Council on Postsecondary Education was established in May 1997 by a legislative act replacing the Council on Higher Education. The original council was established in 1934 and amended in structure and function in 1966, 1972, 1982, 1994 and 1996. The council is the statutory coordinating agency for Kentucky's state-supported universities, and the new Kentucky Community and Technical College System is comprised of 13 community colleges and 15 postsecondary vocational-technical schools. The 1997 reform legislation gave the Council on Postsecondary Education new membership and stronger coordinating powers. The council consists of 16 members appointed by the governor, including 13 citizen members, 1 faculty member and 1 student member, and the state's commissioner of education as a nonvoting ex-officio member by virtue of the elected office he or she holds. All appointed members may vote. Citizen members serve 6-year terms; faculty members serve 4 years and the student serves a 1-year term. The restructured Council on Postsecondary Education has statutory authority to: develop and implement a strategic agenda for postsecondary education; revise and approve missions and plans for the state-supported universities and the Kentucky Community and Technical College System; ensure a system of accountability; protect against unnecessary duplication; establish standards for admission to state-supported institutions; determine tuition rates; approve, modify or eliminate academic programs; make biennial budget recommendations; approve capital construction projects over \$400,000; and ensure the transfer of credits and develop a financial reporting system. The state has a Secretary for the Education, Arts and Humanities Cabinet. The council, however, is an independent board reporting to the governor and is responsive to the legislature.

Louisiana

State-Level Coordinating and/or Governing Agency

The Board of Regents serves as the constitutional statewide coordinating and policymaking agency for public higher education. The board consists of 15 lay members appointed by the governor with the consent of the senate, and 1 student member elected by the

student-body presidents. The 15 lay members represent the general public and serve overlapping 6-year terms of office. The student member serves a 1-year term. The board has both constitutional and statutory authority for planning and coordination for all public senior and junior institutions of higher education and responsibility for institutional budget review and recommending a consolidated budget. Proposed and existing degree programs are subject to board approval. The state does not have an office of secretary of education, and the agency is not a cabinet department. The executive officer of the board is appointed by and serves at the board's pleasure.

Maine

State-Level Coordinating and/or Governing Agency

The Board of Trustees of the University of Maine system, established in 1968 is the principal statutory governing agency for public postsecondary education in the state. The board consists of 16 members, appointed by the governor for a maximum of two five-year terms. The commissioner of education serves in an ex-officio capacity. There is also one student member who serves a two-year term. The Board of Trustees has statutory responsibility for planning and coordination, institutional budget review, and consolidated budget recommendations and program approval for all campuses of the university. As the governing and planning body of the University of Maine system, the board is responsible for developing and maintaining a cohesive structure of public postsecondary education in the state.

Maryland

State-Level Coordinating and/or Governing Agency

The Maryland Higher Education Commission (MHEC) was created in 1988 to serve as the coordinating body for Maryland's postsecondary education system, which includes the following 6 segments: University System of Maryland, Morgan State University, St. Mary's College of Maryland, Community Colleges, Independent Colleges and Universities, and Private Career Schools. Effective July 1999, legislation was enacted that changed the coordination, governance and funding structure for the University System of Maryland. This change also impacted the statutory responsibilities of MHEC. Major statutory responsibilities include: (1) review and approve campus mission statements; (2) review campus performance accountability; (3) establish and implement an early intervention program; (4) administer statewide programs of student financial assistance; (5) prepare and biennially review a statewide plan for postsecondary education; (6) review operating and capital budgets and capital projects of public institutions and make budget recommendations to the governor and legislature consistent with the statewide plan; (7) review capital budget requests of the community colleges and independent institutions and make recommendations to the governor and legislature consistent with the statewide plan; (8) prescribe minimum degree requirements for public and private institutions; (9) review and approve new and existing academic programs; (10) administer state funds for private institutions according to the aid to nonpublic institutions of higher education law; (11) coordinate education policies with the Maryland State Department of Education

and the University System of Maryland through the K-16 Partnership; and (12) serve as the coordinating agency for the 16 locally governed and one state-operated community colleges. The Secretary of Higher Education is the commission chief executive officer and a member of the governor's cabinet. The secretary is appointed by the governor and serves at the commission's pleasure. The commission consists of 12 lay voting members, including 1 student member, all appointed by the governor for 5-year terms with the advice and consent of the senate. Commission members are eligible for reappointment, but no member may serve more than 2 full 5-year terms.

Massachusetts

State-Level Coordinating and/or Governing Agency

The Board of Higher Education, renamed in 1996, is the statewide coordinating agency responsible for overall coordination and broad policy development with respect to the University of Massachusetts and its 5 campuses, the 9 state colleges and 15 community colleges. Board responsibilities include statewide planning, mission definition, the transfer compact and approval of new academic programs. The board has authority to consolidate, discontinue or transfer programs, to approve campus mission statements and conduct programs for assessment of student learning. Its responsibilities include oversight of the state financial aid program, licensure of independent institutions, data collection and certain other "consumer protection" and regulatory functions. With respect to the state and community colleges, or the University of Massachusetts, the board receives and allocates appropriations to the institutions. The board has the authority to establish tuition charges for the University of Massachusetts and its five campuses, the 9 state colleges and 15 community colleges. It also has governance powers in such areas as compensation of presidents and collective bargaining for state and community colleges. The board includes 11 voting members and the commissioner of education, who serves as an ex-officio, nonvoting member by virtue of the office he or she holds. The members serve staggered 5-year terms, except for the student member, whose term is limited to 1 year. The chancellor of higher education is appointed by and serves at the board's pleasure.

Michigan

State-Level Coordinating and/or Governing Agency

Michigan does not really have a state-level coordinating or governing agency for postsecondary education. Under the 1963 state constitution, very limited state postsecondary coordinating functions are assigned to the State Board of Education, which has primary responsibility for elementary and secondary education. The board's responsibilities are limited to: the coordination of services for public two-year and four-year colleges and universities through policy recommendations to the legislature with regard to budgetary and programmatic matters; licensing authority for vocational and proprietary institutions; and charter approval and reimbursement authorization for private colleges awarding certain degrees.

Minnesota

State-Level Coordinating and/or Governing Agency

There are currently 2 statewide, multicampus governing boards in Minnesota: (1) the legislature-appointed, 12-member Board of Regents of the University of Minnesota with constitutional authority for the 4 public senior universities and (2) the governor-appointed, 15-member Board of Trustees of the Minnesota State Colleges and Universities (MnSCU). As of 1995, the former technical colleges, community colleges and state universities were consolidated under the newly merged MnSCU system. Both boards have responsibility for planning and coordination, institutional budget review and recommendation, and program approval. In 1995 the Minnesota legislature abolished the Minnesota Higher Education Coordinating Board, which existed for 30 years and transferred many of its key duties to the new Minnesota Higher Education Services Office. Functions of the new office include: administration of student financial aid programs; approval, registration and licensure of private collegiate and career schools; negotiation and administration of interstate tuition reciprocity programs; administration of the Minnesota Education Telecommunications Council; library planning; collection and maintenance of data on postsecondary education programs; information on students and parents; and administration of federal postsecondary education programs. The 1995 legislation also established a Higher Education Services Council (HESSC), consisting of 8 citizen members and 1 student member appointed by the governor. The council is responsible for appointing the director of the Services Office and communicating and making recommendations to the governor and legislature. Minnesota does not have an office of the secretary of education and the Services Office does not serve as a cabinet department.

Mississippi

State-Level Coordinating and/or Governing Agency

The Board of Trustees of State Institutions of Higher Learning, established in 1910 and reorganized in 1944, exercises constitutional governing authority over the 8 public institutions in the state. The board consists of 12 members, who are appointed by the governor with the consent of the senate and who represent the general public. The members serve 12-year terms. The board has statutory authority for planning and coordination, institutional budget review and consolidated budget recommendations, and program approval for the 8 senior public institutions in Mississippi. The state does not have an office of secretary of education, and the board does not serve as a cabinet department. The executive officer of the board is appointed by the board and serves under a 4-year contract. The State Board for Community and Junior Colleges (SBCJC) was established on July 1, 1986, and is comprised of 10 members who serve staggered, 6-year terms. The governor appoints the SBCJC members of which none may be an elected official and none may be engaged in the education profession. The governor is charged with appointing members from Mississippi's congressional districts with no 2 appointees residing in the same junior college district. The governor's appointees are made with the advice and consent of the state senate. The SBCJC functions as a coordinating agency for the state's 15 public junior colleges responsible for: (a) authorizing disbursements of state appropriated funds to Community and Junior

Colleges (CJCs) through orders in the minutes of the board; (b) making studies of the needs of the state as they relate to the mission of the CJCs; (c) approving new, changes to and deletions of vocational and technical programs to the various colleges; (d) requiring CJCs to supply such information as the board may request and compile, publish, and make available such reports based thereon as the board may deem advisable; (e) approving proposed new attendance centers, as the local board shall determine to be in the best interest of the district; (f) serving as the state approving agency for federal funds for proposed contract to borrow money for various purposes; (g) approving application from CJC's for state funds for vocational-technical education facilities; (h) approving any university branch campus offering lower undergraduate level courses for credit; (i) appointing members to the Post-Secondary Education Assistance Board; (j) appointing members to the Authority for Educational Television; (k) contracting with other boards, commissions, government entities, foundations, corporations for individuals for programs, services grants and awards when such are needed for the operation and development of the state CJC system; (l) fixing standards for community and junior colleges to qualify for appropriations, and qualifications for community and junior colleges teachers; and (m) having sign-off approval on the State Plan for Vocational Education which is developed in cooperation with appropriate units of the State Department of Education.

Missouri

State-Level Coordinating and/or Governing Agency

The Coordinating Board for Higher Education, staffed by the Department of Higher Education, was established in 1963 and functions as the constitutional coordinating agency for postsecondary education in the state. The board has 9 members appointed by the governor with the consent of the senate. All 9 members represent the general public and serve 6-year terms of office. The coordinating board is a cabinet-level agency and its executive officer, the Commissioner of Higher Education, is appointed by the board and serves at its pleasure. The board has statutory responsibility for planning and coordination of the state's system of postsecondary education, including public 4-year institutions, community colleges and independent and proprietary schools, colleges and universities. The board is responsible for conducting studies of population and enrollment trends affecting institutions of higher education in the state; identifying higher education needs in the state in terms of the requirements and potential of the young people and labor force requirements (commerce and industry) and of professional and public services; developing more effective and economical specialization among institutions in types of education programs offered and students served and for more effective coordination and mutual support in the utilization of facilities, faculty and other resources; coordinating reciprocal agreements with out-of-state institutions/entities; approval of new state-supported senior colleges or residence centers; establishing admission guidelines to facilitate transfer of students between institutions of postsecondary education in Missouri; institutional budget review and recommendations; and program approval for all public institutions, data collection and research. The board also administers the state's grant and scholarship programs and is the designated guaranty agency for the Federal Family Education Loan Program.

Montana

State-Level Coordinating and/or Governing Agency

The Board of Regents of Higher Education, established and amended with regard to structure and function in 1973, functions as a constitutional governing agency for the Montana University System and has supervisory and coordinating authority over the state's community colleges. The Board of Regents and the Board of Public Education together compose the State Board of Education, a single board for all public education in the state. The Board of Regents consists of 10 members 7 appointed by the governor with the consent of the senate and 3 members who serve in an ex-officio capacity by virtue of the elected office he or she holds. Of those appointed, six represent the general public and one is a student. The ex-officio members include the commissioner of higher education, the state superintendent of public instruction and the governor. With the exception of the student, all appointed members serve 7-year terms of office. The Board of Regents has constitutional authority for planning and coordination, reviewing institutional budgets and making consolidated budget recommendations, and reviewing and approving programs for public senior institutions. It has statutory authority for the same functions with respect to community colleges. The state does not have an office of secretary of education, and the agency does not function as a cabinet department. The commissioner of higher education is appointed by the board and serves at its pleasure. The Board of Regents 1994 restructuring plan has now been implemented. Under the new structure, the four 4-year institutions (Montana Tech, Western Montana College, Montana State University-Northern and Montana State University-Billings) have been administratively merged with the 2 comprehensive, doctoral-level universities (The University of Montana and Montana State University). In addition, each of the 5 Colleges of Technology (former vocational-technical centers) have been absorbed into 1 of the 2 universities.

Nebraska

State-Level Coordinating and/or Governing Agency

In November 1990, the people of Nebraska voted to amend their constitution, assigning comprehensive statewide planning for postsecondary education to a Coordinating Commission for Postsecondary Education. This commission replaced a previous coordinating commission, which lacked the actual authority to truly coordinate postsecondary education. The new commission, which became effective January 1, 1991, has statutory responsibility to review and recommend modification of public institutions' budgets to the legislature and governor, and to review and approve capital construction projects and new academic programs at public postsecondary institutions. Other functions of the commission include administering state student financial aid programs, coordinating the higher education portion of the Eisenhower Professional Development program, administering the IPEDS (Integrated Postsecondary Education Data System), and approving new 2- and 4-year postsecondary institutions. The commission is comprised of 11 members appointed by the governor from the general public. 6 of the commissioners represent districts of the state and 5 are appointed at-large. Each serves a 6-year term. The executive officer

is appointed by and serves at the commission's pleasure. Nebraska does not have a secretary of education, and the commission does not serve as a cabinet department.

Nevada

State-Level Coordinating and/or Governing Agency

The Board of Regents of the University and Community College System of Nevada, established in 1864, functions as the constitutional governing agency for postsecondary education in the state. The board consists of 11 members elected by the public for 6-year terms of office. The board will increase to 13 members in January 2003. The board has statutory authority for planning and coordination of public senior, junior and vocational-technical institutions. In addition, the board has statutory responsibility for budget review and consolidated budget recommendations and program approval for senior and junior public institutions. The board does not function as a cabinet department, and its executive officer is appointed by the board and serves at its pleasure.

New Hampshire

State-Level Coordinating and/or Governing Agency

New Hampshire has 2 institutional governing boards with complete authority for governing and planning, budget review and recommendation, and program approval: 1) The Board of Trustees of the University of New Hampshire System, created in 1963, has statutory authority for 3 public senior colleges. The board is comprised of 27 members – 11 appointed by the governor and the executive council, 4 alumnae of the University of New Hampshire, 1 alumni each from Keene State College and Plymouth State College, 2 student trustees and 7 ex-officio. 2) The Community Technical College System, established in 1999, has statutory authority for 7 vocational institutions. Its 25 members include 12 governor and council appointees – 1 from law enforcement, 1 from the community services sector, 2 from the general public, 2 from the field of labor, 1 from the health services profession, 1 from the federal/technical field, 1 alumni, 1 high school vocational director, and 4 from the business and industry sectors. Members also include 2 students and 9 ex-officio. The Postsecondary Education Commission, established in 1973, functions as the statutory coordinating agency for postsecondary education in the state. The commission is composed of 22 members – 3 state college presidents, the chancellor of the university system, the president of 1 of the colleges in the Community Technical College System, 2 full-time resident undergraduates appointed by the trustees of the university system, the Commissioner of Education, the Commissioner of the Community Technical College System and 12 others appointed by the governor. The commission's primary duties deal with licensure approval and student aid. The commission also provides support and coordination as needed by other organizations and agencies in the state who have a commitment to postsecondary organization.

