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## **State Regents: Should They Be Elected or Appointed?**

### **As 4 states choose boards, opposition grows to letting the voters decide**

By SARA HEBEL

Chances are that many Colorado voters have never heard of Steven K. Bosley or Jennifer L. Mello, even though they are major-party candidates who will appear this fall on the statewide ballot.

In a year in which Colorado voters are expected to flock to the polls to select a U.S. president and a senator to represent them in Congress, Mr. Bosley and Ms. Mello are running in a much lower-profile race for a spot on the University of Colorado Board of Regents, the system's governing body.

As they canvass the state, Mr. Bosley, the Republican, who is a 62-year-old retired bank president, and Ms. Mello, the Democrat, who is a 33-year-old state-policy analyst, find that the question on many voters' minds is pretty basic: What exactly is a regent?

That nagging inquiry reveals a key reason that many higher-education analysts prefer the more commonly used approach of having governors appoint, rather than voters elect, public-university board members. While the appointment process can be flawed, too, these experts believe governors, on balance, are more likely than ill-informed voters to choose individuals who bring the expertise necessary to effectively manage the complexities of public universities.

"Generally, appointed boards, if the governor takes care, tend to be more effective," says Richard Novak, executive director of the Center for Public Trusteeship and Governance at the Association of Governing Boards of Universities and Colleges. "Appointed boards tend to have a broader view of the world."

This year controversies surrounding elected university boards in Colorado and Nevada are prompting new calls for abandoning or limiting elections for regents. A total of 16 races for positions on public-university governing boards will be decided this fall in Colorado, Michigan, Nebraska, and Nevada, the only states that hold such contests.

Community-college boards in 17 states are also elected, but those contests generate little controversy. Placing governance decisions in the public's hands seems more appropriate for community colleges than it may for research universities, says Ray Taylor, president of the Association of Community College Trustees. That's because two-year institutions focus on disseminating knowledge within a local community. Mr. Taylor's group has concluded that there are no substantial differences in how elected and appointed community-college trustees lead.

In Colorado, Mr. Bosley and Ms. Mello -- who are also running against a Libertarian, Daniel H. Ong -- defend the election process as important for giving residents a voice in how their flagship university system is run. They believe that many well-qualified candidates, themselves included, seek regent positions. Mr. Bosley points out that he has served on 13 boards. He also founded and, for several years, managed an annual charity event, a 10-kilometer run that now draws about 50,000 participants. Ms. Mello says she knows how to work the state General Assembly, having served as policy director for the

Democratic office in the House of Representatives.

## **Letting Stakeholders Speak**

Mr. Ong, who is 45 and is a part-time student at the University of Colorado at Denver, also supports the practice of electing regents, even though he has been excluded from some public forums for regent candidates and hasn't even been mentioned in some newspaper editorials that compared his competitors.

He argues that the pitfalls of the appointment process are worse, singling out Colorado's higher-education coordinating board, whose members are chosen by the governor, as an example: "The Colorado Commission on Higher Education is stacked with people who are just following whatever the leader does."

The process of campaigning is also important, Mr. Bosley says, as it forces candidates to engage residents throughout the state in conversations about higher-education issues. His stump speeches focus on reforming state spending restrictions that limit funds for higher education, encouraging the university to use money more efficiently, and ensuring that the university is doing enough to rid its classrooms of bias against unpopular political and religious views. He also gives his audiences a chance to talk about the football-recruiting scandal that rocked the university this year, though he believes university officials and regents adequately handled the investigation into the allegations that the institution had lured prospective players with the promise of alcohol and sex.

Mr. Bosley has set a goal of visiting every newspaper in Colorado before election day. By the end of last month, he had hit 103 since January, with about 40 left to go. "I get the message frequently that 'I haven't ever seen a regent's candidate here,'" he reports. "It would've been a lot easier to appeal to the governor for an appointment than spend eight to nine months of my life on the road. But campaigning harder can only be good for the state."

