

Issues Raised by House Bill 2115, Senate Bill 2260

A Position Paper by Beauvais Lyons, UTK Faculty Senate President

<http://wapp.capitol.tn.gov/apps/BillInfo/Default.aspx?BillNumber=HB2115>

<http://www.capitol.tn.gov/Bills/110/Bill/HB2115.pdf>

Do Not Fix What is Not Broken

Recommendation: While modest changes to the size and composition of the UT Board of Trustees should be considered, this proposal represents a drastic change that betrays conservative principles.

Aside from unsubstantiated claims of “accountability” and “efficiency,” the sponsors of these bills cannot identify how a newly constituted board will improve the University of Tennessee. Under the current Board, the University has seen consistent progress in retention and graduation rates, limited tuition increases, increased donations, completed significant capital projects, and increased research funding. A conservative approach would involve more incremental change to the board.

Empowering an Outgoing Governor

Recommendation: Any effort to reconstitute the UT Board of Trustees should consider if this is the right time to implement a new board structure. The Legislature should be mindful that reconstituting the UT Board of Trustees allows an outgoing governor to have an undue influence on the UT Board after his second term.

UT has benefitted from the commitment that Governor Haslam has shown to improving education in Tennessee. I have supported most of his initiatives, however, the UT FOCUS Act is one area where we respectfully disagree. I am not alone. Nearly every candidate for governor has expressed concern regarding HB2115/SB2260, as it not only removes the next governor as chair of the UT Board of Trustees, but it minimizes the impact that the next governor will have on selecting Board membership. In this context, it may be best to postpone reorganization until the 2019 legislative session.

Size and Composition of the Board of Trustees

Recommendation: Having 11 members is too small to complete the work of large, multi-campus university system. It is not parallel thinking to make a board that serves 4 campuses the same size as boards that only serve one campus. The BOT should be amended to 15-16 members with stronger connections to UT campuses and institutes and to allow for appropriate representation on BOT Committees.

The idea of reducing the size of the board to make it more accountable has merit, however a smaller board will also present challenges to ensuring diverse and appropriate geographic representation. Using the three grand divisions of the state may not ensure that there are appropriate board connections to the four main campuses within the system, not including UTSI. Amending the bills to create greater connections to alumni from each campus has merit.

In addition, HB2115/SB2260 makes no provisions for board membership on committees of the Board of Trustees. Currently there are 10 board committees including, Academic Affairs and Student Success; Advancement and Public Affairs; Athletics; Audit and Compliance; Executive Compensation; Finance and Administration; Health Affairs; Research, Outreach, and Economic Development; Trusteeship; and University Life, all of which add value to the policy-setting role of the Board. A board of 15-16 members will ensure these important committees are appropriately staffed.

The UT FOCUS Act and the 2016 FOCUS Act

Recommendation: The UT Board of Trustees is strengthened by having a voting faculty trustee elected to a one-year term drawn from elected Faculty Senate Presidents and a voting student trustee. The 2016 FOCUS Act ensured that the six-new board have faculty and student trustees, although the student trustees are non-voting. Modernizing the BOT should not be understood as making its composition less diverse and including these critical constituencies.

If the intention is to model the UT FOCUS Act on the 2016 FOCUS Act, then the newly constituted UT Board of Trustees should retain a faculty trustee as is the case with boards at the six former TBR universities. A [2013 paper](#) regarding faculty members of board of trustees published by AAUP cited a Cornell Higher Education Research Institute (CHERI) survey indicating that “Discussions of ‘best practices’ for governing boards consistently cite improved relationships with the faculty as one of the characteristics of highly effective boards. We are in an era of increasingly ‘activist’ boards, leading to significant mutual distrust between boards and faculty members and creating an impetus for improving faculty-board relations.” Governor Haslam has cited the Association of Governing Boards of Universities and Colleges (AGB) as taking a position against having faculty trustees. However, the CHERI study makes a case in favor of having faculty trustees, especially at public universities, which is key to creating improved communications and trust. As faculty trustees are typically on boards for only one or two years compared to the longer term for regular board members, their influence is always going to be limited. A two-year term however is a more common standard for faculty trustees. The CHERI survey indicates that faculty trustees add value to the deliberations of boards through their more direct knowledge of academic affairs, tenure and promotion, faculty workload and compensation, and that they contributed to the well-being of their institutions. Current UT Faculty Trustee Dr. Terry Cooper from the UT Health Sciences Center asks “How effectively would a hospital board function absent any physicians on the Board, or a corporation without those with demonstrated expertise and experience in business? So it is with the UT Board of Trustees.”

The Campus Advisory Boards

Recommendation: These should not be constituted as the campuses already have established systems of elected faculty representation and governance through their Faculty Senates with links to the system-wide University Faculty Council.

The proposal to establish a Campus Advisory Board on each campus is duplicative of existing and well-established systems of faculty and student representation. The proposed Advisory Boards would be perfunctory, as they are only required to meet three-times a year. The Faculty Senate on each campus works closely with campus administration as it relates to all areas of operations including academic affairs, budget and planning, research, etc. Typically, Faculty Senates meet as a whole seven times a year and numerous committees dozens of times and work closely with campus administrations. Each senate has an executive council to represent the faculty during the summer months. The campuses have two representatives (plus two current faculty trustees) on the UT system-wide University Faculty Council which meets electronically monthly, and holds in-person meetings in conjunction with November, March and June Board of Trustee meetings, with strong connections to the Academic Affairs and Student Success Committee. Establishing Campus Advisory Boards is an inefficient duplication of existing governance and administrative systems. Below are the web sites for these governing bodies:

[UT Chattanooga Faculty Senate](#)

[UT Health Sciences Center Faculty Senate](#)

[UT Knoxville Faculty Senate](#)

[UT Martin Faculty Senate](#)
[UT Faculty Council](#)