



Committee on Governance and Funding Reform

A Committee of the Faculty Senate at the University of Alaska Anchorage

February 16, 2020

To the Government and People of Alaska:

The following report explains the rationale behind the attached resolution adopted by the UAA Faculty Senate on December 6, 2019, asking that the chancellors of UAF, UAA, and UAS are made directly responsible to the Board of Regents and are co-equal with the system president. This relatively simple reform, we believe, will bring the substantive and beneficial change to higher education in Alaska that it must have, and that our accreditors have demanded.

The Alaska legislature is the only institution left in Alaska that can implement this reform, by converting the resolution into a bill and enacting it. That is because on January 13, the Board of Regents summarily rejected our resolution, just as they have ignored or dismissed every other recommendation or report that has originated in this committee.

To show this, compare the record of our committee to the record of the Board of Regents and the statewide administration over the last twelve months:

- In April 2019 our first report argued that in light of the fiscal crisis in higher education in Alaska, the old ways of doing business simply would not do. The report compacted hundreds of hours of collaborative research on other university systems and our own. We suggested serious reform to governance and administration of the university system. Our report was ignored by the Board of Regents and statewide administration. But when our committee began to assemble a system-wide task force of faculty to consider specific reforms, the Regents suddenly "got religion" and formed their own task force charged to study reform, no doubt to pre-empt our work. They certainly took the study of reform in a different direction than we recommended. Their belated action proved that they knew we were correct, but we were refused the opportunity to participate in, or even to testify to that task force.
- In July 2019 we advised the Board of Regents not to adopt a hasty and unnecessary resolution declaring financial exigency and warned that doing so would cause severe damage to the reputation of our universities. We were proven correct.

- In August 2019 members of our committee were significant contributors to a proposed plan addressing cuts proposed by the “budget compact.” The proposal gave first-line authority to the chancellors of UAF, UAA, and UAS to manage the cuts, as they were the most capable of doing so. The proposal was endorsed by over three hundred faculty, staff, students and administrators of UAF, UAA, and UAS but was rejected by statewide authority and the Board of Regents. Our plan is now, in substance, the process that the university system is currently following. So, again we were proven correct.
- In September 2019 we told the Board of Regents, statewide authority and anyone else who would listen that President Johnsen’s hasty, ill-advised, ill-executed plan to merge the three universities risked crashing the accreditation of the entire system. On September 26, 2019, we were again proven correct.

If recent history is an accurate guide, officials of the statewide administration and certain members of the Board of Regents will ignore or dismiss the present report as they have in the past. They have never even bothered to open a line of communication with us, and have shut down our attempts to open a line of communication with them.

Ironically, the urgency of the reform outlined in this report is highlighted by our record compared to theirs over the past year. Their casual disregard for our work and their repeated missteps are clear signs that our system of governance and administration needs serious change.

We urge you to give the recommendation set forth in this report your strong consideration.

Sincerely,

The Committee on Governance and Funding Reform, UAA Faculty Senate

Report on the UAA Faculty Senate Resolution to Move the Reporting Lines of the UA Chancellors to the Board of Regents

by the

Committee on Governance and Funding Reform of The Faculty Senate of the University of Alaska Anchorage

Approved by the Committee, February 16, 2020

"The right to petition allows citizens to express their ideas, hopes, and concerns to their government..." *Borough of Duryea v. Guarnieri*, 564 U.S. 379 (2011)

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1. Introduction.

> **Who we are.** The Committee on Governance and Funding Reform is a committee appointed by the Faculty Senate at UAA to study the reform and improvement of the UA system.

Our previous recommendations favor decentralizing authority and governance, so that UAF, UAA, and UAS have more freedom to administer and govern themselves. On the basis of our research, we have argued that decentralization will result in more responsible administration of the universities, better financial performance, and improved scholarly research and student outcomes.

In the past we have suggested possible ideas for reform in the direction of decentralization, and we have argued for collaborative efforts to define and recommend a plan for reform.

Until now we have not taken a firm position or argued for a specific reform.

