

Equity

Dr. Chad Farrell, Professor, Sociology

Clayton Trotter, Professor of Law, Accounting and Finance

Prepared Opening Statement:
Dr. Chad R. Farrell, Professor of Sociology, UAA.

To the chair, thank you for this opportunity. My name is Chad Farrell and I have been a professor of sociology here at UAA since 2005.

In its first population enumeration after statehood, the U.S. Census Bureau counted roughly 226,000 Alaskans. Anchorage was already our largest city at the time, but most Alaskans lived elsewhere. In fact, more than half of the state's population lived outside the Southcentral region, which I'll define here as Anchorage, Mat-Su, Kenai, Kodiak, and Valdez. By 1975—the same year that UAA was first accredited—Southcentral was home to nearly a quarter-million people, larger than the entire state had been less than a generation prior. This population shift toward Southcentral continued to build. Anchorage has more than tripled in size since statehood, and Kenai has more that sextupled. In the past decade, Mat-Su ranks among the fastest growing jurisdictions in the entire United States. Today, nearly two out of every three Alaskans call Southcentral home.

As our population has grown its composition has changed. Much of my research focuses on the changing racial and ethnic contours of the United States, and I am fortunate to work in a city which is at the forefront of one of the nation's most consequential demographic trends. Anchorage is located on indigenous ancestral homelands and it is also a crossroads for newcomers; this reality is etched into its ethnic architecture. To put this in some context, the indigenous population of Anchorage, taken alone, would constitute the state's second largest city. The Filipino population of Anchorage, taken alone, would constitute the state's fourth largest city. Nationally, Anchorage ranks among the top-25 cities in the number of residents claiming Hmong, Native Hawaiian, Norwegian, Sudanese, Thai, Samoan, and Finnish ancestries.

It is perhaps not surprising then, that the three most ethnically diverse public high schools in the United States are found here in Anchorage (please see the attached exhibits). So are five of the nation's most diverse middle schools, and 23 of the nation's 25 most diverse elementary schools. Some of the students currently enrolled in those schools will eventually find their way into my classroom, where they will sit side-by-side with an array of other students. Together, they will come from every imaginable background: rural villages, affluent Hillside neighborhoods, refugee camps on the other side of the world, the splendor of Kenai, the mosaic of Mountain View, the proud austerity of Kodiak, the kinetic energy of Mat-Su, and, in some cases, fresh from military service in a war zone.

Who is best situated to oversee the higher education of these incoming cohorts of dynamic and diverse students? Who has the best vantage point from which to recruit talented and diverse faculty to teach and mentor them? Who has the community visibility to cultivate partnerships with local government, business, and the nonprofit

sector? Who is most likely to have the necessary on-the-ground perspective to make tough budget decisions while minimizing harm to students? Is it a centralized absentee statewide administration? Or is it a chancellor who lives here in Southcentral and has the pulse of the place?

These questions also pertain to UAS and UAF. My colleagues on those campuses share the same commitment to students that we do. What we do not share is a centralized cookie-cutter approach to serving our largely place-bound student populations. Instead, we accomplish the mission by adapting to our respective local constraints and opportunities, and we reach out when we need a hand.

UA Statewide seeks to “right-size” the university system through centralized planning and control. However, geography and demography have already spoken. Statewide is not the center of gravity in this state and Alaska’s rich regional distinctions are not going to be erased by anyone. Southcentral’s dynamism and distinctive character require an unfettered university that is free to respond to the region’s changing social and economic landscape. That requires local control, not remote control.

Table 1. Ten Highest Diversity Public High Schools in the United States, 2017¹				
Name	City	ST	Diversity Index	Total Students
East High School	Anchorage	AK	98.1	2,118
Bartlett High School	Anchorage	AK	97.9	1,499
West High School	Anchorage	AK	90.4	1,892
Admiral Arthur W Radford	Honolulu	HI	88.7	1,298
Lincoln High School	Tacoma	WA	88.4	1,509
Leilehua High School	Wahiawa	HI	87.5	1,644
Mt Tahoma High School	Tacoma	WA	87.5	1,480
Sierra Vista High School	Las Vegas	NV	87.4	2,531
Washington High School	Tacoma	WA	87.1	1,020
Federal Way High School	Federal Way	WA	86.8	1,568
<i>Source:</i> U.S. Department of Education, National Center for Education Statistics, Common Core of Data (CCD), "Public Elementary/Secondary School Universe Survey", 2016-17 v.1a; "Public Elementary/ Secondary School Universe Survey Geographic Data (EDGE)", 2016-17 v.1a.				

