

Date: April 7, 1981

Page:

MEMBERS PRESENT: Chairman Glover
Vice Chairman Chaney
Mr. Beyer
Mrs. Ham
Mrs. Hayes
Mr. Hickey
Mr. Malone
Mr. Nicholas
Mr. Prengaman
Mr. Robinson
Mr. Sader

MEMBERS ABSENT: None

GUESTS PRESENT: Dr. Robert Gorrell
Ellen C. Thompson
Vernon E. Scheid
Senator Norman Glaser, Northern Nevada District

Chairman Glover called the meeting to order at 3:03 p.m. in room 200. He informed the committee that testimony would be heard first on AJR 22.

AJR 22: Proposes constitutional amendment providing for appointment of University of Nevada regents.

Dr. Robert Gorrell, retired Professor of English and Vice President of the University of Nevada, Reno, testified that perfect boards of regents could not be expected under any system but that he felt the elective system had some disadvantages. He stated that an appointment system with certain restrictions would be an improvement because elections have become so expensive that the public is suspicious of anyone who spends \$100,000 to be elected to a non-paying position and because this high cost tends to limit the number of candidates who are able to run. He said that he felt it was better for the state to seek qualified people rather than having people seek the position. He noted that the elective system was more likely to produce the kind of sectionalism that has hurt the board in recent years.

Dr. Gorrell pointed out that the problem of higher education in the next ten years would be trying to stretch limited resources for higher education over increasing demands and needs and this will require a board of regents who are able to think of the university on a statewide basis without concern for re-election, pressure groups and specific areas.

When the committee questioned what system he would recommend, Dr. Gorrell said that this would be up to the legislature, that there were different methods all over the country to be studied,

and that appointments could include different professions and alumni from different districts with the most expertise possible.

Ellen Thompson said she was a former student at UNR and has been involved and interested in university affairs for a long time. She indicated that it was very difficult to ask regents to campaign and that they did not like to accept contributions for a non-paying job. She commented that Nevada definitely needed two universities because the regions were so far apart. She emphasized that the board of regents needs people who understand that the University is a particular kind of entity, a group of scholars who are living in a community supposedly working together but who are also human and are a prey to all the other problems that beset other human beings. She urged the committee to give consideration to an appointive plan under the auspices of the legislature with reasonable controls.

When Mr. Hickey questioned if the regents were elected when the medical school was established, Dr. Gorrell stated that they have always been elected constitutionally.

Senator Norman Glaser, Northern Nevada District, said that he had been interested in this bill since 1969 and gave a brief history of its progress and defeat over the years. He indicated that research has shown that states are tending toward regent appointment, 38 states out of 50 have some method of appointment with confirmation varying from state to state. He noted that candidates for the board of regents are not members of a political party and therefore do not receive contributions flowing from a political party, nor are they subject to contributions from private sources. He added that this concept would be particularly helpful in rural areas where a candidate must cover thirteen counties which does preclude some people from running. He said that if this amendment to the constitution was passed, the legislature could provide through enabling legislation a method of appointment, such as the governor submitting a panel to a group or appointment by the governor with confirmation by the senate and the assembly, resulting in walk-of-life, geographical and population representation.

When Mr. Hickey asked if the board of regents had indicated a position on this bill, Senator Glaser said that they had never testified for or against.

Since this is a constitutional amendment and, if passed, will take six years before becoming law, Dr. Robinson suggested that the number of regents should not be defined by law as times and needs change over the years. Senator Glaser indicated no objection to leaving the setting of numbers to the legislature.

In response to a comment by Dr. Robinson, Senator Glaser said that disenfranchising of voters is the biggest objection to AJR 22 but asked how many people really know the regent candidates that they are voting for. Dr. Robinson commented

that usually people do not vote in a particular race if they do not know the candidate.

Mr. Hickey said quality of leadership could be improved in almost all offices of government by a selective process but this is not democracy and people want their right to vote.

Mr. Malone wondered if this was not more a northern problem than a southern problem because he felt that the candidates for the board of regents were very well known in the south. Dr. Gorrell said that the election in the south was unusual in the last few years because candidates had spent a great deal of money on their campaigns. Mr. Chaney commented that regardless of campaign expenditures people still could make their own choice.

Dr. Robinson pointed out that candidates sometimes run for office because they are unhappy with the present system whereas appointees would most likely be in complete accord with the university system.

Dr. Gorrell said that in 1952 the governor appointed five regents who were all devil's advocates and brought about a change in presidents illustrating that it can happen both ways.

Mr. Vernon Scheid said that he came to Nevada 30 years ago to assume the deanship of the Mackay School of Mines and the directorship of the Nevada Bureau of Mines and Geology. He added that he has taught at three different universities, Johns Hopkins University, University of Idaho and the University of Nevada at Reno. He noted that a study had been done a number of years ago which indicated that appointed regents did a better job than elected regents; that he was in favor of an appointive system but was opposed to the way AJR 22 was written.

Mr. Scheid distributed two surveys to the committee, one a survey of the University of Nevada in 1917 attached to these minutes as EXHIBIT A; and the second an appraisal of the university from 1956 attached to these minutes as EXHIBIT B. Both of these handouts contain reproductions of portions pertaining to the methods of choosing regents. He read from pages 15, 26 and 25 of EXHIBIT A and from pages 54 and 55 of EXHIBIT B.

Mr. Schied stated that he felt the bill should be written to say that the governor shall appoint in a manner prescribed by the legislature. He recommended perhaps having a committee of two senators and two assemblyman with a chairman from the supreme court who would select a slate of three to be presented to the governor. He referred to a chart in EXHIBIT A which shows that out of 79 state universities or schools 77 percent appoint while only 8 percent elect.

A rather lengthy discussion ensued covering previously stated pros and cons of an appointive system versus an elective system.

Mr. Scheid then distributed copies of two letters to the committee, one from Thomas C. Wilson, Sr. (EXHIBIT C) and the other from Leslie B. Gray, Attorney, (EXHIBIT D) both supporting Mr. Scheid's position which are attached to these minutes.

Since there was no further testimony on AJR 22, Chairman Glover directed attention to SB 353.

SB 353: Requires issuance of certificate of appointment to person selected to fill vacancy in office of senator or assemblyman.

Mr. Glover noted that Senator Ashworth, the sponsor of this bill, was in a Taxation Committee meeting but that this bill was clean-up bill for some of the problems encountered in appointments. The committee decided to hold the bill until Senator Ashworth could be present.

Chairman Glover said there were several bills that had already been heard that he would like the committee to take action on.

AB 164: Specifies time for comencing reports of campaign contributions.

Mr. Glover said that the committee agreed previously to amend this bill to include reporting of expenditures. He informed the committee that he had spoken with legal counsel who indicated that an incumbent governor, for example, seeking re-election must report back to the beginning of his term as governor whereas a new candidate would be required to report back to the last election.

When Mr. Malone questioned whether money for stamps, etc. would be included as expenditures, Mr. Glover explained that money for stamps, telephone or mailing, etc. is part of the operating budget of an assemblyman but if a lobbyist contributed \$1,000 for a mailing this would be considered money from a private group and would be an expenditure to be reported.

When Mrs. Hayes asked if the bill had been amended to include all candidates, Mr. Glover said that legal counsel said that all candidates were included in the bill as written. He explained that any person filing as a candidate for any office must report all money spent from the time of the last election but if it were another matter such as pushing petitions, it would be up to an opponent to take that person to court to prove that such an activity is considered campaigning.

Mr. Sader moved DO PASS AS AMENDED, seconded by Mr. Prengaman. The motion died because of a tie vote (5-5) with Mr. Beyer, Mr. Malone, Mr. Chaney, Mr. Hickey and Mrs. Hayes voting no and with Dr. Robinson absent at the time of the vote.

