

Political Influence in the Governance of Public Higher Education

Bernadette Gray-Little
Former Chancellor, University of Kansas

Thanks to Mabel Rice for inviting me to the Merrill conference this year. Early in my tenure at Kansas I recognized hers to be a sage voice on campus. Her conversation always included wise words and valuable observations.

I am especially pleased that we can meet in-person this year. Two years ago, Mabel asked me to give a keynote on the topic of *“Challenges and opportunities for research in public universities: The view from the Chancellor’s office.”* I had published an article on that topic, and I thought I was still close enough to the chancellor’s office to have that perspective. Then, of course, the conference was canceled because of COVID-19. I was invited again to come to speak on the same topic in 2021 but was unable to do so. When Mabel contacted me about this year’s conference, the things I previously wanted to say were out of date and I was too removed from the chancellorship to have a view from that position.

Instead, I want to talk about public universities and their governing boards, and more broadly the intrusion of politics into the governance of public universities. This topic has always been of importance, but recent experiences increased my interest. In late fall 2018, the newly appointed interim president of the University of North Carolina System asked me to serve as an advisor/consultant, a position I held until 2020, when a permanent system president was named.

There are commonalities between universities’ goals and those of their governing boards. Both groups seem to care about ensuring college access to a large number of state residents; both aspire to prepare job-ready students to the benefit of the students, the universities,

and the economy. And although they may differ regarding the cause and remedy for high tuition, they share concern about the cost to students. But there often seem to be fundamental differences in the values and language of system boards and university communities. Today, I want to address values reflected in controversial actions taken by some governing boards, legislatures, and governors regarding university governance.

Structure and Selection of Governing Boards

Governing boards vary in size: for example, Kansas has 9 Regents, the University of California system has 26, and the North Carolina system had 32 governors, but that has been decreased to 24. Methods of selecting board members also vary. In a few states—Colorado, Michigan, Nebraska, and Nevada—governing boards are elected. In others, system-wide board members are appointed by state legislators or governors, as is true in Kansas. Still other states have individual boards for each university, appointed by the legislature (e.g., Ohio) or by the governor (e.g., Indiana) or by both (e.g., Florida, Missouri). In addition, some lucky universities have both a state level governing board and a university-specific board (e.g., Florida and North Carolina).

No board composition entirely insulates higher education from politics, nor is there strong evidence that board structure (e.g., coordinating vs. governing) determines whether

elected officials intrude on educational procedures (Nicholson-Crotty & Meier, 2003)¹; however, the process for selecting board members can be critical in whether the board protects institutions from political influence or serves instead as the conduit for it.

That said, many variations in the manner of selection and size of boards can work, and have worked, to build strong public universities that prepare students to make a living and make a good life, advance research, and benefit their states in multiple ways, especially in economic development and health. That is, various models can work as long as institutions *have sufficient bureaucratic independence* to eliminate or modulate the influence of politics on educational procedures, but this may depend more on norms and expectations than structure.²

Times Are Changing

In several states the relationship between public universities and their governing boards has changed in the past five to 10 years. One manifestation of the shift is an erosion in the distinction between university administration/bureaucracy, on the one hand, and the political strategy of governing boards, legislators, and governors, on the other. A subtheme of this shift is that high-status university and system positions are increasingly viewed as “a jobs program” for former political figures or allies of political figures.³

In a September 2020 review of recent actions by governing boards, Ellis et al. concluded that the appointment of public university trustees or governors “reveals a system that is vulnerable to, if not explicitly designed for, an ideologically driven form of college governance rooted in political patronage and partisan fealty.”⁴ Intrusion of *political patronage and partisan fealty* can be seen in multiple facets of governance affecting not only the selection of Board members, but also

the selection of system heads, university presidents and chancellors, the control of faculty hiring including the conditions of tenure, and attempts to control the content of the curriculum.

