Higher education governance model in need of restructuring, accountability

By Jim Bilbray Thursday, Sept. 10, 2015 | 10:12 a.m.

I had the honor of representing Nevadans as a member of the United States House of Representatives (1987-95) and the Nevada State Senate (1981-87). Prior to that I was a regent of the University of Nevada from 1968-72. I now serve as chairman of the U.S. Postal Board of Governors and am the founder and first president of the UNLV Alumni Association.

I am troubled by some of the recent developments at the Nevada System of Higher Education (NSHE) regarding the secreting away of an expensive report about college governance that was conducted at taxpayer expense.

Lawmakers wanted ideas about how to improve our community colleges. Shockingly, when a consultant with the National Center for Higher Education Management Systems prepared the report, its findings were kept secret. The Las Vegas Review-Journal used the state’s public records law to obtain emails between state officials including Nevada System of Higher Education Chancellor Dan Klaich and other NSHE officials who suppressed the report because they “feared the report could be used by their critics” and “dramatically reduce their authority over the schools.” Those emails reveal that one of the “critics” they feared was the Las Vegas Metro Chamber of Commerce. Healthy institutions of higher learning embrace and in turn are supported by their respective business communities. The fact that the chancellor and other officials feared the chamber’s involvement speaks volumes.

That this type of cover-up happened at any state taxpayer-supported institution is troubling. That it happened at the NSHE, which is supposed to be an administrative support office to our colleges and universities, is unthinkable. Not only was the taxpayer-funded work intentionally buried, but a rewritten version, far less critical than the first, was produced. Buying a flattering analysis is no less morally reprehensible than paying for an improved grade on a report card.

As a longtime lawmaker and regent, I would like to say that if this isn’t a “breach of ethical standards,” there simply aren’t any ethical standards in place. This scandal is something for which institutions of higher learning are routinely censured. Suppressing findings that are less than popular with the administration is unconscionable and cannot be tolerated.

Nevadans deserve better. It is up to Nevada residents to ensure higher education officials work in an environment that allows open consideration of each idea to improve our higher education system and to provide our students the best education possible.

Burying reports that identify weaknesses in the governance of higher education at the NSHE, then denying elected officials the opportunity to examine such documents, is shameful behavior, harmful to all Nevadans and to the advancement of education.

I believe this happened because of Nevada’s unique approach to higher education governance. At nearly all American universities, the chancellor serves at the pleasure of the regents, who are elected. But our chancellor seems to be running the system with a too-compliant Board of Regents.
The only reason we have this anomaly was to accommodate former chancellor Jim Rogers. It was a very different set of circumstances. Rogers was an incredibly accomplished businessman and a highly respected leader in the community. He volunteered his time and his business acumen. In 2005, he requested and was given permission to lead the Board of Regents instead of working at their behest. Because of Rogers' unique talents, it worked.

Today, Nevada finds itself in a very different situation. With all due respect to Dan Klaich, he is, to borrow a phrase from Sen. Lloyd Bentsen, no Jim Rogers.

I adamantly urge that at its next opportunity, the Board of Regents reclaim its authority to lead and direct the NSHE. The position of chancellor should function as a support position to the elected members of the board. For example, hiring and firing university and college presidents should require a vote of the full board, as it did prior to 2005; now it can be done by the chancellor if the board chairman agrees.

We have a system unique to Nevada, and it is as clear as the headlines in the news stories, columns and editorials that it has failed in a rather spectacular fashion.

I urge the Board of Regents to conduct an independent and open audit of NSHE finances to answer concerns about the allocation of resources to and from Nevada's public colleges and universities.

As we saw in the 2015 Nevada legislative session, now is the time for true innovation and leadership in education. Nevada can and should do more in its leadership of higher education. We hold our faculty and students accountable every day. We should do the same for those who govern higher education.

Public officials, both elected and appointed, must adhere to the highest standards of integrity and scrutiny. Nevadans deserve such respect and should accept no less.
The fallacy of efficiency in Nevada’s public higher education governance

By MARIO MARTINEZ

Abraham Flexner, a great higher education historian, wrote in 1930 that “inertia and resistance have their uses, provided they are based on reasonable analysis, on a sense of values ... not on mere habit.”

The way Nevada governs higher education is a habit that the state must break, particularly as it pertains to oversight of our two-year institutions. A legislative committee studying the two-year schools is expected to make recommendations Tuesday about how to improve governance.