New Jersey

State-Level Coordinating and/or Governing Agency

The Higher Education Restructuring Act of 1994 abolished the State Board and Department of Higher Education. The act gave increased autonomy to institutional boards of trustees and created 2 new entities, the Commission on Higher Education and the Presidents' Council. It also established the Higher Education Student Assistance Authority (formerly part of the Department of Higher Education and previously known as the Office of Student Assistance) as a separate entity to administer student financial aid programs. The governor appoints the Commission on Higher Education's 8 public members 6 with the advice and consent of the senate, 1 recommended by the senate president and 1 recommended by the assembly speaker. The governor also appoints a faculty representative, with the advice and consent of the senate and 2 student representatives; the chair of the New Jersey Presidents' Council serves an ex-officio, by virtue of the office that he or she holds, with voting privileges as does the chair of the Higher Education Student Assistance Authority, for a total of 13 voting members. The executive director of commission staff, appointed by the Commission, is an ex-officio nonvoting member by virtue of the office he or she holds. The 8 public members serve for 6 years; the length of service of the 3 ex-officio members coincides with tenure in their official capacities; and the student and faculty representatives serve for 1 year. The commission's responsibilities include systemwide planning, research and advocacy; final decisions on institutional licensure, university status and mission changes; policy recommendations for higher education initiatives and incentive programs and an annual coordinated (systemwide) budget policy statement; and, upon referral from the New Jersey Presidents' Council, decisions on new academic programs that exceed an institution's mission or are unduly costly or duplicative. In addition, the commission generally supervises the Educational Opportunity Fund (EOF), a program of both financial aid and academic support for disadvantaged students. The commission's coordinating responsibilities extend to all sectors of New Jersey higher education: senior public colleges and universities, community colleges, private institutions (religious institutions, as well as those receiving state support), and degree-granting proprietary institutions. Public vocational-technical institutions and proprietary schools that do not offer college degrees are under the State Department of Education. The New Jersey Presidents' Council consists of the presidents of the state's 31 public institutions, the 14 independent institutions receiving state aid and 4 representatives of the 11 other nonpublic degree-granting institutions licensed by the Commission on Higher Education. Service of the 45 presidents of public and public-mission independent institutions on the council coincides with their tenure as presidents. The 4 presidents representing the 11 degree-granting proprietary and religious schools serve as long as the institution's enrollment is large enough to qualify for membership. A 14-member executive board guides the activities of the Presidents' Council. Executive board membership is established in statute and consists of presidents selected by presidents from the various sectors of New Jersey higher education: 5 from community colleges, the 3 public research university presidents, 3 from the state colleges/teaching university sector, and 3 from public-mission independent institutions. The Presidents' Council's responsibilities include reviewing and commenting on new academic programs; providing research and public information on higher education; advising the commission on planning, institutional licensure/mission and costly/duplicative new academic programs; making recommendations on statewide higher education issues, state aid and student assistance; and encouraging

regional and cooperative programs and transfer articulation agreements.

New Mexico

State-Level Coordinating and/or Governing Agency

The Commission on Higher Education functions as the state coordinating agency for postsecondary education. Its structure and responsibility were amended in 1967, 1973, 1975, 1977, 1985, 1987, 1988, 1994, 1995 1996 and 1999. The commission consists of 15 members 13 representing the general public appointed by the governor and confirmed by the senate to serve 6-year terms of office, and 2 student members appointed by the governor to serve 1-year terms (1 as a voting member and the other as an ex-officio member by virtue of the office he or she holds). The commission has statutory responsibility for planning and coordination for all sectors of postsecondary education (public senior, junior, vocational-technical, private and proprietary). In addition, the agency has statutory responsibility for: budget review and recommendation for public 2- and 4-year institutions, approval of new associate degrees at vocational-technical institutes and new graduate programs in public senior colleges. The commission is not a cabinet department, and the executive officer of the commission is appointed by and serves at the commission's pleasure.

New York

State-Level Coordinating and/or Governing Agency

The University of the State of New York consists of all elementary, secondary and postsecondary education institutions, which are incorporated in the state and other libraries, museums, institutions, schools, organizations and agencies for education as may be admitted to or incorporated by the university. The term "university" as used here is a broad term encompassing all the institutions offering education in the state. The university is empowered to charter, register and inspect education institutions; to license and supervise the professional conduct of practitioners in nearly all the professions; to certify teachers and librarians; and to apportion certain state financial assistance to public and private education institutions. The Board of Regents of The University of the State of New York, established by the legislature in 1784, is responsible for the general supervision of and setting of policy for all education activities within the state and presides over the university and the state education department. The regents and the university are established under the state constitution, and the 16 regents are elected by the legislature, 1 from each of the state's 12 judicial districts plus 4 elected at-large, for terms of 5 years without pay. The chancellor and vice chancellor are elected from among their number by a majority of the regents, and the regents have legislative, executive and judicial powers. The regents and the department have authority and responsibility for planning and coordination, degree powers and program approval for all sectors and levels of postsecondary education, including all degree-granting institutions. The president of the University of the State of New York is appointed by the regents and serves at their pleasure. The president serves also as the commissioner of education and the chief executive officer of the state education

North Carolina

State-Level Coordinating and/or Governing Agency

The Board of Governors of the University of North Carolina (UNC) was created by legislative action of the 1971 General Assembly on July 1, 1972. Its broad purpose is to plan and develop a well-planned and coordinated higher education system, to improve the quality of higher education, to extend its benefits to all citizens, and to encourage an economical use of state resources. It also governs 16 public senior institutions in the state. The Board of Governors is responsible for program approval; preparation of a single, unified budget request for all 16 public senior institutions; setting enrollment levels and other matters not delegated to institutional boards of trustees. It maintains close liaisons with the governing boards for the public schools and the community colleges. The chief executive officer of the university, the president, is elected by and serves at the pleasure of the board. The board does not serve as a cabinet department, but gives advice and recommendations concerning higher education to the governor, the general assembly, the advisory budget commission and the institutional boards of trustees. The board is composed of 32 members, 16 of whom are elected by the legislature every 2 years. All 32 members, serving 4-year terms, are deemed members-at-large, charged with the responsibility of serving the best interests of the entire state. Special members of the board include former governors, past board chairs and the president of the UNC Association of Student Governments; these ex-officio members, who serve by virtue of the office he or she holds/held, may not vote. At-large members may serve only 3 successive terms. The State Board of Community Colleges was established by action of the 1979 General Assembly and began operations in 1981. The board has governing authority for the 58 comprehensive public 2-year institutions and 1 technology center. The State Board of Community Colleges consists of 20 members: 10 members appointed by the governor (4 at-large and 6 regional members), 8 at-large members elected by the legislature, and the lieutenant governor and the state treasurer, who serve as ex-officio members by virtue of the elected office he or she holds. The State Board of Community Colleges establishes policies, regulations and standards for the administrative offices and the institutions that comprise the North Carolina Community College System. It elects the president of the system, who is its chief executive officer.

North Dakota

State-Level Coordinating and/or Governing Agency

The State Board of Higher Education was established in 1939 and functions as the constitutional governing body for North Dakota's 6 publicly supported universities (2 of which were administratively merged in 1993, now served by 1 president), 3 2-year branches, and 5 2-year colleges. In 1990, the Board of Higher Education created the North Dakota University System whereby all 11 institutions are accountable to a chancellor appointed by the board. The chancellor is the chief executive officer of the North Dakota University System. The North Dakota University System central office is responsible for

recommending policy changes and ensuring that the policies set forth by the board are carried out by the institutions. The board consists of 7 members appointed by the governor with the consent of the senate. All 7 represent the general public and serve 4-year terms. A voting student member was provided by statute in 1995. The voting student member is appointed by the governor and serves a 1-year term. A nonvoting faculty advisor also was provided by statute.

Ohio

State-Level Coordinating and/or Governing Agency

The Ohio Board of Regents, established in 1963, serves as the statutory coordinating agency in the state. The board consists of 9 members serving 9-year terms representing the general public and appointed by the governor with the consent of the senate and 2 ex-officio members (chairpersons of the house and senate education committees) who serve by virtue of the elected office that he or she holds. The board has statutory authority for planning and coordination for private institutions and public senior, community and technical institutions. The board has statutory responsibility to review institutional requests for state support, review and make recommendations for a consolidated budget and approve programs for public senior and 2-year colleges, private colleges and universities and diploma schools of nursing. The state does not have an office of secretary of education, and although the agency is not a cabinet department, the current and former governor have invited the chancellor to participate fully in cabinet events and activities. The chancellor, the executive officer of the board, is appointed by and serves at the board's pleasure.

Oklahoma

State-Level Coordinating and/or Governing Agency

The State Regents for Higher Education, established by constitutional amendment in 1941, is the coordinating board of control for public postsecondary education in Oklahoma. Constitutionally, private institutions may be coordinated with the state system. The membership of the regents is set by the constitution at 9 members, appointed for 9-year overlapping terms by the governor with the consent of the senate, all representing the general public. The regents have constitutional responsibility for prescribing standards, granting degrees, setting fees, determining budget needs and making budget allocations to all public institutions of higher education, both senior and junior. In addition, the regents have constitutional authority for planning and coordination of all postsecondary institutions, both public and private. The executive officer of the regents is appointed by the regents and serves at their pleasure.

Oregon

**State-Level Coordinating and/or
Governing Agency**

The Department of Higher Education, established in 1929, functions as a statutory cabinet department of state government. It is charged with coordination of the Oregon University System, the public postsecondary higher education system in Oregon. The department administers the policies set by the Oregon State Board of Higher Education, which is composed of 11 members (including 1 faculty member and 2 students) appointed by the governor and confirmed by the senate. Members of the Oregon State Board of Higher Education serve up to 2 consecutive 4-year terms for regular members and up to 2 consecutive 2-year terms for faculty and student members. The board has statutory authority for 6 public universities and 1 institute of technology and is responsible for planning a comprehensive system, approving all degree programs (including those of an affiliated health and science university), granting degrees, developing and approving budget requests (both operating and capital construction), and controlling and managing real property. The chancellor, chief administrative officer, is hired by and serves at the board's pleasure. The State Board of Education, established in 1951, is comprised of 7 members appointed by the governor and confirmed by the Senate for up to 2 consecutive 4-year terms. The State Board of Education has statutory authority for the supervision and regulation of 17 community colleges, each of which has its own elected governing board. The 2 boards, per statute (ORS 348.890), meet jointly to coordinate their activities and reach joint agreement on matters of education policy and opportunities of mutual interest to the 2 boards and to the populations served by the boards. The Office of Degree Authorization (ODA), under the purview of the Oregon Student Assistance Commission, reviews proposed new publicly funded postsecondary programs and locations, and oversees the process if another school or education segment believe the new program or location will cause detrimental duplication or significant adverse impact. The Oregon Student Assistance Commission appoints the ODA administrator (ORS 348.599).

Pennsylvania

**State-Level Coordinating and/or
Governing Agency**

The State Board of Education has statutory authority for the planning and coordination of Pennsylvania's postsecondary education sectors. The General Assembly created the State Board of Education in 1963. It replaced the College and University Council, created in 1895, and the State Council of Education, created in 1929. The board is organized into 2 councils whose members are appointed by the governor with the advice and consent of the Senate for overlapping terms of 6 years. Of the 22 members, 10 serve as members of the Council of Basic Education and 10 are members of the Council of Higher Education, with the chairman of the board serving on both councils. In addition, 1 non-voting member serves on the State Board of Education, but is not required to serve on either council. There is a statutory office of the secretary of education with the State Department of Education as a cabinet-level agency. The Department of Education regulates the community colleges and performs other regulatory functions, such as program approval responsibilities for the various postsecondary education sectors, dependent upon each institution's articles of incorporation and various statutes.

Puerto Rico

**State-Level Coordinating and/or
Governing Agency**

The Puerto Rico Council on Higher Education (PRCHE) is the coordinating agency for all higher education institutions, public and private. PRCHE was originally established in 1945 with its current structure established by law in 1993. It is composed of 9 members appointed by the governor with the consent of the Senate. 8 members represent the general public and serve 6-year terms, and the secretary of the Puerto Rico Department of Education is an ex-officio member by virtue of the office he or she holds. The Board of Trustees of the University of Puerto Rico is the statewide governing body of the major public university system of 11 campuses. The board has been in existence since 1903, and its current structure was established by law in 1993. It is comprised of 13 members -- 10 represent the general public and serve from four- to eight-year terms; one student and two faculty members serve one-year terms. The 13 members are appointed by the governor and the 10 members representing the general public require consent of the Senate.

Rhode Island

**State-Level Coordinating and/or
Governing Agency**

The Board of Governors for Higher Education, established in 1981, serves as the statutory governing agency for the Community College of Rhode Island, Rhode Island College and the University of Rhode Island. The Board of Governors consists of 15 members: 12 appointed by the governor (including one student), the chairperson of the Board of Regents for Elementary and Secondary Education (also appointed by the governor), and the chairpersons of the Senate and House finance committees or their designees. Governor appointees require confirmation by the Senate. Public members serve a 3-year office term, and they may be reappointed to a total of 3 terms (except students who may serve only 1 2-year term). The powers and duties of the board include: developing a postsecondary education information system, state-level planning approving postsecondary institutions and programs, budget preparation and property management for public postsecondary education, and general oversight of public postsecondary education. The executive officer of the board is the commissioner of higher education, who is appointed by the board with the approval of the governor and serves at the board's pleasure. The board maintains an office of higher education. There is a Board of Regents for Elementary and Secondary Education and a Public Telecommunications Authority. Prior to 1981, the responsibilities of these 2 entities, together with those of the Board of Governors, were vested in a single Board of Regents for Education.

South Carolina

**State-Level Coordinating and/or
Governing Agency**

The Commission of Higher Education was established in 1967 as the statutory coordinating agency for higher education. In 1978, 1988 and 1995, the General Assembly adopted amendments to the enabling legislation, which restructured the commission membership. The current commission consists of 14 members appointed by the governor -- 1 at-large member to serve as chairman, 1 from each of 6

congressional districts appointed upon the recommendation of the majority of the legislative delegation from the respective districts, 3 members appointed from the state at-large (all of the above for 4-year terms), 3 ex-officio voting members, who serve by virtue of the office that he or she holds, to represent the public colleges and universities (1 must serve on the board of trustees of 1 of the public senior research institutions, 1 must serve on the board of trustees of 1 of the 4-year public institutions and 1 must be a member of 1 of the local area technical commissions on the State Board for Technical and Comprehensive Education) and 1 ex-officio nonvoting member, who serves by virtue of the office that he or she holds, of the Advisory Council of Private College Presidents to represent the independent colleges and universities. The four ex-officio members are appointed upon the advice and consent of the Senate and serve 2-year terms. The current version of the legislation requires a comprehensive strategic planning and institutional effectiveness program, as well as a performance funding system where the institutions are funded based entirely on performance indicators categorized under nine critical success factors. The institutions must submit their budgets to the commission, which presents a unified appropriation request to the governor and appropriate standing committees of the General Assembly. The commission must approve all new programs proposed by the senior institutions and all degree-granting programs from the two-year technical colleges. It also must approve all requests for facilities and establish procedures for transferability of courses at the undergraduate level. The commission also has responsibility for licensing both nondegree- and degree-granting institutions to operate in the state and to approve programs for veterans' benefits. It administers several state student aid programs, a variety of federal and state programs, as well as several Southern Regional Education Board contract programs. The executive officer of the commission is appointed by and serves at the commission's pleasure. Although South Carolina government has been reorganized so that there are some cabinet-level departments, education is not included in this cabinet structure, and there is no secretary of education.

South Dakota

State-Level Coordinating and/or Governing Agency

The Board of Regents serves as the constitutional governing body for the 6 public universities, a school for the deaf and a school for the blind and visually impaired. The board was expanded by statute to 9 voting members, which includes 1 student representative, appointed by the governor with Senate confirmation to serve 6-year office terms (the student serves for 2 years). There are no public junior colleges in the state. The executive officer of the Board of Regents is appointed by and serves at the board's pleasure.