Echoing Ellis, Gene Nichol, a vocal critic of the UNC Board of Governors and a member of the law faculty at UNC-Chapel Hill recently wrote: There is no evidence that most members of the Board subscribed to “*the fundamental values, core tenets and essential traditions of American public universities.*”

Most “*don’t believe in or respect competitive, merit-based decision-making in the hiring of university officials. They often opt, instead, for poorly qualified political partisans, or for officials who, in order to obtain or cling to their now-diminished, even pitiful “academic” positions, exercise a visibly humiliating subservience to their overseers...*”⁵

What Nichol describes in that statement and what observers around the country have noted is the often-contrasting cultures of Board members and the university community. The difference in culture (norms and expectations) seems apparent in multiple areas:

- the rightful role of politics in Board policy and decision,
- the level of autonomy universities might be expected to exercise,
- the legitimacy of university governance,
- the inviolability of free speech and academic freedom, and
- the value of having outsiders as students, faculty, or administrators.

Symons (2022)⁶ notes that the norms of a university are an important part of its structure, and that institutions can be undermined by disrupting its norms. Over the past few years there have been striking examples of strong political in-

trusions that threaten the norms of higher education governance in numerous states (Colorado, Florida, Georgia, Indiana, North Carolina, South Carolina, and Wisconsin, among others). Today, I will highlight three examples (Indiana, North Carolina, and Florida) that illustrate this disruption and consider contributing factors.

1. Purdue—Collaboration between a Governor and Board of Trustees

I call this a clean example as it seems straightforward, almost elegant. Mitch Daniels was governor of Indiana from 2005 to 2013. Although there is no limit on the number of terms a person may serve as governor in Indiana, there is a limit on the number of terms that can be served within a 12-year period. Thus, Daniels was term-limited after completing his second consecutive term, but he can run again in the 2024 gubernatorial election.

Purdue has 10 trustees. As governor, Daniels was responsible for appointing seven (including a student) of the 10 Board members at the state's public universities and was thereby able to create a board of his choosing at Purdue. (Alumni select the other 3.)

When the presidency of Purdue came open late in Daniels' second term, there was a search of several months and Daniels was selected by his appointees. If I remember correctly, he delayed taking over as president because he had to finish the last few months of the governorship.

In June 2022, Daniels announced that he will retire in December, having completed 10 years as president. On that same day he announced his successor. That a search was in progress was apparently a surprise to the University community.⁷

The Board said that it conducted a private internal search, mostly without the candidates' knowledge. The person they chose, Mung Chiang, has outstanding academic credentials in his field, is dean of engineering at Purdue, and has also served as Daniels' EVP for strategic

initiatives. Chiang was in a search for the presidency at the University of South Carolina in December of 2021 and withdrew after being identified as the favorite candidate, citing family considerations and his responsibilities to Purdue. One might wonder whether he was convinced to withdraw by assurances that he could be Daniels' successor at Purdue.

Note that my observations are not a comment about the qualifications of Purdue's new president, nor Mitch Daniels' performance as president. It is rather a comment on process.

Purdue's faculty vociferously protested the secretiveness of the recent search. The Board responded by underscoring its responsibility for making the selection and noted their use of the search model frequently used to select business executives. If Daniels were to run for governor in 2024 and win, he would again be able to control board selection, and thus the presidency at Indiana's universities.

2. University of North Carolina System—Selection of System Heads and University Chancellors

Unlike the Purdue example, there is little straightforward or elegant about the workings of the UNC system over the past 10 years, with multiple examples of direct political intrusion into system and university-level functioning. The UNC System Board of Governors (BOG) members are appointed by the legislature. (In 2016 the Republican legislature changed the law to prevent the incoming democratic governor from having input into board appointments.) As a consolidated governing board, the BOG has significant and broad authority, including selection of the system president. The system president, in turn, has the important job of selecting university chancellors on recommendation from university-based committees, which are led by university-level trustees chosen by the BOG and the legislature.

Politically generated instability in system presidency

In the nine years between 2011 and 2020, four different people served as UNC system president. In 2011, Tom Ross, a Democrat, was appointed as system president after a search. He had served previously as president of Davidson College, a highly regarded private college in NC, and as a judge of superior court, among other roles. Ross was regarded as doing a good job but was not Republican. He declined to change his party affiliation and was forced out after Republicans took control of the Board. That his party affiliation was the sole reason for his leaving is widely accepted as fact.^{8,9}

Margaret Spellings, G. W. Bush's Secretary of Education, was appointed early in 2016 after a search and resigned less than three years later, two years shy of her contract.