> **Our recommendation.** We support Resolution 120619-4, adopted December 6, 2019 by the UAA Faculty Senate, which calls for a change in the reporting lines of the chancellors of UAF, UAA, and UAS. By this change, the chancellors would report to the Board of Regents rather than to the President of the UA system. We believe such a change will lead to critical improvements to system governance, viz.,

- The change will finally free the abilities of the chancellors, which have been held back. They will have greater latitude to cut costs, invest, raise funds, and plan.
- The board will have better visibility of the universities under their purview.
- The president will be able to refocus on coordination, support, and cooperation, and on leading the statewide administrative unit so that it provides services to the universities that they need.

We strongly support this proposal as the most plausible reform among many alternatives that have been suggested. We believe it will attract broad support and little opposition. We believe that its salutary impact will be far more consequential than appears on its face.

> **The Alaska Legislature.** Because the Board of Regents rejected Resolution 120619-4 on January 13, 2020, we believe the most fruitful venue to pursue this reform is the Alaska Legislature. While we hope that the Board of Regents will take more time to study and reconsider the proposal, we are not optimistic that they will.

Several factors recommend the Alaska Legislature as the best venue for enacting this reform:

- First, we find no provision in the state constitution that prohibits such legislation.
- Second, the proposal is politically neutral and is unlikely to disturb partisan interests or the people of Alaska.
- Third, legislators have experience in the affairs of the university system, are likely to see the advantage of this reform, and can lend support at no political cost.
- Fourth, the interests of legislators do not conflict with good policy in this case, whereas we have concerns with respect to the President of the UA system and the Board of Regents. We are concerned that the president and board are using their tight control of the universities in

order to preserve their tight control of the universities, with adverse consequences on the universities, their students, administrations, faculties, staff, alumni, and the communities that they serve.

We hope that the appropriate committees in the legislature will submit this proposal to legal review, to identify corresponding changes that must be made in Alaska statutes.

We hope that bipartisan co-sponsors will produce a bill.

We believe that a strong, bipartisan coalition of legislators can be formed that will pass the bill.

We are hopeful that the governor will sign it into law.

> **Basis of this report**. After the Board of Regents rejected the resolution on January 13, faculty leadership asked this committee to present our research and to explain why this reform is timely and necessary, so that they might bring this report forward for consideration by the public.

2. The change to the chancellors' reporting line will begin to align the UA system with national trends.

The UA system is out of step with national trends. While we readily concede the general point, that others' policy might not work for Alaska, and that we should adopt policy that works best for Alaska, Alaskans ought to understand and learn from the difference between their system and others' systems. The system in Alaska is one of the most centralized in the nation.

According to the Education Commission of the States, Alaska is one of only eight states with a single, statewide board that governs and coordinates all public institutions of higher education. Governance and administration of all other statewide boards or agencies with purview over their public university systems are more decentralized. In many states, universities have their own boards of trustees and no statewide governing board. In others, statewide boards have delegated substantial authority to the universities, granting latitude and final authority over many administrative functions to the leaders of their universities.

But even within this class of eight, Alaska is among the two or three states whose statewide boards are the most committed to centralized governance and administration. In Alaska the Board of Regents delegates little authority to the universities and their chancellors and appoints a president who may hire and fire the chancellors of the universities at will.

In contrast, other states in the class of eight are less centralized or have moved to reform:

- The public system of higher education in **Nevada** is highly centralized and is organized similarly to the system in Alaska, but their state has moved towards decentralization. In 2019 the Nevada Legislature voted to put an amendment to their constitution on the ballot in November 2020 that would abolish their statewide board of regents and allow their universities to have their own boards of trustees.
- The **Hawaii** system is centralized, but the total distance among all three of their separately accredited universities is a little over 200 miles. Two of the universities are connected by a short commuting distance. The total distance among UAF, UAA, and UAS is more than

1,000 miles. Concert and communication, which facilitate good administration and governance, are far easier in Hawaii. Nevertheless, Hawaii appears to be considering reform, or at least considering the establishment of clearer lines of separation between the authority of university leadership and system leadership.