Tennessee

State-Level Coordinating and/or Governing Agency

The Higher Education Commission was created by the General Assembly in 1967 to serve as the statutory coordinating agency for postsecondary education in Tennessee. The commission consists of 15 members -- 9 represent the general public and are appointed by

the governor for 6-year terms (legislative consent is not required), the comptroller of the treasury, secretary of state and the state treasurer serve as ex-officio voting members by virtue of the elected office that he or she holds, and 2 student members (1 student from each governing system, with the alternating right to vote). Also the executive director of the State Board of Education serves as an ex-officio member by virtue of the office that he or she holds. The commission has statutory responsibility for planning and coordination for technology centers, public technical institutes, community colleges and 4-year institutions, and as a matter of policy for private institutions. The commission has statutory responsibility to license and regulate private trade schools operating within the state. By statute, the commission reviews institutional budgets and makes budget recommendations for public technical institutes, community colleges and senior universities, as well as the system of 26 nondegree-granting state area vocational-technical schools. In addition, the commission has statutory authority to approve new degree programs for this same set of institutions. Tennessee does not have an office of secretary of education, and the commission does not serve as a cabinet department. The executive officer is appointed by and serves at the commission's pleasure.

Texas

State-Level Coordinating and/or Governing Agency

The Texas Higher Education Coordinating Board serves as the statutory coordinating agency for public postsecondary education in the state. The board is composed of 18 members representing the general public, who are appointed by the governor with Senate confirmation for 6-year overlapping terms. The board has statutory responsibility for approving or disapproving all degree programs and off-campus activities for public community and technical colleges and universities. The board also develops formulas for use by the governor and Legislative Budget Board in recommending legislative appropriations needed to finance public higher education institutions. The board is responsible for authorizing elections to create public community college districts and the adoption of standards for the operation of public community colleges. It also approves or disapproves most major new construction and repair and rehabilitation at public universities. Texas does not have an office of secretary of education, and the board does not function as a cabinet department. The commissioner of higher education (the agency's chief executive officer) is appointed by and serves at the board's pleasure.

Utah

State-Level Coordinating and/or Governing Agency

The State Board of Regents, established in 1969 and amended in structure and responsibility in 1974, 1981, 1991 and 2001, has statutory governing authority for a total of 10 public institutions: 4 universities, 2 state colleges, 3 community colleges and 1 college of applied technology. The board is composed of 18 members -- 15 represent the general public and are appointed by the governor with Senate confirmation for 6-year terms; 1 student serves a 1-year term and is appointed by the governor from a list of 3 students nominated

by the Statewide Council of Student Body Presidents and 2 members of the State Board of Education serve as nonvoting members. The Board of Regents has statutory authority for coordinating and planning for all segments of public postsecondary education (junior, senior and vocational-technical). In addition, the board has authority to approve programs, review institutional budgets and make consolidated budget recommendations for public senior and junior institutions. The board also is responsible for hiring the presidents of each of the 10 institutions, setting their salaries, and reviewing their performance. Utah has no secretary of education, and the Board of Regents is not a cabinet department. The executive officer, known as the commissioner of higher education, is appointed by and serves at the board's pleasure.

Vermont

State-Level Coordinating and/or Governing Agency

There is no statutory or constitutional statewide postsecondary coordinating or planning agency in Vermont. The Vermont Higher Education Council is a voluntary body created for informal communication and planning. The Boards of Trustees for the University of Vermont, the State Agricultural College and the Vermont State Colleges govern the 2 institutional systems in the state.

Virginia

State-Level Coordinating and/or Governing Agency

The State Council of Higher Education, established in 1956 and amended in structure and responsibility in 1970, 1974, 1977, 1980, 1989, 1991, 1993, 1996, 1999 and 2001 serves as the statutory coordinating agency in the state. The council consists of 11 members appointed by the governor with confirmation by the legislature. All members represent the general public and serve 4-year office terms. The council has statutory responsibility for planning and coordination, program approval for public senior and junior institutions, and responsibility for the development of all budget guidelines and formulas. In addition, the council reviews institutional budgets and makes budget recommendations. It also administers a number of higher education programs, including several pertaining to affirmative action and conducts numerous studies at the request of the governor and the general assembly. Virginia has a statutory office secretary of education established in 1972. The State Council of Higher Education is not a cabinet department, and the executive officer of the council is appointed by and serves at the council's pleasure.

Washington

State-Level Coordinating and/or Governing Agency

The Higher Education Coordinating Board replaced the Council for Postsecondary Education in 1985. The board is composed of 9 at-large citizen members appointed by the governor with Senate confirmation. 8 board members serve 4-year terms. The chair is

appointed by and serves at the governor's pleasure. The Higher Education Coordinating Board has statutory responsibility for: (1) developing role and mission statements; (2) preparing a master plan; (3) reviewing and evaluating operating and capital budget requests for each of the 4-year public institutions and for the community and technical college system; (4) recommending legislation; (5) recommending tuition and fee policies; (6) establishing financial aid priorities; (7) preparing recommendations on merging or closing institutions; (8) developing criteria for identifying need for new baccalaureate institutions; (9) approving and reviewing degree programs; and (10) overseeing telecommunicated education. The board does not function as a cabinet department. The executive officer of the board is appointed by and serves at the board's pleasure. The State Board for Community College Education was created by the Community College Act of 1967 and modified in 1991 by the state legislature to become the State Board for Community and Technical Colleges (SBCTC). 9 members serve on the SBCTC for 4-year terms and are appointed by the governor with consent of the Legislature. The SBCTC is the central administrative agency for the 27 public community colleges and 5 technical colleges. The state board is responsible for policies covering concerns of a statewide nature (budget and funds allocations, standard policies and institutional locations).

West Virginia

State-Level Coordinating and/or Governing Agency

The West Virginia Higher Education Policy Commission is the state-level coordinating agency for public postsecondary education in West Virginia. Established in 2000, the commission takes the place of the Board of Trustees of the University System of West Virginia and the Board of Directors of the State College System. The commission is composed of 9 members, who serve overlapping terms of 4 years. The governor appoints 7 members, and two ex-officio members – the Secretary of Education and the State Superintendent of Schools – also serve on the commission. The commission is charged with developing, gaining consensus around and overseeing the implementation of a public policy agenda for postsecondary education in West Virginia.

Wisconsin

State-Level Coordinating and/or Governing Agency

The Board of Regents of the University of Wisconsin System was established in 1971 and serves as the statutory governing agency for the state's 13 public 4-year universities and 13 freshman-sophomore university centers and university extension. The board consists of 17 members -- 14 appointed by the governor for 7-year terms, subject to Senate confirmation; 2 serve as ex-officio members (the superintendent of the department of public instruction and a representative of the Wisconsin Technical College System Board) by virtue of the office that he or she holds; and 1 student regent, appointed by the governor and confirmed by the Senate, serves a 2-year term. The Wisconsin Technical College System Board was established in 1971 and is composed of 13 members. 3 employers, 3 employees and 3 members-at-large are appointed by the governor

for 6-year terms, subject to Senate confirmation. A student member appointed by the governor and confirmed by the Senate serves a 2-year term. The president of the Board of Regents, the superintendent of the Department of Public Instruction and the secretary of the Department of Industry, Labor and Human Relations serve as ex-officio members by virtue of the offices that each holds. The state is divided into 16 technical college districts operating 42 campuses, with 3 offering a lower-division, college-level liberal arts program. The agency is charged with the statutory mission of providing programs in vocational, technical and short-term and apprenticeship programs. The board has statutory responsibility for program planning, coordinating, approval and evaluation, and accountability for the use of state and federal funds.

Wyoming

State-Level Coordinating and/or Governing Agency

In 1997, the Wyoming Legislature established the Wyoming Education Planning and Coordinating Council to take the place of the Postsecondary Education Coordinating Council, which was established in 1991. The governor serves as council chairman and the superintendent of public instruction serves as vice-chairman. Other members include: chairman of the Senate education committee; chairman of the House education committee; the president of the University of Wyoming; the executive director of the Wyoming Community College Commission; 2 state citizens appointed by the governor; 1 member of the Wyoming legislature from the minority party; the president of the Wyoming Community College President's Council; the chairman of the Wyoming Community College Commission; a certified K-12 teacher appointed by the superintendent of public instruction; the chairman of the State Board of Education; the president of the Wyoming School Boards Association; the president of the Wyoming Association of School Administrators; the chairman of the Wyoming Workforce Development Council within the governor's office; the president of the University of Wyoming Board of Trustees; and a University of Wyoming instructor selected by the University of Wyoming Board of Trustees. The council identifies goals for education in Wyoming and coordinates a means to attain those goals. It also identifies, collects and disseminates issues and information affecting Wyoming education and facilitates cooperative arrangements among state education institutions.

Please contact us at tziebarth@ecs.org with questions or comments about the database.

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State Comparisons - Postsecondary Governance Structures

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Details:

Alabama

System/Institutional Governing Boards

The state has 2 multicampus governing boards established by the state constitution with powers delineated by the state legislature. The Board of Trustees of the University of Alabama System was established in 1821, is comprised of 17 members, and governs 3 senior institutions. The Board of Trustees of Auburn University was established in 1901, is comprised of 12 members, and governs 2 senior institutions. The Troy State University Governing Board was established in 1967 (prior to 1967, Troy was governed by the State Board of Education), is comprised of 12 members, and governs 3 senior institutions. 5 other state universities each have a separate governing board. The governing boards are responsible for the total governance of the institutions under their control other than the regulator functions given to the commission for program approval and off-campus approval.

Alaska

System/Institutional Governing Boards

The University of Alaska is the single, multicampus public institution of postsecondary education in the state governed by the Board of Regents. The community college in Valdez has its own governing board separate from the Board of Regents of the University of Alaska. See the State-Level Coordinating and/or Governing Agency section for additional information.

Arizona

System/Institutional Governing Boards

The Arizona Board of Regents governs 3 universities and the State Board of Directors for Community Colleges coordinates 10 community college districts, which consist of 18 campuses. See the State-Level Coordinating and/or Governing Agency section for more information.

Arkansas

System/Institutional Governing Boards

Arkansas has 6 public senior institutional governing boards whose powers are delineated by statute. The University of Arkansas Board of Trustees was established in 1871 and became a system board with mergers that began in 1969. The Arkansas State University Board of Trustees became a system board in 2001 through separate personnel approvals for a system office. The Southern Arkansas University - Magnolia Board of Trustees acts on behalf of the 2-year college (Southern Arkansas University - Tech) affiliated with the University. The University of Arkansas System and the Arkansas State University System are responsible for multiple campuses. The Southern Arkansas University - Magnolia Board is responsible for 2 campuses. Each of the other boards governs a single institution. The number of members on the governing boards range from 5 to 10, with all appointed by the governor and confirmed by the senate. Since 1996, two community colleges (Phillips County Community College renamed Phillips County College-University of Arkansas; Westark College renamed University of Arkansas-Fort Smith) and four technical colleges (Red Hope; Gateway Technical College renamed University of Arkansas Community College-Batesville; Petit Jean Technical College renamed University of Arkansas Community College-Morrilton; Cossatot Technical College renamed Cossatot Community College-University of Arkansas) have merged into the University of Arkansas system. Westark College became a four-year institution as part of the merger. One vocational-technical institute merged with the Arkansas State University System in 2001. Legislation passed in 1995 gave community college boards the choice of being elected or appointed by the governor. The technical colleges each have a local board of seven members appointed by the governor.

California

System/Institutional Governing Boards

Institutional governing boards in the state include: (1) the Board of Regents of the University of California comprised of 26 members, was established under Article IX, Section 9 of the California Constitution, 1878 and exercises constitutional powers over 10 public senior colleges, 3 research laboratories and numerous agricultural extension stations; (2) the Board of Trustees of the California State University and Colleges is comprised of 25 members, was established by the Donohoe Higher Education Act of 1960, and exercises statutory authority over 23 public senior colleges; and (3) 72 local community college district boards of trustees responsible for governing the 108 public 2-year colleges with general direction and leadership provided at the state level by the Board of Governors of the California Community Colleges.

Colorado

System/Institutional Governing Boards

Colorado's public postsecondary education institutions are under the direction of 6 governing boards. The regents of the University of Colorado (the only public elected governing board) are responsible for the operation of the university on its 4 campuses in Boulder, Colorado Springs, Denver (Auraria) and at the Health Sciences Center in Denver. The Board of Agriculture serves as the governing

board for Colorado State University, the University of Southern Colorado and Fort Lewis College. The Colorado School of Mines and the University of Northern Colorado each has its own Board of Trustees. The trustees of the state colleges are charged with the governance of 4 institutions: Adams State College, Mesa State College, Metropolitan State College of Denver and Western State College. The 12 institutions comprising the state system of community colleges are under the control of the State Board for Community Colleges and Occupational Education, which also serves as the state's board for vocational education and has oversight for much of the programming of the state's 3 local district colleges and area vocational schools. This board also serves as the state's approving agency for veterans' programs. In addition, a Board of Directors of the Auraria Higher Education Center has certain special responsibilities with respect to nonacademic programming at the University of Colorado at Denver, Metropolitan State College of Denver and the Community College of Denver.

Connecticut

System/Institutional Governing Boards

There are 4 statutory governing boards in Connecticut: (1) the Board of Trustees of the University of Connecticut, which is comprised of 19 members and is responsible for the state's land-grant university, medical center, law school and 5 branch campuses; (2) the Board of Trustees of the Connecticut State University, which is comprised of 18 members and is responsible for 4 4-year state universities; (3) the Board of Trustees of the Community-Technical Colleges, which is comprised of 24 members and is responsible for 12 2-year colleges; and (4) the Board for State Academic Awards, which is comprised of 9 members and is responsible for a nonteaching institution, empowered to certify credits and grant degrees as Charter Oak State College. These 4 system/institutional governing boards were established simultaneous to the establishment of the Board of Governors in 1983. Subject to the policies and guidelines of the Board of Governors, each board administers their systems; plans for expansion and development of its institutions and submits such plans to the Board of Governors for review and recommendation; appoints and/or removes its Chief Executive Officer and institutional chief executive officers; determines the size of staff, their duties and conditions of employment (subject to Board of Governors guidelines); employs staff; fixes compensation; confers degrees; and makes rules for governance of institutions, admission of students and expenditure of funds.

Delaware

System/Institutional Governing Boards

Delaware has 3 institutional governing boards: (1) the Board of Trustees of the University of Delaware comprised of 32 members, was established in 1834, and has statutory responsibility for 1 public senior college; (2) the Board of Trustees of Delaware State University comprised of 12 members, was established in 1890, and has statutory responsibility for 1 public senior college; and (3) the Board of Trustees of Delaware Technical and Community Colleges is comprised of 8 members, was established in 1966, and has statutory

authority over 4 public community colleges (1 community college with 4 campuses). The Board of Trustees of the University of Delaware is responsible for the duties set forth in DEL. CODE ANN § 5106. The Board of Trustees of Delaware State University is responsible for the duties set forth in DEL. CODE ANN § 6505. The Board of Trustees of Delaware Technical and Community College is responsible for the duties set forth in DEL. CODE ANN § 9105. These statutes are available in the Additional Information section.

District of Columbia

System/Institutional Governing Boards

The University of the District of Columbia Board of Trustees governs the university and the Board of Governors of the District of Columbia School of Law governs the School of Law. See the State-Level Coordinating and/or Governing Agency section for additional information.

Florida

System/Institutional Governing Boards

Effective July 1, 2001, each of the 11 state universities has a governor-appointed 12-member board of trustees. In addition, the student body president serves as a voting member of each board.

Georgia

System/Institutional Governing Boards

The University System of Georgia's Board of Regents oversees 34 postsecondary institutions. See the State-Level Coordinating and/or Governing Agency section for additional information.

Hawaii

System/Institutional Governing Boards

The Board of Regents of the University of Hawaii serves as the constitutional governing board for the University of Hawaii. See the State-Level Coordinating and/or Governing Agency section for additional information.

Idaho

System/Institutional Governing Boards

The State Board of Education/Board of Regents of the University of Idaho serves as a single constitutional board for all public education, including elementary, secondary and postsecondary levels. Junior

colleges are responsible to locally elected boards of trustees. See the State-Level Coordinating and/or Governing Agency section for additional information.

Illinois

System/Institutional Governing Boards

Each public university and community college has a governing board of trustees made up of 7 members. The public university governing boards were established in January 1996 and are responsible for adopting budgets, setting institutional policies, establishing tuition and fees, personnel and student admissions.