Although some members of the constituent university communities were initially wary of Spellings, she was gradually accepted, viewed as having an emphasis on policy, and as not overly intrusive in the internal management of the universities. Although Spellings was hired by a Republican board, the membership changed significantly during her three-year tenure and, apparently, the new board members thought her name recognition made her too independent and that she did not hew hard enough to the right. She experienced significant interference, and allegedly harassment from some board members, who wanted to appoint a person of their own choosing.¹⁰

(Her situation recalls that of Melody Rose, who resigned as chancellor of the Nevada System of Higher Education this summer after less than two years on the job. Rose, the third chancellor in five years, filed a complaint with the system's general counsel in 2021, alleging, among other things, harassment by members of the system's Board of Regents based on

her gender and their political views.)¹¹

At Spellings' departure, William Roper was named interim president and remained in that role until summer of 2020, when a permanent president, Peter Hans, president of the North Carolina Community College System, was chosen. Hans had previously been a member of the UNC BOG; in fact, he had served as chair (2012-14) and was a finalist in the search that hired Spellings.

Challenges in the selection and exit of university chancellors

When Hans was hired as system president in 2020, one of his early actions was to work with the board to change the selection process for university chancellors, such that the system president may now add two names to the list of semifinalists, and at least one of those names must be on the list of finalists submitted to him. In other words, a chancellor could be hired with little regard for a duly constituted university search committee.¹²

This policy change, approved on 9/16/20, was not academic. On 9/23/20 a sitting member of the Board of Governors (Darrel Allison) who worked as a lobbyist for charter schools, resigned from the Board. He then entered the ongoing search for the position of chancellor of Fayetteville State University (FSU). Allison had no higher education experience and was not chosen as a semifinalist or finalist by the search committee, which considered him unqualified, but was named chancellor (February 2021). There was considerable public protest as well as petitions against the appointment.

In 2019, East Carolina University Chancellor Cecil Staton reportedly was forced out by the Board chair with whom he had clashed more than once; but there was a prominent disagreement about the chair's plan to develop apartment housing adjacent to the campus and his wish to change university rules to help him fill the apartments.¹³

In 2018 another Board member, Tom Fetzer, who was a lobbyist and past mayor of the city of Raleigh, intervened in the search at Western Carolina University. He reportedly engaged a private detective to investigate the chosen finalist outside the context of the search, and claimed his efforts revealed inaccuracies in the candidate's statements. The search committee denied this claim. The candidate withdrew, citing privacy concerns, just as the committee was about to vote on his selection. It later became apparent that Fetzer had spoken to Spellings about becoming interim chancellor at Western Carolina.¹⁴

Retribution against university critics

It may not be surprising that Gene Nichol, whom I quoted above as saying there was no evidence that most members of the Board subscribed to "*the fundamental values, core tenets and essential traditions of American public universities,*" has been a critic of the BOG. The poverty center he ran was closed. The complaint was that he advocated for anti-poverty measures that board members did not like. A civil rights center was also hobbled, allegedly because its work sometimes involved civil litigation against discriminatory practices by city, county, or state government.¹⁵ Both the Poverty Center and the Civil Rights Center were heavily funded by private sources, rather than being solely state-funded entities. A staff attorney at the Civil Rights Center asked why they (BOG) were doing this and reported that one BOG member responded, "What you don't understand is that we won."¹⁶

3. Florida—Systematic and Comprehensive Control

The Florida example is not as succinct as Purdue, but possibly presents more profound challenges than the North Carolina example. Florida's governor, with the support of the legislature, has proposed or enacted changes that touch almost every level of university functioning and could affect higher

education in Florida for decades through his current control of the legislature and appointments that will be operative for years.

Power of university presidents

The authority of university presidents to make hires will be curbed, with the Board having direct responsibility for approving or disapproving hires.