- The **Kansas** Board of Regents governs all six public universities in their state. The presidents of those universities, however, are hired by and report to the board of regents. Those six presidents have substantial authority to administer their respective universities, including final authority over many administrative functions. The universities may have their own foundations and alumni associations governed by their own boards of trustees. The president of the entire university system is a peer and not a direct supervisor of the presidents of the universities. Together, the system president, on behalf of the board of regents, and the presidents of the universities cooperate and coordinate.
- **Rhode Island** completely reformed their system in 2014 and now their system resembles the system in Kansas. Their statewide board appoints an executive officer (the Commissioner of Postsecondary Education) and the presidents of their universities. The commissioner is not the supervisor of the presidents of the universities, but is rather a peer. They cooperate and coordinate, and all report to the board.

Among the remaining three states, complaints and proposals for reform from faculty, administrators, and officers of government are similar to what we see in Alaska.

- In **Montana** faculty proposed abolishing their statewide office due to mismanagement and “administrative bloat.”
- In **Idaho** a former state budget director and director of government affairs for the University of Idaho recently called for reforming the state’s “antiquated educational governance structure” and for giving each university its own board.
- In **North Dakota** reform proposals have been presented to their statewide board, including one from the governor, to devolve the authority of the statewide board onto new boards.

3. The change to the chancellors’ reporting line will improve the performance, including the financial performance, of the UA system.

The universities, where the work of higher education takes place, are the mainspring of the UA system. By giving the leaders of the universities more influence within the system, the high, hard costs of statewide office will begin to be brought into line with national averages, and the universities are more likely to find new revenue opportunities and cut inefficiencies.

UA statewide does not generate revenue from tuition or grants. Their operating value is the service that they provide to the universities that do generate revenue from tuition and grants. If the chancellors report to the Board of Regents and not to the president, they will have more influence over decisions to accept or decline services provided by statewide. The president and statewide will be more market-driven, and hence more efficient. Services which are provided by statewide are more likely to be cut or expanded according to whether they are needed or not needed by the universities.

The chancellors will have more freedom to implement cuts and choose investments at their universities that close the gap between their revenues and their costs.

> **The hard costs of centralized governance and administration.** The high cost of statewide administration correlates with the high degree of centralized governance.

For example, the Education Commission of the States places Mississippi’s statewide board of higher education in the category of second-most centralized. A statewide board of trustees governs their institutions of higher education but has decentralized some authority. The budget of the statewide administrative office (the Mississippi Institutions of Higher Learning) in 2019 was approximately \$350 per full-time enrolled student. In Alaska, the cost was 5 to 6 times greater, or approximately \$1,850 per full-time enrolled student.

Other public systems of higher education spend even less than Mississippi on their central offices. The following examples are not cherry-picked, but rather are in line with most central offices.

- The central office of the Texas State University system cost \$111 per student enrolled in their system in 2018.
- The central office of the Pennsylvania State System of Higher Education cost \$84 per student enrolled in their system in 2019.

But the contrast is especially jarring when comparing the cost of the statewide office in Alaska to other states in the category of eight. Alaska tops the list.

This table shows:

- The class of eight states with highly centralized governance systems;
- The budgets of their statewide offices in 2019;
- The number of graduates awarded bachelor’s degrees in 2019 (except where noted); and
- The cost of their statewide office per bachelor’s degree awarded.

State	Statewide Budget	Bachelor’s Degrees	Statewide Cost/Degree
Alaska	\$52M	1,863	\$27,912.
Hawaii	\$107M	4,651	\$23,005.
Kansas	\$217M	15,085	\$13,258.
Rhode Island	\$12.8M	3,471	\$3,687.
Nevada	\$26M ¹	8,589 (2018)	\$3,027.
Idaho	\$6.2M	6,570 (2018)	\$944.
North Dakota	\$4.5M ²	6,251	\$720.
Montana	\$3.7M	5,395	\$686.

Let this fact sink in: Alaska’s statewide office, which generates no revenue from tuition or grants, costs the state treasury \$27,912 per bachelor’s degree awarded.

¹ The figure for the budget of the statewide office in Nevada includes IT services, about half the total budget.

² The state of North Dakota has a biennial budget. The biennial budget for “System Office and Board Operations” for 2017–2019 was \$8,985,791, or roughly \$4.5M per year.

The cost of statewide is an indirect and direct burden on the state treasury because it directly receives state support, and because it taxes the universities. Those levies deplete the universities' budgets, requiring state support to cover the gap caused by statewide's tax.