Indiana

System/Institutional Governing Boards

Indiana has eight public institutional governing boards: (1) Ball State University Board of Trustees; (2) Indiana State University Board of Trustees; (3) Ivy Tech State College Board of Trustees with authority over 22 campuses and centers and the newly created Community College of Indiana in partnership with Vincennes University; (4) Indiana University Board of Trustees with authority over seven campuses; (5) IUPUI Ft. Wayne campus administered by Purdue University maintains dual program responsibilities, with some academic units answerable to Purdue and others to Indiana University; (6) Purdue University Board of Trustees responsible for four campuses; (7) Vincennes University Board of Trustees with jurisdiction over the newly created Community College of Indiana in partnership with Ivy Tech State College; and (8) University of Southern Indiana Board of Trustees.

Iowa

System/Institutional Governing Boards

The State Board of Regents serves as the statutory governing body for all public postsecondary education in the state and the State Board of Education's Bureau of Community Colleges and Workforce Preparation has jurisdiction over the community colleges in Iowa. For additional information, see the State-Level Coordinating and/or Governing Agency section.

Kansas

System/Institutional Governing Boards

(See State-Level Coordinating and/or Governing Agency.)

Kentucky

System/Institutional Governing Boards

There are 8 institutional governing boards for the state-supported universities and a governing board for the Kentucky Community and Technical College System. The University of Kentucky, which was founded in 1865, operates two institutions: the main campus and the separately accredited Lexington Community College. 20 members serve on the University of Kentucky's Board of Trustees. Each of the other 7 boards governs a single institution: the Board of Trustees of the University of Louisville consists of 20 members and was established in 1970; the Board of Regents of Eastern Kentucky University consists of 11 members and was established in 1966; the Board of Regents of Kentucky State University consists of 11 members and was established in 1886; the Board of Regents of Morehead State University consists of 11 members and was established in 1966; the Board of Regents of Murray State University consists of 11 members and was established in 1966; the Board of Regents of Northern Kentucky University consists of 12 members and was established in 1973; and the Board of Regents of Western Kentucky University consists of 11 members and was established in 1966. The dates listed indicate when boards' current legal structure was established. The governing boards are bodies corporate charged with the responsibility for the overall management and control of the institutions. Among those are the appointment of the president and faculty, management of all institutional finances, and responsibility for setting all policies. The Board of Regents for the Kentucky Community College and Technical Colleges System consists of 14 members, was established in 1997 and administer multiple campuses.

Louisiana

System/Institutional Governing Boards

3 institutional governing boards were created by the 1974 constitution. Each board has 17 members appointed by the governor with the consent of the senate and 1 student member elected by student body presidents. The 3 governing boards are: (1) the Board of Supervisors of Louisiana State University and Agricultural and Mechanical College, governing 2 public junior colleges, 3 public senior colleges, a law center, a medical center and an agricultural science center; (2) the Board of Supervisors of Southern University and Agricultural and Mechanical College, responsible for 1 public junior college and 2 public senior institutions; and (3) the Board of Trustees for the University of Louisiana System, governing 8 public senior institutions and 2 public junior colleges.

Maine

System/Institutional Governing Boards

The Board of Trustees of the University of Maine System is the system/institutional governing board in the state.

Maryland

System/Institutional Governing Boards

Maryland's postsecondary education system consists of 6 segments: University System of Maryland, Morgan State University, St. Mary's College of Maryland, Community Colleges, Independent Colleges and Universities, and Private Career Schools. The Board of Regents of the University System of Maryland governs 11 constituent institutions. St. Mary's College of Maryland and Morgan State University have individual governing boards, as does Baltimore City Community College. Local boards govern the community colleges. The independent colleges and universities have their own governing boards and the private career schools are independently operated. The Board of Regents for the University System of Maryland consists of 17 members and was established in 1988. The board is responsible for managing the system and developing policies, guidelines and plans. The board is also responsible for establishing standards for funding, reviewing, modifying and approving consolidated budget requests with respect to the operating and capital budgets of constituent institutions. The Board of Trustees for St. Mary's College of Maryland consists of 26 members and was established in 1978. The board is responsible for management and control of the college. The board reviews plans for the college, which are prepared by the president, prepares and implements capital and operating budgets, and establishes personnel policy and procedures. The Board of Regents for Morgan State University consists of 15 members and was established in 1999. It is responsible for the management of Morgan State University. It may review and adopt procedures regarding accreditation, programs and functions, actual and potential capabilities, admissions, curricula, graduation, awarding of degrees and general policymaking. It may prepare and submit budgets and establish general standards and guidelines governing the appointment, compensation, advancement, tenure, and termination of all faculty, executive staff, and professional administrative staff and other personnel. The Board of Trustees for Baltimore City Community College consists of 9 members and was established in 1990. The board is responsible for the management and control of the college. In addition, the board establishes fees and tuition, entrance requirements, courses and programs, etc. The board appoints the president of the college and reviews and approves operating and capital budgets.

Massachusetts

System/Institutional Governing Boards

Massachusetts has 2 statewide boards with governing authority. The Board of Trustees of the University of Massachusetts is responsible for governing the 5-campus university system. The Board of Higher Education, in addition to its responsibility for overall coordination of all public postsecondary education, has residual governing authority with respect to the state and community colleges. Management responsibility, however, for each of these colleges is vested in institutional boards of trustees for each of these colleges. The state and community college boards of trustees appoint and remove presidents, subject to approval by the Board of Higher Education.

Michigan

System/Institutional Governing Boards

All governance is undertaken by separate institutional governing boards which include: (1) 10 boards of control of trustees appointed by the governor for four-year public colleges and universities, each responsible for a single institution; (2) the elected Board of Regents of the University of Michigan, a constitutional board governing three branches of the university; (3) the elected Board of Governors of Wayne State University and the Board of Trustees of Michigan State University, both constitutional boards responsible for a single senior public institution. The 29 public two-year community colleges each have regionally elected governing boards.

Minnesota

System/Institutional Governing Boards

The Board of Regents of the University of Minnesota and the Board of Trustees of the Minnesota State Colleges and Universities (MnSCU) serve as the institutional governing boards in the state.

Mississippi

System/Institutional Governing Boards


The Board of Trustees of State Institutions of Higher Learning exercises constitutional governing authority over the 8 public institutions in the state. The State Board for Community and Junior Colleges functions as a coordinating agency for the state's 15 public junior colleges. See the State-Level Coordinating and/or Governing Agency section for additional information.

Missouri

System/Institutional Governing Boards

Institutional governing boards in the state are: (1) the Board of Curators of the University of Missouri comprised of 9 members, was established in 1839, and has constitutional authority for 4 campuses; (2) the statutory Board of Curators of Lincoln University is comprised of 9 members was established in 1929 with the University being founded in 1879; (3) 7 Boards of Regents of state colleges and universities, exercising authority over 4 public regional universities and 3 public state colleges generally founded in 1939 with boards having either 6 or 7 members; (4) the Board of Governors of Truman State University (formerly Northeast Missouri State University) is comprised of 10 members was established in 1879; (5) the Board of Regents of Linn State Technical College comprised of 8 members was established in 1995; and (6) 12 locally elected Boards of Trustees for the state's 12 community college districts. The Boards of Trustees for the community college districts have 6 members serving on each of the boards and were generally established in 1963.

Montana



System/Institutional Governing Boards

The Board of Regents of Higher Education functions as a governing agency for the Montana University System and has supervisory and coordinating authority over the state's community colleges. See the State-Level Coordinating and/or Governing Agency section for additional information.

Nebraska

System/Institutional Governing Boards

Two constitutional governing boards for public institutions exist in the state: the Board of Regents of the University of Nebraska responsible for general governance of 4 public senior colleges, including a medical center, and the Board of Trustees of Nebraska State Colleges responsible for general governance of 3 public senior institutions. The Board of Regents of the University of Nebraska is comprised of 8 regents and was established in 1875. The Board of Trustees of Nebraska State Colleges is comprised of 7 trustees and was established in 1920. There are 6 community college areas, each governed by a locally elected board of 11 members.



Nevada

System/Institutional Governing Boards


The Board of Regents of the University and Community College System of Nevada functions as the constitutional governing agency for postsecondary education in the state. See the State-Level Coordinating and/or Governing Agency section for additional information.

New Hampshire

System/Institutional Governing Boards

The Board of Trustees of the University of New Hampshire System and the Community Technical College System are responsible for postsecondary systems and institutions in the state.

New Jersey



System/Institutional Governing Boards

There are 31 governing boards for public institutions in the state of New Jersey. The Board of Governors of Rutgers University comprised of 15 members, was established in 1956 succeeding a Board of Trustees established in 1766, which was retained with

certain specific responsibilities for university assets acquired before 1956, and has statutory authority over that multicampus institution, which is the State University of New Jersey. The Board of Trustees of the University of Medicine and Dentistry of New Jersey comprised of 12 members, was established in 1970, and has statutory authority over 3 medical schools, a dental school, a graduate school of biomedical sciences and a school of health-related professions. The Board of Trustees of the New Jersey Institute of Technology comprised of 17 members, was established in 1967 and has statutory authority over that institution. In addition, there are 19 individual community college boards and 9 state college/university boards, each governing a single public institution. The governing board of each public institution of higher education is responsible for institutional planning; fulfillment of the institution's mission and of statewide goals; effective management of the institution, including investment of institutional funds and requests for state support; institutional operations, including establishment of tuition and fees and of standards for admission and graduation; and accountability to the public for institutional management and operations.

New Mexico

System/Institutional Governing Boards

There are 15 institutional governing boards in the state: the statutory boards of Albuquerque Technical-Vocational Institute, Luna Area Vocational-Technical Institute, Mesa Technical College, New Mexico Junior College, San Juan College, Santa Fe Community College and Clovis Community College; and the constitutional regents of New Mexico Military Institute and Northern New Mexico Community College, each a single public 2-year institution; the University of New Mexico governing 4 public 2-year institutions, 1 public 4-year college and medical center; New Mexico Highlands University, Western New Mexico University, and New Mexico Institute of Mining and Technology, each with authority over a public 4-year institution; New Mexico State University governing 4 public 2-year institutions and a public 4-year institution; and Eastern New Mexico University governing 2 public 2-year institutions and 1 public 4-year college. There are 7 members on the University of New Mexico Board, 5 members on the other 5 university boards and each of the locally elected community college boards are comprised of 5 members. 8 of the governing boards were established in the state constitution in 1912 and the remaining 7 were established at different times since 1980. The functions of these boards is typical of boards nationally.

New York

System/Institutional Governing Boards

There are 2 statutory public institutional governing boards in the state: the Board of Trustees of the State University of New York (32 2-year institutions and 32 4-year institutions) and the Board of Trustees of the City University of New York (6 2-year and 13 4-year institutions).

North Carolina

System/Institutional Governing Boards

Under the statute creating the Board of Governors, a 13-member board of trustees was created for each of the 16 public senior institutions. The Board of Governors elects 8 members; the governor appoints 4 members; and the student body president serves as an ex-officio, voting member by virtue of the elected office he or she holds. Trustees serve 4-year terms and are responsible for promoting the sound development of the campus and advising the Board of Governors and the chancellor. The Board of Governors has delegated many responsibilities to the trustees. The trustees recommend names of chancellors to the president, who recommends a candidate to the Board of Governors. Similarly, each public 2-year institution is governed by a board of trustees consisting of 12 members and a student body president who serves as an ex-officio member by virtue of the elected office he or she holds. The board is responsible for electing the president of the institution.

North Dakota

System/Institutional Governing Boards

The State Board of Higher Education functions as the constitutional governing body for North Dakota's 6 publicly supported universities, 3 2-year branches, and 5 2-year colleges. See the State-Level Coordinating and/or Governing Agency section for additional information.

Ohio

System/Institutional Governing Boards

The statutory institutional governing boards in the state are as follows: the Board of Trustees of Bowling Green State University; the Boards of Trustees of the University of Akron and Wright State University, each governing one public branch and one senior university; the Boards of Trustees of Central State University, Cleveland State University, Shawnee State University, the University of Toledo and Youngstown State University, each governing a single senior public institution; the Boards of Trustees of Ohio University and Ohio State University, each responsible for 1 senior institution and 5 public branches; the Board of Trustees of Kent State University with 7 public branches and a single public senior institution; the Boards of Trustees of the University of Cincinnati and Miami University with 2 public branches and a single public senior institution. The number of members of the institutions' governing boards varies. 6 community colleges are governed by boards representing the state and county, 8 technical colleges are governed by boards representing the state-appointed boards of trustees. The Medical College of Ohio at Toledo is an independent institution with a separate governing board and the Northeastern Ohio Universities College of Medicine has a 9-member board of trustees reflecting its consortial nature. The functions of the individual boards for each institutions and/or type of institutions are spelled out in Ohio Revised Code: ORC 3335-3362.

Oklahoma

System/Institutional Governing Boards

Oklahoma's public higher education institutions are operated by 16 governing boards, 3 are constitutional and 3 govern more than 1 institution. The constitutional boards are: the Board of Regents of the University of Oklahoma, comprised of 7 members, was established in 1919, and governs the University of Oklahoma, Cameron University and Rogers State University; the Board of Regents of Oklahoma Colleges, comprised of 9 members, was established in 1947 and previously governed by a different board and governs 6 senior institutions; and the Board of Regents for the Oklahoma Agricultural and Mechanical Colleges, comprised of 9 members, was established in 1945 and previously governed by a different board and governs Oklahoma State University, 2 additional public senior colleges and 2 public junior colleges. Other governing boards in Oklahoma include: the Board of Regents of the University of Science and Arts of Oklahoma, established in 1965 and comprised of 7 regents; the Board of Regents of Carl Albert State College, established in 1971 and comprised of 7 regents; the Board of Regents of Eastern Oklahoma State College, established in 1972 and comprised of 7 regents; the Board of Regents of Murray State College, established in 1972 and comprised of 7 regents; the Board of Regents of Northern Oklahoma College, established in 1965 and comprised of 5 regents; the Board of Regents of Oklahoma City Community College, established in 1970 and comprised of 7 regents; the Board of Regents of Redlands Community College, established in 1972 and comprised of 7 regents; the Board of Regents of Rose State College, established in 1968 and comprised of 7 regents; the Board of Regents of Seminole State College, established in 1971 and comprised of 7 regents; the Board of Regents of Tulsa Community College, established in 1969 and comprised of 7 regents; the Board of Regents of Western Oklahoma State College, established in 1971 and comprised of 7 regents; the Board of Trustees of Ardmore Higher Education Program, established in 1985 and comprised of 10 trustees; and the Board of Trustees of McCurtain County Higher Education Program, established in 1985 and comprised of 9 trustees. These institutional governing boards are responsible to: employ and fix compensation and duties of personnel, enter contracts, purchase supplies, materials and equipment, adopt rules and regulations necessary for governance, receive and make disposition of monies, grants, and property and administer same, accept gifts, direct disposition of all state and federal appropriated funds, acquire and take title to real and personal property, institute legal action, supervision and charge of construction, establish and maintain plans for tenure and retirement of employees, maintain inventory of all property, audit all accounts against funds allocated to institution, and do all things necessary and convenient to carry out duties.

Oregon

System/Institutional Governing Boards

The Department of Higher Education is charged with the coordination of the Oregon University System, the public postsecondary higher education system in Oregon. The State Board of Education supervises and regulates 17 community colleges, each of which has its own elected governing board. See the State-Level Coordinating

Pennsylvania

System/Institutional Governing Boards

The State System of Higher Education is governed by a board of governors with a chancellor as chief executive officer. The board of governors has fiscal, personnel and education policy control over the system's institutions. Each university in the State System of Higher Education has a council of trustees, which operates in accordance with statute and regulations adopted by the board of governors. The Board of Trustees of Pennsylvania State University has authority for the university, its 18 branch campuses and 4 specialized campuses. The Board of Trustees of Temple University, with 1 branch campus, the Board of Trustees of the University of Pittsburgh and the Board of Trustees of Lincoln University have authority for their respective institutions. All other institutions, including the community colleges, have their own governing boards.