Curriculum

Faculty are losing the authority to determine the content of their courses: they may be forbidden to include content that differs with political views of the current majority of the legislature. According to Florida HB 7, or the *Stop Woke Act*, passed earlier this year, Florida colleges and universities can lose performance-based funding for teaching certain "divisive concepts" such as Critical Race Theory.¹⁷ General education courses must promote the philosophical underpinnings of Western civilization, including studies of the U.S. Constitution, the Bill of Rights and amendments, and the Federalist Papers.¹⁸

Faculty review

DeSantis has signed a bill that requires that every faculty member be reviewed every five years by the board, with a variety of possible outcomes, including dismissal.¹⁹

Professional activities of faculty

University of Florida faculty members were prevented from giving expert testimony in a lawsuit challenging a new law that appears to restrict voting rights. They were told they could not testify because their testimony would go against the University's interest as it conflicted with the administration of the governor.

Accreditation

Many of us have participated in, and possibly cursed, accreditation processes, but accreditation can provide protection as well as burdens. The Southern Association of Colleges and Schools (SACS), Florida's regional accrediting agency,

raised concerns about the way a recent president search was conducted in Florida and about the impingement of proposed legislation on the integrity of curricular offerings, and academic freedom. SACS also rebuked the University of Florida for its handling of the three professors who wanted to testify as expert witnesses in a lawsuit against the state over voting rights, arguing that it violated the agency's academic freedom rules and threatened UF's accreditation.²⁰

DeSantis expressed dismay about the power that "self-anointed" entities held over Florida's universities. Now there is legislation that will require universities periodically to change accreditors (passed, effective July 1, 2022), a move that could embolden like-minded governors and legislators to support creation of new ideologically consistent accrediting agencies.

Why Is This Happening Now?

Does the public value higher education?

The examples above address the actions of elected officials or their appointees and all have been covered in public media. Why is the public not incensed? It's possible that who runs universities or whether board members use their positions for financial or professional gain does not rise to the level of concern for most people. It is also possible that the public trusts the academic community less than it trusts politicians and will not defend universities against political intrusions.

There continues to be significant discussion of how the public regards higher education. Is higher education viewed as a public good, do most people trust universities or believe that a college degree is worth the personal and financial resources necessary to achieve it? Although the social and economic benefits of having a college degree versus just a high school diploma have been documented, only about 60% of college students graduate after six years.

Those who do not earn a degree may nevertheless end up with substantial debt, creating a well of resentment in them and their families toward colleges and universities.²¹

Public discontent seems to be tied to the cost of tuition and the extent to which graduates are competitive for high-paying jobs. The higher tuition rises, the more families want to see a fast, significant economic return. Politicians and governing boards are often seen as champions of low tuition and publicly accuse universities of having needlessly inflated costs. Moreover, much of the public views universities as too liberal. On the other hand, recent surveys suggest a mild rebound in public support for higher education in the past five years, following a decline in the early 2000s.^{22, 23, 24}

Deep political polarization

The increasing strength of conservative politics and the public's seeming wariness of the liberal ideas may embolden governing boards and politicians to exercise more direct control of universities. Wippman and Altschuler (2022) believe that because colleges and universities are often a focal point of our nation's deep political polarization, they are inevitably part of the "struggle to shape Americans' understanding of our country's history, institutions and values in a clash between a progressive antiracist agenda and conservative resistance to that agenda."²⁵

The pandemic

The literature on pandemics suggests a relationship between pandemics or other frightening pervasive crises and creating fertile ground for extremism, including violence. In particular, pandemics and similar crises can generate a search for certainty and absolutes, echoing and reinforcing political poles.²⁶

Wippman & Altschuler (2022)²⁷ argue that the COVID pandemic in the U.S. changed the relationship between universities and the governmental entities

with which they interact, that is, between universities and their boards, between universities and state, federal, and local government. The pandemic necessitated collaboration and, at the same time, supported intervention of government into university operations. For example, universities accepted billions of dollars in federal subsidies to ensure their survival during the pandemic. The pandemic also provided an opportunity for states to provide greater direction to universities and facilitated the replacement of public health principles by politically inspired compliance. For example, governors and boards in some states directed universities

to take steps that countermanded university plans regarding masking or vaccinations or in-person classes. Other states enacted policies to make it easier to terminate tenured faculty during the pandemic, a move they attributed to financial strains caused by the pandemic.

As the pandemic eases, will the return to more normal conditions carry over to the way universities are governed, or will the longer-term social, economic, and political impacts of the pandemic and ongoing political polarization continue?²⁸ And importantly, what steps can university communities take to ensure the integrity of university governance?

