

Governance in the Public Interest

A Case Study of the University of North Carolina System

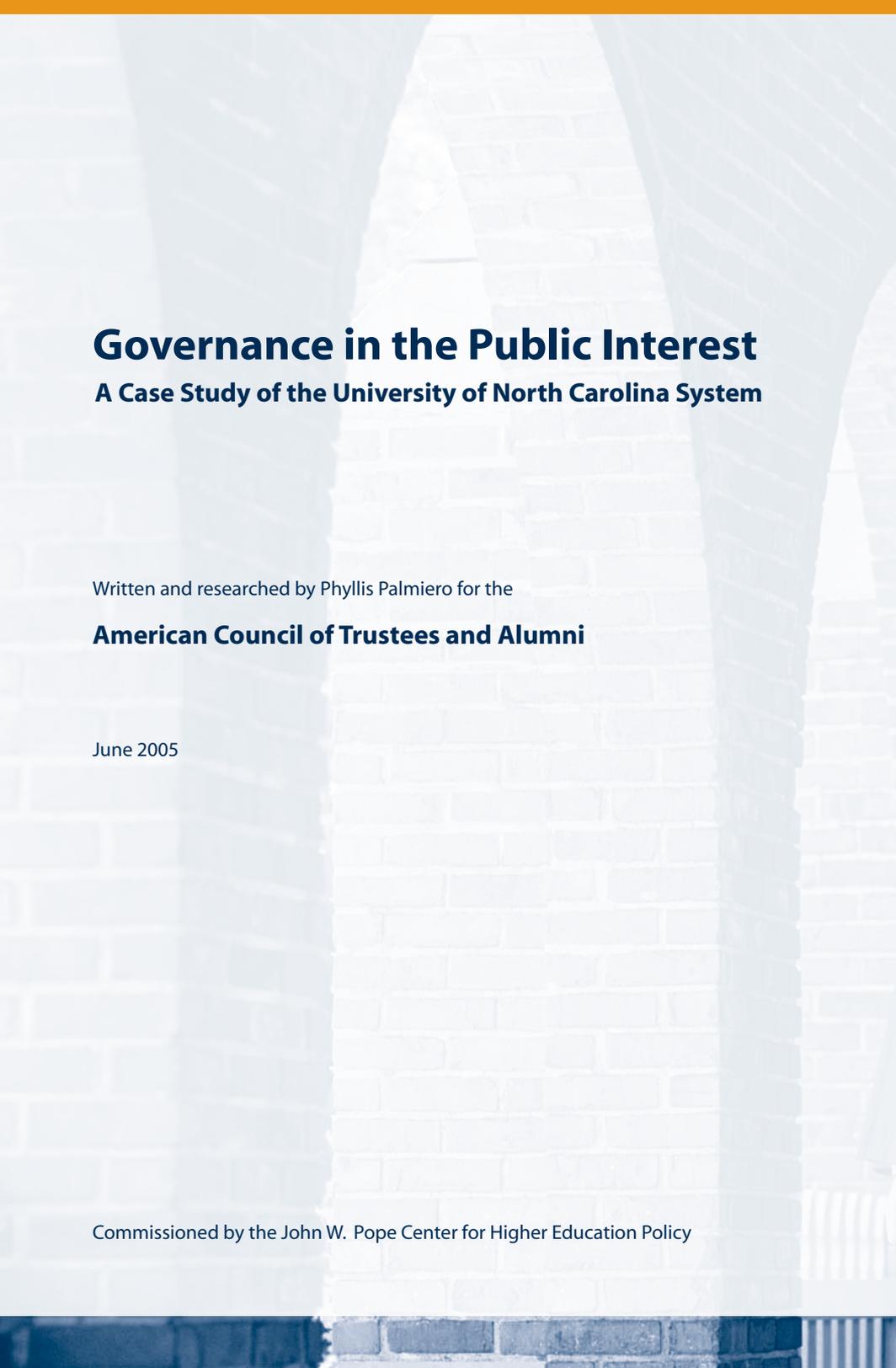


American Council of Trustees and Alumni

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The American Council of Trustees and Alumni (ACTA) is a 501(c)(3) nonprofit educational organization committed to academic freedom, excellence, and accountability. Founded by Lynne Cheney and former Colorado Governor Richard Lamm in 1995, ACTA has members from over 400 colleges and universities.



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Written and researched by Phyllis Palmiero for the

American Council of Trustees and Alumni

June 2005

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FOREWORD

At a time of widespread concerns about quality, cost and accountability in higher education, the importance of the lay governing board has never been greater. Lay governance is the means by which the perspective of informed citizens is brought to the heart of the university. And, in the best of all worlds, it provides a vehicle for thoughtful long-range planning in the best interests of the taxpayer and the state.

In the following pages, the American Council of Trustees and Alumni takes a comprehensive look at the University of North Carolina higher education system. In doing so, we pose a number of questions: Is the existing Board of Governors organized in such a way that leaders can decide on a set of objectives and then effectively implement them? Does the organization of the system make it accountable to the state's needs in a way that enables people at the top to know whether their objectives have been achieved? Are there any features in the present governance system that are preventing it from achieving major goals?

Based on this research, we conclude that several structural changes, including vesting the governor with full appointing authority, are in order to ensure greater leadership and accountability within the state higher education system.

Addressing these issues is author Phyllis Palmiero, a senior consultant to the American Council of Trustees and Alumni, and former Executive Director of the State Council for Higher Education in Virginia, the coordinating body for Virginia higher education. Ms. Palmiero also served as Deputy Director for Policy; Manager of Elementary, Secondary, and Higher Education; and Senior Education Analyst at the Virginia Department of Planning and Budget. She holds an M.B.A. degree in Finance and a B.A. degree in Economics from Fordham University.

This booklet is one of a series of publications by the American Council of Trustees and Alumni on higher education and is designed to provide independent analysis for education leaders, policymakers and trustees. ACTA publications include *Politics in the Classroom: A Survey of Students at the Top 50 Colleges & Universities* (issued in conjunction with the University of Connecticut Center for Survey Research and Analysis, February 2005);

The Hollow Core: Failure of the General Education Curriculum (2004); *Degraded Currency: The Problem of Grade Inflation* (2003); *Becoming an Educated Person: Toward a Core Curriculum for College Students* (2003); *Teachers Who Can: How Informed Trustees Can Ensure Teacher Quality* (2003); *Restoring America's Legacy: The Challenge of Historical Literacy in the 21st Century* (2002); *Can College Accreditation Live Up to Its Promise?* (2002); *Educating Teachers: The Best Minds Speak Out* (2002); *Losing America's Memory: Historical Illiteracy in the 21st Century* (2000); *The Intelligent Donor's Guide to College Giving* (1998); and *The Shakespeare File: What English Majors Are Really Studying* (1996).

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Executive Summary

The Board of Governors of the University of North Carolina has a fiduciary obligation to ensure the academic and financial health of the University of North Carolina (UNC) while serving the best interests of the state. In fulfilling its fiduciary obligation, there are a series of basic principles that the Board must apply. They include representing the entire university system, not a single constituency; understanding their role as Board members; setting the agenda; keeping informed; understanding the budget and ensuring the efficient use of resources; insisting on high academic standards, defending academic freedom and focusing on student learning.¹

Current Board members deserve high marks for their hard work and public spiritedness. As a general rule, they faithfully attend to business, work collegially with one another and the administration, and address important issues such as access and funding models. The study finds that

Current Board members deserve high marks for their hard work and public spiritedness. As a general rule, they faithfully attend to business, work collegially with one another and the administration, and address important issues such as access and funding models.

- The Board meets often and meeting attendance is high.
- The Board utilizes a committee structure in which most issues are vetted before going to the full Board.
- The Board has held workshops on various topics that appear to provide a good vehicle for open debate and deliberation.
- The Board biennially reviews and eliminates unproductive programs.

- The Board has been successful in meeting its highest priority strategic goal of increasing access.
- The Board provides several training opportunities to boards of trustees.

The study nevertheless concludes that current structural factors result in a troubling diffusion of responsibility and a lack of statewide leadership.

- The Board of Governors lacks a mandate from the governor, who does not appoint members, to address critical issues.
- The committees operate as de facto boards so that debate and discussion is virtually nonexistent at the full 32-member Board meetings.
- The campus boards of trustees have insufficient authority to ensure their institutions meet the needs of the system and the state.
- The Board spends substantial amounts of time on activities that should be transferred to the institutional boards of trustees, thus leaving more time for the Board to focus on system-wide concerns such as improving academic quality, assessing student learning, and better managing costs.
- The long-range strategic plan is staff-driven, not Board-driven.
- The Board sometimes uses academic freedom to excuse questionable academic judgments.
- The Board has not engaged in meaningful discussion about the content of the general education curriculum, standards or expected outcomes for every UNC graduate, and statewide assessment of learning outcomes.
- The Board too often uses the consent agenda for issues deserving more debate such as program approval, property acquisition, and mission review.
- By its own acknowledgment, the Board does not concentrate on cost control as much as it should.

The study nevertheless concludes that current structural factors result in a troubling diffusion of responsibility and a lack of statewide leadership.

- Although the Board provides several training opportunities to boards of trustees, those tend to be limited to insider presentations instead of fresh points of view from outside the institution.

Recommendations

To ensure leadership and accountability in the public interest, this report makes the following recommendations.

1. **The Board and all trustees should be appointed by the governor.** To provide leadership and accountability in the public interest, the governor should appoint all members of the Board of Governors, plus all boards of trustees. As the chief executive officer, elected statewide, the governor is in a position to identify critical issues, give the trustees a mandate to address them, and to be held accountable for the performance of his appointees. If they fail, the governor is responsible. Right now, with legislators selecting members, often with regard more to local factors than statewide needs, there is no statewide vision, no statewide leadership, no clear accountability. A revised structure, along these lines, would provide valid checks and balances and ensure a clear and constitutional separation of powers. Creating the statutory structure for higher education, appropriating the funds, and exercising oversight are legislative actions; executive leadership should be a gubernatorial responsibility. The legislature will still have a major role.
2. **Retain the consolidated Board of Governors.** The current single system-wide governing board provides for stronger leadership and accountability than the major alternative model—separate campus-by-campus governing boards with a statewide coordinating agency. Structures that have central control over funding, mission, and capital allocations, among other things, are in a far better position to implement strategic plans, assessments, cost efficiency measures, and other statewide initiatives than structures that do not have central control. Thus, the UNC consolidated governing board structure puts North Carolina in an enviable position to institute statewide initiatives such as student learning assessments and cost containment measures, and to meet the strategic goals and objectives of the state.

3. **Delegate greater operating oversight and responsibility to the individual campus boards of trustees.** The Board of Governors should not engage in the micro-management of individual campuses. It should focus on system-wide policy, oversight, and initiatives. The local trustees are in a much better position to make direct decisions on issues pertaining to their particular campuses.
4. **The Board of Governors should be more proactive.** It should control its own agenda so as to devote the most time to the most important and consequential decisions, such as improving academic quality, assessing student learning, and better controlling costs. It should bring a statewide vision to bear on strategic decisions facing the university system. It should ensure that the system is serving the state, not the other way around.
5. **The Board should be reduced from 32 members to no more than 15.** The larger a board is, the more diffuse its responsibility. Currently, the four committees serve as de facto boards and little work or discussion occurs at the full Board level. A smaller board would facilitate a focus on central issues, allow thorough discussion, and increase each member's accountability.



Introduction

Lay governance is designed to bring the informed perspective of citizens to the very heart of the university. In public universities, lay trustees are appointed by elected officials and ensure that the public interest is taken into account. At their best, lay boards effectively set missions and policies, oversee and approve budgets and programs, select and review presidents, and ensure the overall financial and academic well being of their institutions. However, experience shows that the full promise and actual practice of lay boards are often far apart.

What differentiates an effective board from an ineffective one? Why do some boards rubber stamp administrative recommendations, when others—working closely with administrators—look at the big picture and willingly exercise the authority needed to make tough choices? Are there certain board structures that ensure greater effectiveness and responsiveness? Should a new governance system be invented to deal with higher education in the 21st century? These issues are addressed in the following assessment of the University of North Carolina governance system.