Puerto Rico

System/Institutional Governing Boards

The Puerto Rico Council on Higher Education is the coordinating agency for all higher education institutions, public and private. See the State-Level Coordinating and/or Governing Agency section for additional information.

Rhode Island

System/Institutional Governing Boards

The Board of Governors for Higher Education serves as the governing agency for the Community College of Rhode Island, Rhode Island College and the University of Rhode Island. See the State-Level Coordinating and or Governing Agency section for additional information.

South Carolina

System/Institutional Governing Boards

The 11 institutional governing boards include Boards of Trustees for Clemson University, Coastal Carolina University, the College of Charleston, Francis Marion University, Lander University, the Medical University of South Carolina, South Carolina State University, Winthrop University, and the Board of Visitors for the Citadel, each governing a single institution; the Board of Trustees of the University of South Carolina, which governs the main campus, 2 senior and 5 2-year branches; and the State Board for Technical and Comprehensive Education, which governs 16 2-year technical colleges. The governing boards are responsible for hiring the

president, setting tuition and establishing admissions standards.

South Dakota

System/Institutional Governing Boards

The Board of Regents serves as the constitutional governing body for the 6 public universities, a school for the deaf and a school for the blind and visually impaired. See the State-Level Coordinating and/or Governing Agency section for additional information.

Tennessee

System/Institutional Governing Boards

There are 2 public institutional governing boards in the state: (1) the Board of Regents of the State University and Community College System, which exercises statutory responsibility for 6 senior institutions, 12 community colleges, 1 technical institute, and 26 nondegree-granting area technology centers; and (2) the Board of Trustees of the University of Tennessee, which exercises statutory authority for 5 senior institutions, as well as statewide units of extension and public service. The Board of Regents of the State University and Community College System was established in 1972 and is comprised of 19 members. The Board of Trustees of the University of Tennessee was established in 1794 and is comprised of 24 members.

Texas

System/Institutional Governing Boards

There are 50 public community college districts in the state and one public technical college system. Of the 10 statutory university governing boards, 6 are responsible for multiple campuses and 4 for a single institution. Governing boards responsible for more than 1 institution, and the number of institutions they govern are: (1) the University of Texas System -- 9 universities, 2 health science centers, 1 medical branch and 2 medical centers; (2) Texas A&M University System -- 8 universities, 1 health science center, 1 upper-level institution and 1 college of marine sciences; (3) Texas State University System -- 5 universities, 1 upper-level center and 3 lower-division state colleges; (5) the University of Houston System -- 2 universities and 2 upper-level institutions; (6) University of North Texas -- 1 university and 1 health science center; and (7) Texas Tech University System -- 1 university and 1 health sciences center. The boards of the following universities govern single institutions: Midwestern State University, Texas Woman's University and Stephen F. Austin State University. The Board of Regents of the Texas State Technical College System was established in 1965 and is responsible for 4 technical colleges. 9 members serve on each of the following boards: Midwestern State University Board of Regents established in 1961, Stephen F. Austin State University Board of Regents established in 1969, Texas A&M University System Board of Regents established in 1875, Texas Southern University Board of

Regents established in 1971, Texas State University System Board of Regents established in 1949, Texas Tech University System Board of Regents established in 1923, Texas Woman's University Board of Regents established in 1901, University of Houston Board of Regents established in 1945, University of North Texas System Board of Regents established in 1949, and University of Texas System Board of Regents established in 1881. Each board is authorized and directed to govern, operate, support and maintain institutions under its purview.

Utah

System/Institutional Governing Boards

In addition to the State Board of Regents, each of the 10 institutions has a board of trustees, appointed by the governor, with Senate consent. 9 of the institutional governing boards have 10 members and were established in 1969. The Utah College of Applied Technology (UCAT) has a governing board comprised of 15 members and was established in 2001. UCAT also has 10 regional colleges, each of which has a board with representatives of the local school districts and business/industry, ranging in size from 11 to 21. The institutional boards of trustees have specific statutory authority, but derive their principal campus governance powers by delegation from the State Board of Regents.

Vermont

System/Institutional Governing Boards

Vermont has 2 institutional governing agencies: (1) the Board of Trustees of the University of Vermont and State Agricultural College exercises statutory authority for that single institution; and (2) the Board of Trustees of the Vermont State Colleges exercises statutory authority for 3 senior colleges, a single technical college offering 2- and 4-year degrees and a statewide, open, noncampus community college. The Board of Trustees of Vermont State Colleges is comprised of 15 members -- 4 Legislative trustees who serve 4-year terms and are elected by the state legislature, 9 trustees appointed by the Governor who serve 6-year terms, 1 student trustee elected by the Vermont State Colleges Student Association who serves a 1-year term and the governor, who is an ex-officio member by virtue of the elected office that he or she holds. The Vermont State Colleges Board of Trustees was established along with the Vermont State College System in 1961. Each governing board submits its budget and a requested appropriation amount for the upcoming fiscal year to the governor. Recommendations regarding the annual appropriation amounts are submitted to the General Assembly, which makes appropriations for the support of the university and state colleges.

Virginia

System/Institutional Governing

The State Board for Community Colleges, comprised of 15 members

Boards

and established in 1966, has statutory authority for 23 public junior colleges under the council's coordination. There are 14 other institutional governing boards in the state. The governing boards for single senior institutions are: the Board of Visitors of Christopher Newport University, comprised of 17 members, was founded in 1693 and became public in 1906; the Virginia Military Institute was established in 1839, and 16 members serve on the board; George Mason University was established in 1972, and 16 members serve on the board; Longwood College was established in 1964, and 15 members serve on the board; James Madison University was established in 1964, and 15 members serve on the board; Mary Washington College was established in 1972, and 16 members serve on the board; Norfolk State University was established in 1968, and 13 members serve on the board; Old Dominion University was established in 1962, and 17 members serve on the board; Radford University was established in 1964, and 11 members serve on the board; Virginia State University was established in 1964, and 11 members serve on the board; Virginia Polytechnic Institute and State University was established in 1964, and 11 members serve on the board; and Virginia Commonwealth University was established in 1968, and 16 members serve on the board. The Board of Visitors of the College of William and Mary, comprised of 17 members, was founded in 1693 and became public in 1906, and has constitutional governing authority for 1 senior and 1 junior public institution. The Board of Visitors of the University of Virginia has statutory authority for 2 senior public institutions. (It should be noted that many of the established dates represent when an institution became its own entity and not tied to another state college or state board.) The governing boards of the public colleges are responsible for providing general policy direction and management oversight of the university, selection of the college presidents, determining the president's duties and setting the admissions policy for each institution. Additionally, the Code of Virginia contains specific roles that can be found in the Additional Information section.

Washington

System/Institutional Governing Boards

Each 4-year public institution is governed by an individual statutory governing board with 8 trustees serving on the Boards of Trustees of Central Washington (established in 1890), Eastern Washington (established in 1890), Western Washington Universities (established in 1895) and Evergreen State College (established in 1967), and 10 regents serving on the Boards of Regents of the University of Washington (established in 1861) and Washington State University (established in 1891). These governing boards are responsible for operation of the college/university, determination of curricula, awarding of degrees and establishment of local administrative rules and policies. Each of the state-supported colleges also has its own local governing board.

West Virginia

System/Institutional Governing Boards

The West Virginia Higher Education Policy Commission is the state-level coordinating agency for public postsecondary education in West

Virginia. Established in 2000, the commission takes the place of the Board of Trustees of the University System of West Virginia and the Board of Directors of the State College System. The commission is composed of 9 members, who serve overlapping terms of 4 years. The governor appoints 7 members, and two ex-officio members – the Secretary of Education and the State Superintendent of Schools – also serve on the commission. The commission is charged with developing, gaining consensus around and overseeing the implementation of a public policy agenda for postsecondary education in West Virginia.

Wisconsin

System/Institutional Governing Boards

The Board of Regents of the University of Wisconsin System governs the state's 13 public 4-year universities, 13 freshman-sophomore university centers and university extension. The Wisconsin Technical College System Board functions as the governing board for 16 technical college districts operating 42 campuses. See the State-Level Coordinating and/or Governing Agency section for additional information.

Wyoming

System/Institutional Governing Boards

By state constitution, governance of the University of Wyoming, the sole public senior institution in the state, is vested in 12 trustees appointed by the governor and confirmed by the Senate. A statewide Community College Commission sets overall policy for the 7 community colleges in the state, each of which has a local board.

Please contact us at tziebarth@ecs.org with questions or comments about the database.

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APPENDIX D

Reflections on Postsecondary Governance Changes



Policy Brief

Governance (Postsecondary)

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Reflections on Postsecondary Governance Changes

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Viewing Changes from a Long-Term Perspective

The last 25 years of the 20th century witnessed fundamental changes in state postsecondary education structures. These changes reflect broader societal trends, including shifting economic conditions, as well as movements in the prevailing views about the role of government in domestic policy. Notwithstanding these changes, though, certain policy issues appeared consistently in the debates about governance throughout this period.

Changes Reflecting Broader Societal Trends

A few states established statewide governing or coordinating structures in the first half of the 20th century, but the most dramatic increase in states with these structures occurred in the 1960s. Two forces spurred these changes:

- Pressures to manage proliferation of institutions and programs, and to curb unnecessary duplication as states responded to dramatic enrollment increases
- The prevailing public management approaches of the time emphasizing rational planning and quantitative analysis.

By 1971, all but four states (Delaware, Michigan, Nebraska and Vermont) had established either statewide governing boards encompassing most, if not all, their public institutions or statewide coordinating boards.

A requirement in the federal Education Amendments of 1972 that states establish postsecondary education planning commissions in order to be eligible for planning and other categorical grants spurred a number of states to revise their structures. Later in the 1970s, severe economic conditions led states to turn more to regulatory policies such as mission definition and program review in efforts to get institutions to contain costs and eliminate unnecessary duplication.

As the economy improved in the early 1980s, a shift occurred in the prevailing views about the role of government in not only postsecondary education but also other dimensions of state responsibility. Reflecting what later became known as the neo-liberal approach to public policy, political leaders began advocating decentralization, deregulation and privatization balanced by increased reliance on performance measures and incentive funding to ensure responsiveness of institutions to public purposes. These trends were reflected in changes in the statutory mandates of state higher education agencies as illustrated in Figure 1.

Figure 1: Changes in Underlying Assumptions About the State Role in Postsecondary Education

A SHIFT FROM:	TO:
Functional planning for static institutional models	Strategic planning for dynamic market models
Focus on providers, primarily public institutions	Focus on clients, students/learners, employers and governments
Service areas defined by geographic boundaries and monopolistic markets	Service areas defined by the needs of clients served by multiple providers
Tendency toward centralized control and regulation through tightly defined institutional missions, financial accountability and retrospective reporting	More decentralized management using policy tools to stimulate desired response (e.g., incentives, performance funding, consumer information)
Policies and regulation to limit competition and unnecessary duplication	Policies to “enter the market on behalf of the public” and to channel competitive forces toward public purposes
Quality defined primarily in terms of resources (inputs such as faculty credentials or library resources) as established within postsecondary education	Quality defined in terms of outcomes and performance as defined by multiple clients (students/learners, employers, government)
Policies and services developed and carried out primarily through public agencies and public institutions	Increased use of nongovernmental organizations and mixed public/private providers to meet public/client needs (e.g., developing curricula and learning modules, providing student services, assessing competencies, providing quality assurance)

During the recession of the late 1980s and early 1990s, some states reverted to the more regulatory approaches reminiscent of the recession in the 1970s, but as the economy recovered, the basic trends begun in the 1980s reemerged.

Recurring Policy Issues

Governance changes often occur because of – or are heavily influenced by – societal trends, as summarized above. But throughout the past half-century, remarkably similar policy issues have triggered most significant reorganizations.

Changes in Political Leadership

Newly elected governors often propose state government reorganization for both substantive and symbolic reasons. Since the mid-1980s, governors have played an increasingly aggressive role in shaping postsecondary education policy and reorganization to improve public accountability and efficiency. Less frequently, reorganizations are triggered by changes in party control in the state legislature or at the initiative of legislative leaders.

Long-standing “Irritants” in the Politics of the State Postsecondary Education System

These irritants tend to be long-standing problems that may fester for years but then, especially at points of changes in political leadership or severe economic downturns, they trigger debates, lead to special study commissions and eventually result in full-scale reorganization. Examples of several of the most common issues are:

- **Access to high-cost graduate and professional programs.** In most states, regional economic, political and cultural differences present serious challenges to state policymakers. These regional stresses are amplified and

played out in conflicts within the states' postsecondary education systems. A common scenario begins with pressure from a growing urban area to have accessible graduate and professional programs. Subsequent local campaigns and state lobbying efforts to expand these initiatives from a few courses to full-scale programs and then new campuses lead to opposition from existing universities and other regions. The same scenario often plays out when isolated rural areas struggle to gain access to programs for place-bound adults. Local and regional end-runs to the governor or legislature to get special attention either to advance or block such initiatives usually spark political struggles that inevitably lead to major restructuring proposals.

- **Conflict between the aspirations of two institutions (often under separate governing boards) in the same geographic area.** Again, conflicts tend to be over which institution should offer high-cost graduate and professional programs. Major reorganization proposals, usually mergers or consolidations, frequently occur after years of other efforts to achieve improved cooperation and coordination.
- **Political reaction to institutional lobbying.** As governors and legislators face politically difficult and unattractive choices to curtail rather than expand programs, intense lobbying by narrow, competing institutional interests can spark demands for restructuring. Political leaders seek to push such battles away from the immediate political process by increasing the authority of a state board, with the hope that the board will be able to resolve the conflicts before they get to the legislature. The reverse situation also occurs frequently. A state board will act to curtail an institutional end-run and then face a legislative proposal, frequently stimulated by the offending institution, to abolish the board. Short-term victories gained through end-running the established coordinating structures usually lead to greater centralization.
- **Frustrations with barriers to student transfer and articulation.** Cumulative evidence that student transfer between institutions is difficult, or the number of credits limited, often leads to proposals to create a "seamless" system. Before the mid-1990s, most of the reorganization proposals were limited to postsecondary education (e.g., consolidating institutions under a single governing board), but an increasing number of states are debating proposals to create P-16 (primary through postsecondary education) structures.
- **Concerns about too many institutions with ill-defined or overlapping missions.** At issue may be small, isolated rural institutions or institutions with similar missions in close proximity to one another. The governance debates often emerge from proposals to merge, consolidate or close institutions or to make radical changes in institutional missions. The intense lobbying and publicity by persons who oppose the changes often lead to proposals for governance changes. In some cases, the proposals are to abolish the board that proposed the changes. In other cases, just the opposite is proposed – to increase the board's authority out of frustration with its inability to carry out a recommended closure or merger.
- **Lack of regional coordination among institutions (e.g., community colleges, technical colleges, branch campuses) offering one- and two-year vocational, technical, occupational and transfer programs.** Many states have regions or communities where two or more public institutions, each responsible to a different state board or agency, are competing to offer similar one- and two-year programs. In the worst situations, this may involve a postsecondary technical institute, a community college and two-year lower-division university branches competing for an overlapping market in the same region.
- **Concerns about the current state board's effectiveness or continuing relevance to state priorities.** Reorganizations often result from efforts to change leaders or leadership styles. As illustrated by the brief summary of changes over the past 25 years, state leaders tend to see the importance of statewide coordination in times of severe fiscal constraints, but when the economy is strong and these leaders face fewer difficult choices among competing priorities, the relevance of state agencies is less evident. Common triggers for change include:
 - A sense that a board, or its staff, is ineffective or lacks the political influence or judgment to address critical issues facing the state, which are often one or more of the other perennial issues. They may be perceived as unable to resolve problems before they become major political controversies, or they may have handled difficult issues poorly in the past.
 - A desire to change leadership style or underlying philosophy of the state role. This may be a reaction to aggressive, centralized leadership and an effort to shift to a more passive, consultative leadership approach –

or the reverse. The change may be to move from a focus on administrative, regulatory or management issues internal to postsecondary education to a focus on policy leadership relative to a broader public agenda.