References

1. Nicholson-Crotty, J., & Meier, K. J. (2003). Politics, Structure, and Public Policy: The Case of Higher Education. *Educational Policy*, 2003, 17, 80-97.
2. Nicholson-Crotty & Meier (2003). op cit.
3. Seltzer, R. (2016, October 7). Picking Political Presidents: Search processes prove to be a key point of contention as West Florida and Kennesaw State have considered making politicians university presidents. *Inside Higher Education*.
4. Ellis, L., Stripling, J., & Bauman, D. (October 25, 2020). The new order. How the nation's partisan divisions consumed public-college boards and warped higher education. *Chronicle of Higher Education*.
5. Nichol, G. (2022, April 28). Faculty empowerment in an age of authoritarianism. Appalachian State University, Boone, NC. https://drive.google.com/file/d/1JssMun_20oLbfYaU4lMzyPhaY_XpP1Le/view
6. Symons, J. (2022, July). What makes an institution resilient? Paper presented at the Merrill Research Retreat Conference. Kansas City, MO.
7. Moody, J. (2022, June 13). Daniels to retire at Purdue; Successor already named. *Inside Higher Education*.
8. DeWitt, D., Philip, L., & Baier, E. (2018, October 25). Margaret Spellings resigns as head of UNC System. *North Carolina Public Radio*, 4:42 PM
9. Osaka-Few, S. (2015, May 14). Emails between Tom Ross, UNC Board of Governors show concern about Ross' dismissal. *NC Policy Watch*.
10. Dalesio, E. P. (2018, October 16). Margaret Spellings quits UNC system post amid turmoil. *Associated Press, Citizen Times*.
11. (In an exception to what seems interference by Republican politicians and boards, the University of Colorado System President Mark Kennedy when the Democrats won control of their board for the first time in 40 years.)
12. Killian, J. (2020, September 16). In voting to change chancellor search policy, UNC Board of Governors could expand System president's power. *NC Policy Watch*.
13. Jackson, L. (2019, March 18). As East Carolina chancellor resigns, one board member accuses chair of forcing him out. *Chronicle of Higher Education*.
14. Killian, J. (2018, October 11). After Western Carolina controversy, UNC Board of Governors overhauls chancellor search process.

15. Roll, N. (2017, September 11). UNC Board bars litigation by law school center. *Inside Higher Education*.
16. Ellis, Stripling, & Bauman. (2020). *op. cit.*
17. Reilly, K. (2022, April 22). Florida's governor just signed the "Stop the Woke Act". Here's what it means for businesses and schools. *Time*.
18. Moody, J. (2022, June 6). A grab for power. *Inside Higher Education*. <https://www.inside-highered.com/news/2022/06/06/draft-legislation-shows-desantis-plan-control-higher-ed>
19. Kumar, D. (2022, April 19). DeSantis signs bill limiting tenure at Florida public universities. *Tampa Bay Times*.
20. Staff. (2022, April 21). Florida governor signs bill requiring colleges and universities to change accreditors. *Insight into Diversity*.
21. Kantrowitz, M. (2021, November 18). Shocking statistics about college graduation rates. *Forbes*.
22. Lederman, D. (2022, March 14). Public's impression of higher education improves (somewhat). *Inside Higher Education*.
23. Drezner, N. (2018). An investment that pays off for society. <https://www.tc.columbia.edu/articles/208/july/americans-believe-in-higher-education-as-a-public-good-a-new-survey-finds/>
24. Brink, M. (2022, July 12). Public Opinion on Value of Higher Ed Remains Mixed. *Inside Higher Education*.
25. Wippman, D., & Altschuler, M. (April 11, 2022). Political interference in higher ed is becoming endemic. *Inside Higher Education*.
26. Grossman, M. (2021, October 15). How has COVID-19 changed the violent extremist landscape? Centre for research evidence on security threats. <https://crestresearch.ac.uk/comment/how-has-covid-19-changed-the-violent-extremist-landscape>
27. Wippman & Altschuler. (2022). *op. cit.*
28. Wippman & Altschuler. (2022). *op. cit.*; Grossman. (2021). *op. cit.*