This study will consider the following questions as they pertain to the University of North Carolina, and in particular, recent actions of the University of North Carolina's Board of Governors.

- **About the University of North Carolina's Governance System**

- What is the role of the individual boards of trustees?
- How are Board of Governors members selected?
- How are board of trustee members appointed?
- Does the Board of Governors receive training and/or orientation sessions?

- **How does the UNC Board of Governors conduct its business?**
 - Who sets the agenda?
 - Does the Board utilize a consent agenda?
 - Does the Board utilize a committee structure?
- **Does the Board of Governors review issues of academic quality and assess student learning?**
 - What efforts have improved academic quality?
- **Does the Board of Governors manage university resources effectively?**
 - What is the Board's role in developing the budget?
 - What actions has the Board taken to control costs?
- **Does the Board of Governors engage in strategic planning?**
 - How engaged was the Board in the development of the long-range plan?
 - Does the Board hold an annual retreat?
 - Does the Board use the strategic plan goals to evaluate the president's performance?
- **What has the Board of Governors achieved?**
- **How does the UNC governance system compare with that of other states?**

Study Methodology

This study examines the effectiveness of the University of North Carolina (UNC) system, specifically the UNC Board of Governors, as it relates to statewide governance, with particular emphasis on system-wide quality and accountability. The period of evaluation is from July 2002 through November 2004. Board meeting materials, the UNC *Code*, and other UNC published documents were examined. The study includes a thorough review of Board and committee minutes. It is important to note that the meeting minutes do not necessarily provide the full breadth of the discussions that took place; however, they do document all committee and Board actions and note when considerable discussion did take place. They are also the official record of the Board's meetings. Board of Governors meetings and committee

meetings were observed in October and November 2004. One-on-one interviews were conducted with several current and former members of the Board of Governors, members of the North Carolina legislature, and senior staff of the UNC president's office. The observations and conclusions that follow are the result of this evaluation.

Overview of the University of North Carolina System

The University of North Carolina (UNC) is a single, multi-campus university system. It has a consolidated governing board, known as the UNC Board of Governors, which governs the operations of 16 four-year constituent institutions, each with its own board of trustees. A separate board oversees North Carolina's community college system. That board is outside the scope of this study.

The Board of Governors' primary powers include governing the 16 constituent institutions which comprise the UNC system; approving or disapproving new academic programs; preparing a unified budget for the UNC system; setting tuition and fees; establishing enrollment levels at each of the 16 constituent institutions; and developing a statewide strategic plan for higher education.

The university's stated mission is to:

discover, create, transmit, and apply knowledge to address the needs of individuals and society. The mission is accomplished through instruction, which communicates knowledge and values and imparts the skills necessary for individuals to lead responsible, productive, and personally satisfying lives; through research, scholarship, and creative activities, which advance knowledge and enhance the education process; and through public service, which contributes to the solution of societal problems and enriches the quality of life in the State. In the fulfillment of this mission, the University shall seek an efficient use of available resources to ensure the highest quality in its service to the citizens of the State.²

The Board of Governors hires a university president who is considered the chief executive officer of the university system. The president employs a staff that makes up the General Administration of the university system.

What is the role of the individual boards of trustees?

The UNC Board of Governors, not the legislature, defines the specific duties of each of the 16 institutional boards of trustees. The Board of Governors operates under a *Code*³ that lays out the general responsibilities of the boards. The boards of trustees are required to hold at least three meetings per year but most boards hold four meetings annually.⁴ The general powers and duties of each board of trustees are

*to promote the sound development of its institution within the functions prescribed for it, helping it to serve the people of the state in a way that will complement the activities of other institutions and aiding it to perform at a high level of excellence in every area of endeavor. Each trustee shall serve as advisor to the Board of Governors on matters pertaining to its institution and shall also serve as advisor to the chancellor concerning the management and development of the institution.*⁵

The Board of Governors has delegated to certain boards of trustees authority for the institution's academic and administrative personnel, including appointment and compensation consistent with policies and salary ranges set by the Board of Governors. The boards of trustees do not, however, have authority over appointment, promotion, and compensation of faculty positions with permanent tenure or senior positions (vice chancellors, provosts, deans, and directors). Instead, the chancellor is required to forward recommendations, after consulting with the board of trustees, to the president, who then, if he or she concurs, forwards them to the Board of Governors for approval.

The board of trustees does not select the chancellor of its respective institution. It is the Board of Governors, upon recommendation of the university president, which selects the institution's chancellor. The board of trustees does, however, appoint a search committee, and nominates to the university president at least two individuals for consideration. Chancellors' employment contracts, evaluations, and compensation are also within the

discretion of the Board of Governors, not the board of trustees.

The Board of Governors has delegated to all boards of trustees authority for admission standards beyond the Board of Governors' minimum admission standards (which apply to the entire system). This means that the boards of trustees must adhere to the minimum admission standards set by the Board of Governors; however, the individual boards may raise these standards. The boards of trustees also have been delegated authority over graduation standards, athletic programs, student affairs, building programs, fundraising, endowments, and institutional budgets. The *Code* requires the board of trustees to advise the chancellor with respect to the development of budget estimates and the execution and administration of the actual budget of the constituent institutions, as approved by the General Assembly and Board of Governors.

The Board of Governors has delegated to the institutional boards additional authority for purchasing and information technology. These delegations of authority are also known as "management flexibility," and institutions are required to meet certain management requirements of the Board of Governors in order to be eligible for and retain these flexibilities. Thus, the flexibilities are subject to Board of Governors review and may be withdrawn should noncompliance occur. The Board of Governors' standing committees regularly monitor management flexibility to ensure compliance.

During interviews with selected Board of Governors members and its senior staff, some suggested that the balance of power between the Board of Governors and boards of trustees was unsatisfactory and failed to capitalize on the local knowledge of the trustees.

In his testimony to the Joint Select Committee on the UNC Board of Governors, John Sanders, former staff to and member of the Board of Governors, said, "the boards of trustees are not ornamental bodies, but have extensive responsibilities."⁶ Mr. Sanders' apparent defensiveness suggests that some feel that the boards are without real power. Perhaps this is because the boards of trustees' authority lies solely in the hands of the Board of Governors. During interviews with selected Board of Governors members and its senior staff, some suggested that the balance of power between

the Board of Governors and boards of trustees was unsatisfactory and failed to capitalize on the local knowledge of the trustees. This point is further

emphasized in the report, *Reorganizing Higher Education in North Carolina*, in which the author describes lingering issues that the state will have to face, including “the sometimes delicate balance of power between the central Board of Governors and the sixteen local boards of trustees.”⁷

How are Board of Governors members selected?

All 32 voting members of the UNC Board of Governors are elected by the Senate and House of Representatives of the North Carolina General Assembly, sometimes after having campaigned for a place on the Board. This is the largest consolidated governing board of any public university or system in the country.

The governor of North Carolina has no authority over the selection of the members of the Board of Governors, rendering the governor and executive branch virtually powerless over the university system. Ex-officio members include former state governors, the former Board of Governors’ chairman, and a student representative. Ex-officio members do not have voting rights.

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Members’ terms are staggered, and no person may be elected to more than three full four-year terms. More than 80% of the Board’s 32 current members are UNC alumni and nearly two-thirds have some prior service on one or more of the UNC boards of trustees or affiliated entities.

How are board of trustee members appointed?

The trustees of each of the 16 constituent institutions are appointed by the Board of Governors and the governor of North Carolina. Eight members of each institution’s board of trustees are appointed by the Board of Governors, and four are appointed by the governor of North Carolina, each able to serve two four-year terms. The rationale given for this selection process is to allow for “a reasonable degree of coordination and cooperation between the central board and the institutional board.”⁸ In addition to the 12 appointed trustees, the president of the student government of the institution serves as an ex-officio member of the board of trustees.

The Committee on University Governance of the Board of Governors determines selection of half of the trustees on a biennial basis in each odd year. In making biennial appointments, the committee solicits nominations from the chancellor, the board of trustees chair, and Board of Governors members. It also considers legislative and community input. As vacancies occur, they are announced publicly at the Board of Governors meetings and the biennial process is discussed at length during committee meetings in public forums, providing ample opportunity for interested parties to make nominations. Every member of the Governance Committee serves as a liaison to one or more of the constituent institutions. The liaisons are responsible for understanding the needs of the institution and ensuring that nominations are received and reviewed. Liaisons then recommend nominees to the Governance Committee for their respective institutions. Nominees are usually interviewed by liaisons for biennial appointments. Before the slate of nominees is approved, all nominees must attend a board of trustee orientation program developed by the Board of Governors' staff. The trustee orientation program is offered to the governor's appointees as well. The Board of Governors usually approves the slate of nominees in May, prior to the trustees' July 1 effective date.

The Board of Governors does not use any formal criteria for appointing trustees. It relies on each Board member's own experience as a trustee (most have been on boards of trustees prior to their serving on the Board of Governors) and, according to staff, utilizes materials from higher education organizations on what makes a good trustee.

When considering candidates for boards of trustees, the Governance Committee looks at attendance data and biographical information, and considers the institution's needs relative to gender, racial and geographical diversity. For the more prestigious institutions, nominations typically exceed the slots available; hence, the committee's decisions are made by selecting among a group of nominations for a particular university, not just accepting the chancellors' requests. The committee cannot go into closed session to discuss nominations because of open meetings laws, and the record shows little to no discussion about nominees. According to the official record, recommendations are typically approved without discussion.

Does the Board of Governors receive training and/or orientation sessions?

The Board of Governors holds a mandatory board of trustee orientation prior to nominee approval. In 2003, that orientation included a history of the university and its current strategic directions, presented by the president of the university; the role of the boards of trustees, presented by the university's legal counsel; flexibility issues in technology and personnel, presented by general administration staff; the role of the chancellor, presented by the chancellor of Winston-Salem State University; small group discussions; and presentations on strategic planning and budgeting, the construction bond program, and government relations and advocacy by general administration staff. The program also included a presentation on legal matters by UNC general counsel.

In addition to the biennial trustee orientation, the Board holds two other biennial training sessions, a Conference on Trusteeship and a Board of Governors orientation. The biennial Conference on Trusteeship is a two-day conference open to all trustees and Board of Governors members and covers topics pertinent to higher education in the state. The 2003 agenda included topics such as: "The Role of Higher Education in a Changing Economy"; "Economic Development and Workforce Preparation"; "Demographic, Economic, and Education Trends Affecting Higher Education in North Carolina"; and "Enrollment and Access." It also included small group sessions on distance education, diversity, financial aid, and non-traditional populations. In addition, the conference included a workshop with UNC general counsel and a breakfast meeting with the chairs of UNC boards of trustees and the chair of the Board of Governors. All of the speakers were from North Carolina and almost all from within the university system. According to staff, about one-third to one-half of the trustees attend the conference and feedback has been positive.

The Board of Governors also provides a biennial orientation for its new Board members. Topics on this agenda include: "The UNC and the Board of Governors"; "Governing Roles and Responsibilities in the University of North Carolina"; and presentations about committee functions and legal matters. In 2003, there also was an opportunity for informal conversation about what members hope to accomplish during their tenure. The presentations were made by current Board of Governors members, the university president, and general administration staff. There were no

legislators or executive branch speakers to talk about their objectives for the state's university system. That said, the Board recently invited both Speakers of the House of Representatives to address the Board (one in October and one in November, 2004), as well as the President Pro Tem of the state Senate (January, 2005). There is no indication that the Board has invited the governor to meet with the Board.

How does the UNC Board of Governors conduct its business?