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Mrs. Hayes explained that she voted no as an expression of concern with the clarity of the bill; that if there was this much discussion in the committee, there could be a problem in the future; that she felt it could easily be written so there would be no question.

Mr. Glover appointed Mr. Hickey, Mrs. Hayes and Mr. Sader as a subcommittee to work on an amendment for the bill to clarify it and report back to the committee.

AJR 22: Proposes constitutional amendment providing for appointment of University of Nevada regents.

Mr. Beyer spoke in support of AJR 22 because he felt that in actuality it was not disenfranchising voters since if this passed two sessions of the legislature, it would then be up to the voters to express their wishes.

Mr. Hickey pointed out that no regents had appeared to express their opinions; that apparently there was no dissatisfaction with the present system in southern Nevada; and that he did not think his constituents would want their vote taken away.

Mr. Chaney agreed with Mr. Beyer in that the voters should have their say but only if there is widespread dissatisfaction with the present system, that one single problem should not be cured by legislation.

Mrs. Hayes commented that she did not like the idea of taking rights away from voters and that if someone has worked as hard as he must to be elected, that person will really appreciate his office and be more responsive to the public.

Mr. Nicholas explained that he had great sympathy with the directions of expertise that can be answered by appointment, but he felt that the legislature should not interfere unless there was some real reason for involvement.

Mr. Hickey moved INDEFINITE POSTPONEMENT on AJR 22, seconded by Mrs. Hayes. The motion carried by a vote of 9 to 2 with Mr. Beyer and Mr. Prengaman voting no.

When Mr. Glover asked Dr. Robinson about his bill concerning presidential preference primaries, he indicated that he did not feel the bill would pass as written and asked for time to check with the secretary of state's office for further information needed to amend the bill to change the date only of this primary. Mr. Glover asked him to report back to the committee.

AB 195: Bans use of building as polling place if building has same name as candidate.

Mr. Chaney said that he was personally opposed to this bill because he did not want to move polling places that voters had been using for years just because of one person's objections

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Dr. Robinson commented that in the case that precipitated this bill, it was not a detriment to the candidate whose name was not the same as the school but became a campaign issue that helped win the election; that selection of polling places should be left up to local government; and that this selection must be made long before the last day of filing. For these reasons he did not feel he could support the bill.

Mr. Prengaman said that he would like to support this bill because it is unfair advantage to have an opponent's name on a polling place, but that he could not support the bill because of the many problems it would pose for registrars.

Mr. Beyer and Mrs. Hayes stated support for the bill because they felt that a building with the same name could sway votes.

Mr. Hickey pointed out that in this particular election that was not true, the candidate won four out of five precincts.

Mr. Chaney moved to INDEFINITELY POSTPONE AB 195, seconded by Mr. Hickey. The motion carried by a vote of 6 to 5 with Mr. Beyer, Mr. Malone, Mrs. Hayes, Mrs. Ham and Mr. Sader voting no.

AB 197: Prohibits use of protective envelopes for ballots in punchcard voting systems.

Mr. Glover reminded the committee that it was pointed out in testimony that this can be handled through a regulation from the secretary of state's office

Mr. Hickey moved to INDEFINITELY POSTPONE AB 197, seconded by Mr. Sader and carried unanimously by the members of the committee.

Chairman Glover informed the committee that they would meet the following Monday, April 13, to discuss congressional reapportionment. Since there was no further business, he adjourned the meeting at 4:40 p.m.

Respectfully submitted,

Patricia Hatch

Patricia Hatch
Secretary

61st SESSION NEVADA LEGISLATURE

ASSEMBLY ELECTIONS COMMITTEE

LEGISLATION ACTION

DATE April 7, 1981

SUBJECT AJR 22: Proposes constitutional amendment providing for appointment of University of Nevada regents.

MOTION: INDEFINITELY POSTPONE

Do Pass ___ Amend ___ Indefinitely Postpone XX Reconsider ___

Moved By Mr. Hickey Seconded By Mrs. Hayes

AMENDMENT: [Blank lines for amendment text]

Moved By ___ Seconded By ___

AMENDMENT: [Blank lines for amendment text]

Moved By ___ Seconded By ___

VOTE:	MOTION		AMEND		AMEND	
	Yes	No	Yes	No	Yes	No
BEYER		X				
CHANEY	X					
HAM	X					
HAYES	X					
HICKEY	X					
MALONE	X					
NICHOLAS	X					
PRENGAMAN		X				
ROBINSON	X					
SADER	X					
GLOVER	X					
TALLY:	9	2				

ORIGINAL MOTION: Passed XX Defeated ___ Withdrawn ___

AMENDED & PASSED ___ AMENDED & DEFEATED ___

AMENDED & PASSED ___ AMENDED & DEFEATED ___

Attached to Minutes April 7, 1981

61st SESSION NEVADA LEGISLATURE

ASSEMBLY ELECTIONS COMMITTEE

LEGISLATION ACTION

DATE April 7, 1981

SUBJECT AB 195: Bans use of building as polling place if building has same name as candidate.

MOTION: INDEFINITELY POSTPONE

Do Pass Amend Indefinitely Postpone XX Reconsider

Moved By Mr. Chaney Seconded By Mr. Hickey

AMENDMENT:

Moved By Seconded By

AMENDMENT:

Moved By Seconded By

Table with columns: VOTE, MOTION (Yes/No), AMEND (Yes/No), AMEND (Yes/No). Rows include names like BEYER, CHANEY, HAM, HAYES, HICKEY, MALONE, NICHOLAS, PRENGAMAN, ROBINSON, SADER, GLOVER and a TALLY row.

ORIGINAL MOTION: Passed XX Defeated Withdrawn
AMENDED & PASSED AMENDED & DEFEATED

Attached to Minutes April 7, 1981

61st SESSION NEVADA LEGISLATURE

ASSEMBLY ELECTIONS COMMITTEE

LEGISLATION ACTION

DATE April 7, 1981

SUBJECT AB 197: Prohibits use of protective envelopes for ballots in punchcard voting systems.

MOTION: INDEFINITELY POSTPONE

Do Pass ___ Amend ___ Indefinitely Postpone XX Reconsider ___

Moved By Mr. Hickey Seconded By Mr. Sader

AMENDMENT:

Moved By ___ Seconded By ___

AMENDMENT:

Moved By ___ Seconded By ___

VOTE:	MOTION		AMEND		AMEND	
	Yes	No	Yes	No	Yes	No
BEYER	X					
CHANEY	X					
HAM	X					
HAYES	X					
HICKEY	X					
MALONE	X					
NICHOLAS	X					
PRENGAMAN	X					
ROBINSON	X					
SADER	X					
GLOVER	X					
TALLY:	11	0				

ORIGINAL MOTION: Passed XX Defeated ___ Withdrawn ___

AMENDED & PASSED ___ AMENDED & DEFEATED ___

AMENDED & PASSED ___ AMENDED & DEFEATED ___

Attached to Minutes April 7, 1981

Reproduction of portions pertaining to the methods of choosing Regents.

DEPARTMENT OF THE INTERIOR
BUREAU OF EDUCATION

BULLETIN, 1917, No. 19

UNIVERSITY LIBRARY

JUL 16 1928

REPORT

RENO, - NEVADA

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WASHINGTON
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LETTER OF TRANSMITTAL.

DEPARTMENT OF THE INTERIOR,
BUREAU OF EDUCATION,
Washington, July 17, 1917.

SIR: I am transmitting herewith for publication as a bulletin of the Bureau of Education the report of the survey of the University of Nevada, made under my direction and at the request of the governor of the State of Nevada by Samuel P. Capen, specialist in higher education in the Bureau of Education, and Edwin B. Stevens, executive secretary of the University of Washington. Although this report is primarily of interest to the citizens of the State of Nevada, it makes a contribution to the study of university administration which will have much interest for persons concerned with the management and control of similar institutions elsewhere and for all students of higher education.

Respectfully submitted.