Ms. Mello is a latecomer to the race, chosen near the end of August, to replace James A. Martin Jr., an incumbent regent who dropped out of the election earlier that month. Ms. Mello, too, wants to ease Colorado's budget limits to free up money for the state's public colleges. But she is also focusing her campaign on what she says is the need to restore the reputation of the University of Colorado at Boulder, given that nine women have accused university football players or recruits of sexual assault. She pledges to hold administrators accountable, making sure they are fired if reforms in university recruiting rules and athletics-department oversight do not lead to demonstrable change.

In the wake of the football scandal, Ms. Mello argues, it is even more important that state residents have a say in who governs the University of Colorado. "Elections," she says, "are a way of directly addressing public trust."

## **An About-Face**

Mr. Martin, who runs his own home-building company and served for two six-year terms as a regent, dropped out of this year's race because he was frustrated by what he viewed as the slow pace of reform at the university and because he felt he could no longer bring about change as a board member. He says he used to believe that elections could create an opening for people who could make strong contributions as a regent but who might not have the connections to win an appointment.

"But I've done a 180-degree turn," Mr. Martin says. "The lack of football oversight just crystallized everything to me."

He argues that most people who seek to become regents are alumni leaders, football fans, and other university supporters who love the institution but are not inclined to take a critical look at administrators'

performances. That characteristic, he believes, contributed to the Board of Regents' failure to take more-vigorous action against administrators who should have provided better oversight of university athletics.

In general, Mr. Martin, who himself is an alumnus of the University of Colorado at Boulder, concludes that regents aren't elected on substance. Knowing little about the candidates, many voters either skip that part of the ballot or just select the regent by political party.

Mr. Novak, of the governing-boards association, says that many individuals who would make strong university trustees do not have the time to campaign, nor the desire to put themselves through the public scrutiny. Others may not have the money, as regent candidates typically spend thousands of dollars of their own funds to run.

In addition, elections may compel regents to lose sight of their obligations to institutions and to fighting for the greater public good as they cater to voters' desires, says Mr. Novak. "There is a delicate balancing act boards have to perform between being institutional advocates and institutional overseers," he says. "Being elected can confuse that issue."

That can be particularly troublesome when candidates with political aspirations try to use regent elections as a steppingstone to a higher office, Mr. Novak adds. He says one regent who served in Nevada, for example, would never vote to increase tuition or employee salaries because she wanted to establish a record as favoring low taxes and limited spending.

## **Debate in Nevada**

This year other issues have provoked renewed criticism in Nevada of using elections to select members of the board that governs the state's public colleges and universities. Last November the Board of Regents of the University and Community College System of Nevada held a controversial 17-hour closed session to decide the fate of the president of the Community College of Southern Nevada and his chief lobbyist.

Both were accused of scheming to undermine the authority of the system's chancellor and the regents, and a divided board voted to reassign the two officials to faculty ranks ([The Chronicle](#), February 27).

Mark Alden, a regent who voted against the demotions, believes that the inexperience of many of his colleagues on the board led them to violate state open-meetings laws by closing the deliberations and to meddle too quickly in an individual college's affairs for political reasons. The situation, asserts Mr. Alden, who is an accountant, is a "significant wake-up call" that the board needs to be overhauled, in part by making at least some of the members appointed.

Even before the past year's heated exchanges over the community-college personnel issues, State Rep. Christina R. Giunchigliani, a Democrat, had had enough of the infighting on the elected board and proposed legislation to change the system. Her bill, which passed in the most-recent legislative session, in 2003, proposes to amend the state Constitution to reduce the university board from 13 to 9 members, with 6 to be appointed by the governor and 3 to be elected. If the Legislature passes the bill again in its session next year, the proposed change would go before voters in 2006.

Meanwhile, several Nevada regents and candidates for the position stand by the elective process. People who spend time and money campaigning for an unpaid position are more likely to devote themselves to the job, advocates of the election approach argue. Appointees may hold more-prestigious résumés, but those come with busier schedules that limit time for their service on a university board.