The Board of Governors meets nine times a year in regular session and calls special meetings as needed. It held 21 regular meetings and four special sessions during the 29-month review period. The full Board meetings average about two hours in duration. The Board had a 94% attendance rate during this period, meaning that on average, 30 voting members out of the Board's 32 attend the meetings. All committee and full Board materials are sent to all Board members 10 days prior to the Board meeting. The Board's meeting materials are organized by committee and are quite sizable, containing more than 200 pages for each meeting. Based on discussions with selected Board members, staff, and Board leadership, the Board members tend to focus mostly on materials related to their committees. Observation of the committee and full Board meetings suggests that only a few Board members are fully prepared for the meetings. Discussion related to the committee materials is limited. Some of the questions that were asked made it appear that the members did not adequately read the materials provided. Other questions were more clarifying in nature than probing.

According to the Board of Governors' official records, in only a few instances did the Board actively engage in debate during the full Board meeting.

According to the Board of Governors' official records, in only a few instances did the Board actively engage in debate during the full Board meeting. Those issues generating significant debate included Board-initiated tuition increases, a committee recommendation to eliminate the Committee on Committees, an engineering feasibility study, and a resolution supporting academic freedom. Naturally, these only represent the items discussed in open session. It is possible that extensive discussion and debate took place on issues pertaining to personnel; however, those discussions

would have occurred in closed session. For instance, the Board's action on chancellor and senior administrator's salary increases likely stimulated significant discussion in closed session based on the extended time of the session (about one hour and 25 minutes).

The record shows that significant discussion and/or debate occurred on a few issues in committee as well, including the resolution on academic freedom and nonresident undergraduate enrollment limits. Committee discussions on funding allocations also generated healthy debate. When asked in interviews what they would like to see changed, one Board member stated that he would like to see more discussion at the Board level. He supports the committee structure and believes it is an efficient way to operate; however, he also stated that it can sometimes stifle discussion and debate when the issues go to the full Board.

The Board has not shown the ability to set its own agenda and decide its own priorities for action. As a consequence, the Board's work is reactive rather than proactive, and there is little opportunity for the Board to review opportunities and challenges that go beyond current institutional matters.

Who sets the agenda?

The Board of Governors' Code requires that the Board agenda "be prepared by the president with the approval of the chair."⁹ Since so much of the Board's work is dictated by external deadlines, e.g., General Assembly mandates, state budget schedules, and the academic year calendar, the agenda is in many ways self-driven for regular business. The remainder of the Board of Governors' agenda is driven by the committees' work. The committee agendas are determined mainly by staff, although committee chairs state that

they are consulted during agenda preparation. The Board has not shown the ability to set its own agenda and decide its own priorities for action. As a consequence, the Board's work is reactive rather than proactive, and there is little opportunity for the Board to review opportunities and challenges that go beyond current institutional matters.

Does the Board utilize a consent agenda?

The Board of Governors handles administrative items with a consent agenda, both at the committee and full Board level. The items typically on

the consent agenda are items handled as consent items in committee or as stand-alone items in the committee, and are put on the consent agenda for the full Board meeting. The purpose of the consent agenda is to expedite routine matters of the Board that are typically non-controversial and are related to staff's application of Board policies and guidelines on particular institutional requests. For example, the Board issues policies and guidelines for program approvals. The staff utilizes these guidelines in its review of new programs. If the programs meet the requirements set out in the Board's guidelines, these approvals are put on the consent agenda. Appendix A summarizes the items found on the Board's consent agenda.

While the consent agenda is designed to expedite the handling of routine non-controversial items, in fact it often includes items that should be more thoroughly debated. Program approval and acquisition of property/lease space typically are approved on the consent agenda. The board also routinely reviews institutional mission statements and program productivity through the consent agenda. However, focusing on programs and sites one by one means the big picture is lost to the slow evolution of programs over time. Use of the consent agenda in these cases very likely leads to curricular sprawl and mission creep since Board members do not systematically examine what is provided by the institutions vis a vis each other, or as a whole.

Does the Board of Governors utilize a committee structure?

Standing Committees

The Board of Governors has four standing committees: Committee on Educational Planning, Policies, and Programs; Committee on Budget and Finance; Committee on Personnel and Tenure; and Committee on University Governance. Each committee has seven voting members except for the Educational Planning Committee which has nine. From time to time, the Board of Governors establishes ad hoc committees that exist for a limited duration. The *Code* requires that all Board work be submitted to a committee for examination and consideration before being considered by the full Board. An item may go to the full Board without first being referred to a standing committee if, by two-thirds vote, the Board deems immediate consideration necessary.¹⁰ The Board staggers its committee meetings, so that any member of the Board may attend and participate in any of the committee meetings,

although visiting members cannot vote. Despite the Board's efforts to avoid overlap, committee meetings can and do extend beyond the allotted times, resulting in scheduling conflicts.

Most of the Board's detailed work occurs at the committee level, making the committees de facto mini-boards and the full Board meetings mostly perfunctory. The full Board acts as a ratification body for committee work. All Board members interviewed stressed the importance of the committee structure and their dependence upon their fellow Board members to do the due diligence required in their respective committees, so when actions come to the full Board, there is an understanding that all issues were considered and thoroughly vetted. Consequently, most members defer to the committees' recommendations. Thus, a thorough examination of the standing committees' work is essential in assessing the effectiveness of the Board of Governors.

Ad Hoc Committees and Workshops

The following ad hoc committees were established during the study's evaluation period:

Regular Ad Hoc Committees:

- *Committee on Public Affairs.* While the Committee on Public Affairs is not an official standing committee, it exists as one, in that it has an ongoing function to facilitate the Board's regular work. This may be the result of the Board's desire to maintain the momentum of the successful advocacy campaign that resulted in overwhelming support for the Higher Education Bond referendum in 2000. The committee's work includes establishing a federal agenda, reviewing and approving non-budget legislative initiatives, scheduling annual visits to Washington to speak to the North Carolina delegation, inviting state legislative leaders to speak to the Board, and developing a university advocacy plan.

Most state higher education governance bodies grapple with the appropriate balance between advocacy

Most state higher education governance bodies grapple with the appropriate balance between advocacy and oversight.

and oversight. On one hand, the state expects the governing Board to act as regulator and overseer; on the other, the Board is responsible for determining system-wide needs and advocating for them on behalf of the higher education system. The conflict occurs when public officials and the taxpaying public lose confidence in the statement of needs or the unrealistic demands made on state resources. It is the governing body's responsibility to demonstrate to the public that it is cost effective in producing an educated citizenry. If there is a loss of confidence in the quality of the product and/or its cost effectiveness, the public relations efforts of the higher education community tend to increase. Equilibrium occurs when advocacy naturally results from a quality system perceived to be efficient and cost effective. In other words, the product sells itself.

- *Committee on Committees*. Eliminated in 2004.
- *Committee on Board of Governors Awards for Excellence*. Nominates recipient(s).
- *Committee on the University Award*. Nominates recipient(s).

These “regular” ad hoc committees are established by the Board chair to handle specific events/issues that come before the Board.

Ad Hoc Committees:

- *Committee on Presidential Assessment*. Reported in closed session, February 2004.
- *Committee on Board Efficiency*. Established by chair to assess efficiency of the Board.
- *Committee on Code Revision*. Established by chair to make recommendations for streamlining, efficiency, etc., of the *Code*.
- *Committee on Tuition and Fee Policies*.*
- *Committee on Health Affairs*. Eliminated.
- *Taskforce on Safety of the Campus Community*.
- *Committee on the Future of Nursing*. Report approved, November 2004.*
- *Committee on the Future of Information Technology*. Report approved, October 2004.*

- *Special Committee Reviewing the Funding Model for Enrollment Growth.**
- *Taskforce on Meeting Teacher Supply and Demand.* Report made, March 2004.*
- *Taskforce on UNC/NCCCS Partnerships.* Report made, November 2004.*
- *Special Committee on Economic Development and the University.* Established, May 2004.

* These committees provided the Board with recommendations that helped shape the Board's 2005-07 biennial budget request for the university.

These ad hoc committees were established by the Board chair based on specific needs of the Board and/or due to current pressing issues in higher education. Many of the committees were established with the intention that after in-depth study, the Board would consider recommendations to amend its policies, shape budget requests for the 2005-07 biennial budget process, and/or undertake Board initiatives or programs.

Workshops:

The Board sometimes holds workshops on important issues on which it seeks input from other stakeholders, or determines it would be useful to have extensive discussion. The following workshops were held during the review period.

- *Parliamentary Procedures Workshop.*
- *Expansion Budget Workshop.* Two meetings in 2004 and one meeting in 2002.
- *Information Technology Workshop.*
- *Carolina North Workshop.* Budget and finance.
- *Long-Range Plan.* Planning.
- *Banner Implementation Workshop.* Budget and finance.
- *Preparing for Board of Governors Meetings Using Information Technology.* Committee on Board Efficiency.
- *Review of Proposed Tuition and Fee Increases.*

Board workshops were usually sponsored by a standing or ad hoc committee of the Board and were meant to provide an opportunity for Board members to obtain a better understanding of an issue likely to come before the Board in the near term. The workshops provide Board members with an opportunity to ask questions, offer their insights on particular issues, and suggest/consider various options. Typically, input that is provided to the committee helps to shape the committee's recommendation. For example, the Expansion Budget Workshop helped the Budget and Finance Committee develop the budget requests and made the committee function more effectively.



Effectiveness of the Board

Since most of the Board's detailed work occurs at the committee level, a thorough examination of the standing committees' work, particularly the work of the Educational Planning, Budget and Finance, and Personnel and Tenure committees, was conducted in order to assess the effectiveness of the Board.

Academic quality and the assessment of student learning

Academic issues fall under the purview of the Board's Committee on Education Planning, Policies, and Programs. The committee has the responsibility to receive advice and recommendations from the president and in turn make recommendations to the Board of Governors in all areas pertaining to the development of a coordinated system of higher education in North Carolina. This includes the definition of mission and assignment of functions of each constituent institution, the review of requests for initiatives on new degree programs and recommendations for termination of existing programs, and the provision of supportive services, facilities and other resources for the instructional, research, and public service programs of the constituent institutions.¹¹ The committee also recommends the licensure of non-public educational institutions.

The committee met 20 times in regular session and held three special sessions during the review period. Meetings averaged a little over two hours in duration and committee attendance was good. In addition, at every committee meeting, a number of Board members who were not on the Educational Planning Committee attended the meeting. Appendix B includes a listing of the major actions that the Educational Planning

Committee took during the study period. Several of these actions are worth mentioning in detail.

There was a net gain of 32 new programs approved by the Board in the 29-month period covered by this study. The Board also underwent a biennial program productivity review during the period in which staff examined 241 of the 1,962 existing academic degree programs at the UNC. Of the 241 reviewed, only 19 (7.8% of those reviewed and less than 1% of all programs currently in inventory) were recommended for closure. Since July 2002, a total of 33 academic programs were discontinued by the Board. The staff did state that they were working with the institutions to close additional programs. The record shows that some discussion took place; however, the context of this discussion is not documented. Given the small number of program closures, the committee might ask whether the current productivity standards are adequate. Many states use productivity standards that are low (e.g., an average of five graduates in a program and an average enrollment of 10 students). The scope of this study does not include an assessment of UNC's productivity standards; however, it would be a worthwhile effort for the committee and Board generally, if they have not recently done so, to examine these standards to ensure they are reflective of desired efficiency goals and objectives.

At UNC, as in other states, higher education board productivity assessments are merely output assessments. They ask the questions: "Does the program enroll a sufficient number of students?" and/or "Does the program produce an adequate number of graduates?" Assessment of the quality of the programs and its graduates is typically left to the institutions' assessment processes.

It is important to note, however, that in 2000, the Board did increase the minimum admission requirements and phased in two units of a second language and a fourth unit in mathematics.

The Educational Planning Committee also took steps to require second concentrations in core academic areas for teachers. This is a positive step in ensuring high quality teachers in the classroom. In addition, the committee took steps to improve articulation between the two-year and four-year sectors. All efforts to facilitate transfer from community colleges to four-year institutions should be applauded.