- State leaders also may propose reorganization not because the structure has problems but simply to change the leadership or personalities involved in the process.

Recent Significant Changes in State Structure

In the five-year period from 1997 to 2002, eight states enacted significant changes in state-level postsecondary education structure, with “significant” defined as eliminating, establishing or changing the authority of state-level boards. These states were Arkansas, Colorado, Florida, Kansas, Kentucky, Louisiana, Utah and West Virginia.

Several other states made less far-reaching but nonetheless important changes in governance or the roles of state-level boards or systems. These included Hawaii, Maine, Maryland, North Dakota and Texas. In the previous five-year period, roughly from 1992 to 1996, four states enacted significant changes. These states were Illinois,

Minnesota, Nebraska and New Jersey.^[1]

Four major categories of change occurred in the 1997-2002 period:

- Comprehensive reforms linked to a public agenda for the future of the state
- Establishment of K-16/K-20 structures
- State structures for community and technical colleges
- Decentralization and deregulation.

Comprehensive Reforms Linked to a Public Agenda for the Future of the State

The governance changes in Kentucky and West Virginia were elements of comprehensive reforms intended to achieve long-term improvements in the state’s economic competitiveness and quality of life. In both cases, changes in state financing policy were as important as governance changes. The changes in structure were seen as essential to put in place the capacity to lead and sustain the reforms.

- **Kentucky.** Legislation in 1997 replaced the Council on Higher Education with the Council on Postsecondary Education. The new entity has broader authority to lead the reform agenda and to affect change through financing policy. The regulatory emphasis of the previous entity was replaced by a new emphasis on policy leadership. The reforms also created a new statewide governing board – the Kentucky Community and Technical College System – to oversee the community and technical colleges.
- **West Virginia.** Legislation in 2000 established a new policy leadership/coordinating board – the Higher Education Policy Commission – to replace the two previous state-level governing boards – the Board of Trustees for the West Virginia Universities and the Board of Directors for the West Virginia State Colleges. At the same time, the legislation created governing boards for each of the public institutions and established a step-by-step process for establishing independently accredited community and technical colleges separated from sponsoring four-year institutions.
- **Arkansas.** The changes in Arkansas focused more narrowly on the role of the Department of Higher Education and the state-level board. In 1997, the Higher Education Coordinating Board replaced the Board of Higher Education.

Establishment of K-16/K-20 State Structures

Several states established state-level structures for K-16/K-20 policy coordination between 1997 and 2002, but most of these structures were established not through formal new legislation but by Governors’ Executive Orders or other means. With the exception of Florida, no state established a new K-16/K-20 structure that merged, consolidated or eliminated separate K-12 or postsecondary education state structures. Examples of new statutory structures that emphasize coordination rather than consolidation include:

- Georgia’s A-Plus Education Reform Act of 2000 created an independent Office of Educational Accountability

and a new coordinating council for education to strengthen accountability data and cooperation across educational sectors and to oversee the new accountability office.

- Indiana's Education Roundtable, chaired by the governor, was established to coordinate education policy across the education sectors.

The most far-reaching reorganization took place in Florida through the 1998 constitutional amendment that replaced the State Board of Education previously composed of the state's constitutional officers with a new State Board of Education appointed by the governor. Sweeping reforms enacted in the Education Governance Reorganization Act of 2000 defined the responsibilities of the new state board. In 2001, the legislature enacted the Education Reorganization Implementation Act that further defined the organizational structure. Among other points, the legislation abolished the Board of Regents for the state universities and created separate governing boards for each university within the overall policy framework of the State Board of Education.

While the scope of the changes in Florida cannot be denied, it is important to recognize certain aspects of the state's context that are unique to that state and not necessarily applicable to other states:

- The formal jurisdiction of the previous Florida State Board of Education encompassed the whole Florida education system, including the state universities, community colleges and the K-12 system. Therefore, the concept of a unified K-20 system was not new to Florida. The new structure gives that concept greater focus and coherence.
- The driving force behind key elements of the reform, especially the abolition of the Board of Regents and the creation of governing boards for each state university, was the political controversies related to the Board of Regents' approval – or disapproval – of new graduate and professional programs. These issues were unrelated to the theme of creating a K-20 state structure.

State Structures for Community and Technical Colleges

States made significant changes in state structure related to community and technical colleges. These changes reflected the intersection of two pressures: (1) the drive to create a capacity to improve the competitiveness of the states' workforce and (2) the frustration with long-standing policy disputes about responsibility for states' two-year institutions.

- **Kentucky.** As described above, a major element of the 1997 reform legislation was the Kentucky Community and Technical College System, which includes the community colleges formerly under the University of Kentucky and the technical institutions formerly under the state Cabinet for Workforce Development.
- **Louisiana.** Legislation and a subsequent constitutional amendment in 1998 created the Louisiana Community and Technical College System, which includes the technical colleges formerly controlled by the Board of Elementary and Secondary Education, and community colleges governed by other public governing boards.
- **Indiana.** Legislation in 1999 created the Community College of Indiana, a joint undertaking of Vincennes University and the Indiana Technical Colleges (Ivy Tech).
- **West Virginia.** As described above, the comprehensive reform legislation in 2000 (and further refinements in 2001) advanced a decade-long process of creating a community and technical college system by establishing a timeline for further separation of the community and technical colleges from sponsoring four-year institutions.
- **Kansas.** Legislation in 2000 reconstituted the Board of Regents and transferred to the new board the responsibility for coordinating the locally governed community colleges.
- **Utah.** Legislation in 2001 resolved a 30-year battle over the governance of the state's applied technology centers. The act reconstituted the five applied technology centers and four regional programs previously overseen by the State Board of Education as 10 regional applied technology colleges within the new Utah College of Applied Technology.

Decentralization and Deregulation

Several states enacted changes that decentralized governance and deregulated the relationship between the state and

postsecondary education. In all these cases, the changes included provisions for increased public accountability in exchange for decentralization and deregulation. For example:

- As described above, the major reform legislation in Florida in 2001 and West Virginia in 2000 established governing boards for each of the states' public institutions (in Florida, each community college already had a governing board). Each public institution in West Virginia must enter into a compact with the Higher Education Policy Commission specifying performance goals to be achieved over a multi-year period.
- North Dakota enacted legislation in 2000 significantly changing the state's budgetary process to emphasize state priorities and granting the institutions increased flexibility on matters of fiscal and personnel policy.
- Maine enacted legislation in 2000 creating boards of visitors for each campus within the University of Maine System.
- Maryland enacted changes in 1999 granting the institutions within the University System of Maryland increased fiscal and procedural flexibility.
- Colorado enacted legislation in 2001 authorizing the Colorado School of Mines to negotiate a performance agreement with the Colorado Commission on Higher Education in exchange for increased independence from state oversight. Further statutory changes in 2002 separated two Colorado public institutions – Metropolitan State College of Education and Fort Lewis College – from their systems and established separate governing boards for each institution.
- Voters in Hawaii approved a constitutional amendment in 2000 to allow the University of Hawaii to formulate policy and exercise control over its internal operations without prior legislative approval.

“Public Interest” States vs. “Regulatory” States

Based upon the formal changes in state structure summarized above, as well as other more subtle changes in the authority and influence of state postsecondary education boards taking place, what is increasingly evident is the distinction between two kinds of states:

- States in which the state board has made the transition from the regulatory coordination of the past to a new role of policy leadership in the public interest – a transition that is recognized and supported by both policy and postsecondary education leaders.
- States in which the state board remains mired in the policies and regulatory practices of the past, and there is little current demand from the state's policy leaders for an independent state agency focused on policy leadership in the public interest. Consequently, these state boards are increasingly irrelevant to state postsecondary education policy.

States that have successfully made the transition from regulatory coordination to policy leadership in the public interest share certain characteristics:

- Policy leaders (the governor and state legislative leaders) recognize the fundamental distinction between the public interest in higher education and the interests of the postsecondary education institutions and sectors. It is not that these leaders see the public interest and institutional (provider) interests as necessarily in conflict; in contrast, they recognize the need for an independent state board focused on ensuring an *alignment* of the institutional interests with the public interest.
- State board members insist on a consistent board focus on the public interest, and understand the distinction between the public interest and institutional perspectives.
- Institutional leaders recognize the value of advocacy of the public interest in postsecondary education as a complement to institutional advocacy. While not always supporting the actions of the state board, these leaders recognize that effective policy leadership in the public interest is in the long-term interest of the institutions.
- The public agenda is focused on the link between postsecondary education and the needs of the state's population, and the state's economy and quality of life. The state boards most often lead in shaping these

agendas, using information to define the major demographic, education and economic challenges, and building consensus among the state's policy, business and education leaders around a set of long-term goals.

- Willingness to reach beyond the state's public institutions to draw on multiple and often unconventional providers, as well as new modes of provision to ensure the state's postsecondary education needs are met.
- Links between financing policy and other market-oriented incentives and the public agenda. State boards in these states play central roles in ensuring links between the budget and the priorities defined in the public agenda.
- Use of information not only to shape the public agenda, but also to monitor and report to the public on progress toward goals.
- Consistent attention to the public agenda over a multi-year period spanning two or more election cycles. In each of these states, the board has played a role in shaping an agenda with wide, bipartisan support thereby ensuring leaders from both parties will sustain the focus on key priorities.
- Partnerships linking postsecondary education policy to K-12 through K-16/K-20 leadership groups and networks, as well as ones linking postsecondary education and economic development/workforce development.

In contrast, in those states that have failed to make the transition, there is little current demand for postsecondary education policy in the public interest. The state boards, whether coordinating or governing, remain bound by statutory mandates and modes of operation defined as long as 25 years ago. In addition:

- Coordinating boards in these states remain focused primarily on *coordinating public institutions* and core staff capacity is focused on the regulatory tasks of program approval and review, budget analysis and on administration of state and federal categorical grant programs. Little attention is given to shaping and building consensus around a public agenda, few connections are made between public priorities and budget/resource allocation, and links with K-12 and workforce development are driven more by externally funded initiatives than by the board's leadership and priorities.
- State-level governing boards in these states remain focused primarily on *internal system and institutional issues*. Institutional advocacy more than advocacy of the public interest is the highest priority – especially when the board perceives a threat to institutional interests. The boards responsible for systemwide collective bargaining find themselves deeply involved in issues of human resource policy. The weight of policies and practices built up over many years severely limits the capacity of these boards to shift to the broader role of policy leadership in the public interest.

As emphasized by the foregoing summary, the capacity of a state to make the transition to a state-level structure focused on policy leadership in the public interest depends fundamentally on the demand for such a transition by the state's leaders. A number of trends, however, are working against this demand, including:

- **Growing perception that postsecondary education is a private good.** This perception is reinforced by the increasing evidence of the individual benefits in terms of increased lifetime earnings of those with postsecondary education coupled with the increasingly independent, "private" behavior of public institutions. States are moving away from their traditional roles as "owner-operators" of public institutions and, for pragmatic as much as ideological reasons, are moving to selective subsidy of either institutions or students. This selective subsidy is linked to a narrower definition of how postsecondary education contributes to the public good. Examples include subsidy of students for access or performance or targeted subsidies related to workforce development, regional economic development, and applied research and technology linked to the state's economy.

These changes call for an entirely different approach to the state role in postsecondary education than the one prevailing at the time when most state coordinating and governing boards were established. Rather than overseeing a set of public institutions that were perceived as critical to the public interest, state boards are being called upon to oversee initiatives to ensure an increasingly "private" system responds to a more sharply defined set of public priorities.

- **Turnover in state government leadership.** State coordination as it evolved in the mid-1900s presumed a

degree of stability in the structure and leadership of state government. A small number of key leaders in each state were responsible for shaping the structures established in the 1960s and 1970s. The continuing success of the structures they shaped depended, at least partially, on the ability of these people to remind each generation of political leaders about why the structure was formed and the basic values that should guide state-institutional relationships. Today, few of the people who shaped the current structures are still in positions of influence. The influx of many new players makes it difficult to sustain mandates over time as new players ignore or seek to change their predecessors' actions.

The turnover in legislators, accelerated in many states by term limits, has increased the focus on short-term issues and the influence of interest groups with the political and financial clout to shape legislative agendas. There are few demands for a long-term agenda spanning more than one election cycle. In this environment, lobbying by individual institutions for support from local legislators – always a reality of state postsecondary education politics – can have far greater impact than an effort by a state board to advance a long-term agenda for the public interest. In short, there is no audience for the broader public agenda.

- **Development of alternative sources of analysis.** In the 1960s and 1970s when many of the state postsecondary education agencies were first established, governors and legislators turned to these entities as sources of independent, objective analysis and advice. There was a clear understanding among policy leaders that the unique culture and complexity of postsecondary education required a capacity for analysis that was unobtainable through executive branch or legislative staff.

Now, the situation has changed dramatically. Governors' budget staffs have specialized competence to review and analyze postsecondary education issues and legislative staff competence also has increased. Legislative turnover has strengthened the influence of legislative staff agencies as the tenure of staff members is often far longer than the elected members. State postsecondary education boards, especially boards that have not made the transition to a public interest focus, are often perceived as "just another interest group," rather than as sources of objective analysis and recommendations. Policy leaders are more inclined to turn to their own staffs or to external consultants than to the state board.

▪ **Increasing challenge of finding and retaining competent professional leadership for state coordination.** A state board's strength depends, in part, on its ability to develop and sustain a long-term agenda over several political cycles and to build a continuing consensus around the agenda among the state's leadership. The board's ability to conduct objective, independent policy analysis and policymaking is a key tool in this process. The skills needed to lead a state board today from the perspective of *policy leadership in the public interest* are fundamentally different from those of the past when the task was primary *coordination of institutions* and regulatory oversight.

Yet the capacity of state boards to attract and retain these leaders is increasingly problematic. In the period from 1998 to mid-2002, the state higher education executive officers changed in 29 states. While frequent turnover has always been a characteristic of these difficult positions, the pace of change has clearly increased. In some cases, this instability can be attributed to the increased political involvement in the appointment process. In the 1990s, several states modified their structures to give governors a more direct role in appointing either the state board chairmen or the executive officers. The price for increased responsiveness to public priorities in the short term, however, may be a high degree of instability as political leaders and priorities change.

A more fundamental problem is the limited opportunities for a new generation to develop skills necessary for these positions. Experience at a junior level at a state board still focused on the coordinating and governing tasks of an earlier time is unlikely to develop the skills needed for leadership in the new environment. At the same time, neither experience as an institutional president nor as a political leader or staff member likely to provide the skills and substantive background for policy leadership in the public interest.

- **Increasing difficulty in obtaining board members with sufficient influence and background to lead from a public interest perspective.** As emphasized above, those states that have made the transition to policy leadership in the public interest are characterized by strong policy leaders (governors and state legislators) who are committed to change and by strong effective board members who understand the difference between public interest advocacy as opposed to institutional advocacy. Lacking a clear demand for the public interest perspective, however, governors tend to make their strongest appointments to the more prestigious institutional boards.

Conclusion

Viewed from a long-term perspective, changes in state postsecondary education structures reflect changes in the prevailing views about changes in the economy, the role of government and the unique political issues facing each state. The most significant trend over the past 25 years has been a shift in the basic assumptions about the state role in postsecondary education – from a focus on oversight and control of public institutions to the use of financing policy and incentives to meet the needs of the state’s population through multiple institutions and modes of provision.