The excuse that Alaska's statewide office has more programs and institutions—the community campuses—under its charge, does not explain the wide discrepancy. Idaho is a large state, and their statewide office is also responsible for K-12. The University of Hawaii system has responsibility for their associate degree campuses. The systems of some of these other states also oversee programs that produce many graduate degrees, not counted in the cost/degree ratio above.

> The opportunity cost of centralized governance and administration. As this committee has argued in great detail before, statewide administration cannot effectively manage the universities directly. The chancellors know their communities and constituencies better. They are in touch with students, faculty, administrators, and staff on a daily basis and can best ascertain the right areas to cut and invest, and are in the best position to fundraise.

As we prominently saw last year, however, the system president vigorously exercises his authority to restrict the independence of the chancellors and the universities. He required them to silence their own opinions if they conflicted with his, and required them to agree with him publicly, even if they disagree. He invited them to resign if they could not meet these requirements, and he reminded them that he could fire them at will, if they failed to meet his requirements. This behavior is a consequence of the dysfunctional administrative structure.

The board authorizes the president to supervise the chancellors directly and gives the chancellors little independence. But the president cannot possibly know, with the degree of intimacy required, the daily work of the universities. Conflict is the inevitable result, and it is settled by the heavy authority wielded by the president, which is vested in his office by the board.

Students, faculty, administrators, and staff have expressed confidence in their chancellors and have repeatedly lodged their protests with the Board of Regents, but no satisfactory response has been received. The university communities trust their chancellors, with good reason. Alaska is not adequately using their abilities and is wasting their salaries. The chancellors are the most valuable and indispensable administrators in the system. The university system could far more easily bear the elimination of the office of the president than those of the chancellors.

> Conclusion. The proposed change to move the reporting lines of the chancellors to the Board of Regents will establish conditions leading to resolution of a problem documented by many external and internal reviews of the system over the past decade: the high costs, both hard and soft costs, of overly-centralized governance and administration in the system.

A good summary of this problem and its implications is found in the most recent review, an internal review conducted by a system-wide team of faculty and administrators:

The University of Alaska Statewide (SW) exists to provide leadership, broad policy and strategic direction, and a certain level of support to the three universities in our system. As it is structured and operating today, it has grown into an expansive entity lacking both

a clear mission and a unified connection to its purpose, limiting its effectiveness....UA as a whole has survived up until now because it has had plenty of resources and little competition. Those conditions no longer exist. Comparison with peer state university systems across the country reveals that UA Statewide is an outlier in terms of structure, function and staffing levels....Since the Great Recession, starting in 2008, system offices across the country, from Maine to Oregon, have been transformed to achieve both a greater focus on core mission and to realize efficiencies. (“Transforming the University of Alaska’s Statewide Office, Addendum to Report,” November 2015, pp. 1–2.)

The proposed change is mild in form, not revolutionary. Nevertheless, this committee believes that its impact will greatly benefit the entire system. The change will insert the influence and visibility of the universities in the position where they belong—closer to the center of authority.

4. Arguments against the proposal, and rebuttals.

> **“The state constitution prohibits moving the reporting lines of the chancellors to the Board of Regents.”** Article VII, sec. 3 of the constitution merely says, “The board shall, in accordance with law, formulate policy and appoint the president of the university. He shall be the executive officer of the board.”

The change in reporting lines does not vitiate the president’s position as executive officer of the board.

Furthermore, if the Alaska legislature enacts this change, the board shall be obliged, “in accordance with law,” to follow the law. The Alaska Supreme Court emphasized that clause, in recognition of the legislature’s broad powers to modify the university structure, in *McAlpine v. University of Alaska* (1988).

While we recognize that the elimination of the office of the president is not possible without changing the constitution (and probably not wise at the present time), the authority and duties of the office are subject to legislative control as well as to the control of the board.

The university system was never established to be sealed off, beyond all accountability to the people through their duly elected government. If this had been the case, the university system’s total independence from popular accountability would have been badly framed in the state constitution. The entire university system belongs to the people of Alaska.

The Alaska Supreme Court has affirmed that the university system is an agency of the state government, in *University of Alaska v. National Aircraft Leasing, Ltd.* (1975). But the independence and prerogatives of that agency are defined and limited by the constitution. All else is subject to law, as the constitution twice affirms, and law is framed by the government of the people.

