



University of Nevada, Reno

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April 27, 2021

TO: Assembly Legislative Operations and Elections

FROM: Amy Pason, Chair
2020-21 Faculty Senate

SUBJECT: SJR7 Opposition Testimony

Chair Miller,

I'm writing on behalf of the faculty at the University of Nevada, Reno in my capacity as Faculty Senate Chair. The Faculty Senate is the elected body representing all administrative and academic faculty at the University. The Faculty Senate discussed the merits of SJR7, and **are opposed**.

Simply stated, faculty are unclear on what the amendments would actually do or what the necessity of such constitutional amendments are. As the explanatory language of the bill notes, if it is already understood that the Framers' intent was that the Regents would not have sole control over higher education institutions, then why amend the Constitution? Further, there is no indication of what current problem would be resolved by amending the Constitution or that would be addressed by biennial audits. More troubling is there is no transparency or indication of what the Legislature intends to do or what future Legislatures *could* do as consequence to removing the Board of Regents from the Constitution. Moreover, faculty from institutions have not been consulted in relation to how the constitutional change **might impact work on our campuses or shared governance structures**.

In previous hearings on this bill, lobbyist proponents explained they made the amended language less confusing, arguing that is the only reason Question 1 did not pass in November 2020. Proponents did not consider that those voting "no" last November might have actually studied the amendment and had similar questions that faculty have on SJR7 now—not about confusing language, but uncertainty on what agenda these changes serve. Moreover, proponents noted they "softened" language as to not suggest the Legislature would fully manage or control higher education (as "governance" polled better). What was not discussed in the hearing is specifically what impacts this bill has to education or on governing policies of our institution. The explanatory language of the bill notes that this constitutional amendment ***"will allow the Legislature to exercise the full extent of its legislative power to review, reform and improve the programs and operations [of higher education]."*** Thus, whether or not the language is "managed" or "governed," voters (and especially faculty on our campuses) have a right to know what is planned for the full use of legislative powers. Higher education policy has real impacts on student learning and faculty workers—it is not simply a matter of what language polls best.

Given the range of issues related to higher education currently being proposed in this legislative session, SJR7 begs the question on what additionally the Legislature would like to do in terms of “reforming and improving” programs. The Legislature already has control over the state allocated portion of our institution’s budget; the Legislature has the power to implement furloughs or mandate cost of living increases. Budgeting, in turn, affects hiring our institution can do, programs we can support, or initiatives we can pursue. This legislative session has also shown the Legislature has the power to give tuition or fee waivers to some populations (leaving our institutions to address budget impacts and provide support for those groups), and address other topics as wide ranging as providing education on FAFSA, providing information to students on mental health resources, and compensation for college athletes. Working in partnership, our institutions have worked with policy makers on bills that allow access to DACA students as well as reforms for sexual assault and harassment policies on our campuses. This legislative session also included bills on reorganizing community colleges separate from NSHE, and a bill to study community colleges in relation to workforce and economic ecologies of the state. Given the range of issues here, what more would the Legislature like to govern as it relates to higher education?

As noted in the explanatory language of SJR7, the Nevada Supreme Court rule, the Legislature is limited to some areas of legislation that might with the Board of Regents’ management of higher education. Again, this begs the question of what areas the Legislature would like to influence that they currently cannot? What further accountability is needed that current legislative powers does not provide or that elections of Regents cannot remedy?

Faculty are wary of increased legislative influence on higher education, as national examples show such interference often negatively impacts our educational mission with partisan agendas. Using national examples to help us predict the possible consequences of the proposed Constitutional change, more questions are raised. Would this legislature seek to influence contractual status of faculty including reforming tenure as was recently attempted in [Iowa](#)? Would this legislature seek to implement policy on what degree programs should be offered at our campuses or what research should be undertaken by faculty? With the amended language that would audit our institutions biennially, what is the scope or intent of such audits? Would groups with specific partisan or lobbying interests be the ones appointed to conduct such audits? And what would the legislature do with that information? Would such information be used to determine funding allocations with areas of the state with stronger lobbying arms receiving more funding? Would we see changes in policies favoring alma maters the majority of legislators hail from? Given how hearings on other bills this session have gone, faculty are wary of “fuller legislative power” being used to create more North and South divides. This is antithetical to our mission of educating all of Nevada and serving for the benefit of all Nevada.

As with Question 1, the only source of information faculty have to evaluate the merits of SJR7 come from lobbying groups and what they claim amending the Constitution will do. These claims presume subsequent legislation will follow to enact different policies or governance structures. In a press release from Nevadans for Higher Quality Education/Council for Better Nevada, it is claimed that this amendment will “modernize” higher education or will ensure taxpayer money goes directly to classrooms. From a faculty perspective, we do not know how much more “modern” we can make our curriculum or programs as we constantly update and teach to the standards of our disciplines. How does the majority of state allocated funding that pays for faculty salaries not go directly to classrooms as we are the ones working with students daily?

These lobbying groups do have a shared concern with faculty in terms of student success and degree attainment, however, focusing on the Board of Regents or amending the Constitution is not a solution. As I can attest, students already have a voice on our campuses with addressing issues through student government and direct to campus and faculty leaders. Student and faculty leaders also have a voice in working with Regents on policies that affect our campuses through our shared governance system. On our own campuses, we focus on student success through policies and programs specific to our student needs. At UNR, mandatory advising helps students make progress on their degrees, while other support and mentoring programs such as [First in the Pack](#) are designed to help first-generation college students succeed. But for all the policies and programming we can provide, our institutions are limited in addressing the real barriers for some students to complete their degrees. Many of our students work full time or are supporting their families (instead of having family support for their education), and as such, struggle with these competing demands on their time and ability to focus on their education. Constitutional amendments cannot fix these challenges as proponents of SJR7 imply.

As educators and researchers, faculty are inquisitive, and as this testimony indicates there are just too many questions left unanswered about the intent and possible future consequence of SJR7 for faculty to support this bill. As educators, we are used to feedback and work to meet the needs of students—when we know what issues exist. SJR7 does not indicate what is currently wrong with the education we provide nor how amending the Constitution would fix whatever perceived problems exist. Without some indication of what future changes the Legislature would propose to higher education, we do not have all the information we need to make an informed evaluation to this bill's effects. Therefore, we oppose SJR7.