The extent to which states have made the transition from *coordination of institutions* to *policy leadership in the public interest* varies significantly across the country. Many states remain mired in the regulatory and governance modes of the past. The extent to which states make the transition will depend greatly on the demand from the public and policy leaders for such a change, and on the development of a new generation of board members and professionals with the knowledge, skills and commitment to lead in the new policy environment.

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[1] For detailed information on recent governance changes, see Association of Governing Boards, Center for Public Higher Education Trusteeship and Governance, *State Governance Action Report*, available at www.agb.org.

APPENDIX E

State Governance Action Report: Recent and Pending Legislative, Executive, and Citizen Action on Governance, Trusteeship, and Institution-Related Foundations

2000 and 2001 at a glance

across the country in 2000 and 2001, **changes in public higher education governance** were on the table for discussion—and action. From boardrooms to legislative chambers to governors' offices, everyone from higher education leaders to policymakers to business people to citizens took a hard look at the missions and performance of their states' institutions and systems.

*In fact, from Hawaii to New York to Florida, **more than half the states have debated or enacted changes** in public higher education governance in recent years. In just the past two years, at least nine states have considered recommendations from commissions, task forces, or studies focused on some aspect of higher education.*

Just last November the voters ratified major higher education measures as well. Hawaii voters, for example, rolled up big margins for a constitutional amendment granting greater independence to the University of Hawaii System—and Alabamans passed a constitutional amendment to establish a screening committee for appointing new members to the Auburn University Board of Trustees.

Close scrutiny of higher education is not new. But it is accelerating. Economic, technological, and demographic changes—and evolving views of the role of government—are prompting states to amend constitutions and founding statutes, restructure the size and number of boards, and change how trustees are selected and trained.

The pace, variety, and scale of state action are new. And they have both positive and negative implications for college and university governance, trusteeship, and institution-related foundations.

changing governance

Higher education governance restructuring—as well as governance studies and legislative proposals—led the news. While Florida's Education Governance Reorganization and Implementation Acts are perhaps the most sweeping, West Virginia's statewide changes already are having an impact on institutions and state policy goals.

from Hawaii to Florida, more than half the states have debated or enacted changes in public higher education governance in recent years.

The **Colorado** legislature mandated a wide-ranging study of the roles and mission of the state's colleges and universities, institutional governance, and the role and authority of the Colorado Commission on Higher Education. Released late last year, the study sparked a spirited statewide conversation—and a change in the relationship between the state and the Colorado School of Mines.

In **Utah**, a thirty-year battle reached resolution when Governor Mike Leavitt (R) signed a bill overhauling governance of the state's applied technology programs.

regents of the University

and Community College System in Nevada

are addressing system goals—access,

attainment, and diversity—to

draw up a new systemwide

strategic plan.

In **Nevada**, the Board of Regents of the University and Community College System in January 2001 began to review the draft findings of a report it commissioned on system goals that include access, attainment, and diversity. The regents are aiming for a new systemwide strategic plan by the end of the year.

And in **Arizona**, Republican Governor Jane Dee Hull's Task Force on Higher Education recommended reviewing the system's "governance structures and relationships" to gauge whether they are helping the state to meet the goals of the state's higher education master plan.

In January 2001 **New Mexico's** Legislative Council released its Education Initiatives and Accountability Task Force report. Among the recommended changes that a House joint resolution would have codified: a new cabinet department directed by a secretary of education appointed by the governor. Although the bill passed the Senate by a wide margin, it died in the House.

A package of bills introduced early in the **Nebraska** 2001 legislative session would have amended the state's constitution to create a unified Nebraska Higher Education Board of Regents, effective July 1, 2003.

The controversial **Florida** Education Governance Reorganization and Implementation Acts of 2000 and 2001 define the responsibilities assumed by the Florida Board of Education that was created by a voter-approved constitutional amendment in 1998. The seven-member Board of Education, appointed by the governor, replaced both the elected K-12 board and the two higher education system governing boards, effective July 1, 2001. New governing boards at four-year institutions are assuming many of the responsibilities of the now-abolished Florida Board of Regents.

Effective July 1, 2000, the **West Virginia** legislature eliminated the state's two existing governing boards, one of which encompassed West Virginia University, Marshall University, and their branch campuses, and the other of which covered West Virginia's seven state colleges and three community colleges. The bill also created an independent statewide community and technical college system. An interim governing board oversaw the state's colleges and universities until July 1, 2001, when newly created advisory boards for each institution became institutional governing boards. A new nine-mem-

ber statewide Higher Education Policy Commission has quickly assumed its state policy development and implementation responsibilities.

And with the support of many higher education leaders, Hawaii voters overwhelmingly approved a constitutional amendment to allow the University of Hawaii to formulate policy and exercise control over its internal operations without prior legislative authorization.

reforming trusteeship

AGB has long championed the need for **reforming how states select and train trustees**. (See AGB's issue brief on nominating committees.) These issues have been picking up steam in the states—and generating some heat. Michigan has competing proposals for changing the trustee selection process for the state's three flagship institutions. Kentucky has codified nominating commissions for the state's community college boards. And New York and Hawaii are considering such panels for their university system boards.

In February 2001 **New York** State Comptroller H. Carl McCall (D) joined a group of higher education leaders to recommend establishing a nominating committee to recruit and screen trustee candidates for the City University of New York and the State University of New York. Currently, CUNY trustees are jointly appointed by the governor and the mayor, and SUNY trustees are appointed by the governor, subject to confirmation by the state Senate. A bill to create similar screening committees died in the prior legislative session.

In January 2001, **Michigan** Senator John Schwarz (R) reintroduced his joint resolution to refer a constitutional amendment to the voters to grant the governor appointment power for all members of the governing boards of Michigan State University, the University of Michigan, and Wayne State University. These boards currently are elected. Within a week, Governor John Engler (R) offered an alternative as part of a package of proposed constitutional changes that would affect selection of state Supreme Court justices and the state Board of Education. Engler proposed that the Legislature consider referring to the voters a constitutional amendment to allow the next governor to appoint seven additional members to the elected eight-member boards of these three universities, with the advice and consent of the Senate.

"This reform, which would not take effect until after the next gubernatorial election, rejects the idea of abolishing board elections," Governor Engler argued in his state of the state address. "Instead, this plan strengthens existing boards by vastly expanding the pool of qualified candidates. Board service should not be limited only to those willing to run on a party ticket."

“b
oard service
should not be limited only
to those willing to run on a
party ticket,” argues
Governor John Engler of
Michigan.

A bill in **Hawaii** would put a constitutional amendment on the ballot to create a Board of Regents Selection Committee that would nominate candidates for gubernatorial appointment to the University of Hawaii board.

Last year, **Kentucky** Governor Paul Patton (D) signed a bill reaffirming his 1998 executive order establishing nominating commissions for the state's 13 local community college boards of trustees. This act complements Kentucky's statutory nominating commission for the boards of the state's eight universities.

And while **California** Governor Gray Davis (D) resisted an attempt to reserve a seat on the California State University Board of Trustees for a non-faculty staff member, several other states, among them **West Virginia**, specified that certain college and university governing board seats be for students, faculty, or staff.

boosting administrative flexibility and accountability

In many states—among them Colorado, Texas, Virginia, and Georgia—the push is on to **strengthen accountability in exchange for greater institutional authority**. Tennessee—a performance-funding pioneer—is among those states taking a fresh look at how to measure institutional outcomes and link resources to performance.

C Colorado

legislature enacts negotiated

"performance agreement" with

Colorado School of Mines.

Colorado Governor Bill Owens (R) signed a bill authorizing the Colorado School of Mines to negotiate a performance agreement with the Colorado Commission on Higher Education, subject to approval by the state's General Assembly. This agreement will specify measurable goals for which the school will be held accountable. The act directs the general assembly to make the school's annual general fund appropriation through a single block grant, and grants the school the sole authority to establish resident and nonresident tuition rates. In addition, the act enables the Colorado School of Mines Board of Trustees to create, modify, or eliminate programs without consulting with CCHE, and to appoint new nonvoting members.

In a similar vein, **Texas** Governor Rick Perry (R) proposed that "the Legislature, with the advice of the Texas Higher Education Coordinating Board, develop compacts with institutions of higher education whereby the state would agree to a substantial amount of lessened regulation in exchange for an agreement to abide by specific academic and financial accountability performance measures." In 2001 the Legislature enacted a broad higher education pack-

age infusing millions of new dollars into the system, while deregulating some procurement and other administrative systems.

North Dakota Governor John Hoeven (R) led a successful effort to boost investment in the North Dakota University System, authorize new budget and programmatic flexibility, and strengthen system and institutional accountability.

Virginia Governor Jim Gilmore (R) and Secretary of Education Wil Bryant had planned to develop so-called "institutional performance agreements" for George Mason University, Norfolk State University, University of Virginia, Virginia Commonwealth University, and Virginia State University for consideration by the General Assembly in 2001. But a slowing economy and other legislative priorities postponed development of the proposed agreements.

Georgia's "A Plus Education Reform Act of 2000" created an independent Office of Educational Accountability responsible for assessing and tracking academic performance from pre-kindergarten through postsecondary education. The legislation also created a new coordinating council for education to strengthen accountability data and cooperation across educational sectors and to oversee the work of the new office.

And **Tennessee's** 2000-01 budget bill commissioned "a study addressing potential outcome measures and performance benchmarks that could be used to measure progress toward specific goals for access to, and utilization, quality, and competitiveness of, Tennessee's higher education system." The study, released in March 2001, is expected to spark considerable discussion of the efficacy of higher education performance measurement and its links to planning and budgeting in Tennessee, which has been widely considered a performance-funding pioneer.



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Office of Educational

Accountability to assess and track

academic performance in the state's

schools from pre-K through

postsecondary education.

strengthening institution-related foundations

Bills creating and funding increasingly popular **state matching funds programs** continued to move forward in a number of states. Other key issues affecting institution-related foundations included legislation addressing donor confidentiality and conflict of interest.

The **Wyoming** Legislature established the state's first institution-related matching fund, the University of Wyoming Endowment Challenge Program. The state agreed to match dollar-for-dollar individual, cor-

porate, or foundation gifts to the University of Wyoming of \$50,000 or more. Remarkably, the legislature appropriated the full \$30 million general fund match to the challenge account.

In **New York**, companion Senate and Assembly bills would establish the State University Eminent Scholars and Challenge Grant Program in order to endow chairs, professorships, and challenge grants, as well as to provide for private matching contributions. Another New York bill would require members of every institution-related foundation board (or governing board) to disclose any conflict of interest that may arise between board members' outside activities and duties.

a bill before

the Illinois legislature in 2001
would appropriate \$1 million
for community college
foundation matching
grant awards.

And a bill before the **Illinois** legislature in 2001 would appropriate \$1 million to the Illinois Community College Board for making community college foundation matching funds awards under an existing program.

California's 2000-2001 Higher Education Omnibus Bill would have authorized higher education auxiliary organization boards to meet in closed session to protect donor confidentiality. Unrelated technical problems with the bill prompted a veto by Governor Davis. The Board of Trustees of the California State University has resolved to push again for adoption of this provision during the 2001-2002 legislative session.

understanding the value of effective governing boards

To be sure, **there are some troubling signs** of efforts to weaken citizen trusteeship or preempt the authority of governing boards. **But a number of states are seriously considering legitimate trusteeship reforms** that could strengthen institutional and system governance. The best of these recognize the responsibility of governing boards to balance institutional autonomy with accountability. Although the fate of a number of these reforms is unknown at this writing, they reflect the fact that a number of governors, legislators, and other policymakers understand the value of effective, independent boards composed of individual trustees chosen for their knowledge and experience.

And major governance restructuring efforts in no less than six states also demonstrate that **radical changes to university governance—for better or worse—represent a trend to be reckoned with**. As state policymakers work with presidents and trustees to boost the responsiveness and accountability of their higher education systems, the need for timely information on developments across the states remains the most compelling motivation for AGB's Center to produce the *State Governance Action Report*.

APPENDIX F

Nevada Legislative Counsel Bureau, Bulletin No. 28,
The University of Nevada: An Appraisal

CHAPTER III

OVERHEAD ORGANIZATION

The top-level organization of the University of Nevada looks similar to that of other land-grant colleges and state universities. Constitutional provision for a university is not universal; neither is it unique. Yet the Board's real independence is no greater than average, and might have been considerably less except for the intervention of the Supreme Court in the King Case. The Board is one of the smallest boards, but so is Nevada one of the smallest universities, and the term of office is short. Popular election of regents is not usual, but several other states cling to it. The Nevada presidency is cut to the prevailing pattern for American academic executives, public and private.

THE BOARD OF REGENTS OF THE STATE UNIVERSITY

In reviewing the history and constitutional position of the University, a great deal about the Board of Regents has been uncovered. It bears the primary responsibility to the people of Nevada for the proper functioning of the University. It has ultimate authority for decisions concerning educational policy, academic personnel, and business management. The acceptance of many of the recommendations made in this report must depend upon the will of the Board of Regents.

Selection of Board Members

As written in 1864, and as it stands today, Section 7 of Article XI of the Nevada constitution reads:

The governor, secretary of state, and superintendent of public instruction shall, for the first four years and until their successors are elected and qualified, constitute a board of regents, to control and manage the affairs of the university and the funds of the same, under such regulations as may be provided by law. But the legislature shall at its regular session next preceding the expiration of the term of office of said board of regents, provide for the election of a new board of regents, and define their duties.

The three officers named served until 1869, when "An Act to provide for the election of the Board of Regents, to fix their term of office, and prescribe their duties" went into effect.¹ This statute provided that the Board should consist of three qualified electors of the State, elected for terms of four years by the Legislature in joint convention. For eighteen years University regents were *elected by the Legislature*.

Election by the Legislature was abandoned in 1887, when the Legislature enacted "An Act relating to the State University and matters properly connected therewith."² It provided that, after a transitional period of two years during which the governor, secretary of state,

¹ Ch. 80, Statutes of Nevada 1869, p. 134.

² Ch. 37, Statutes of Nevada 1887, p. 42.

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and superintendent of public instruction were to constitute the Board of Regents, members should be *elected by the people* for terms of four years. Although the number of regents and the term of office have been altered, popular election has prevailed continuously since January 1889.

When the 1891 Legislature sought to add the Governor and the Attorney General to the Board,³ bringing the total membership to five, the act was reviewed by the Supreme Court of Nevada and declared invalid.⁴ The court appears to have overlooked the legislative history of election by the Legislature from 1869 to 1887 and the *ex-officio* composition of the Board from 1887 to 1889. Neither did the court provide an answer to the question: Could the two constitutional officers validly have been added to the Board *after* the next election?

In the King Case,⁵ in which provision for an advisory board of regents was invalidated, a concurring opinion by Justice Bigelow appears to construe the word "election" in Section 7 of Article XI to mean "popular election," declaring:

But if in accordance with the requirements of the constitution, we hold that the regents must be elected by the people, this places the institution upon a sure and safe foundation that should eventually lead to the careful scanning of candidates and the election of the best men for the positions.

Whatever the constitutional problem involved in securing it, one or more *ex officio* members on the Board can help bridge some of the acute misunderstandings and the tensions between the Board of Regents and the executive and legislative branches. If a constitutional amendment is required to achieve membership on the Board of Regents for the Governor, then such a proposition should be submitted to the people forthwith. In the meantime the Governor might be placed on the Board by statute, to take effect after the next gubernatorial election.

Of the two principal methods now employed in the selection of regents or trustees of public colleges and universities in the United States—popular election and appointment—the latter is much to be preferred in the organization and management of a state university. Popular election is not used in a vast majority of state universities and students of the problem advise strongly against it. Writes Professor R. M. McIver:

Direct election of trustees has sometimes been hailed as laudably democratic, but this claim is based on a false though very prevalent conception of the nature of democracy. Where special training, expertness, or background qualifications are essential for the proper performance of a particular function, popular election is a hit-or-miss method. * * * No one would regard it as desirable that the direction of an atomic laboratory, or a museum of fine arts * * * or a great industrial corporation, should be determined by popular vote or on grounds of political expedience or party service. The standards of

³ Ch. 65, Statutes of 1891, p. 77.