> **“The Board will become enmeshed in inter-university rivalry.”** While some peripheral characters might fan the flames of inter-university rivalry, the image of the universities in perpetual conflict is a myth perpetuated to justify the status quo, or to justify further

centralization. The chancellors, and the leaders of the faculties, staffs, and students have demonstrated that they can and do cooperate well.

Moreover, statewide administration has been the main source of whatever modest quanta of tension does exist among the universities, not the peacemaker among them. The potential for inter-university tension will be quickly removed if the chancellors report to the board, and the presidency is removed as the direct supervisor of the chancellors.

As we have shown before, the board and the president have, more than any other institutions or individuals, promoted inter-university tension by their public pronouncements. The president has singled out specific academic programs and units, informing the public that some universities might lose their programs and units and others might preserve or absorb those same programs or units. It is remarkable that the tension promoted in this fashion has not precipitated more unhealthy competition than has actually occurred.

But one conflict has grievously frustrated the university communities for years: conflict between statewide administration, especially the president, versus the students, faculty, administrations, and staff at UAF, UAA, and UAS. We are amazed that the board does not seem to know this and instead persists in believing the myth of “inter-university rivalry,” and the misguided belief that they and the president resolve inter-university tension rather than promote it. In cases when they do resolve inter-university tension, they are resolving tension that they themselves create.

If the chancellors have greater authority, the main source of inter-university tension will disappear. They will form the first line of recommendations when facing cuts. This will preclude inter-university rivalry, because the recommendations to the board will arise from the judgment of each university’s administration, not the statewide office. The board can give the chancellors their budget number to meet. The chancellors will make recommendations with regard to programs within their respective universities only, measuring those programs against opportunities in their respective communities that they serve. Recommendations about programs in the other universities are beyond the scope of their charge.

> **“The Board will lose strategic oversight.”** On the contrary, the Board will be better informed, because the regents will gain direct information from the leaders of the three universities who know their charges far better than the president. The president shall still, consistent with his constitutional duty, advise the Board, administer the statewide unit, and contribute to strategic direction and policy. But the chancellors should also have an equal role in providing input on the strategic direction of the entire system and on policy.

The relationship between the president and the chancellors will be transformed from command to cooperation, because they will have to cooperate.

Many statewide systems around the country operate this way. This report has previously mentioned Kansas, Rhode Island, and other states that use this model. Another example is Arizona, which we hold up as a notable comparison to Alaska, because their configuration closely matches the Alaska system, with one major difference: the administrative leaders of their universities report directly to their statewide board.

Arizona has a statewide board of regents governing three universities, as the Alaska board does. The executive officer of the board advises the board, but cooperates with, and does not supervise, the administrative leaders of Arizona State University, Northern Arizona University, and the University of Arizona. The four administrators are peers, as the six presidents and one executive officer of the board are peers in Kansas, and all report to the board of regents. In Arizona, the annual cost of the statewide office is \$237 per student enrolled in their system as of 2019 (\$35M budget for the statewide office for 151K enrolled students), as opposed to the annual cost of UA statewide, \$1,850 per enrolled student. Their system has worked well, as described below.

> **“The management structure of UA is similar to corporate structures, and works well in business.”** Centralized authority works in some business cases but not others. The type of relationship between central management and owned business units widely varies. Some relationships may be as holding company to an owned company, some as central management to business division. The right relationship for each corporation depends on the nature of the work that each part does and how they add management value. Management consultants are paid to assist firms in determining the right relationship and have developed sophisticated tests to determine how best to structure authority, including whether authority should be devolved or centralized.

If the right relationship in business ought to be as holding company to owned company, it would not be prudent for the CEO of the holding company—which owns multiple businesses of varying types—to intervene in the day-to-day operations of these disparate companies, because the business that they each conduct, the markets that they serve, and the class of products and services that they offer all differ. A micro-managing or meddling CEO could disrupt the effectiveness of the executive teams of the owned companies.

> **“The UA system has been successfully governed and administered with this arrangement for many years, and should not be changed.”** The financial performance alone of the University of Alaska system refutes this statement. Despite years of forewarning about the imminent end of the oil boom, the Board and statewide administration left posterity a small endowment, a bloated budget, and a massive deferred maintenance bill. If this were the performance of a board and an executive team in a corporation, the shareholders would (and should) revolt.