Reasonable analysis, in this case evidence-based analysis, along with decades of higher education research, clearly indicates our two-year institutions must be extricated from the current Nevada System of Higher Education, which oversees all of public higher education in the state. Restructuring NSHE is the best path to create a system that serves our students and state while breaking a power monopoly in public higher education that has become dysfunctional.

The outcomes our two-year institutions are producing place us at the bottom of the nation on almost every measure. The recent availability of state-level data has made it possible for us to examine efficiency metrics in our two-year system. The number of degrees and certificates our two-year institutions produce per 100 students or per 1,000 Nevada residents (both measures of output efficiency) places us 49th in both categories. The number of degrees and certificates our two-year institutions produce per $1,000 investment in education and related expenses (an efficiency measure of what we are getting for our investment) in the two-year institutions places us 42nd.

There’s no actual evidence to support the argument often made that the current centralized structure of NSHE is efficient. The opposite is true. We have an inefficient system that is also ineffective. The efficiency argument is a red herring — an argument based on political rhetoric that is a predictable reaction by those who wish to preserve a structure that was established in 1864 and has not changed since.

Research and additional evidence specific to Nevada also point to a need to break the monopolistic governance structure. Centralized management structures do not work well when systems and organizations become increasingly diverse and complex.

In the first 10 years of the new millennium, Hispanics have increased from 19.7 percent to 26.5 percent of Nevada’s population while those identifying as “White Alone” have decreased from 65.2 percent to 54.1 percent. The enrollment changes in higher education, in diversity and sheer number are even more dramatic.
For example, from 1970 to 2010, Nevada’s population increased 453 percent and enrollment into higher education rose an eye-popping 733 percent.

On the economic front, our state also has become more diverse and complex. The two fastest growing industries in terms of employment are those that increasingly require college degrees and certificates: professional and business services, and education and health services. Leisure and hospitality remains our largest industry, but from 1992 to 2012 it also experienced the largest decrease as a percentage of employment in the state.

Nevada’s rural and urban geography further accentuates the diversity of community, business and student needs. A centralized governance structure makes little sense in such an environment. It would be as if the state told Henderson residents that there was no need for city government. Imagine the uproar if state officials insisted that a centralized, state-level structure is more efficient and could best meet the needs of Henderson residents. That argument makes little sense to most of us, yet that is exactly what is happening in higher education today.

Changing a state’s higher education governance structure is no easy task. Inhabitants of the status quo will, predictably, defend their habit, as Flexner warned long ago. They will propose Band-Aid type fixes that will in the long run only exacerbate our problems but protect their interests. They will use scare tactics and misrepresent attempts at engaging in productive dialogue. We will be told that entire institutions will close or that people will lose their jobs. The vigor of such resistance without an evidence-based defense of the current system is indeed a sign that change is necessary.

Our state deserves a top-notch higher education system. UNLV and UNR have admirable aspirations and significant challenges in meeting state and stakeholder needs. This all demands the attention of a focused board, one that does not also try to make policy for two-year institutions.

Our rural communities and urban community colleges need local boards that engage local business and local residents. Until we make a change, we shouldn’t be surprised if businesses are reluctant to invest in our system of higher education. Why would they invest in an ineffective centralized system? Why would they invest in an inefficient monopoly? They won’t, at least not willingly.

As a professor in higher education, I have been reluctant to publicly inject my research and analysis into the governance debate in Nevada. Political ramifications are always a consideration, even for a tenured professor. It is easier to analyze another state and provide expert advice outside one’s own backyard. But when the evidence is overwhelming and the nation’s most respected higher education governance scholar and consultant tells me that our structure is misaligned with the needs and changes the state has undergone, it seems time for a true dialogue. It seems time to put policy ahead of politics.

Mario Martinez is a professor of higher education at UNLV. His books include Policy and Performance in American Higher Education and Innovative Strategy Making in Higher Education.
Improve college governance to fix higher ed, boost Nevada’s economy

By MAGDALENA MARTINEZ, DAVID DAMORE and ROBERT LANG

During the 2013 legislative session, the Nevada Legislature passed Senate Bill 391 establishing the “Committee to Conduct an Interim Study Concerning Community Colleges” to examine “the governance structure and funding methods for community colleges.”