While the record indicates that the Board recently reviewed and revised the university's minimum admission requirements, in fact, the Board merely updated the standards to reflect the SAT writing requirement and the addition of a corresponding ACT writing requirement. It is important to note, however, that in 2000, the Board did increase the minimum admission requirements and phased in two units of a second language and a fourth unit in mathematics. This change was based on a Board study that showed a greater than 22% increase in retention rates when two units of a second language and a fourth unit of mathematics were taken.¹²

North Carolina has been viewed as a model in its efforts to better link elementary and secondary education to higher education in what is considered a K-20 partnership.

North Carolina has been viewed as a model in its efforts to better link elementary and secondary education to higher education in what is considered a K-20 partnership. Despite these efforts, in the most recent edition of *Measuring Up: The National Report Card on Higher Education*, North Carolina had “a smaller percentage of students graduate from high school, compared with a decade ago, and a smaller percentage of low-income students enroll in higher education. North Carolina has lost ground in providing students and families with an affordable education.”¹³ The Board has responded to the affordability issue by recommending to the legislature the need for state supported need-based financial aid. Because of the significant tuition increases in recent years, the Board of Governors was successful in securing that funding, and for the first time in its history, the state provides need-based financial aid. However, despite the troubling trend over the last decade, the record does not contain any evidence that the Board is working with the K-12 system to improve high school graduation rates.

There was a great deal of controversy surrounding a summer reading program at UNC–Chapel Hill. Prior to the summer of 2002, less than one year after the September 11, 2001 attacks, UNC–Chapel Hill required incoming freshmen to read *Approaching the Qur'an: The Early Revelations*. The General Assembly, in reaction to the choice of reading materials by the institution, submitted a budget amendment entitled “No Funding for Required Courses on One Religion.” This measure initially passed the House of Representatives. The measure was not included in the state's approved budget.

The issue of whether the assignment was indoctrination or an exercise in critical thinking caused significant debate both in North Carolina and around the nation. On August 9, 2002, Ray Farris, a member of the Board of Governors, took issue with the General Assembly's action, calling it an attack on academic freedom. In response, he took a resolution in support of the Board's policy on academic freedom to the Board of Governors for action. Any matters that come before the Board must come through committee unless the action can carry a two-thirds majority. The motion to approve the Farris resolution failed by a vote of 18-10, one vote short of the two-thirds requirement.

Several Board members explained that their vote against the resolution was not a vote against academic freedom, but instead a vote against the lack of parliamentary procedure in its presentation. Clearly, the Board had authority to act on the measure without its going through a committee; they had done so before on several occasions, so long as the measure received a two-thirds vote. It is not clear, then, if members who voted against the resolution did so because they disagreed with the resolution, were not familiar with the issue and needed time to sort through it, or really did oppose the way the measure came to the Board. Nonetheless, the chairman sent the matter to the Educational Planning Committee, which held a special meeting on August 22, 2002, to discuss the issue. All but one committee member attended the special session and eight other Board of Governors members attended as well. The meeting lasted about 40 minutes. The chairman and the president made strong pleas to support the Board's long-standing position on academic freedom and after every committee member made a statement in support of that position, the motion to affirm the Board's policy on academic freedom passed unanimously. The Board showed a keen appreciation for the central importance of academic freedom in a university. However, the Board seems to have given less attention to other aspects of the issue, such as whether recent reading selections required of freshmen have reflected sound educational judgment. At the full Board, the resolution passed without discussion; the record fails to state if the vote were unanimous.

There is no doubt that the Board could have been better prepared to handle the issue when it came up. Generally, boards do not like to be surprised, especially on controversial issues for which they have little background knowledge. Therefore, postponement of the measure was appropriate. However, when the issue was sent to the Educational Planning Committee,

the committee did not fully discuss the issue and its implications. The Board's sole focus was its policy on academic freedom, which it reaffirmed, rather than on educational quality, which it failed to consider. During the committee meeting, which appeared to be a staged event, with the chairman, president, and each committee member providing prepared statements in support of academic freedom, no discussion of other relevant issues took place. As a result, the Board has been viewed as unable or unwilling to grapple with issues central to higher education.

The assertion that the Board is either unwilling and/or unable to grapple with difficult and controversial issues is further exemplified by a more recent event. In the spring of 2004, a UNC professor ended a class by asking whether heterosexual men felt "threatened" by homosexuals. One student responded with remarks disapproving of homosexuals and the professor then sent an email to the entire class accusing the student of "violent" "hate speech." The department chair met with the faculty member and the student and stated that the email was inappropriate. The Office of Civil Rights of the U.S. Department of Education then investigated and ruled that the student was subject to "intentional discrimination." While the OCR ruling stated the university handled the issue properly and no further action was required, the Board of Governors remained silent.

While the UNC Board reaffirmed its commitment to academic freedom, it did not take the opportunity to examine the other important issues raised.

One could argue that it was an institutional issue and the state governing Board need not get involved. On the other hand, both the Qur'an reading requirement and the homosexual remark incidents raised central issues—academic freedom, a student's right to free speech, educational judgment, and faculty responsibilities—that a more proactive Board might profitably have discussed. While

the UNC Board reaffirmed its commitment to academic freedom, it did not take the opportunity to examine the other important issues raised.

Another sensitive issue to come before the Board related to limits on nonresident undergraduate enrollment. In this case, the Educational Planning Committee, working with staff, considered a revision to the Board's policy, which limits first-time freshman nonresident undergraduate enrollment to 18%. The committee considered the staff recommendation

allowing the limit to increase by no more than 4%, in effect raising it to 22%, so long as the institution met its resident enrollment targets set by the Board of Governors. The committee held a special meeting to discuss this issue and the chair urged members to solicit input from all corners. There was a good deal of discussion at the meeting and ultimately the committee, on a vote of 7-2 (with two members reserving their right to change their vote at the Board meeting), approved the recommendation that the nonresident undergraduate enrollment limit be increased. The committee planned to bring its recommendation to the Board at its next regular meeting. Prior to the Board meeting, however, the committee met again and agreed to reconsider the policy. It has not considered the issue since November 2003. Some believe that this action, like the action on academic freedom, sends a message that the Board cannot or is unwilling to make difficult decisions. Others believe that the Board is too easily swayed by institutional and/or faculty interests.

The Educational Planning Committee receives and reviews numerous reports at each meeting. Some of the reports are required by General Assembly mandate and rarely generate discussion; other reports are required by the Board's policies and may not result in decisions that measurably benefit education. The amount of staff and committee time spent on reviewing/receiving reports that do not lead to meaningful discussion and/or action should be examined. During the last two committee meetings, the committee placed on its agenda an examination of all reports. Presumably, this meant a discussion about the number and relevance of the reports it receives. Unfortunately, discussion of this item was postponed. The committee should make time for this examination and take action to eliminate unnecessary busy work so it can focus on academic issues that will allow the Board of Governors to make informed decisions about educational quality and the future of higher education in North Carolina.

The committee did receive several important staff reports during the last two-year period that resulted in little discussion at the committee level and did not come to the full Board's attention. Most of the items pertained to assessment of student learning and measures of success. They include:

- **Report on Assessment.** Staff presented a Report on Assessment summarizing current institutional assessment efforts and suggesting an expansion of assessment reporting. In addition, staff reviewed a

working list of areas that need to be reported on an annual basis, and discussed some examples of expanded assessment.¹⁴ There was no discussion documented in the minutes on this issue. Molly Corbett Broad, President of the University of North Carolina, typically provides a President's Report to the Board at each meeting. During her January 2003 President's Report, she stated that Dr. Alan Mabe, UNC Vice President for Academic Planning, "provided a report on academic assessment and accountability. I commend that report to you, as it captures UNC's progress in developing a very comprehensive set of metrics to track performance in many different areas."¹⁵ The record does not indicate discussion on the topic. It is common for state higher education boards to require institutions to assess student learning and defer to the institutions' implementation of necessary improvements. State higher education boards typically are more concerned that the institutions are engaged in assessment than they are with utilizing institutional assessments at the state level. Nationally, however, states are becoming more and more

The UNC Board of Governors has spent little time in the last 29 months discussing what UNC students need to know and how best to measure whether or not they have acquired this knowledge.

interested in establishing statewide measures of student learning to better assess what students know. The UNC Board of Governors has spent little time in the last 29 months discussing what UNC students need to know and how best to measure whether or not they have acquired this knowledge.

- **Report on the General Studies Curriculum.** On February 13, 2003, the Educational Planning Committee received a report from staff related to general studies requirements. The staff completed a review of general education requirements across the UNC campuses. The record states: "Each campus has a unique combination of core courses and students generally have flexibility with these core disciplines. Therefore, no two campuses are exactly the same and the range of required hours will vary. The report shows that all campuses have a core of general education courses."¹⁶ There was no discussion in committee and the report was not mentioned to the full Board. In September 2004, the National Association of Scholars issued a report commissioned by the John W. Pope Center

for Higher Education Policy entitled, *How Solid is the Core?: A Study of General Education Requirements at 11 North Carolina Institutions*. The report found that: “Offering students a large number of course options tends to weaken the prescriptive effect of general education. In Humanities, Social Sciences, and Natural Sciences—the three areas that together comprise the core of general education—students are given such latitude in their choice of courses that little, if any, common knowledge is assured.”¹⁷

In addition, the American Council of Trustees and Alumni (ACTA) has released two recent publications related to a core curriculum. The first, *Becoming an Educated Person: Toward a Core Curriculum for College Students*, defines the features of an excellent core curriculum. The report recommends that university leaders ensure that students learn the following from a core curriculum: critical analysis; proficient reading, writing and speaking; quantitative reasoning; history; the political system and democratic principles; economics; art, music and aesthetics; and a foreign language.¹⁸ While the UNC Board of Governors received a staff report on general education at UNC institutions, it appears the report was more about whether or not the system had general education requirements rather than the rigor and discipline of each institution’s general curriculum.

The second ACTA publication on general education, entitled, *The Hollow Core: Failure of the General Education Curriculum*, finds that nationally, only 2% of institutions surveyed actually require six or all seven of the most common core courses. The report grades the institutions surveyed based on the number of required courses. The one North Carolina institution included in the survey—UNC-Chapel Hill—received a grade of “B,” which means it has a requirement of four or five of the seven recommended core courses.¹⁹ There is no indication that the Board was made aware of these studies, and there has been no effort by the Board to engage in meaningful discussion about the rigor and quality of UNC’s general education requirements.

- **Graduation, retention and time-to-degree.** In 1993, the Board adopted a policy for improving graduation rates. To implement it,

the university monitors length of time-to-degree for both full-time and part-time students, and reports the results annually. Institutions are required to respond to the report by describing their progress in improving graduation rates and reducing time-to-degree. These results are published in their annual reports on institutional assessment. The university also uses its quadrennial baccalaureate graduate survey to ask graduates how long they took to complete the baccalaureate degree and, if longer than four years, why.

In March of 2004, the Educational Planning Committee received a report on retention, graduation and time-to-degree. While the committee record does not indicate that discussion ensued, President Broad did alert the Board to the report and its overall findings. She stated, “At a time when college-level preparation has never been more vital to economic competitiveness, tracking the graduation rate of students—particularly full-time students—is one important and legitimate measure for assessing student success. Among students enrolled full-time each semester at a single UNC campus, more than 60% now graduate within four years.”²⁰ Despite the president’s overview of these results, neither the Board nor the Educational Planning Committee engaged in meaningful discussion about the results and their implications.

- **Nursing test results.** The staff presented the latest scores on the nursing exams. In May 1990, the UNC Board of Governors adopted the following policy and performance standards for UNC nursing programs:

*A requirement that the President will consider, jointly with the Chancellor, an evaluation of the leadership, faculty, admission policies, and the curriculum of any program whose graduates do not achieve for two consecutive years an annual passing rate of 85% for first-time writers, and a requirement that the President will ask the Board to initiate program termination procedures for any program having first-time passing rates of less than 75% for two consecutive years.*²¹

Two institutions did not meet the UNC standards of an annual passing rate of 85% and one institution's nursing program has been below the Board's 75% passing rate standard for three consecutive years. In 2002, a team of consultants offered steps for improving program performance at that institution. Despite this intervention, the institution still did not perform according to standards in 2003. The Board continues to receive reports regarding the institution's efforts; however, the Board has taken no action despite its policy to terminate the program. In addition, the record does not indicate any discussion by the Educational Planning Committee or the Board regarding this issue.