P. P. CLAXTON,
Commissioner.

The SECRETARY OF THE INTERIOR.

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have at least 30 days' previous notice of such contemplated action, and shall, if he or she asks it, be heard in his or her own defence.

The board must meet quarterly, and may hold special meetings at the call of the chairman. The State superintendent of public instruction must visit the university at least once in three months and report quarterly to the regents on its condition.

University accounts, like other State accounts, must be passed on by the board of examiners before being paid.

The following interesting legal provision is also worth noting, (4646, sec. 8):

It shall be the duty of the president of the university to instruct in the university, and, under the direction of the board of regents, to manage all matters connected with the institution, to employ assistant teachers and servants, purchase supplies, and make monthly statements to the board of regents of all receipts and expenditures, supported by vouchers.

CONSTITUTION OF BOARDS OF REGENTS IN OTHER STATES.

The following tabular view of the constitution of boards of regents or trustees of State universities and colleges shows that the utmost variety prevails with respect to the number of members, the method of choosing them, and the length of term. It is plain that there is no common theory of university control. Legislatures have determined the constitution of the governing boards of State universities on the analogy of boards of trustees of other corporate bodies with which the legislative members were familiar, or in accordance with a contemporary experiment in administration, or with the intention of providing political checks and balances. All of these motives are clearly to be read in the collected laws providing for the establishment of State boards of regents.

The form of board control, however, has come to be recognized as of vital importance to the success of any modern university. Much discussion of the subject has made it evident that university administration is not essentially unlike the administration of any other public function which is carried on by specially trained experts; such functions, for instance, as the public library, charities and correction, the care of parks, and, of course, the public schools. Through a long process of trial and error, States and cities have discovered certain principles which appear to underlie efficient board control of such public activities. To these there is now general assent. They appear to the committee to be equally applicable to the constitution and practice of the board of regents of a State university.

TABLE 1.—State universities and State colleges—Organization of boards of control.

Name of institution and of board.	Members.	How chosen.	Term in years.	Is president of institution member of board?	Titles of ex officio members.	Compensation of members.	Political requirements.
O ALABAMA—University: Board of trustees.....	12	10 elected by board (1 from each of 8 congressional districts and 2 from sixth district), 2 ex officio.	12	No.....	Governor (ex officio president of board), State superintendent of education.	0	None.
A Polytechnic Institute—Board of trustees.....	12	10 appointed by governor (1 from each of 8 congressional districts and 2 from third district), 2 ex officio.	12	No.....	do.....	0	Do.
A ARIZONA—University: Board of regents.....	10	8 by governor, 2 ex officio.....	4	No.....	Governor, superintendent of public instruction.	\$3 per diem.....	Not more than 4 from same political party.
A ARKANSAS—University: Board of trustees.....	9	7 by governor (1 from each congressional district), 2 ex officio.	6	No.....	do.....	\$2.50 per diem...	None.
A CALIFORNIA—University: Regents of the university.	23	16 by governor, 7 ex officio.....	16	Yes.....	Governor, lieutenant governor, speaker of assembly, superintendent of public instruction, president State board of agriculture, president Mechanics Institute, president university.	0	Do.
W COLORADO—University: Board of regents.....	7	6 elected by people, 1 ex officio.....	6	Yes.....	President of university (without vote except in case of tie).	0	Elected on party ticket.
A Agricultural College—State board of agriculture.	10	8 by governor, 2 ex officio.....	8	Yes.....	Governor, president of college.....	0	None.
A School of Mines—Board of trustees.....	5	By governor.....	4	No.....	None.....	0	Do.
A Teachers College—Board of trustees.....	7	6 by governor, 1 ex officio.....	6	No.....	State superintendent of public instruction.	0	Do.
O CONNECTICUT—Agricultural College: Board of trustees.....	10	6 elected by State senate, 2 by alumni, 1 by State board of agriculture for 1 year, 1 ex officio.	4, 1	No.....	Governor.....	0	Do.

How Chosen -- Symbols
 A - Appointed by Governor, etc.
 E - Elected by People, etc.
 O - Other Methods

NOTE: Many variations in each Group

DELAWARE—College: Board of trustees.....	10	8 by governor, 20 by board of trustees, 1 ex officio.	10	Yes.....	Governor, president of college, president of State board of education, master of State grange	0	Do.
FLORIDA—University and State College for Women: State board of control.....	5	By governor.....	4	No.....	None.....	0	Do.
FLORIDA—State University: Board of trustees.....	28	18 by governor (1 from each of 12 con-	8	No.....	Governor, 1 president (1 from each of	0	Do.

TABLE 1.—State universities and State colleges—Organization of boards of control—Continued.

Name of institution and of board.	Members.	How chosen.	Term in years.	Is president of institution member of board?	Titles of ex officio members.	Compensation of members.	Political requirements.
A IOWA—University, College of Agriculture, Teachers College: State board of education. ¹	9	By governor.....	6	No.....	None.....	\$7 per diem.....	Not over 5 from same political party.
A KANSAS—University: State board of administration.	3	.....do.....	4	No.....	.....do.....	\$3,600 per annum.	Not over 2 from same political party.
A KENTUCKY—University: Board of trustees.....	32	15 by governor at large, 6 on nomination of the alumni, 11 ex officio.	6	Yes.....	Governor, superintendent of public instruction, commissioner of agriculture, president of university, 7 members of State board of Agriculture.	0	Board must be bipartisan.
A LOUISIANA—University: Board of supervisors....	15	12 by governor, 3 ex officio.....	4	Yes.....	Governor, president of university, State superintendent of public education.	0	None.
A MAINE—University: Board of trustees.....	8	7 by governor, 1 by alumni association.	7,3	No.....	None.....	0	Do.
A MARYLAND—State College of Agriculture: Board of trustees.....	9	By governor.....	9	No.....	.....do.....	0	Do.
A MASSACHUSETTS—Agricultural College: The corporation.....	18	14 by governor, 4 ex officio.....	7	Yes.....	Governor, commissioner of education, commissioner of agriculture, president of college.	0	Do.
O Institute of Technology— Corporation (private)....	64	35 life members elected by corporation, 15 elected from alumni nominations, 3 ex officio, the president of institute.	8	Yes.....	Governor, chief justice of supreme court, commissioner of education, president of institute.	0	Do.
E MICHIGAN—University: The regents.....	10	8 elected by people, 2 ex officio.....	8	Yes.....	President of university, superintendent of public instruction (both without vote).	0	Elected on special ticket.

Agricultural College— State board of agriculture.	6	6 elected by people, 2 ex officio.....	6	Yes.....	President of college, superintendent of public instruction (both without vote).	0	Do.
College of Mines— Board of trustees.....	6	By governor.....	6	No.....	None.....	0	None.
MINNESOTA—University: Board of regents.....	13	9 by governor, 3 ex officio.....	6	Yes.....	Governor, State superintendent of education, president of university.	0	Do.
MISSISSIPPI—University,							

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MAINE—State College of Agriculture
 Board of trustees
 MASSACHUSETTS—Agricultural College
 The corporation
 Institute of Technology—Corporation (private)
 MICHIGAN—University: The regents

9 By governor
 18 14 by governor, 4 ex officio
 54 35 life members elected by corporation, 15 elected from alumni nominations, 3 ex officio, the president of institute
 10 3 elected by people, 2 ex officio

9 No
 7 Yes
 5 Yes
 8 Yes
 Governor, commissioner of education, commissioner of agriculture, president of college.
 Governor, chief justice of supreme court, commissioner of education, president of institute.
 President of university, superintendent of public instruction (both without vote).