In response to a request for recommendations from this committee, we presented our proposed restructuring of Nevada’s higher education administration and governance at a Lincy Institute event Friday.

Underlying our proposal are two key points:

First, this point has been argued repeatedly by attorneys from the Legislative Counsel Bureau: The members elected to the Board of Regents of the University of Nevada are supposed to govern the University of Nevada.

Period.

The bureau has issued the same opinion three times — in 1967, 1978 and March of this year.

The University of Nevada and its board are precisely described in the Nevada Constitution. Such a call-out in a state constitution is both powerful and limiting. It provides certain power in the areas described; yet such constitutional specificity also limits the scope of power.

Quite simply, an entity called the “Board of Regents of the University of Nevada” cannot change its name to the “Nevada Board of Regents” and assume power beyond the constitutionally designated scope.

This is especially true when the state constitution specifically calls for a tier of “state normal schools” (now known as state colleges) that exist alongside the University of Nevada.

Second, the unwillingness of higher education officials to act on the numerous recommendations calling for governance reforms has resulted in institutions that are commonly referred to as community colleges morphing into something very different.

Indeed, when the federal government views Nevada, they see two branches of the state university (UNLV and UNR), four four-year colleges, (the College of Southern Nevada, Great Basin College, Western Nevada College and Nevada State College), and one two-year institution (Truckee Meadows Community College).
In short, not only does the Board of Regents of the University of Nevada not govern the community colleges, Nevada has — according to federal data reported by the state — but one community college; that term implies some degree of local accountability and input, neither of which is possible under the present governance structure.

Given these issues, our proposal calls for a two-tier higher education structure that is constitutionally sound, continues legislative oversight, and, by integrating the administration and governance of higher education with the state’s economic development priorities, recognizes and empowers localities while strengthening the higher education infrastructure.

Under our proposal, UNR and UNLV, including the Desert Research Institute, are essentially unaffected, with one important exception: These institutions would receive the full attention of the Board of Regents of the University of Nevada, the chancellor, and the relevant Nevada System of Higher Education staffers who would be transferred to what would become the University of Nevada System Office with locations in Reno and Las Vegas.

Our proposed college-level structure, the Nevada Office of Higher Education, would be coordinated by an 11-member statewide higher education board appointed by the Legislature to four-year terms from three regional college districts based on combined statistical areas in southern, northern and rural Nevada. Put simply, the districts are aligned with commuting patterns that are reflective of an integrated economy and workforce in these three areas.

At the local level, each public college would have a governing board of seven members — including one student member — nominated by local governments and appointed by the Legislature to four-year terms.

Combined, the statewide board and local college boards will ensure integration and coordination with the state’s economic development priorities and the Regional Development Agencies’ activities, such as the Las Vegas Global Alliance.

Further, we propose the state board absorb the functions of the Commission on Postsecondary Education, which oversees not-for-profit and for-profit colleges and universities operating in the state, thus creating a better-coordinated statewide higher education system of postsecondary institutions.

Akin to what was done in Arizona and New York to attract and align higher education institutions in a manner that best serves state and regional needs, we propose that each district submit a request for proposal to the Nevada Office of Higher Education that includes a master plan developed in collaboration with the Regional Development Agencies, community leaders, business interests and local elected officials.

The master plan should identify the number and the type of institutions that the stakeholder group believes are necessary for its district, as well as the funding sources and partnerships to support any additional institutions that a region wants to develop.
In sum, our proposal positions Nevada public colleges as state-led and funded under the Nevada Office of Higher Education while locally engaged and governed under local college boards. Further, it extricates the state from potential legal challenges while integrating the administration and governance of higher education with Nevada’s economic development priorities in an innovative manner.

At the same time, it is important to understand what we are not proposing. We are not proposing that any existing public institution of higher education be dismantled. We are not proposing that two- and four-year institutions be put under the exclusive control of municipal or county governments. We are not proposing that local resources replace funding from the state general fund for any existing public higher education institution. And we are not proposing the creation of a larger administrative bureaucracy than presently exists.

Rather, what we are proposing is a restructuring of the present administration and governance so that existing resources may be used more effectively in hopes of improving the educational and economic underperformance that has long plagued Nevada.