- **Bar exam results.** In July 2004, the staff reported to the committee the UNC pass rates for the North Carolina Bar Examination. Slightly over 80% of UNC graduates passed the NC Bar Exam compared to a national average of 75%. However, when the report is examined more closely, one of the two institutions offering law degrees had a pass rate of only 68.4%, about 7% below the national average. Nonetheless, the record does not indicate any discussion or probing on this issue.
- **Report on remedial education.** The Educational Planning Committee receives an annual report on Remedial/Development Instruction in UNC Institutions. The report was last presented to the committee in March 2004. In that report, staff indicate that the number of remedial courses are down. Yet, in the National Association of Scholars report on General Education, they found that "45% offer a course in remedial (a.k.a. developmental) English. The presence of a remedial course among the offerings of the English department suggests that the institution is knowingly accepting candidates who are not adequately prepared in writing skills."²² While the UNC annual report indicates a downward trend in remedial courses and costs, still, remedial courses continue to be offered. The Board has not taken action to limit remedial education by requiring that it be conducted by community colleges or by working with the high schools to improve the academic preparation of college-bound students.

Does the Board review issues of academic quality and assess student learning?

Based on the aforementioned observations, the Board does not appear to review issues of academic quality or assess student learning in a meaningful way. It does collect institutional assessment reports, but it is not clear how the Board itself uses the results to examine statewide learning outcomes, or how such reports help the Board to set policy and/or develop initiatives to improve academic quality.

Beginning in 2000, the National Center for Public Policy and Higher Education published *Measuring Up*, a biennial state-by-state report card for higher education. The report grades states on their performance in preparation, participation, affordability, completion, and benefits. In a supplement, a study of states' assessment of student learning outcomes was conducted. The report states that "although there is no direct measure of student learning, the University of North Carolina System surveys its graduating seniors, first-year alumni and their employers every year, in order to track students' self-reported skill gains. Employers and alumni also are asked how well they were prepared for their jobs, and students in postgraduate programs of study are asked how well their undergraduate programs prepared them for advanced study. The UNC data are fed back to institutions for improvement purposes and are used in the Universities' Performance Program Budgeting System."²³

The General Assembly requires institutions with special responsibility in management flexibility, which includes all 16 constituent institutions, to report on the impact of this management flexibility on higher education outcomes. "The Board shall report on the impact on undergraduate student learning and development as demonstrated by the standard assessment measures established in the institutional effectiveness plans, fiscal savings, management initiatives, increased efficiency and effectiveness, and other outcomes made possible by the flexibility provided."²⁴ Pursuant to these requirements, the Board established Fiscal Accountability Goals and Assessment Measures in 1992. These measures centered around three accountability goals: 1) to enhance student learning and development; 2) to improve student persistence and graduation; and 3) to strengthen the undergraduate degree program. The specific measures are listed in Appendix C.

With specific goals articulated and a solid foundation for assessing student learning already in place, one would think that the UNC Board of Governors, with its power and influence, would build upon this apparatus and institute statewide assessment of student learning in order to meet these and the Board's current goals. However, January 2002 was the last time the Board and/or the Educational Planning Committee addressed the assessment of student learning, and no discussion ensued.

The Board should consider if some of the time devoted to reviewing numerous minor reports might be better spent examining how well the UNC universities are meeting these student-learning outcomes required at graduation.

At the 2003 Board of Governors orientation session, President Broad informed Board members about the results of a recent study conducted by the Business-Higher Education Forum, a non-profit organization of leaders from American businesses, colleges and universities, museums, and foundations that examine issues of national importance. The study revealed that “to succeed in an environment of continuous change, students must now graduate with highly developed,

cross-functional, and flexible skills in leadership, teamwork, problem solving, time management, self-management, adaptability, analytical thinking, global consciousness, and verbal and written communications.”²⁵ The Board should consider if some of the time devoted to reviewing numerous minor reports might be better spent examining how well the UNC universities are meeting these student-learning outcomes required at graduation.

Managing the effective and efficient use of resources

Management of resources falls under the purview of two standing committees, the Committee on Budget and Finance, and the Committee on Personnel and Tenure. The functions of the Committee on Budget and Finance are “to advise and consult with the chairman and president concerning budget policy and preparation; to consider the budget proposed by the president, to recommend modifications to the budget if needed, and to recommend the budget for consideration by the Board; to make recommendations to the Board for allocations of funds appropriated by the General Assembly; to work with the Committee on Educational

Planning, Policies, and Programs to ensure the proper funding of long-range objectives; and to submit recommendations to the Board with respect to capital improvements projects, institutional borrowings, property transactions, and other budgetary and financial matters within the jurisdiction of the Board of Governors.”²⁶ The committee met 29 times during the review period. Average meeting duration cannot be determined as convened and adjourned times are not reflected in the record. Attendance usually included all the members and, in many instances, other members of the Board joined the meetings.

The routine actions of the committee during this period included allocations of appropriated funds to institutions; approval of various capital improvements; institutional borrowings and acquisition; disposition or lease of property; adoption of various reports ensuring management efficiency; and the monitoring of compliance findings on institutions’ audits. These matters are usually acted on by the committee and then by the Board without a great deal of discussion. The materials are thorough and questions usually relate to clarification. The major actions of the committee in the last 29 months relate to:

- adjustments to the funding model for enrollment growth;
- adoption of tuition and fee policies; and
- approval of the UNC unified budget request (continuation and expansion budgets).

In 2004, the Budget and Finance Committee considered adjustments to the funding model to determine if there could be a more equitable distribution of funds, in particular, to two institutions that fell below the minimum benchmark set by the Board. The staff initially presented two options to correct the inequity; however, during the committee meetings, five additional options surfaced from committee members. The Board, in a workshop format, discussed at length the allocation alternatives. The committee heard from chancellors on the matter as well. After a good deal of discussion, the committee took into consideration the input from all quarters and a modified recommendation was made. Still, in committee there was disagreement about the equity adjustment formula, and, ultimately, the motion carried with the understanding that this adjustment would be a one-time fix. Because the issue was extensively debated with input from outside the committee, the motion passed at the full Board meeting without discussion.

There is a sense among Board members that it is the state's obligation to provide for the university system, and many struggle with balancing the quality of the institution with the cost to students.

A more controversial issue, and one that stimulated much debate and discussion, was the setting of tuition and fees. In March 2002, the Board engaged in a fierce debate about Board-initiated tuition increases for the 2002-03 academic year. The Board meeting was nearly five hours long (three hours longer than the average duration). The Board's philosophical beliefs about low tuition are shaped by North Carolina's Constitution,

which reads, "the General Assembly shall provide that the benefits of the University of North Carolina and other public institutions of higher education, as far as practicable, be extended to the people of the state free of expense."²⁷ There is a sense among Board members that it is the state's obligation to provide for the university system, and many struggle with balancing the quality of the institution with the cost to students.

In March of 2002, the Committee on Budget and Finance made a recommendation to the Board to increase tuition 8% for undergraduate residents and 12% for nonresident undergraduates. The recommendation had seven parts, and at a member's request, the Board considered each part separately in the form of seven separate motions. Several floor amendments were proposed in the process. The measure for Board-initiated tuition increases passed, 21-5. This was one of only a few instances in which the Board did not defer entirely to a committee. While this was the most controversial of the tuition discussions, all tuition measures stimulate significant debate by the Budget and Finance Committee and the full Board. This is the case whether the measures relate to campus-initiated increases or Board-initiated increases.

Having raised tuition an average 62% university-wide over a three-year period, the Board adopted a resolution in 2003, declaring its "intention to maintain tuition rates at current or previously approved levels for the 2003-04 academic year." (See Appendix D.) However, the Board again approved institutional increases at varying levels in 2004-05.

What is the Board's role in developing the budget?

The last item of significance respecting the Budget and Finance Committee is

the university's unified biennial budget. The Board makes recommendations to the Governor and General Assembly on a continuation budget (funds that are in the base budget that are obligated for ongoing commitments, e.g., salaries) and for an expansion budget (programmatic needs to support new initiatives).

In November of 2004, the Board endorsed the committee's recommendations and submitted a biennial budget request of \$1.3 billion in additional operating funds over the current appropriation, and another \$1.7 billion in capital outlay. The submission included funding for faculty salary increases and support for a variety of programs related to UNC's Long-Range Plan.

While most of the requests for institutional funding are formula driven, there is no evidence that the UNC general administration critically examines the cost estimates for operating and capital requests. Institutional prioritizations are generally accepted as submitted. That said, the UNC budget and finance staff do provide the institutions with detailed guidelines and instructions for preparation of budget requests, and the submissions are expected to be in accord with those guidelines.

The Board does not alter its budget requests based on the state of the North Carolina economy. In his transmittal letter to the state budget director, UNC Board of Governors Chairman J. Bradley Wilson stated that he recognized that the request was ambitious, but he believes it is the Board's responsibility to document all of the university's needs with the understanding that the General Assembly will not be able to provide funding in a single biennium.

Does the Board make serious efforts to keep down costs and make sure resources are used effectively?

The Board examines a variety of progress reports and collects information regarding institutions' allocation of funds, management flexibility efficiencies, etc. It closely monitors institutions that might have audit issues as well. The Budget and Finance Committee also receives annual financial indicators. Even so, when interviewed, several Board members expressed a desire that the Board better ensure that money is being spent wisely. The Board diligently monitors the construction bond program and prides itself in coming in on time and under budget. While the Board monitors the institutions through a series of reporting requirements and financial indicators, it does not appear to examine how and where institutions are

using their money. The Board may want to examine spending trends in the system relative to a variety of benchmarks and develop incentive programs for better use of resources, such as withholding a certain percentage of funds as efficiency monies, and utilizing the funds for quality improvement, financial aid, or other Board goals.

To its credit, when the Board adopted the campus-based tuition increases in 2002, it also attached the following stipulation: “revenue resulting from a campus-initiated tuition increase be used only for instructional or academic purposes or for financial aid. Reallocations of requested funds are to be approved by the President.”²⁸ Despite the Board’s effort to impose a restriction on institutional tuition increases, such a requirement is difficult to monitor. Dollars are fungible and are difficult to track with any degree of specificity. Thus, there is really no way to know if those specific tuition dollars are actually going directly to instructional programming or for administrative support or other purposes within the educational and general budgets of the university. In effect, the Board merely made a statement of priority.

In December 2003, the Board of Governors recommended that revenues generated from campus-based tuition increases “be used to enhance the quality of the academic experience for students. To this end, the chancellors are directed to use the tuition revenues to reduce the size of classes, increase the number of sections offered, ensure students graduate on time, hire fewer part-time and more permanent faculty, and take other actions as appropriate.”²⁹ Any remaining funds could be used by the chancellor to increase faculty salaries. This mandate is somewhat more tangible than the earlier priority statement as it can be measured by looking at class size ratios, graduation rates, and time-to-degree.

During interviews with selected Board members, it became clear that there was a great deal of concern about tuition increases and the impact on students. However, very few discussed a desire to control costs for the sake of the taxpayer.

During interviews with selected Board members, it became clear that there was a great deal of concern about tuition increases and the impact on students. However, very few discussed a desire to control costs for the sake of the taxpayer. The Board laments the recent decline in state funds and the fact that they had to resort to system-wide tuition increases to offset those cuts. Several Board

members discussed the difficulty of balancing high quality and cost, yet the Board has spent little time deliberating and developing initiatives that could make the system more cost effective.

The Committee on Personnel and Tenure is responsible for making recommendations to the Board on all personnel actions under the jurisdiction of the Board. Those responsibilities include conferral of permanent tenure, appointment of senior academic and administrative officers for those campuses with “management flexibility to appoint and fix compensation,” and establishing and approving faculty and administrative salary ranges and approving salary increases of 15% or greater. The committee also has responsibility for reviewing the *Code* and institutional policies and regulations regarding tenure; reviewing appeals from faculty members that involve questions of tenure; and acting on other personnel matters that involve significant policy considerations.³⁰ The committee met 28 times in regular session and held two special sessions during the review period. Average meeting duration cannot be determined as convened and adjourned times are not reflected in the record. Attendance usually included at least six of the seven members and only in one case did the committee not have a quorum.