¹ Diversity indices are based on counts of seven ethn racial groups: White, Black, Asian, Pacific Islander, Alaska Native/American Indian, Hispanic/Latino, and Multiethnic (two or more races). The index ranges from a minimum of 0 (only one group present) to 100 (all groups are present and the same size).

Table 2. Ten Highest Diversity Public Middle Schools in the United States, 2017

NAME	CITY	ST	Diversity Index	Total Students
Clark Middle School	Anchorage	AK	97.5	977
Nicholas J. Begich Middle School	Anchorage	AK	97.1	1,000
Wendler Middle School	Anchorage	AK	96.3	430
Central Middle School of Science	Anchorage	AK	94.6	460
Illahee Middle School	Federal Way	WA	87.6	767
Idabel Middle School	Idabel	OK	87.5	214
Baker Middle School	Tacoma	WA	87.2	718
First Creek Middle School	Tacoma	WA	87.1	791
Romig Middle School	Anchorage	AK	87.0	755
Aliamanu Middle School	Honolulu	HI	86.8	678

Source: U.S. Department of Education, National Center for Education Statistics, Common Core of Data (CCD), "Public Elementary/Secondary School Universe Survey", 2016-17 v.1a; "Public Elementary/Secondary School Universe Survey Geographic Data (EDGE)", 2016-17 v.1a.

Table 3. Twenty-Five Highest Diversity Public Elementary Schools in the United States, 2017

NAME	CITY	ST	Diversity Index	Total Students
North Star Elementary	Anchorage	AK	99.0	456
Ptarmigan Elementary	Anchorage	AK	98.1	428
Lake Otis Elementary	Anchorage	AK	97.3	440
William Tyson Elementary	Anchorage	AK	97.0	414
Creekside Park Elementary	Anchorage	AK	96.4	455
Airport Heights Elementary	Anchorage	AK	96.2	319
Mountain View Elementary	Anchorage	AK	96.0	342
Taku Elementary	Anchorage	AK	95.9	375
Willow Crest Elementary	Anchorage	AK	95.9	414
Russian Jack Elementary	Anchorage	AK	95.5	366
Fairview Elementary	Anchorage	AK	94.2	441
Chester Valley Elementary	Anchorage	AK	93.8	266
Baxter Elementary	Anchorage	AK	93.7	388
Chinook Elementary	Anchorage	AK	93.6	529
Spring Hill Elementary	Anchorage	AK	93.1	408
Nunaka Valley Elementary	Anchorage	AK	92.9	272
Wonder Park Elementary	Anchorage	AK	92.5	433
College Gate Elementary	Anchorage	AK	92.4	354
Northwood ABC Elementary	Anchorage	AK	92.3	318
Abbott Loop Elementary	Anchorage	AK	91.8	314
Williwaw Elementary	Anchorage	AK	91.7	396
Lister Elementary	Tacoma	WA	91.3	486
Tudor Elementary	Anchorage	AK	91.3	347
Panther Lake Elementary	Federal Way	WA	90.9	474
Campbell Elementary	Anchorage	AK	90.8	363

Source: U.S. Department of Education, National Center for Education Statistics, Common Core of Data (CCD), "Public Elementary/Secondary School Universe Survey", 2016-17 v.1a; "Public Elementary/Secondary School Universe Survey Geographic Data (EDGE)", 2016-17 v.1a.

Prepared Opening Statement:

Richard Clayton Trotter, Professor of Law, Accounting and Finance, UAA.

To the chair, my name is Richard Clayton Trotter, Professor of Law, Accounting and Finance at UAA.

We are here today to ask that the Alaska legislature act for the benefit of the University of Alaska and the State of Alaska. We ask that you use your constitutionally authorized power to give the universities greater authority to govern themselves.

Self-government is equitable. To be governed by a distant power is imperial, is not equitable, and is not consistent with the spirit of our state or federal constitution. But that is how our universities are governed today.

The people of Alaska and the Alaskan government have complained for many years about imperial government from Washington, D.C. Your universities deserve no less from you than what we all deserve from our nation's capital.

In prior legislative hearings and in meetings of the Board of Regents, the statewide administration of the University of Alaska system has sometimes flashed a power point slide at you quoting Article VII, sections 2 and 3 of the Alaska Constitution. Those sections establish the University of Alaska as the state university, assign governance and fiduciary powers to the Board of Regents and executive power to the President.