Douglas R. Hill, an attorney and accountant who is running for his second term as a regent, says university

boards can be effective without high-profile executives. Beyond the few well-publicized decisions, such as the community-college demotions (which Mr. Hill endorsed and defends as appropriate), most of the work regents do is more mundane, he says. States simply need logical and reasonable regents who are willing to wade through the numerous less-flashy issues -- such as forging a common numbering system for courses among institutions -- that help students and universities.

## Yes and No

University leaders are divided over the issue of the best approach to selecting governing boards. Back in Colorado, Elizabeth Hoffman, president of the University of Colorado System, believes there are many advantages to elected boards. Because they are not beholden to the governor or state lawmakers for their presence on the board, she says, regents who are elected are more willing to take risks on policies that may not be politically popular among state leaders but that would serve the university well. For instance, Ms. Hoffman points to her board's approval of benefits for same-sex partners of the university's employees, making the University of Colorado System the only public university in the state with that policy. (The boards of the other public universities in Colorado are appointed by the governor.)

As for concerns that her university's elected board went too easy on administrators this year, Ms. Hoffman replies that regents did enact several important athletics reforms. She also counters critics who argue that elected boards lack experience by saying that appointed regents aren't always chosen for their abilities to manage either.

After Illinois switched from electing University of Illinois trustees to having them appointed by the governor, Ms. Hoffman, who served as an administrator at the University of Illinois at Chicago, says she and other university officials hoped that Gov. George H. Ryan, a Republican who was viewed as a higher-education advocate, would make strong selections. Instead, "he appointed his buddies," Ms. Hoffman says. "There was nothing wrong with them as individuals, but they were more loyal to him than to the university."

Patricia K. Miltenberger, interim president of Nevada State College, agrees with Ms. Hoffman that elected boards' independence of state leaders can be beneficial. But she worries about other aspects of the process. The cost of campaigning could quickly become prohibitive for many strong candidates, she says, as Nevada's population explodes and there are more voters to reach. If that happens, Ms. Miltenberger would advocate switching to an appointed board, which she believes would be equally effective as an elected one.

"The key is finding qualified people who are supportive of education and understand its complexities," she says. "I haven't seen that great of a difference between regents who are elected and those who are appointed."

Paul E. Lingenfelter, executive director of the State Higher Education Executive Officers, agrees that each approach can produce strong and weak boards. There is always a risk that governors won't take their appointment decisions seriously enough, he says, but the process can work "extremely well" when they do. Elections also can work, he adds, but getting attention for those races is "really difficult."

For Ms. Mello and Mr. Bosley in Colorado, any absence of publicity for their race is not for their lack of trying. They march in parades, speak at candidate forums, attend county fairs, and make the media rounds. In the first four weeks of her campaign, Ms. Mello raked in \$15,000 from supporters and received another \$7,000 in pledges. Mr. Bosley had raised \$50,000 by the end of last month and chipped in \$15,000 of his own money.

To increase awareness of his campaign, Mr. Bosley has even converted his 1985 black Ford pickup from a hunting truck into the "Bozmobile," a rolling billboard announcing his run for regent. During long hours on

the road, he has estimated the number of potential voters who view his signs. Over about 15,000 miles, he counts more than 100,000 adults in vehicles with Colorado license plates.

Maybe, just maybe, that will be enough to gain him some name recognition among voters. And in this kind of race, that would be no small thing.

## **WHERE VOTERS PICK UNIVERSITY BOARDS**

Voters in four states will be asked this fall to fill a total of 16 positions on public-university governing boards. In most other states, governors appoint members of those boards.

Here is a list of this year's races:

### **Colorado**

- U. of Colorado Board of Regents:  
3 positions

### **Michigan**

- U. of Michigan Board of Regents:  
2 positions
- Michigan State U. Board of Trustees:  
2 positions
- Wayne State U. Board of Governors:  
2 positions

### **Nebraska**

- U. of Nebraska Board of Regents:  
2 positions

### **Nevada**

- U. and Community College System of Nevada Board of Regents:  
5 positions

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