In a two-year period, the committee acted upon the appointment or reappointment of 105 senior academic administrative officers and made recommendations for 223 conferrals of permanent tenure. Institutions with management flexibility granted 28 additional administrative appointments and 464 additional conferrals of tenure during the two-year period. During this time, the Board also elected five new chancellors and the CEO of the UNC Health System. Since the vast majority of the committee’s time is spent in closed session, there is no way to know if discussions ensue in the meetings regarding the recommendations or if the recommendations are accepted as presented.

The committee also approved policy changes that would allow the president to place a chancellor on temporary leave under certain circumstances; adopted a new policy on administrative separation to guide separation rights for all staff in the Office of the President; and amended a policy to allow the president to establish employment agreements for retiring chancellors. In all of these cases, it appears that a particular event may have precipitated the need/desire for the policy change (e.g., retirement of two chancellors), thus

making the Board appear more reactive than proactive in personnel policy development.

Despite the predominance of time spent in closed session, there were a number of occasions when discussions ensued on chancellors' salaries. The issue of chancellor salaries was first discussed in early 2004 when staff provided Chancellor Compensation Study materials. The committee agreed to review the materials and discuss them at its May meeting. The Board discussed chancellor salaries in May and called a special session of the committee for this purpose in June. The committee met again in July to discuss its recommendations. During this meeting, Chairman Wilson "urged the committee to reaffirm the Board's policy which specifies the prohibition of use of private funds for chancellors' salaries."³¹ He provided three reasons why he believed this policy should remain in effect. They were: 1) it avoids the appearance and real conflict of interest between private foundations and the board of trustees; 2) the disproportionate abilities among campuses to provide for private funds would create a disparity in chancellors' salaries; and 3) it is the job of the General Assembly to provide adequate salaries for chancellors and that the use of private funds might supplant this responsibility as such funds may not be viewed as supplements only.

The committee unanimously affirmed the Board's policy that prohibits the use of private funds for chancellors' salaries and also approved a guiding principle that chancellors' salaries and the president's salary should be no less than the 25th percentile of peers, subject to the availability of funds and performance reviews. The committee's report was made to the full Board in July and the principles were adopted by the Board. The record does not indicate if the vote were unanimous, just that the motion carried. The only discussion that took place was a brief exchange about the Board's policy on the prohibition of use of private funds to supplement salaries of chancellors.

In September 2004, the Board of Governors, upon recommendation by the Committee on Personnel and Tenure, voted to approve salary increases for chancellors, noting that chancellor salaries have not increased in more than three years, salary inequities have grown relative to peer institutions, and the newly adopted principle that chancellors shall be paid no less than the 25th percentile of peer salaries. On this motion, no discussion took place; however, there was an unusually long closed session with a duration of approximately one hour and 25 minutes. There is no way to know the vote

that resulted from the closed session; however, Amanda Devore, President of the Association of Student Governments and ex-officio member of the Board of Governors, stated to the media that “the unanimous vote didn’t necessarily reflect the closed discussion . . . it was not fully supported by everyone.”³²

The Board seemed unaware that some, if not all, of those peer salaries used as benchmarks for the UNC chancellor salaries are supplemented with privately-raised funds. For example, the Board states that the chancellor of UNC-Chapel Hill is significantly underpaid relative to his peer in Virginia,

Because the UNC Board of Governors does not favor foundations supporting any part of chancellors’ salaries, it is choosing to pay what peers pay regardless of the source of funds and North Carolina’s taxpayers are asked to foot the bill.

the president of the University of Virginia (UVA). However, the state of Virginia pays only one-fourth of the president’s total salary, whereas UVA’s private foundation pays for the bulk of the president’s compensation. Because the UNC Board of Governors does not favor foundations supporting any part of chancellors’ salaries, it is choosing to pay what peers pay regardless of the source of funds and North Carolina’s taxpayers are asked to foot the bill.

When the Board affirmed its policy of prohibiting the use of private funds for chancellors’ salaries, it expressed concern that inequities would occur because some institutions had the ability to raise more private dollars than others. Sizable discrepancies in chancellors’ salaries could then result. This is exactly what has occurred as a result of the peer analyses. The Board has, in effect, adopted an inequitable benchmarking system.

Might there be another reason for the Board’s policy on prohibiting non-state salary supplements for chancellors? Perhaps the Board is concerned that by allowing non-state supplements, chancellors’ allegiances, and hence, Board of Governors’ control, might shift from the Board and university president to the boards of trustees that oversee the respective foundations.

While interviews with state legislators identified general support of the UNC Board of Governors and the university system, legislators nevertheless felt that the university made a misstep in the decision to grant pay increases to chancellors and senior administrators. Some members of the legislature had

expressed a sense that the Board of Governors' timing on this issue could not have been worse given the difficult economic conditions the state was facing and the lack of salary adjustments for other, lower paid, state employees. Others felt that the Board of Governors was out of touch with the taxpaying public. A *Raleigh News & Observer* editorial remarked, "university leaders who pronounce the chancellors' salaries to be inappropriately low frankly risk showing just how distant they are from the realities of taxpayers in North Carolina they are supposed to serve. This university system does not exist as a private entity run by an elite board of directors. It reports to the people, and answers to the people. At least, it should."³³

Strategic planning at the University of North Carolina

Does the Board engage in strategic planning?

In January 2004, the Board of Governors adopted the 2004-2009 Long-Range Plan. The president's office and the staff conduct a biennial review of the Board of Governors' existing long-range plan and make modifications with the input of the constituent institutions. The process for the most recent revision began in October 2002, and the plan was adopted in January 2004. The plan falls under the auspices of the Committee on Educational Planning.

The six strategic directions, as articulated in the Board's 2004-09 Long-Range Plan, are:

- Access;
- Intellectual Capital Formation (programs);
- K-16 education;
- Creation and transfer of knowledge (research);
- Internationalization (leaders in a global society); and
- Transformation and change (technology).

While the president's office engaged the constituent institutions and affiliates in development of the strategic plan, it is not clear how it involved other stakeholders, including the legislature and the governor, in the plan's development. One would expect that in a statewide plan for higher education, the goals and objectives of the governor and legislature, the

bodies who set the vision for the state and provide the resources to implement that vision, would have a hand in the development of the plan. One would also expect that the priorities for the state as a whole, as expressed by the governor and General Assembly, and as they relate to higher education, would be reflected in the plan, and that the strategies adopted by the Board would be consistent with those strategic objectives. In an ideal plan, utilizing a top-down, bottom-up approach, the goals of the state would mesh with the goals of the university system.

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Another deficiency in the plan is that the university system does not look to all providers of higher education, such as the private sector, to absorb some of the projected enrollment growth. The plan states that the UNC enrollment plan was guided by the following principles: use existing facilities to their fullest extent possible; promote economies of scale and stronger institutional financial capacity by setting a target of at least 5,000 to 6,000 additional students for most campuses; restrain enrollment growth at UNC-Asheville and North Carolina School of the Arts in recognition of their special missions; serve some of the projected enrollment growth through distance learning at off-campus sites and through e-learning; and implement the Bond Program to provide additional and upgraded dormitory space and campus facilities to accommodate growth.³⁴ The university could develop cost-effective strategies that shift enrollment to other providers, such as non-profit, private institutions of higher education. These institutions may have excess capacity and would be willing to grow, putting less burden on the public college infrastructure and offsetting some of the required capital outlay for construction. The long-range plan thus falls short in its failure to include collaboration with the private sector.

How engaged was the Board of Governors in the development of the long-range plan?

The extent to which the Board was involved in the development of the UNC 2004-09 Long-Range Plan is questionable. One of the Board members interviewed about the plan described it as a “general administration document.” In interviews with selected members of the Board of Governors, members were asked if they knew the Board’s strategic directions. Most said

yes, “generally”; however, when asked what the strategic directions were, only one Board member could discuss them “generally.” After some probing, a majority of Board members interviewed identified “access” as the Board’s number one priority. When asked if the Board’s strategic directions guide their work, the Board members answered, “in varying ways”—suggesting that the strategic directions do guide their decisions. However, since most of the members interviewed did not know the strategic directions, with the exception of “access,” it is hard to imagine how these directions could guide their decisions.

One caveat worth noting is that the strategic directions apply more to the work of some committees than to the work of others. For example, the Committee on University Governance is less impacted by the plan than are the Educational Planning and Budget and Finance Committees. Nonetheless, selected members of all committees were interviewed and as members of the Board, they are required to approve or disapprove the recommendations of all committees. Therefore, one would expect that their decisions would be driven by their strategic plan; or else, why have one?

When the president and senior staff were made aware of the conversations with selected Board members regarding the long-range plan and its strategic directions, they were quite surprised. The president, in particular, stated that she provided to each member of the Board a framed copy of the six strategic directions.

It is evident that the long-range plan drives the work of the president and her staff. The staff presentations to committees often include references to the long-range plan and its strategic directions. The work of those who staff the Educational Planning and Budget and Finance committees, in particular, is driven by the strategic directions. For example, the agendas for the Educational Planning Committee are sorted by strategic direction, making it even more surprising that any member of the Education Planning Committee, the committee that worked on development of the plan, would not know the strategic directions, at least generally, since they see them spelled out every month. Further, prior to the November 2004 meeting of the Board, every member received, at two budget workshops, an overview of the preliminary budget requests of UNC. In that presentation, the requests were sorted by strategic direction.

The staff did a careful job documenting the UNC and constituent institutions' progress toward achieving the strategic directions of the 2002-07 plan, again demonstrating that it is really the president's office and the constituent institutions who set and utilize the strategic plan, *not* the Board.

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Does the Board hold an annual retreat?

The Board has not had a retreat in some time, certainly not in the last four years. The development of the Board of Governors' latest strategic plan took place in the Educational Planning Committee during regular meetings, with the exception of one workshop for purposes of Board discussion. The committee records show that little to no discussion took place regarding the plan. Minutes were not provided for the workshop session nor are they available electronically, therefore, the level of discussion during the long-range plan workshop is unknown. However, based on observation of other committee workshops (budget requests and funding model), extensive discussion does occur, although no decisions are made.

There was some discussion in committee around prioritizing the strategic directions and an amendment suggested by the vice-chair of the Educational Planning Committee was adopted. That amendment stated: "The order in which the strategic directions are presented does not represent a prioritization by the Board; however, access is the Board's highest priority."³⁵ Other than this discussion, the minutes only reflect the committee's appreciation to staff for their efforts in the development of the plan.

The strategic directions were adopted by the full Board in November 2003 and the entire long-range plan was adopted in January 2004. In an interview, Chairman Wilson expressed his frustrations that the Board did not have enough time to reflect. He said that he was considering a retreat to allow time for reflection. At the November, 2004 Board of Governors meeting, the chairman asked Board members to reserve two days in April, 2005 for a Board retreat to reflect on the Board's work and to discuss future directions.

Does the Board use the strategic goals in the president's assessment?

The UNC Policy Manual includes guidance related to a quadrennial comprehensive presidential performance review for the UNC president, and a four-year comprehensive performance review for the chancellors. The next comprehensive performance review for the university president is scheduled for spring 2005. The process for review was drawn from a report of William Wary, who served as consultant to the Board of Governors' 2000-01 presidential assessment committee.³⁶

The chair of the Board of Governors appoints a five-to-seven member presidential assessment committee whose work is to be completed in 60-90 days. The committee hires an external consultant. The president completes a self-assessment and each Board member completes a questionnaire developed by the consultant and is interviewed by the consultant. The Board will also develop a list of people other than Board members for the consultant to interview. The consultant then prepares a report for the committee which is first reviewed by the president for accuracy. The president may prepare a formal response to the report. The committee will present the report in closed session to the full Board. The Board would then develop goals for the president for the upcoming year and/or years.