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Agricultural College—State board of agriculture
 College of Mines—Board of control
 MINNESOTA—University: Board of regents
 MISSISSIPPI—University: A. and M. College, Industrial Institute: Board of trustees of the university and colleges of Mississippi
 MISSOURI—University: Board of curators
 MONTANA—University: College of A. and M. Arts, School of Mines: State board of education
 NEBRASKA—University: Board of regents
 NEVADA—University: Board of regents
 NEW HAMPSHIRE—College: Board of trustees
 NEW JERSEY—Rutgers College: Board of trustees
 Also State board of visitors
 NEW MEXICO—University: Board of regents
 Agricultural College—Board of regents
 School of Mines—Board of regents

8 6 elected by people, 2 ex officio
 6 By governor
 12 9 by governor, 3 ex officio
 9 7 by governor, 2 ex officio
 9 By governor
 11 8 by governor, 3 ex officio
 6 Elected by people
 5 Elected by people, 4 for 4 years, 1 for 2 years
 13 9 by governor, 2 by alumni, 2 ex officio
 41 33 by board for life, 5 by board on nomination of alumni association, 3 ex officio
 24 By governor (2 from each congressional district)
 5 By governor
 5 do
 6 do

6 Yes
 6 No
 6 Yes
 6 No
 6 No
 6 No
 4 No
 6 No
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 3 Yes
 Life, 5 Yes
 2 No
 4 No
 4 No
 4 No
 4 No
 President of college, superintendent of public instruction (both without vote).
 None
 Governor, State superintendent of education, president of university.
 Governor, State superintendent of education.
 None
 Governor, State superintendent of public instruction, attorney general.
 None
 None
 Governor, president of college
 Governor, chief justice, attorney general.
 None
 None
 do
 do
 do

0 Do
 0 None
 0 Do
 0 Do
 0 Do
 0 Do
 0 Do
 0 Elected on party ticket
 0 Do
 0 Not more than 5 from same political party
 0 None
 0 Do
 0 Not over 3 from same political party
 0 Do
 0 Do

GOVERNMENT AND CONTROL OF THE UNIVERSITY.

! This board appoints a finance committee of 3 from outside its own membership, each member of which receives \$1,500 a year salary.
 ! One special additional member from De Soto County is appointed by the governor for a term of 4 years to act on university affairs only.

TABLE 1.—State universities and State colleges—Organization of boards of control—Continued.

Name of institution and of board.	Members.	How chosen.	Term in years.	Is president of institution member of board?	Titles of ex officio members.	Compensation of members.	Political requirements.
O NEW YORK—Cornell University: Board of trustees.....	40	1 life member, 5 by governor, 15 by trustees, 10 by alumni, 1 by State grange for 1 year, 8 ex officio.	5, 1	Yes.....	Governor, president of university, lieutenant governor, speaker of assembly, commissioner of education, president of State agricultural society, commissioner of agriculture, librarian of Cornell library.	0	None (a majority may not be of any one religious sect or of no religious sect).
O NORTH CAROLINA—University: Board of trustees.....	102	100 elected by legislature, 2 ex officio...	8	No.....	Governor, superintendent of public instruction.	0	None.
A State College of Agriculture and Engineering— Board of trustees.....	17	16 by governor, 1 ex officio.....	8	No.....	Governor (chairman of board ex officio).	\$4 per diem.....	Do.
A NORTH DAKOTA—University, Agricultural College: State board of regents..	5	By governor.....	6	No.....	None.....	\$7 per diem.....	Do.
A OHIO—Ohio University: Board of trustees.....	21	19 by governor, 2 ex officio.....	Life.....	Yes.....	Governor, president of university.....	0	Do.
A Ohio State University— Board of trustees.....	7	By governor.....	7	No.....	None.....	0	Do.
A Miami University— Board of trustees.....	27	.....do.....	9	No.....	.....do.....	0	Do.
A OKLAHOMA—University, School of Mines: State board of education	7	6 by governor; 1 ex officio.....	6	No.....	State superintendent of education.....	\$6 per diem.....	Do.
A A. & M. College— State board of agriculture.	5	4 by governor, president of board elected by people.	4	No.....	None.....	(1)	President elected by party ticket.
A OREGON—University: Regents of the university.	13	10 by governor, 3 ex officio.....	12	No.....	The State board of education, composed of governor, secretary of state, superintendent of public instruction.	0	None.

A	Agricultural College— Board of regents.....	13	9 by governor, 4 ex officio.....	9	No.....	The State board of education, composed of governor, secretary of state, superintendent of public instruction, master of State grange.	0	Do.
O	PENNSYLVANIA — State College: Board of trustees.....	31	6 by governor, 9 by alumni, 12 by agricultural societies, 4 ex officio.	3	Yes.....	Governor, president of college, superintendent of public instruction, secretary of State board of agriculture.	0	Do.
A	PORTO RICO—University: Board of trustees.....	7	4 by governor, 3 ex officio.....	Indeterminate	Yes.....	Commissioner of education (ex officio president and chancellor), treasurer, speaker of house of delegates.	0	Do.
A	RHODE ISLAND—State College: Board of managers.....	7	5 by governor, 1 from and by State board of agriculture, 1 ex officio.	5, 2	No.....	State commissioner of public schools..	0	Do.
O	SOUTH CAROLINA—University: Board of trustees.....	11	7 by legislature, 4 ex officio.....	6	No.....	Governor, superintendent of education, chairmen of committees on education of house and senate.	0	Do.
O	Clemson College— Board of trustees.....	13	7 by Clemson estate for life, 6 by governor for 4 years.	Life, 4...	No.....	None.....	0	Do.
O	Citadel, the Military College of South Carolina— Board of visitors.....	10	5 by legislature, 5 ex officio.....	6	No.....	Governor, adjutant and inspector general, State superintendent of education, chairmen of military committees of house and senate.	0	Do.
A	SOUTH DAKOTA—University, College of A. and M. Arts, School of Mines: Regents of education....	5	By governor.....	6	No.....	None.....	\$1,000 per year..	Must be selected from among the different political parties existing in the State.
A	TENNESSEE—University: Board of trustees.....	18	14 by governor (10 from congressional districts, 2 from Knoxville, 2 from Memphis), 4 ex officio.	12	Yes.....	Governor, superintendent of public instruction, commissioner of agriculture, president of university.	0	None.
A	TEXAS—University: Board of regents.....	9	By governor.....	6	No.....	None.....	0	Do.
A	Agricultural and Mechanical College— Board of directors.....	9	do.....	6	No.....	do.....	0	Do.
A	College of Industrial Arts— Board of regents.....	6	By governor (3 must be women).....	6	No.....	do.....	0	Do.

¹ \$2,500 per year (president); \$5 per diem (others).

TABLE 1.—State universities and State colleges—Organization of boards of control—Continued.

Name of institution and of board.	Members.	How chosen.	Term in years.	Is president of institution member of board?	Titles of ex-officio members.	Compensation of members.	Political requirements.
A UTAH—University: Board of regents.....	14	12 by governor, 2 ex officio.....	4	Yes.....	Secretary of state, president of university.	0	None
A Agricultural College— Board of trustees.....	13	12 by governor, 1 ex officio.....	4	No.....	Secretary of state.....	0	Do.
O VERMONT—University of Vermont and State Agricultural College: Board of trustees.....	20	18 elected by legislature (9 university trustees, for life, 9 State trustees for 6 years), 2 ex officio.	Life, 6..	Yes.....	Governor, president of university.....	0	Do.
A VIRGINIA—University: Rector and visitors.....	10	9 by governor, 1 ex officio.....	4	No.....	Superintendent of public instruction..	0	Do.
A Agricultural and Mechanical College and Polytechnic Institute: Board of visitors.....	10	8 by governor, 2 ex officio.....	4	No.....	Superintendent of public instruction, president of board of agriculture.	0	Do.
A Military Institute— Board of visitors.....	11	9 by governor 2 ex officio.....	4	No.....	Adjutant general, superintendent of public instruction.	0	Do.
A College of William and Mary— Board of visitors.....	11	10 by governor, 1 ex officio.....	4	No.....	Superintendent of public instruction..	0	Do.
A WASHINGTON—University: Board of regents.....	7	By governor.....	6	No.....	None.....	0	Do.
A State College— Board of regents.....	5	.....do.....	6	No.....	.....do.....	0	Do.
A WEST VIRGINIA—University: State board of control (financial).	3	.....do.....	6	No.....	.....do.....	\$5,000 per year..	Not over 2 from the dominant political party.
A State board of regents (academic).	5	4 by governor, 1 ex officio.....	4	No.....	State superintendent of free schools....	\$1,000 per year..	Not over 3 from the dominant political party.