Magdalena Martinez is director of education programs at the Lincy Institute. David Domore is an associate professor in the Department of Political Science at UNLV, and Robert Lang is the UNLV director of Brookings Mountain West.
Critics: Consolidation of higher ed system a power grab

By IAN WHITAKER

College of Southern Nevada students try to attract the attention of fellow students while protesting proposed budget cuts Tuesday, March 13, 2011, at CSN’s Henderson campus.

Late last year higher education officials controversially voted to merge campus police at two Reno colleges with the UNR police department.

Then, last month, administrators proposed centralizing the Nevada System of Higher Education’s registration system. At that same meeting, the Board of Regents reaffirmed its vision for a strong, single system to oversee higher education in Nevada.

Now, system officials are considering whether the UNLV police department should take over enforcement duties for the College of Southern Nevada and Nevada State College.

Notice a pattern?

NSHE leaders say consolidating services is a way to stay efficient and save on overhead costs, but critics say it’s a defensive tactic designed to protect against future challenges to the system’s power.

“[It’s an attempt to] wind the system together to the point where it makes it very difficult to separate the institutions,” said John Gwaltney, former president of Truckee Meadows Community College in Reno. “I think any rational person that would look at it would come to the conclusion that it would make it difficult to separate the system.”
Dissatisfaction is reaching a fever pitch, and it’s an open secret in political and education circles that lawmakers are warming to the idea of shrinking the system’s control over community colleges during next year’s legislature.

Gwaltney, along with a small cadre of former community college presidents, is drafting legislation to present before lawmakers. On paper, the plans look similar to early efforts to break up the Clark County School District last year. One proposal, for instance, calls for a separate governing board for the state’s four community colleges as well as a local board that oversees each one, effectively eliminating the Nevada System of Higher Education and its Board of Regents from their oversight.

But Gwaltney and supporters of his group’s plan fear their efforts will be in vain the more community colleges become increasingly dependent on the system and larger universities for support.

Nevada System of Higher Education Chancellor Dan Klaich said the concerns are overblown, and noted that the system had been debating consolidation efforts for years.

“This isn’t about community colleges or police; what this is about is that state appropriations continue to get tighter,” he said. “It means we have an obligation to find as much savings as possible, and these things looked like relatively low-hanging fruit.”

Still, the police consolidation plan was unpopular with many at both UNR and TMCC. Regents are expected to approve the official police merger at meetings later this week, as well as discuss a proposal to create one platform where students can register and see classes at all NSHE institutions rather than having to register at each school.

Much of the recent dissatisfaction stems from the perception that the system prioritizes universities, particularly UNR, at the expense of community colleges. The system’s four community colleges, the College of Southern Nevada, Truckee Meadows Community College, Western Nevada College and Great Basin College, account for more than half of the college students in the state, but they are often disadvantaged by a funding formula skewed toward UNLV and UNR.

CSN, for example, is NSHE’s largest institution but faced budget cuts last year that, among other things, cut tutoring services during finals week.

“They talk about wanting to make savings, and where do they go first to make cuts? The community colleges,” Gwaltney said.

That’s not right, critics of the system say, in a state where community colleges are perfectly suited to churn out the kind of skilled workers needed to support new industries imported by companies like Tesla and Faraday Future.
“[We want] a separate board and our own budget that recognizes the fact that we don’t do research,” said CSN history professor Sondra Cosgrove. “They obsess about universities and research and sports … but teaching is the actual foundation of a higher education system.”

But system leaders argue the state has already had that discussion in the form of a legislative committee formed in 2013. Lawmakers tasked with investigating a break up of NSHE made a series of recommendations which Klaich said have already been implemented. Klaich’s own conduct during that process landed him in hot water, however, following allegations that he buried a report critical of the system.

“I’m not going to squelch anybody’s right to have an opinion, but the opinion has to be backed up by something that’s good for the state and the students,” Klaich said. “I haven’t heard the argument yet about why this is good for community colleges, the students in Nevada and the taxpayers.”

“What’s the benefit of creating an independent system with a set of high-paid administrators that don’t advance student success?” he added.

The main challenge for critics will be coming up with a new funding formula that benefits community colleges. It’s not an easy task, but it will be politically necessary in order to attract the support of lawmakers who are unlikely to throw money at a cause without a concrete plan.

“I think we’re getting very close to having to produce a formula that the legislators could be comfortable with,” Gwaltney said.