At the January 10, 2003, Board of Governors' meeting, Chairman Wilson, "in response to a request from President Broad regarding her performance," recommended a "mini-performance assessment."³⁷ Without objection, he directed the Committee on Presidential Assessment to make a report at a later date. The committee met in closed session on February 12, 2003. No report was made in open session.

For review of the chancellor, the UNC Policy Manual provides that the chair of the board of trustees appoint an assessment committee comprised of selected trustees. The chair of the Board of Governors designates a representative of the Board of Governors to serve as a full participant in the chancellor's performance assessment process. The chair of the board of trustees serves as chair of the assessment committee. The committee, with the consent of the university president, selects an outside consultant to guide the process. As with the assessment of the president, the chancellor conducts a self-assessment, and survey/evaluation forms are sent out to a variety of individuals on and off campus. The consultant conducts

interviews and prepares a report that it shares with the chancellor and the board of trustees for review of accuracy. The chair and the board of trustees then present the report to the full board of trustees in closed session. The chair of the board of trustees then provides copies of the report and final analysis of the survey questionnaire to the president. The chair of the board of trustees, the chancellor, the consultant, and the Board of Governors' representative meet with the president to review the report and its findings. The president and Board of Governors' representative then present the assessment report to the full Board of Governors in closed session.³⁸

In both the assessment of the president and chancellor, it is not clear from the Policy Manual if the boards assess the president and/or chancellor relative to their ability to make progress on the strategic plan goals. Nonetheless, the UNC Long-Range Plan includes chapters documenting how both the University and the individual campuses are meeting the UNC's goals. Certainly these documents could and should be used in the assessments.

What has the Board of Governors achieved?

Focusing on the most notable systemic actions during the review period, the Board of Governors:

- ✓ Increased chancellors' and senior administrators' salaries;
- ✓ Modified its Long-Range Plan with six strategic directions for the University;
- ✓ Increased tuition;
- ✓ Developed an enrollment plan to meet the projected enrollment growth;
- ✓ Increased need-based financial aid;
- ✓ Developed a plan to increase the supply of teachers;
- ✓ Developed a plan to increase the number of nurses;
- ✓ Identified ways to work cooperatively with the North Carolina Community College system;³⁹
- ✓ Identified ways to integrate information technology initiatives with the goals of the UNC;⁴⁰ and
- ✓ Approved a unified budget request aligned with the strategic directions for the 2005-07 biennium.

When selected Board members and senior staff were interviewed, they were asked to identify three successes that the Board achieved in the last two years. They provided the following responses.

- Keeping tuition at reasonable levels during difficult economic times;
- Extending affordable access;
- Balancing access and tuition;
- Increasing need-based financial aid and closing the gap in unmet need;
- Attracting new students to the focused growth institutions (UNC institutions identified by the Board as having the capacity to grow);
- Providing chancellor and administrative salary increases;
- Management of the Higher Education Construction Bond Program so that it is on time and under budget;
- Biotechnology partnerships;
- Positive legislative support in spite of difficult economic conditions;
- Adjustments to the funding model;
- Budget flexibility;
- Changing the academic review process;
- Adding “Internationalization” as one of the strategic directions; and
- The work of the Committee on Information Technology.

The majority of the cited successes relate to the Board’s efforts to secure need-based financial aid and to increase enrollment funding so that additional students are accommodated in the UNC system. These successes are very consistent with the Board’s number one goal of access.

The majority of the cited successes relate to the Board’s efforts to secure need-based financial aid and to increase enrollment funding so that additional students are accommodated in the UNC system. These successes are very consistent with the Board’s number one goal of access. The fact that they have articulated a success that is consistent with their strategic plan is a good thing. However, it is noteworthy that Board members did not mention efforts to control operating costs during challenging economic times and in the face of rising tuition; nor

have they touted any efforts to improve academic quality.

When asked about their frustrations, or whether there were things they (as a Board) could do better, they provided the following responses:

- Too many chancellors leaving
- Inequities in faculty and administrators' salaries; there is a big difference between the "haves" and the "have-nots"
- Varying levels of commitment from Board members
- Could do a better job ensuring money is spent wisely
- Wish there was more openness and active discussion on the Board
- Need more time for reflection
- Decisions are made too late in the process
- Need to focus on being a statewide system, not just protectors of individual institutions (several Board members and staff felt that some members of the Board tend to focus on a particular institution rather than the system as a whole)
- Addressing the balance of power with the boards of trustees

The Board stands to gain a good deal from listening to its own feedback, and this list of frustrations can serve as a powerful driver of Board self-improvement. The Board could be more effective by working on such items as allowing for more open and active discussion, providing more time for reflection, and underscoring its system-wide, as opposed to institutional, focus. Furthermore, by its own acknowledgment, the Board could better ensure that funding for higher education is spent wisely.

The Board stands to gain a good deal from listening to its own feedback, and this list of frustrations can serve as a powerful driver of Board self-improvement.

The Board appears to spend most of its time reactively governing the operations of the university, rather than looking forward and being proactive. It is true that the Board took a leadership role in establishing committees and task forces to deal with important issues such as teaching and nursing shortages. However, it was the General Assembly, and not the Board, that raised the issues that the system president has now labeled the top priorities, viz.: "UNC's Grand Strategy #1: the higher education bond program," and "Grand Strategy #2: the University and Community College System Joint Study of Higher Education Strategy."

The impetus for the bond referendum resulted from a study mandated by the legislature to examine the equity and adequacy of capital facilities. As provided for by the legislature, the Office of the President hired a consultant to conduct an 18-month study which inventoried every campus building and its deficiencies. The Board then adopted the consultant's study and its associated cost estimates as part of its 10-year capital plan. This work then laid the groundwork for the 2000 bond referendum.

Similarly, it was the legislature (through House Bill 1264)—and not the Board—that mandated the study of the university and community college system. The legislature is concerned about the academic preparation necessary to equip North Carolina's citizens for current job opportunities. The study requires a comprehensive examination of mission and education program needs for the UNC and community colleges as the foundation for development of a strategic plan. Essentially, an environmental scan is required to determine North Carolina's needs. In the development of the Board's 2004-09 Long-Range Plan, however, it is not clear that such a needs assessment was done.

One reason the Board may be more reactive than proactive is that it spends much of its time handling operational activities that could easily be delegated to the institutional boards of trustees.

One reason the Board may be more reactive than proactive is that it spends much of its time handling operational activities that could easily be delegated to the institutional boards of trustees. The UNC Board of Governors has significant power and governance authority over its constituent universities which enables it to do many things on a systemic basis. These include initiatives that are not

particularly appealing to any one institution, but might serve the interests of the state as a whole. The UNC system also has significant influence with the General Assembly. One would then expect that significant benefits could be derived if the Board and its staff focused its energies on how the university system can meet the state's goals and needs. The Board of Governors, therefore, should spend less of its time with menial tasks that do not yield measurable benefit to the system and focus instead on innovative, creative, and forward moving strategies for meeting the state's growing needs. To be fair, the Board suffers from a lack of mandate. In states in which governors appoint university boards, the governor can provide leadership and a vision aligning higher education with the needs of the state. Currently, with 32

members divided into committees that act as de facto separate boards, the North Carolina Board does not function as a whole and is ill-equipped to focus on larger, long-term strategies.

How does the UNC governance system compare with that of other states?

There are essentially two types of higher education governance systems in place today: consolidated governing board systems and coordinating board systems. Within each type exist systems with varying levels of authority (e.g., within a coordinating structure, some system boards approve budgets, others just recommend budgets.) About half the states, including North Carolina, have consolidated systems, while the rest use coordinating systems. There are, of course, advantages and disadvantages to each. The following chart depicts the advantages and disadvantages of governing and coordinating boards.

Advantages and Disadvantages⁴¹ of Governing and Coordinating Boards

Consolidated Governing Board	Coordinating Board
Advantages	Advantages
<ul style="list-style-type: none"> ■ Engaged in statewide strategic planning ■ Responsive to state priorities ■ Can appoint, set compensation for, and evaluate both system and institution chief executives ■ Guards against duplication ■ Ensures program quality through program approval methods ■ Armed to address articulation and transfer ■ Statutory authority can be powerful 	<ul style="list-style-type: none"> ■ Quick to respond to market forces/needs ■ Engaged in statewide strategic planning ■ Generally responsive to state priorities ■ Often leads in design and implementation of articulation initiatives ■ Private sector usually a direct partner ■ Sensitive to customer needs ■ Builds consensus to make change, particularly with budgeting, program review and articulation

Consolidated Governing Board	Coordinating Board
<p style="text-align: center;">Disadvantages</p> <ul style="list-style-type: none"> ■ Central Planning belies emphasis on market needs/is slow to respond to market needs ■ Often becomes weighed down with internal concerns and collective bargaining efforts ■ Tendency to evolve into large, ineffective bureaucracies ■ Lack of cooperation with private sector ■ Heavy political influence on micro issues at the university level ■ Often lacks necessary data to assess institutional performance ■ Tense relationships can develop between professional leaders and state government 	<p style="text-align: center;">Disadvantages</p> <ul style="list-style-type: none"> ■ State priorities may take a “back seat” to local lobbying efforts ■ Sometimes perceived as powerless or toothless if consensus building is stalled ■ Statewide initiative can hinder the voluntary cooperation of all institutions ■ Difficult to reverse enacted policies ■ Makes it difficult to establish policy change ■ Institutional decisions at the local level can be in direct conflict with views held at the state level, creating tension between policy makers and institutions ■ Statutory authority can be considered weak

The UNC higher education governing system suffers from many of the disadvantages of a consolidated governing board listed above. It often becomes weighed down with internal concerns of campuses; has evolved into a large, ineffective bureaucracy; lacks data to assess institutional performance; and lacks cooperation with the private sector. While statewide strategic planning is generally a positive by-product of a consolidated system, the UNC Board in fact did not engage in statewide strategic planning nor produce a plan truly responsive to state priorities.

A governance system that can combine the advantages of a consolidated governing board system with the advantages of a coordinating board system may provide the ideal system. Specifically, if UNC could more quickly respond to market forces and needs, develop a statewide strategic plan that is responsive to those needs, and include the private sector as a direct partner, it would operate as a more effective oversight board than it does currently.

Notwithstanding a trend to decentralize in some states, consolidated systems still control about two-thirds of the nation's public colleges.⁴² Aims McGuinness of the National Council for Higher Education Management Systems says that "this is because systems such as North Carolina's are the only ones capable of providing the stability, consistency, and efficiency that higher education needs. Multi-campus systems are likely to be even more characteristic of American public higher education in 2015."⁴³

Constructing an Improved System

State governance of higher education has been a topic of discussion at varying levels in almost every state legislature since the early 1990s. Each state is questioning whether its governance structure for higher education is appropriate for the current and future needs of the state. Much of the discussion about state governance of higher education during the past decade, and into this current decade, has been primarily the result of limited state budget resources to support higher education's growing needs and a political shift at the national and state levels that has emphasized higher education's accountability to the public. As a result, there has been a growing interest in higher education accountability as it relates to its cost structure, which many believe is in crisis,⁴⁴ and a growing dissatisfaction with students' mastery of basic skills upon graduation (i.e., writing and critical thinking). Thus, political leaders search for solutions through structural reorganization. State-level governance of higher education is complex. "There are no simple answers, no absolutes. While lessons can be drawn from other states, there is no perfect model."⁴⁵

The UNC system, while a stable system of governance since 1971, has not been isolated from such public policy debates. In fact, there is a study commission currently examining the state's governance of higher education, including the election of Board of Governors' members, the size of the Board, etc. This commission is also considering alternative systems.⁴⁶

However, before a state undertakes reorganization of its higher education governance, it should first determine if there is a systemic problem that needs fixing, for reorganizing a system without a goal would do nothing to improve the system, and might, in fact, harm it. Is the existing system

organized in such a way that leaders can decide on a set of objectives and then effectively implement them? Does the organization of the system make it accountable to the state's needs and in a way that enables people at the top to know whether their objectives have been achieved? Are there any features in the present governance system that are preventing it from achieving major goals?