~~WISCONSIN—University:
Board of regents..... 15 13 by governor (at least 9 must be women, 1 appointee from each of 11 congressional districts, 3 at large), 2 ex officio. 6 Yes..... State superintendent of public instruction, president of university. 0 None.~~

~~WYOMING—University:
Board of trustees... 11 9 by governor, 2 ex officio... 6 Yes..... State superintendent of public instruction, president of university (both without votes). 0 Do.~~

College of William and Mary - Visitors.....	11	10 by governor, 1 ex officio.	No	Supervisors of public instruction.....	0	Do.
WASHINGTON - University: Board of regents.....	6	By governor	No	State superintendent of public instruction.....	0	Do.
State College - Board of regents.....	6	do.	No	do.	0	Do.
WEST VIRGINIA - University: State board of control (financial).....	3	do.	No	do.	0	Do.
State board of regents (academic).....	3	By governor, 2 ex officio.	No	do.	0	Do.

Not over 2 from the dominant political party.

\$5,000 per year.

\$7,000 per year.

WISCONSIN - University: Board of regents.....	15	13 by governor (at least 2 must be women; 1 appointed from each of 11 congressional districts, 2 at large), 2 ex officio.	6 Yes	State superintendent of public instruction, president of university.	0	None.
WYOMING - University: Board of trustees.....	11	9 by governor, 2 ex officio.	6 Yes	State superintendent of public instruction, president of university (both without votes).	0	Do.

¹ The president of the college is secretary of the board without a vote. ² West Virginia has created two boards, one to control finances, the other to control instructional affairs.

Tabulation

	No. of Inst-tutions	Percent
Appointed by Governor	61	77
Elected by People	6	8
Other Methods	12	15
Totals	79	100

PRINCIPLES OF UNIVERSITY CONTROL.

The first of these relates to the number of members. *Experience has shown that public administrative boards,¹ consisting of from 7 to 15 persons have usually been most successful.* The main reasons are perhaps clear, but the committee ventures to restate them. They are: (1) Business is conducted most expeditiously and efficiently by a group small enough to sit around a single table and to discuss without formal parliamentary tactics; (2) the group should be large enough, however, to represent different elements and opinions in the body politic.

Many successful administrative boards, educational and other, consist of 5 members, as does the present board of regents of the University of Nevada. The committee is quite ready to concede that the difference in efficiency and representative character between a board of 5 and one of 7 members may be very slight or in given cases non-existent. The criticisms and recommendations which it is about to offer concerning the Nevada board are based primarily on shortcomings in the constitution of that body which have no reference to its size. But the committee feels that, as it is going to urge a complete reorganization of the Nevada board of regents, the question of numbers should not be overlooked. A board of 5 members is more easily dominated by an influential personality than a board consisting of 7 persons. It is considerably easier to get a majority of 3 than a majority of 4.

The second principle to which allusion has been made concerns the method of selecting board members. Reference to the tabular presentation on pages 16-23 will reveal the fact that State boards of regents are in the majority of cases either elected by popular vote or appointed by the governor. The larger number of boards are appointed.

The committee unhesitatingly indorses the appointment of university regents by the governor, with confirmation by the senate, as against popular election. The weaknesses of popular election must already be painfully apparent to the intelligent citizens of Nevada. The drawback which overshadows all others is that the university is thus drawn unavoidably into the turmoil of partisan politics. The university is not on such occasions a major political issue, however. As far as its management is an issue at all, it is distinctly a minor issue.² It is the tail of the political kite. Candidates for the board of regents are frequently men to whom the party has refused what are

¹ This refers to boards which exercise legislative functions only. Executive boards whose members devote their whole time to the work of administration (such as the Kansas State board of administration) are not taken into account in this statement of principles.

² Advocates of the election of members of city school boards are strenuously opposed to having board members chosen at regular political elections. School issues are then lost sight of. Special elections for school directors are regarded as essential.

8% -
77% -

regarded as more regency is per office, it becom fight for reelec in these activit

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It may also do not in the lo chosen by other tioned of using desire of some upon the board Moreover, few duties of regent business of a c difficult public regents should of honor bestow no citizen, how have organized of them is reg assure to State important enter

The foregoing the present me Nevada. It is the personal qu board, past or has just mentio States to follow short terms on tion. Whether to the citizens passing, howeve nominations to and that the p seeking relectj

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regarded as more desirable honors, but who must be recognized. The regency is perhaps a sop to wounded political vanity. Once in office, it becomes necessary to keep up political fences, perhaps to fight for reelection. The possible embroilment of the university in these activities need only be alluded to.

What genuine university issue can there be which once in two years requires settlement at the polls? A university should have no connection with or inclination toward any political party. If it is a question of reviewing carefully the acts or the competency of members of the board, the objection immediately arises that these matters never are, and can not be, weighed in the heat of a partisan conflict. If the State desires to register its opinion on the amount of support the institution should receive, it is not necessary to vote on the regents to do so.

It may also be very strongly urged that popularly elected boards do not in the long run command ability of as high an order as boards chosen by other methods. The common party practice already mentioned of using nominations to the board of regents to satisfy the desire of some men for political reward would of itself tend to place upon the board from time to time persons unqualified for the task. Moreover, few men of the type required for the performance of the duties of regent will of their own initiative engage in the disagreeable business of a campaign for the sake of the opportunity to render a difficult public service. The men who should sit on State boards of regents should be sought. The office of regent then becomes a post of honor bestowed for distinguished merit and integrity, a post which no citizen, however eminent, can refuse to accept. Several States have organized their university boards of regents so that membership of them is regarded in this light. Nothing less will permanently assure to State universities the enlightened government which such important enterprises require.

The foregoing remarks are not intended as a specific criticism of the present members of the board of regents of the University of Nevada. It is not the committee's function to pass judgment on the personal qualifications for their high office of members of the board, past or present. It merely points out that such results as it has just mentioned have been proved by the experience of many States to follow popular election, especially when such election is for short terms on party tickets and simultaneous with a general election. Whether these results have obtained in Nevada may be left to the citizens of the State to determine. It may be remarked in passing, however, that the committee was several times informed that nominations to the board had been used in the way just indicated, and that the participation of certain members of the board (those seeking reelection) in every campaign involves the university to

some extent also. An example of the unsettling effect on university work of this intimate relation of its governing board to party politics was indeed thrust forcibly upon the committee's attention—since its visit was made during a political campaign—and has already been mentioned. (See p. 8.) From all of which considerations the second principle, so often referred to, emerges. It might be stated thus:

The governing boards of State universities should have no connection with partisan politics. This condition is best attained if their members are appointed by some official agent representing the whole community, preferably by the governor.

Certain citizens of Nevada have raised two objections to this proposition. The first is that if regents are appointed the public has no control over them, no power to turn them out if they do not prove satisfactory. The second is that gubernatorial appointments are often made for political reasons, perhaps with a desire to control the board.