But beyond its exposure to the foregoing criticism, such an argument against change implicitly fails to see what the universities could have become and still can become, by adjusting the system of governance and administration to reality. The universities have grown and matured. They are held back by an outdated system of governance and administration.

What we can become is best illustrated by the case in Arizona. Their urban university, Arizona State, was beleaguered by high dependence on state appropriations and flagging enrollments. In 2002 an innovative administrator was chosen to lead ASU and turn the institution around.

Thanks to the system of governance and administration already in place in that state, Michael Crowe had the managerial latitude to take advantage of smart cost-cutting and revenue-generating opportunities that he and his administrative team espied. The executive of their board

of regents was his peer, worked with him, and did not impede his creativity and energy. Now, enrollments at Arizona State are booming. Dependence on state aid has been cut in half. The university is recognized as a national leader in innovation, and Michael Crowe is famous.

Your committee believes that we can achieve similar results in Alaska. But the universities and their leaders need more latitude and authority, as Dr. Crowe had.

5. The Risk of Doing Nothing.

On September 26, 2019 the NWCCU addressed a letter to the Board of Regents, system president, and the chancellors of the three universities, telling them in no uncertain terms that the system of governance for higher education in Alaska was not in compliance with their regulations. They requested an immediate response on what concrete measures would be taken to rectify this.

In light of the reports submitted by the chancellors regarding their views on system reform, the NWCCU gave the UA system a reprieve. They expressed their confidence in the UA system's commitment to a path of reform. While the NWCCU did not require any further extraordinary reporting, they will expect something of substance to be done by the time the next regular reporting cycle comes around.

Yet on January 13, 2020, the Board of Regents dismissed the proposal to elevate the chancellors to the level of the system president as a “non-starter.” This decision was particularly dismaying and bodes ill for the future. Having come perilously close to crashing the accreditation of the entire system of higher education in Alaska last fall, the board's refusal now to consider a mild reform such as the one proposed—and instead to double down on the current system of heavy centralization—indicates a failure to draw the appropriate lessons from our hard-won experience.

Continuing financial pressures on the system will likely persist. Without substantive structural reforms to our system of governance, Alaska's three public universities risk plunging into a death spiral of program cuts, declining enrolments, lost tuition, lost faculty, and lost research funding.

We are convinced that not only might inaction imperil our system, but, worse still, inaction will forgo the opportunity to improve all of the universities.

Sensible and real reform is at hand. Our universities could arise from this crisis better than ever.

Your committee urges the public to adopt this reform.



Faculty Senate

UNIVERSITY *of* ALASKA ANCHORAGE

Resolution #120619-4

UAA FACULTY SENATE RESOLUTION RECOMMENDING THAT THE CHANCELLORS REPORT DIRECTLY TO THE BOARD OF REGENTS

WHEREAS: the various responses to the NWCCU's letter of September 26 requiring clarification of shared governance and reporting responsibilities for the University of Alaska system were delivered on October 30; and,

WHEREAS: These responses committed the Board of Regents, System President, and the Chancellors of the three universities to address these issues; and,

WHEREAS: The NWCCU response letter of November 1, 2019 stated "It is clear that the Board of Regents, system office, and institutions are moving forward collectively to clarify the roles and responsibilities throughout the system. You are also creating opportunities for inclusive dialogue regarding the future structure of the University of Alaska System as you develop a path forward to solve the funding and enrollment challenges that threaten the state's institutions of higher learning." And,

WHEREAS: The NWCCU will expect to see progress made in this area during our next regular reporting cycle. Now, therefore be it

RESOLVED:

THAT PROGRESS REGARDING REFORM OF UNIVERSITY GOVERNANCE
STRUCTURE CAN BEST BE DEMONSTRATED AND PROTECTION OF
ACCREDITATION BE ASSURED BY REVISION OF BOARD OF REGENTS' POLICY TO
MAKE THE CHANCELLORS OF UAF, UAA, AND UAS ANSWERABLE AND
RESPONSIBLE SOLELY TO THE BOARD OF REGENTS, CO-EQUAL WITH THE
SYSTEM PRESIDENT.