When applying these measures to the UNC system, one can conclude that several major structural changes are in order to ensure leadership and accountability within the state higher education system. The current system of governance could be greatly strengthened by accepting the following recommendations.

Recommendations

- Vest authority in the governor to appoint the Board and trustees to ensure leadership and accountability.** To ensure leadership and accountability for the state's higher education system, the governor should have authority to appoint the Board of Governors, plus all boards of trustees. The legislature can retain control through legislative oversight and appropriations. The governor is elected by all the people of the state and it is his responsibility to put forth a coherent vision of the needs of the state. As a single elected official, he can be held accountable. Indeed, it will be up to the governor to appoint people who can translate his vision into concrete policies and follow through on them. If these appointees fail, the governor bears the responsibility. Right now, with legislators selecting all members of the Board of Governors, often with regard more to local factors than statewide needs, there is no statewide vision, no statewide leadership, no clear accountability. A revised structure, along these lines, would provide valid checks and balances and ensure a clear and constitutional separation of powers. Creating the statutory structure for higher education and appropriating the funds are legislative actions;

Right now, with legislators selecting all members of the Board of Governors, often with regard more to local factors than statewide needs, there is no statewide vision, no statewide leadership, no clear accountability.

executive leadership should be a gubernatorial responsibility.

2. **Retain the consolidated Board of Governors.** To implement a statewide agenda, it is imperative for a board to have control over programs, mission and budget. Accordingly, the single system-wide governing board provides for stronger accountability and leadership than the major alternative model—a statewide coordinating agency with separate campus-by-campus governing boards. Of course, the goal should not be to over-regulate, but instead, to put statewide authority to constructive use. For example, control could be used to implement statewide measures of educational quality, and to develop strategies that will achieve statewide goals and objectives.
3. **Delegate greater operating oversight and responsibility to the individual campus boards of trustees.** Under the current system, the campus boards of trustees have relatively little authority over their institutions and virtually no input into the hiring, firing, and compensation of senior staff. They thus operate as mere rubber stamps, unable to address many of the real issues affecting their institutions.

Institutional authority should be devolved to the campus-based boards of trustees, with the Board of Governors responsible for general oversight. This would remove a significant amount of ordinary business off the Board of Governors' agenda, empowering it to spend more time on the systemic, big picture.

The Board of Governors can provide explicit policies and procedures in accordance with which the boards will operate. In addition, best practices could be provided so that campus boards understand desirable approaches already in place. Boards of trustees should be required to have audit committees, which would be responsible for ensuring that policies are adhered to and conflicts of interest avoided. Appointment of senior staff, and conferral of tenure, appeals, compensation, etc., should be fully delegated to the boards of trustees—except for the selection of the chancellor. The key is to delegate as much authority as possible without affecting the Board's ability to control outcomes. If there are any abuses, the Board can still revoke delegations.

4. **Ensure a more proactive Board of Governors.** The Board of Governors should control its agenda so as to devote the most time to the most important and consequential issues. The work of the Board is extensive and lay board members are not energized by spending their time on issues/items that have little impact. Thus, the Board of Governors should undergo a self-assessment and determine how it can make a significant impact on higher education by directing its efforts to system-wide policy, oversight and initiatives rather than micro-management of individual campuses. Suggested areas for Board focus include: 1) engaging in statewide strategic planning; 2) responding to state needs, not just UNC needs; 3) addressing and responding to market forces; 4) engaging the private sector as a direct partner; 5) assessing student learning at the statewide level; and 6) implementing a tangible system of accountability for both tuition and taxpayer dollars. Through these efforts, public officials, businesses, and the public at large would gain a better understanding of the return on the state's investment in higher education, thus building a natural advocacy for higher education in North Carolina.

5. **Reduce the size of the Board of Governors from 32 members to no more than 15.** An oversized board diffuses responsibility and makes meaningful discussion difficult. Currently, the four committees serve as de facto boards and little work or discussion occurs at the full Board level. A smaller board would facilitate a focus on central issues, allow thorough discussion, and increase each member's accountability.

APPENDIX A

Action Items Typically Found on the Board of Governors' Consent Agenda

Across All Committees

- Changes in Board of Governance *Code* policies

Budget and Finance Related

- Authorization of sale of bonds
- Lease of property
- Acquisition/disposition/exchange of property
- Authorization of new capital projects
- Approval of student fees
- Allocation of appropriated funds to constituent institutions
- Certain finance reports including Higher Education Bond Programs, University Fiscal Liabilities

Educational Planning, Policies, and Programs

- Establishment of bachelor, master and doctoral programs
- Discontinuance of academic programs
- Licensure of new programs
- Creation of new colleges (within an already established institution)
- Changes in the name, status, and/or missions of schools/centers

APPENDIX B

Major Actions of the Educational Planning, Policies and Programs Committee

July 1, 2002 – November 30, 2004

- Approved planning for 11 new doctoral programs
- Approved the establishment of 65 new academic programs at the baccalaureate, master's or doctoral level
- Approved discontinuance of 33 programs at the baccalaureate and master's levels and consolidation of four baccalaureate programs
- Approved the establishment of three centers/institutes
- Approved institutional mission statements
- Approved 10 institutional requests for IT management flexibility
- Approved a resolution on academic freedom
- Approved/heard more than 24 reports required by the General Assembly (e.g., primary care, academic common market, medical education, turf grass, teacher scholarships, distance education)
- Approved the 2004-2009 Long-Range Plan and its six strategic directions
- Conducted a biennial Academic Degree Program Productivity Review
- Approved annual reports on enrollment planning
- Amended policies for second academic concentrations; revised articulation agreements between the UNC and NCCCS; revised the minimum requirements for undergraduate admissions, and revised a policy on intercollegiate athletics
- Approved feasibility studies of the film industry and in engineering
- Considered a change to nonresident undergraduate enrollment limits

APPENDIX C

Fiscal Accountability Goals and Assessment Measures⁴⁷

Goal 1. To enhance student learning and development.

The performance of all first-time full-time freshmen will be reported on the following measures:

1. Percent completing the first year with a GPA equal to or greater than 2.0.
2. Percent completing the first year with a GPA equal to or greater than 2.0 and with 30 or more credit hours of coursework completed.
3. Average grades in first year courses completed.
4. Percent completing the second year with a GPA equal to or greater than 2.0.
5. Percent completing the second year with a GPA equal to or greater than 2.0 and with 60 or more credit hours of coursework completed.
6. Average grades in courses completed.

Goal 2. To improve student persistence and graduation.

The persistence and graduation rates of all first-time freshmen, including those students who transferred to another UNC institution—with a comparison of those students who attended full-time in all fall semesters with those who attended full time in their first-time semester but part-time in one or more succeeding fall semesters—will be reported for the following years:

1. Four-year persistence and graduation rates.
2. Five-year persistence and graduation rates.
3. Six-year persistence and graduation rates.

Goal 3. To strengthen the undergraduate degree program.

The self-assessment of spring baccalaureate graduates in the Class of '92 will be compared to the self-assessment of the spring graduates

in the Class of '88 on the following measures which evaluate their undergraduate educational experience:

1. intellectual growth
2. writing skills
3. speaking skills
4. mathematical skills
5. computing skills (new measure in 1992)
6. analytical skills
7. preparation for graduate and professional studies
8. job satisfaction reported by fully employed graduates
9. overall instruction
10. instruction in major field

The assessment measures related to Goal 3 will be reported every four years, following the quadrennial administration of the baccalaureate graduate survey. All other measures will be reported by the special responsibility institutions as a part of their regular institutional assessment reports.

APPENDIX D

RESOLUTION IN SUPPORT OF NO INCREASE IN UNC TUITION FOR THE 2003-04 ACADEMIC YEAR

Whereas, the Board of Governors is responsible for establishing tuition rates at the constituent institutions of the University of North Carolina, not inconsistent with actions of the General Assembly; and

Whereas, over the course of the past three years, the Board has authorized across-the-board and campus-initiated tuition increases that have averaged 62% University-wide for the three-year period; and

Whereas, the economic climate within North Carolina has resulted in rising levels of unemployment and financial hardship for many citizens of the state; and

Whereas, students within the University and their families have borne a greater share of the cost of a UNC education through tuition increases implemented during the past three years.

Now, therefore, be it resolved that the Board of Governors of the University of North Carolina declares its intention to maintain tuition rates at current or previously approved levels for the 2003-04 academic year.

Adopted, January 2003

REFERENCE NOTES

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- ² *Long-Range Plan 2004-09*, The University of North Carolina Board of Governors, January 2004.
- ³ The *Code* of the Board of Governors of the University of North Carolina, 2004.
- ⁴ Board of Trustees 2004 Meeting Schedule, Board of Governors Governance Committee, October 25, 2004.
- ⁵ The *Code* of the Board of Governors of the University of North Carolina, 2004, p. 15.
- ⁶ Sanders, John, Testimony to the Joint Select Committee on the UNC Board of Governors, May 6, 2004.
- ⁷ Solow, Barbara, *Reorganizing Higher Education in North Carolina: What History Tells Us About Our Future*, The North Carolina Center for Public Policy Research, 1999, p. 66.
- ⁸ Sanders, John, Testimony to the Joint Select Committee on the UNC Board of Governors, May 6, 2004.
- ⁹ The *Code* of the Board of Governors of the University of North Carolina, 2004, pp. 5-6.
- ¹⁰ *Ibid.*, p. 6.
- ¹¹ *2003-04 Annual Report*, Board of Governors Committee on Educational Planning, Policies, and Programs, November 2004.
- ¹² “What students need to know about UNC minimum course requirements,” *UNC Minimum Course Requirements for Undergraduate Admission to the 16 Campuses*, College Foundation of North Carolina, www.CFNC.org, 2004.
- ¹³ *Measuring Up: The National Report Card on Higher Education*, State Reports: North Carolina, 2004.
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- ¹⁵ President’s Report, UNC Board of Governors Meeting, January 10, 2003.

- ¹⁶ Board of Governors Committee on Educational Planning, Policies, and Programs, Meeting Minutes, February 13, 2003, p. 2.
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- ¹⁸ Leef, George C., *Becoming an Educated Person: Toward a Core Curriculum for College Students*, American Council of Trustees and Alumni, July 2003, pp. 9-10.
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- ²¹ Memo to members of the Board of Governors, Committee on Educational Planning, Policies and Programs, from Dr. Alan R. Mabe, Vice President for Academic Planning, UNC Office of the President, March 8, 2004, p. 1.
- ²² Brasor, p. 2.
- ²³ *Assessing Student Learning Outcomes, A Supplement to Measuring Up 2000*, National Center for Public Policy and Higher Education, December 2000.
- ²⁴ North Carolina General Statutes, §116-30.6.
- ²⁵ Broad, Molly C., Board of Governors Orientation, June 11, 2003, from "Spanning the Chasm, Corporate and Academic Cooperation to Improve Work-force Preparation," Business-Higher Education Forum, January 1999.
- ²⁶ *2003-04 Annual Report*, Board of Governors Committee on Budget and Finance, November 2004.
- ²⁷ Article IX, Sec. 9, Constitution of the State of North Carolina.
- ²⁸ Board of Governors Meeting Minutes, March 6, 2002, p. 9.
- ²⁹ *Annual Report of the Committee on Budget and Finance to the Board of Governors of the University of North Carolina*, July 1, 2003-June 30, 2004.
- ³⁰ *2003-04 Annual Report*, Board of Governors Committee on Personnel and Tenure, October 2004.
- ³¹ Board of Governors Personnel and Tenure Committee Meeting Minutes, July 8, 2004, p. 2.

- ³² Pillai, Kavita, "Board raises officials' salaries," *The Daily Tarheel*, September 13, 2004.
- ³³ Jenkins, Jim, "Getting what you pay for," *Raleigh News & Observer*, September 16, 2004.
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- ⁴³ Boehner, Representative John A. and Representative Howard P. McKeon, *The College Cost Crisis: A Congressional Analysis of College Costs and Implications for America's Higher Education System*, Washington, DC: United States Congress, September 2003.

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