The first objection may, of course, be raised against filling any public office by appointment. The incumbent is inaccessible to a discontented electorate. There is no recall. On the other hand, the appointing officer has an opportunity to weigh the qualifications of the appointee for the particular post to be filled with a care that the electorate can never exercise. He is sensible also of the effect on his own reputation and political fortunes of an unfit appointment. In any event, the United States as a Nation and its component States as sovereign Commonwealths are committed to a dual method of filling public office. Federal judgeships, special positions carrying judicial powers, and most offices demanding highly expert capacity under the Federal Government are filled by appointment, and similar positions are in many States filled in the same way. Experience has not demonstrated the superiority of popular election as a means of selecting the holders of positions of this class. The bench of Massachusetts, for example, bears comparison with that of any State where judges are chosen by the people. It is not commonly suggested that the Federal judiciary or the Interstate Commerce Commission would be improved if recruited by popular election.

The second objection is easily disposed of. The safeguard against improper gubernatorial appointments made for political reasons is to render it impossible for any governor to appoint a controlling fraction of the board.¹

This brings the committee to the statement of the next principle, to wit: *University regents should be appointed for long terms.* Of the two chief reasons for this policy, one has just been stated. The other is that the honor and dignity attaching to the office are thereby

¹ Removal by the governor on proved charges of malfeasance in office may well be provided for in any act specifying gubernatorial appointment.

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unsettling effect on university governing board to party politics committee's attention—since its campaign—and has already been which considerations the second

It might be stated thus: *Communities should have no connection with the best attained if their members are best representing the whole com-*

raised two objections to this. When members are appointed the public should turn them out if they do not. In gubernatorial appointments perhaps with a desire to control

the raised against filling any vacant position is inaccessible to a general public. On the other hand, the committee should weigh the qualifications of candidates and be filled with a care that the committee be sensible also of the effect on the community of an unfit appointment. The committee on and its component States should be given a dual method of filling special positions carrying high capacity and similar by appointment, and similar in the same way. Experience has shown that popular election as a means of filling such positions is less desirable than that of any State where it is commonly suggested that the Commerce Commission would be a better method.

The safeguard against the appointment for political reasons is to appoint a controlling

element of the next principle, *to be held for long terms.* Of the same nature as just been stated. The qualifications for the office are thereby

office may well be provided for in any

enhanced. If the governor makes but one appointment to the board of regents each year, or but one in two years, public attention is focused on the office, on the appointee, and on the appointing official. The appointment becomes an event of considerable importance in the life of the State.

A fourth principle, which again is the product of the experience of many communities with public boards similar in functions and duties to boards of university regents, is that *the members of such bodies should receive no compensation beyond their necessary traveling expenses.*¹ This principle is based upon several considerations. The men and women who should be appointed to board positions would not be attracted by the salaries or honorariums which the community is likely to pay. It has never been difficult, however, to find persons of the highest ability who were ready to render a necessary and honorable public service without reward. On the other hand, the salaries which have occasionally been paid to members of educational boards of control have in some instances proved attractive to persons of inferior capacity. The tendency in such cases is to throw the positions into the realm of political influence. Board memberships become "jobs" in the political sense. Once this tendency is established, persons of the type that should be drafted for board service are unwilling to accept appointments.

But perhaps the most dangerous outcome of the payment of salaries to members of educational boards is that it begets an inclination to earn the compensation by meticulous attention to the details of administration. Nothing is more disastrous to the proper functioning of an institution. It is essential that the legitimate limits of board action should not be transgressed. The committee understands the sphere of the governing board to embrace three main activities. These are: The determination of the general policies of the institution or institutions under its control, in consultation with the executive officers; the appropriation of moneys or the approval of the distribution of appropriations made by public appropriating bodies; and the appointment of institutional employees on the recommendation of the institutional executives. In other words, the function of the governing board is, in the broadest sense of the word, legislative. If it attempts to usurp executive functions, chaos usually follows.

The committee is happy to testify that the board of regents of the University of Nevada has, to a degree seldom observed in other States, recognized this distinction and that it has for some years confined its activities to the operations just summarized. The foregoing observations are offered, therefore, not in the way of criticism,

¹ The present board of regents of the University of Nevada is an unpaid board.

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ment of the university by competent representatives, should give them full freedom of action, and should then hold them strictly responsible for the success of the undertaking. In accordance with this conviction, the committee recommends that, if the board is reorganized as proposed, the provision that the president must be indorsed as to moral character and qualifications as an instructor by the president and faculty of three collegiate institutions be not included in the law defining the powers and duties of the board of regents.

In the following chapters the committee takes up the work of the university, its relation to the State, and important phases of its internal management.

SUMMARY OF RECOMMENDATIONS.

1. The change of the system governing the selection of the board of regents and the creation of a board of seven members, to be appointed by the governor and confirmed by the senate, for terms of eight years.
2. In case the system is changed as indicated, the abolition of the prescription requiring the person appointed as president of the University of Nevada to be indorsed by the president and faculty of three collegiate institutions.

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The committee believes that its most urgent needs are: (1) That it clear itself through a change of the system of control from entangling political alliances; (2) that it interpret itself to the people and thereby regain their confidence; (3) that it secure support to enable it to pay higher salaries and to build; (4) that it reduce the number of special students and of nonresidents; and (5) that the various groups of its constituents come together in a common loyalty.

If the committee were to formulate its ideal for a university in a State of the character of Nevada, it would be in terms somewhat as follows: In view of a small population and insistent local needs, the institution would devote itself solely to the education and service of the citizens of its own State. It would consist of but few colleges and departments. Exclusive of a college of arts and sciences designed to give facilities for liberal culture and pure scholarship to those who can take advantage of them (and the number should increase as fast as possible), it would offer technical and professional courses only in lines contributory to the major vocations of the State. It would recognize a special obligation to provide enough trained teachers to insure to the State an evenly served and effective public school system. With respect to the number of students in residence, it would be a small institution. It would, indeed, regard its small size as a peculiar privilege, enabling it to give to those who frequent it a more intimate oversight, a more intensive training than are commonly afforded in very large institutions. It would seek a national reputation for the highest excellence in those few departments which the special needs of its constituency have called into being. It would press for means to secure men and equipment to win such a reputation. It would convince the State of the essential soundness of this program, of the bigness of the opportunity thus presented. It would reinforce its appeal by making itself the State's center of inquiry and distribution for all forms of knowledge bearing on the health, the material interests, the intellectual and social welfare of the citizens.

The foundations for such an institution in Nevada are already laid. Compared with those of many other States, the problems involved in the development of higher education here are singularly simple of solution. This ideal, if it should commend itself to the people of the State, the University of Nevada can easily and presently attain.

GENERAL SUMMARY OF RECOMMENDATIONS.

1. The change of the system governing the selection of the board of regents and the creation of a board of seven members, to be appointed by the governor and confirmed by the senate, for terms of eight years.
2. In case the system is changed as indicated, the abolition of the prescription requiring the person appointed as president of the Uni-

*Reproduction of portions pertaining
to the methods of choosing Regents.*

The University of Nevada: *An Appraisal*

The Report of the University Survey

Bulletin No. 28



**NEVADA LEGISLATIVE
COUNSEL BUREAU**

December 1956

**CARSON CITY, NEVADA
STATE PRINTING OFFICE - - JACK MCCARTHY, SUPERINTENDENT
1957**

LETTER OF TRANSMITTAL

Carson City, Nevada,
October 25, 1956.

HON. FARRELL L. SEEVERS, *Chairman,*
The Legislative Commission,
Carson City, Nevada.

DEAR SENATOR SEEVERS:

Herewith I present to you the report of the University Survey, which was authorized under Chapter 284 of 1955 Statutes of Nevada, as provided under the terms of an agreement made January 16, 1956, between Senator Walter Whitacre, acting for the Commission, and me.

I ask that you convey to the members of the Commission and to the staff of the Legislative Counsel Bureau the thanks of the Survey team and consultants for the full cooperation extended to us. At no time have we felt any pressure from the Commission or staff to adhere to a particular point of view on any matter under review.

The provision regarding the independence of the Survey, as contained in the contract, read: "The Commission grants to the Director full discretion to conduct the inquiry, without external control, according to the highest standards of fairness and professional integrity." I am pleased to say this clause was observed in spirit and to the letter by all concerned.