⁴ *State v. Torreyson*, 21 Nev. 517 (1893).

⁵ *King v. Board of Regents*, 65 Nev. 533 (1948).

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fitness for board membership are similar, whether the institution is a state university or a private corporation. * * * We have learned not to choose our regular civil servants by political nomination or by popular vote—why then choose in these ways trustees whose task demands a mature understanding of the complex problems of higher education?⁶

It is interesting to note in this connection that the 1917 Survey of the University of Nevada made by the U. S. Bureau of Education at the request of the Governor of Nevada advised against the popular election of regents. "The committee," says this report,

unhesitatingly endorses the appointment of university regents by the Governor with confirmation by the Senate, as against popular election. * * * The drawback to popular election which overshadows all others is that the university is thus drawn unavoidably into the turmoil of partisan politics * * *.

It may also be strongly urged that popularly elected boards do not in the long run command ability of as high an order as boards chosen by other methods.

* * * The men who should sit on state board of regents should be sought. The office of regent then becomes a post of honor bestowed for distinguished merit and integrity, a post which no citizen, however eminent, can refuse to accept.⁷

One need not endorse completely these strictures on the method of popular election of regents. Nevada has been, at least in recent years, singularly fortunate in avoiding some of the worst evils associated with it. And the level of competence and dedication among those who have served on the Board of Regents has been high. Nevertheless, the weight of evidence and informed opinion is against popular election.

The constitution and the law in Nevada should therefore be changed to provide for appointment of the regents by the Governor, with confirmation by the Senate. Article XI, Sections 4 and 7, might be amended either to require appointment or to authorize statutory arrangements for appointment. A recommendation to this effect has been made, not only by the 1917 Survey but repeatedly since that time, most recently by Governor Russell in his message to the Legislature in 1955.

It would be unwise to restrict the Governor in his choice of regents beyond the restraints arising from the necessity for overlapping terms of individual members. To attempt either in the constitution or by law to define in detail the qualifications of regents, or to require representation on the Board of particular geographic areas, political parties, religions, and civic or economic interests would be a mistake. A wise Governor (and a watchful Senate) will make sure that the Board is not dominated by any narrow geographic, partisan, or economic interests. They will realize that neither partisan nor pressure politics has a place in the government of a university, and that only men and women with a deep and abiding interest in education, the economic, social,

⁶ R. M. McIver, *Academic Freedom in our Time* (New York, 1955), pp. 81-82.

⁷ *Report of a Survey of the University of Nevada*, Bureau of Education, Department of the Interior, Bulletin, 1917, No. 19, pp. 24-25.

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and cultural welfare of the State, and with an understanding of the nature, purpose and spirit of a university are qualified to serve as regents. Moreover, tradition, custom, and a decent respect for the opinion of mankind are more powerful forces than any law for insuring honor, integrity, and intelligence in the selection of members of the Board.

And the Governor will need to remind himself again and again that regents are servants of higher education in its service to all the people and not representatives or lobbyists for particular interests, creeds, or theories. He might be wise, in making his selections, to consult with alumni of the University, members of visiting committees, the President and faculty of the University itself, as well as leaders of business, industry, agriculture, journalism, the arts and professions. But to say by law that any one or all of these should have representation on the Board would be to impair both the discretion and the responsibility of the Governor to select the best men and women he can. In commenting on this problem the 1917 Survey said:

[The governor as] the appointing officer has an opportunity to weigh the qualifications of the appointee * * * with a care that the electorate can never exercise. He is sensible also of the effect on his own reputation and political fortunes of an unfit appointment. * * * The safeguard against improper gubernatorial appointments made for political reasons is to render it impossible for any governor to appoint a controlling fraction of the board.^a

Pending the adoption of a constitutional amendment, however, a larger and more representative Board is urgently needed. In order to secure reform before the four years or more required for amending the constitution have elapsed, the Survey proposes immediate enlargement by addition of three members elected by the Legislature in joint session. Because this method was used for eighteen years without successful challenge, it seems unlikely to fall afoul of the courts. If it does, the vacancies thus created could be filled by the Governor as the law now provides.

Accordingly, two phases of Board reorganization are anticipated. First, the 1957 Legislature would proceed to enact an "Organic Act" governing the University, which would enlarge the Board to nine: Five popularly elected, three legislatively elected, and the Governor (from January 1959). In elections held during the transitional period, the popularly elected members would be chosen by numbered "offices" rather than by running at large. Incumbents will hold specific offices; their challengers can file specifically against them rather than running against the whole field. This device will reduce to some extent the "grab bag" features of election at large.

Second, in 1957 and in 1959 the Legislature should adopt a constitutional amendment specifically authorizing gubernatorial appointment of Board members and making other necessary provisions regarding the powers and duties of the regents. The electorate then could vote on the proposal at the 1960 general election.

^a *Ibid.*, p. 26.

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Size of Board and Length of Term

The case for a larger Board rests on a number of arguments. A small Board is more likely to meddle in details, to personalize University business, to ride hobbies, to constitute a clique, to be unrepresentative or less than representative of the whole State and its people. One of the real weaknesses of the Board in Nevada is its lack of working committees. A Board of five members simply is not large enough to man a genuine standing committee system. Through committees, members of a Board get a close look at proposals and probe deeply into problems.

As both a representative and a deliberative body, the Board of Regents would be improved by enlargement. Experience, both in Nevada and in other states, indicates that under any system of selection a board of regents of only five members is too small to provide adequate representation, not only of geographical areas but of the varied interests in the state served by the university and upon which it ultimately depends for support. Moreover, if a university, as is the fact in Nevada, is the sole institution of higher learning in the state, it is imperative that its governing board be as widely representative as possible. And this is particularly true where the regents are elected by popular vote on a general ticket. Although there is, of course, no sacred number, most states prefer boards of from nine to fifteen members. For Nevada a board of nine or eleven would seem reasonable and much to be preferred to the present small Board of five.

Just as there is no sacred number to govern the size of a university's governing board, so there is no sacred number to control the period during which any single member should serve. The present term of four years for members of the Nevada Board of Regents corresponds to the term of governing boards in approximately one fourth of the states. Most states, and virtually all private colleges, prefer a longer term varying from life tenure to five or six years. During most of the history of the University of Nevada, the four-year term has been the pattern. From 1917 to 1941, however, the law provided a ten-year term. Combined with the popular election feature, ten years is too long.

In the transitional period, until a constitutional amendment governing the University is adopted, real advantages will accrue from leaving the term at four years. To lengthen the term by statute would give incumbents and those elected during the transitional era such tenure that reorganization under the appointive system would be long delayed.

With the adoption of a constitutional amendment that authorizes gubernatorial appointment, the term of nine years should be put in force. The number of years could be identical with the number of appointive regents, thus permitting a staggered arrangement, with one regent appointed each year, and preventing a governor, in one term of office, from appointing to full terms a majority of the Board. We recommend a Board composed as follows:

Governor *ex officio*

Superintendent of public instruction *ex officio*

Nine persons appointed by the Governor for nine-year terms.

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If the University of Nevada is, since the retirement of President Walter E. Clark the "lengthened shadow of a man," that man is Silas E. Ross. After earlier connections with the University as a student, teacher, and coach, he was appointed to fill a vacancy on the Board of Regents in 1932. When his present term ends in January 1957, he will have served a quarter-century, longer than any other Nevada regent, and he has been chairman during much of that time.

This is not the place for a full evaluation of his great service to the University. The citation when he was awarded an honorary degree in 1946 summarized his record since his own graduation as follows:

Faculty member of his own university; an inspiring teacher, friend and companion of youth;

Devoted aggressive Alumnus in every worthy cause for the upbuilding of his Alma Mater;

Regent of long service; fair, patient, discerning and broad-visioned, sustainer of presidents, encourager of faculty, protector of the good name and high ideals of the university, anonymous helper of generations of deserving needy students * * * .

His decision not to run for re-election in 1956 and his consequent retirement bring to an end an era of University history. At such a time, when so many are joining in deserved tributes, the Survey team notes that even his severest critics have not doubted his devotion to the University. In the wake of Mr. Ross's retirement, many changes will be in order. The Board, so long led by one man who knew the University intimately, will no longer be closely held. Board members of the future surely will be unable to equal the time and attention he gave to campus affairs. The timing is right for a larger and more representative Board.

Functions of the Board of Regents

In describing the Board of Regents as the governing board of the University we have in mind a legislative rather than an executive function. And as the Regents quite properly seek a broad measure of autonomy in their relations with the State government, so they should grant as much freedom and discretion as possible to the President and faculty of the University in the internal management of its affairs. It is a sound rule of administration that leaves the greatest possible discretion to those at the base of any administrative pyramid, maximizes the decisions that can be made at that level, and minimizes those that must be made at the top. Nowhere is this a more salutary rule than in the government of a university. The 1917 report on the University of Nevada states this principle with admirable clarity in warning against a "meticulous attention to the details of administration" by the Board of Regents. "Nothing," says the report,

is more disastrous to the proper functioning of an institution. It is essential that the legitimate limits of board action should not be transgressed. The committee understands the sphere of the governing board to embrace three main activities. These are, (1) *the determination of the general policies of the insti-*

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*tution * * * in consultation with the executive officers; (2) the appropriation of moneys or the approval of the distribution of appropriations made by public appropriating bodies (the state legislature); (3) and the appointment of institutional employees on the recommendation of the institutional executives. In other words, the function of the governing board is in the broadest sense of the word, legislative. If it attempts to usurp executive functions, chaos usually follows.⁹*

In addition to these three functions, the Board of Regents has two more of equal importance. These are (1) responsibility for interpreting the University to the people of the State and enlisting both popular and legislative support for its program, and (2) being ever alert to explain, maintain, and defend the freedom of the University and its faculty to test, pursue, and teach knowledge for its own sake without fear or favor from special interests, be they political, economic, social, or cultural, and to participate as citizens not only in the life of the University as a whole but in the life of the greater community of which the University is a part.

In discharging its responsibilities, the Board of Regents will, except under special or emergency conditions, act upon recommendations coming to it normally from the President. As we have said earlier, the Regents determine policy, allocate funds, and appoint personnel mainly by giving or withholding their approval of recommendations made by the President or the faculty through the President. When the Regents find it necessary to initiate policy independently of the President, or repeatedly to disapprove recommendations made by him, it is probably time for a change in the executive leadership of the institution.

This is by no means to say that the Board of Regents is a mere rubber stamp or sounding board for the President. On the contrary, it brings to bear upon the problems of the University a special quality of collective insight, experience, and judgment that not infrequently results in the revision, amendment, or even withdrawal of proposals presented by the President. Just as few legislative proposals coming to the Legislature from the executive officers of the State, from individual legislators, or interested citizens emerge from the legislative hopper exactly as they went in, so few proposals coming from the President of the University or through him from deans, department heads, faculty committees, or even individual teachers, students, or alumni, will emerge unchanged from a Regents' meeting. Indeed, the government of the University will exhibit the strength and weakness of democratic government everywhere. And however frustrating it may be at times, there is no better system for the government of men, including college professors, in a free society.

The general powers and responsibilities of the Board of Regents should be more carefully and more broadly set forth, either in the constitution or by law. The language of such an amendment or statute should make it clear that all aspects of educational policy, including all matters concerning courses of study, curricula, schools, colleges,

⁹ *Ibid.*, p. 27. Italics supplied.

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departments, or divisions of instruction, all academic and administrative appointments and all matters concerning the internal management and administration of the University are left to the Board of Regents for final determination. The internal organization of the Board, including the choice of a chairman and such other officers and committees as may be deemed necessary, the adoption of rules of procedure, and the time and place of meetings, should be left to the Board.

Among the first and major acts of the Regents should be the adoption of a code of rules, standing orders, or by-laws, defining clearly the basic policies to be followed with reference to: (1) the delegation of responsibility to the President for the day-by-day administration of the University; (2) the delegation to the faculty of responsibility through agencies of its own (*i.e.*, Academic Council or Senate, etc.) for making, through the President, recommendations concerning academic matters; (3) the definition of principles and procedures governing personnel administration, including principles of academic freedom and tenure.

The Regents should only on rare occasions initiate academic policy and on even rarer occasions of emergency intervene in the detailed management of the University. But it needs equally to be emphasized that the Board is a representative legislative and deliberative body, and should make sure that no major matter of policy or even of internal administration receives approval without adequate consideration and without opportunity for all points of view to be heard.

At the University of Nevada important matters of educational policy profoundly affecting its budget and basic orientation have too often been approved on the basis of skimpy evidence presented in *ex-parte* fashion and with only the most brief and cursory discussion. The record shows little or no consideration of opposing points of view concerning certain important policy decisions or of adequate or judicious inquiry into decisions affecting teaching personnel that have engendered deep and widespread misgivings in the faculty. The Richardson Case, with all of its attendant evils, need never have happened had the Board of Regents been alert to its responsibilities and loyal to its own proclaimed principles. It is a sad commentary on both the President of the University and the Board of Regents that the Supreme Court of Nevada had to teach them to honor not only elementary principles of academic freedom and tenure, but their own exemplary rules.

Visiting Committees

An Honorary Board of Visitors is provided for by law in Nevada. This Board now consists of one member from each county and the Chief Justice of the Supreme Court, *ex-officio*, appointed by the Governor for a term of two years from among persons "interested in higher education" and who are residents of the county from which they are appointed. These honorary visitors are authorized annually "during commencement week" to investigate the University and report within thirty days to the Governor "for the information of the people of the State and the next succeeding Legislature * * *"

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Our impression is that the reports of the Board of Visitors have been of minimal value although, potentially, some such body might be of considerable usefulness as a source of information. To become useful, such a Board of Visitors will require more staff assistance, more time for its investigations, and greater co-operation from the Regents, staff, and faculty of the University. In any case "commencement week" is scarcely the best time in which to study the life and work of a university, if the study has in view the formulation of policy and not merely public relations.

Another kind of visiting committee is primarily for the information of the Regents rather than the Governor and the Legislature. The Regents might establish a number of sub-committees composed not only of members of the Board but also of distinguished citizens and even visiting scholars, who have special knowledge of or interest in a particular field. Thus, at Nevada, one might envisage visiting committees for agriculture, mining engineering, education, business administration, and liberal arts and sciences, or where this is possible, for even more specialized fields such as physics and chemistry, history and political science, literature, humanities and the fine arts. Such committees would, from time to time, visit the University, inspect the physical plant of a particular college or department, talk with members of the faculty and students, and even attend regular lectures or seminars without prior notice.

Visiting committees of this kind, functioning through the years, can be an invaluable source of information for the Regents and an effective vehicle for direct communication between Regents and faculty on a basis entirely consistent with the principle that the President should be the sole *official* channel of communication between Regents and the faculty and staff of the University. By including interested and informed nonmembers on such committees the Regents also get the benefit of valuable counsel within the context of the University community itself, and without in any way impairing their own authority and responsibility.

Visiting committees may, of course, take a variety of forms and a Board of Regents will be wise to experiment in this as in other fields. Much can be learned from the reports of Harvard's visiting committees, which have been published since 1909. In recent years Harvard's Board of Overseers has set up no less than forty-four visiting committees to cover nearly every aspect of the University's work. At Harvard and elsewhere these committees have made a rich contribution to better morale, better understanding, improved educational policies, and vastly better public relations.

APPENDIX G

Section 7, Article 11, *Constitution of the State of Nevada*

The Constitution of the State of Nevada

Article XI. Section: 7. **Board of regents: Election and duties.** The Governor, Secretary of State, and Superintendent of Public Instruction, shall for the first Four Years and until their successors are elected and qualified constitute a Board of Regents to control and manage the affairs of the University and the funds of the same under such regulations as may be provided by law. But the Legislature shall at its regular session next preceding the expiration of the term of Office of said Board of Regents provide for the election of a new Board of Regents and define their duties.