

Issues Raised by House Bill 2115, Senate Bill 2260

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

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

Summary Drawn from Media Sources:

Proposed by Gov. Bill Haslam and introduced on January 30, 2018, House Bill 2115 (UT FOCUS Act) proposes to reduce the size of the UT Board of Trustees from its current 27 members to 11, while also putting in place seven-member advisory boards on individual campuses. It amends TCA Title 4, Chapter 29 and Title 49, Chapter 9.

According to a news release from the office of the Governor, the bill seeks to bring the governing body of the UT System consistent with the governing bodies of other four-year universities. In 2016, the FOCUS Act shifted power away from the Tennessee Board of Regents and created individual boards of trustees for the six state universities outside the UT system.

If approved, the bill would vacate the current board on June 1, 2018 and reconstitute it to consist of one *ex officio* member, the commissioner of agriculture, and 10 voting members appointed by the governor. No longer would the UT president, governor or commissioner of education serve as *ex officio* members. The board would include at least two residents from each grand division of the state and at least five alumni.

While the board currently includes both one voting and one non-voting faculty member, and one voting and one non-voting student, the new proposal would bar employees of public institutes of higher learning as well as elected and state officials from serving as members of the board.

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.

In addition, HB2115 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.

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.” While the Association of Governing Boards of Universities and Colleges (AGB) has taken a position against having faculty trustees, emphasizing the possible conflicts of interest, arguments in favor of having faculty trustees, especially at public universities, are founded on improved communications and trust. As faculty trustees are typically on boards for only 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.

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 representation. In every case the Faculty Senates work closely with campus administration as it relates to all areas of operations including academic affairs, budget and planning, research, etc. Typically, the Faculty Senate on each campus meets 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](#)