It has been a pleasure to make the acquaintance of many fine Nevadans.

I hope that our report will help to show the way to improvements in the University of Nevada.

Sincerely yours,

DEAN E. MCHENRY,
Director.

FOREWORD

This study of the University of Nevada has been a prodigious task. The 14 persons whose names are affixed could not have done the job without a vast amount of help. Although we had intended to acknowledge by name those who assisted us, we now find such a procedure difficult because (1) some informants have asked to remain anonymous, and (2) aid has come from so many that our list would total close to three hundred. Therefore we feel it best simply to thank all who provided information, opinions, and other data that have gone into the Survey's grist mill. The Governor, other executive officials, many legislators, regents—past and present, all officers of the University, most of the faculty, many students, alumni leaders, and a great variety of citizens of the State—especially those engaged in farming, mining, business, and the professions—have assisted.

Our objective has been to make findings of fact, draw inferences as to trends, arrive at judgments in some instances, and make recommendations for the guidance of the Legislature, the Board of Regents, university officials, university faculty, and the people of Nevada, to whom the University belongs.

We have started our study with a review of the past because we feel an understanding of historical factors provides a necessary basis for making recommendations for the future. Although some people have insisted that one or another particular problem of the University is THE most important, we have tried to avoid the pitfall of oversimplification. The University may be small, but its situation and problems are complex.

We have been single-minded in setting as our goal the preparation of a report capable of making a constructive contribution to the solution of the many problems that confront higher education in Nevada.

DEAN E. MCHENRY,
Director.

and superintendent of public instruction were to constitute the Board of Regents, members should be *elected by the people* for terms of four years. Although the number of regents and the term of office have been altered, popular election has prevailed continuously since January 1889.

When the 1891 Legislature sought to add the Governor and the Attorney General to the Board,³ bringing the total membership to five, the act was reviewed by the Supreme Court of Nevada and declared invalid.⁴ The court appears to have overlooked the legislative history of election by the Legislature from 1869 to 1887 and the *ex-officio* composition of the Board from 1887 to 1889. Neither did the court provide an answer to the question: Could the two constitutional officers validly have been added to the Board *after* the next election?

In the King Case,⁵ in which provision for an advisory board of regents was invalidated, a concurring opinion by Justice Bigelow appears to construe the word "election" in Section 7 of Article XI to mean "popular election," declaring:

But if in accordance with the requirements of the constitution, we hold that the regents must be elected by the people, this places the institution upon a sure and safe foundation that should eventually lead to the careful scanning of candidates and the election of the best men for the positions.

Whatever the constitutional problem involved in securing it, one or more *ex officio* members on the Board can help bridge some of the acute misunderstandings and the tensions between the Board of Regents and the executive and legislative branches. If a constitutional amendment is required to achieve membership on the Board of Regents for the Governor, then such a proposition should be submitted to the people forthwith. In the meantime the Governor might be placed on the Board by statute, to take effect after the next gubernatorial election.

Of the two principal methods now employed in the selection of regents or trustees of public colleges and universities in the United States—popular election and appointment—the latter is much to be preferred in the organization and management of a state university. Popular election is not used in a vast majority of state universities and students of the problem advise strongly against it. Writes Professor R. M. McIver:

Direct election of trustees has sometimes been hailed as laudably democratic, but this claim is based on a false though very prevalent conception of the nature of democracy. Where special training, expertness, or background qualifications are essential for the proper performance of a particular function, popular election is a hit-or-miss method. * * * No one would regard it as desirable that the direction of an atomic laboratory, or a museum of fine arts * * * or a great industrial corporation, should be determined by popular vote or on grounds of political expedience or party service. The standards of

³ Ch. 65, Statutes of 1891, p. 77.

⁴ State v. Torreyson, 21 Nev. 517 (1893).

⁵ King v. Board of Regents, 65 Nev. 533 (1948).

fitness for board membership are similar, whether the institution is a state university or a private corporation. * * * We have learned not to choose our regular civil servants by political nomination or by popular vote—why then choose in these ways trustees whose task demands a mature understanding of the complex problems of higher education?⁶

It is interesting to note in this connection that the 1917 Survey of the University of Nevada made by the U. S. Bureau of Education at the request of the Governor of Nevada advised against the popular election of regents. "The committee," says this report,

unhesitatingly endorses the appointment of university regents by the Governor with confirmation by the Senate, as against popular election. * * * The drawback to popular election which overshadows all others is that the university is thus drawn unavoidably into the turmoil of partisan politics * * * .

It may also be strongly urged that popularly elected boards do not in the long run command ability of as high an order as boards chosen by other methods.

* * * The men who should sit on state board of regents should be sought. The office of regent then becomes a post of honor bestowed for distinguished merit and integrity, a post which no citizen, however eminent, can refuse to accept.⁷

One need not endorse completely these strictures on the method of popular election of regents. Nevada has been, at least in recent years, singularly fortunate in avoiding some of the worst evils associated with it. And the level of competence and dedication among those who have served on the Board of Regents has been high. Nevertheless, the weight of evidence and informed opinion is against popular election.

The constitution and the law in Nevada should therefore be changed to provide for appointment of the regents by the Governor, with confirmation by the Senate. Article XI, Sections 4 and 7, might be amended either to require appointment or to authorize statutory arrangements for appointment. A recommendation to this effect has been made, not only by the 1917 Survey but repeatedly since that time, most recently by Governor Russell in his message to the Legislature in 1955.

It would be unwise to restrict the Governor in his choice of regents beyond the restraints arising from the necessity for overlapping terms of individual members. To attempt either in the constitution or by law to define in detail the qualifications of regents, or to require representation on the Board of particular geographic areas, political parties, religions, and civic or economic interests would be a mistake. A wise Governor (and a watchful Senate) will make sure that the Board is not dominated by any narrow geographic, partisan, or economic interests. They will realize that neither partisan nor pressure politics has a place in the government of a university, and that only men and women with a deep and abiding interest in education, the economic, social,

⁶R. M. McIver, *Academic Freedom in our Time* (New York, 1955), pp. 81-82.

⁷*Report of a Survey of the University of Nevada*, Bureau of Education, Department of the Interior, Bulletin, 1917, No. 19, pp. 24-25.

and cultural welfare of the State, and with an understanding of the nature, purpose and spirit of a university are qualified to serve as regents. Moreover, tradition, custom, and a decent respect for the opinion of mankind are more powerful forces than any law for insuring honor, integrity, and intelligence in the selection of members of the Board.

And the Governor will need to remind himself again and again that regents are servants of higher education in its service to all the people and not representatives or lobbyists for particular interests, creeds, or theories. He might be wise, in making his selections, to consult with alumni of the University, members of visiting committees, the President and faculty of the University itself, as well as leaders of business, industry, agriculture, journalism, the arts and professions. But to say by law that any one or all of these should have representation on the Board would be to impair both the discretion and the responsibility of the Governor to select the best men and women he can. In commenting on this problem the 1917 Survey said:

[The governor as] the appointing officer has an opportunity to weigh the qualifications of the appointee * * * with a care that the electorate can never exercise. He is sensible also of the effect on his own reputation and political fortunes of an unfit appointment. * * * The safeguard against improper gubernatorial appointments made for political reasons is to render it impossible for any governor to appoint a controlling fraction of the board.^a

Pending the adoption of a constitutional amendment, however, a larger and more representative Board is urgently needed. In order to secure reform before the four years or more required for amending the constitution have elapsed, the Survey proposes immediate enlargement by addition of three members elected by the Legislature in joint session. Because this method was used for eighteen years without successful challenge, it seems unlikely to fall afoul of the courts. If it does, the vacancies thus created could be filled by the Governor as the law now provides.

Accordingly, two phases of Board reorganization are anticipated. First, the 1957 Legislature would proceed to enact an "Organic Act" governing the University, which would enlarge the Board to nine: Five popularly elected, three legislatively elected, and the Governor (from January 1959). In elections held during the transitional period, the popularly elected members would be chosen by numbered "offices" rather than by running at large. Incumbents will hold specific offices; their challengers can file specifically against them rather than running against the whole field. This device will reduce to some extent the "grab bag" features of election at large.

Second, in 1957 and in 1959 the Legislature should adopt a constitutional amendment specifically authorizing gubernatorial appointment of Board members and making other necessary provisions regarding the powers and duties of the regents. The electorate then could vote on the proposal at the 1960 general election.

^a *Ibid.*, p. 26.

Size of Board and Length of Term

The case for a larger Board rests on a number of arguments. A small Board is more likely to meddle in details, to personalize University business, to ride hobbies, to constitute a clique, to be unrepresentative or less than representative of the whole State and its people. One of the real weaknesses of the Board in Nevada is its lack of working committees. A Board of five members simply is not large enough to man a genuine standing committee system. Through committees, members of a Board get a close look at proposals and probe deeply into problems.

As both a representative and a deliberative body, the Board of Regents would be improved by enlargement. Experience, both in Nevada and in other states, indicates that under any system of selection a board of regents of only five members is too small to provide adequate representation, not only of geographical areas but of the varied interests in the state served by the university and upon which it ultimately depends for support. Moreover, if a university, as is the fact in Nevada, is the sole institution of higher learning in the state, it is imperative that its governing board be as widely representative as possible. And this is particularly true where the regents are elected by popular vote on a general ticket. Although there is, of course, no sacred number, most states prefer boards of from nine to fifteen members. For Nevada a board of nine or eleven would seem reasonable and much to be preferred to the present small Board of five.

Just as there is no sacred number to govern the size of a university's governing board, so there is no sacred number to control the period during which any single member should serve. The present term of four years for members of the Nevada Board of Regents corresponds to the term of governing boards in approximately one fourth of the states. Most states, and virtually all private colleges, prefer a longer term varying from life tenure to five or six years. During most of the history of the University of Nevada, the four-year term has been the pattern. From 1917 to 1941, however, the law provided a ten-year term. Combined with the popular election feature, ten years is too long.

In the transitional period, until a constitutional amendment governing the University is adopted, real advantages will accrue from leaving the term at four years. To lengthen the term by statute would give incumbents and those elected during the transitional era such tenure that reorganization under the appointive system would be long delayed.

With the adoption of a constitutional amendment that authorizes gubernatorial appointment, the term of nine years should be put in force. The number of years could be identical with the number of appointive regents, thus permitting a staggered arrangement, with one regent appointed each year, and preventing a governor, in one term of office, from appointing to full terms a majority of the Board. We recommend a Board composed as follows:

Governor *ex officio*

Superintendent of public instruction *ex officio*

Nine persons appointed by the Governor for nine-year terms.

The university president is the key officer in the American academic picture. The president's ability, energy, personality, and character leave an indelible stamp on an institution. The selection of a president should never be done in haste, but only after thorough canvass and consultation.

Recommendation No. 4. Until a constitutional amendment can be proposed by the Legislature and adopted by the people, legislation should be enacted (a) enlarging the Board from five to nine members, of whom five would be elected by the people to definite numbered "offices," three would be elected by the Legislature, and one would be the Governor; (b) retaining the term at four years.

Recommendation No. 5. A constitutional amendment should be adopted that makes the University of Nevada a body corporate, one governed by a Board of Regents consisting of the Governor, state superintendent of public instruction and not less than seven members appointed by the Governor, subject to confirmation by the Senate, and serving for terms of not less than seven years, one expiring each year. The amendment should also provide that the Board shall have power to determine all matters of policy and internal management.

Recommendation No. 6. In filling the presidency, the Regents should (a) make a thorough canvass of available personnel, (b) consult fully with a representative committee of the academic staff, (c) confer with the organized alumni.

The internal academic administration of the University, while generally well conceived, lacks up-to-date written regulations. It is over-organized into a multiplicity of departments, schools, and colleges. Until 1952-53 the university faculty had, subject to the Regents and President, extensive legislative functions in internal matters of educational policy, but this has been lost under the scheme of committees responsible to administrators. Graduate work is expanding without adequate quality control. The Library has made much progress recently, but it still has a long way to go to meet national standards.

Recommendation No. 7. University regulations should be put into definite, written form; they should include such matters as the roles of the several administrative officers and provisions governing appointments, promotions, tenure, dismissal, and retirement.

Recommendation No. 8. Departments should be enlarged by merging small units; departments should discuss plans, offerings, and budget requests; the chairmen should consult their colleagues before making departmental recommendations.

Recommendation No. 9. The general faculty of the University should have more control over graduate study; vigilance should be exercised to prevent the dilution of quality by over-use of junior and senior courses for graduate credit and by the admission of unqualified undergraduates to graduate courses.

Recommendation No. 10. The Library should seek to increase its collection from the present 110,000. An acquisition

THOMAS C. WILSON

Advertising Agency

REPLY TO
P.O. Box 1011
Reno, Nevada 89504
(702) 329-3173

April 6, 1981

The Committee on Elections
1981 Nevada Assembly
Carson City, Nevada 89701

Re: AJR #22

I am a Nevada native, and a graduate and long-time supporter of the University of Nevada, Reno.

At least since the McHenry Report in the 1950's, which recommended that Regents be appointed rather than elected, I have felt that the State Constitution should be amended to that effect.

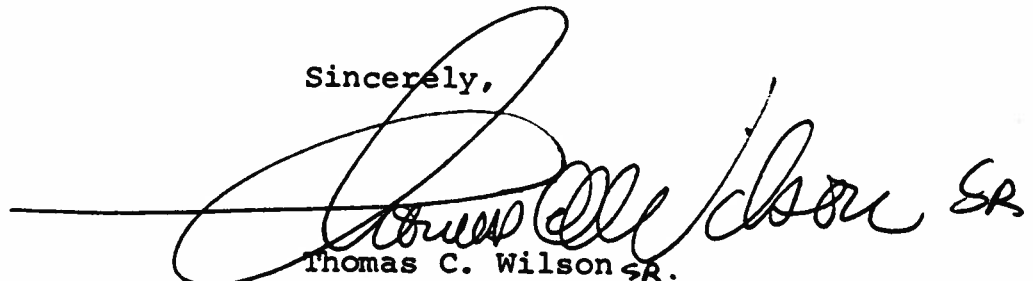
The high cost of campaigning constitutes a real burden on candidates. It is generally believed that a better quality of regent can be obtained by appointment.

The University of California is a prime example of a state university operating with appointed regents.

Finally, I should say that I concur with Vernon Scheid in a suggested amendment to AJR #22, to provide that the Governor shall appoint "in a manner prescribed by the Legislature".

Thank you for your consideration.

Sincerely,


Thomas C. Wilson SR.

TCW/bm

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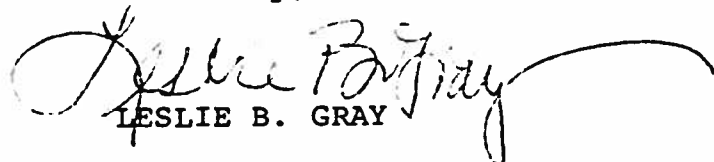
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Sincerely,


LESLIE B. GRAY

LBG:mh

ASSEMBLY

AGENDA FOR COMMITTEE ON..... ELECTIONS.....

Date TUESDAY, APRIL 7 Time 3:00 p.m. Room 200.....

**Bills or Resolutions
to be considered**

Subject

**Counsel
requested***

AJR 22	Proposes constitutional amendment providing for appointment of University of Nevada regents.	
SB 353	Requires issuance of certificate of appointment to person selected to fill vacancy in office of senator or assemblyman.	

*Please do not ask for counsel unless necessary.