When we have seen those quotes, we instantly understand the point of quoting those sections. You and we are being told that the power of the Regents and the President was intended to be, and is absolute.

That is not true. The sections limit the powers of the Board of Regents with the phrases "according to law," and "in accordance with law." These important phrases gave to future legislatures the power to modify the responsibilities of the Board.

It should not be surprising that the framers of our state constitution included these phrases in sections 2 and 3. The author of those two sections was delegate Victor Rivers. In another place in the proceedings of the convention, he says this:

Now in the past, as a Territorial government, we have had no manner of expressing self-government except through boards. We have had no manner of having citizen participation in government except through boards. Consequently, we have had lots of boards established to much of the disgust of a good many of our members of the legislature and citizens.... (page 2030)

The experience with territorial government taught them an appreciation for establishing and preserving self-government and eliminating government by boards and

bureaucrats. You will find earnest debates on the subject of self-government in the proceedings of the convention.

Due to their concern for preserving self-government in Alaska, they created Article X of the constitution. They knew that some of our communities would mature and would outgrow imperial government from a central point, and they knew that the people deserved to govern themselves by their ancient rights as Americans. Article X was their remedy. That article provides a pathway for communities to become independent, self-governing communities.

The Boundary Commission was one of the institutions created by Article X to attend to future questions that might arise from the growth of communities. The Commission reviews all proposals for new boundaries among municipalities and cities in Alaska. (i.e. state governing bodies) The process is long and involved, **requiring a vote** of all those affected by the boundary change. The basic requirement of the law is that the change must be demonstrably in the best interest of the state and the newly created entity. A detailed analysis of the proposal to create or change a boundary must be prepared, often costing thousands of dollars, followed by a vote of the people involved.

The Board of Regents is now considering a total consolidation of our system that will take away the little self-government that our universities have. The consolidation will affect tens of thousands of Alaskan citizens as well as young people from other states. This will have a profound and permanent change in their lives. But there will be no vote, not even a non-binding referendum, unlike the requirement when a change in the boundaries of a city or borough is proposed.

The Board of Regents is un-elected and it is essentially a non-democratic institution, but its purview has grown to the point that demands accountability to the people. The Regents must handle their affairs according to law, and you make the law.

Should not the consolidation of the universities as the Regents and President propose, or the decentralization of our universities as we propose demand as much serious and detailed consideration as would the disposition of a municipality before a massive change? Why should such a massive change to our public system of higher education escape a vote by the people or by the representatives of the people?

Mr. Chairman, it is not only right and constitutional for the legislature to act. It is also good risk management.

We need not remind you of the jurisdiction of the Federal Courts over the actions of the Board, given the recent litigation regarding a UAA anthropology professor. The Supreme Court has ruled that individual members of a state agency may be named as defendants in litigation in Federal Court alleging violations of federal Constitutional rights. The Constitution of Alaska established The University. The Constitution of the United States is the supreme law of the land and rules over state Law. The University is

a state actor for jurisdiction purposes regarding federal constitutional and civil rights matters.

Because of the detrimental reliance of faculty, staff and students involved, promises made in a time of plenty, while perhaps understandably difficult to perform in a time of lack, are still promises. Many faculty members, like us, moved here relying on those promises, representations and the structure of the existing university system. Any “sea change” shift in the system, **could** give rise to a plethora of lawsuits and costly litigation.

At a minimum, many faculty and students would “vote with their feet” and leave the system. Many in the university community have approached me, asking, “can we sue” or declaring they “want to sue.” Nonetheless, the unwise decision to declare financial exigency, against our advice, has cost the board enormously in good will in the community, especially among students and faculty.

After 1974, The University of Alaska established three accredited universities and transferred and granted, "All the curriculum matters", including teaching and research to those institutions, supposedly keeping only "administrative duties." This grant of authority, in my opinion, created the potential for a "detrimental reliance" interest among students, faculty and perhaps staff. Arguably, staff are simply at will employees and have no expectation of future employment if a university dissolves. However, to some degree they too have relied on the representations of the University of Alaska's constituent universities.

Faculty are another matter. Tenured and tenure-track faculty are hired for the “long haul.” The universities made at the time, explicit and implicit representations that the university would "continue to exist.” A university will not work, if professors have no reasonable expectation of employment or the existence of the institution in the future. Tenure track faculty serve 5 to 8 years in anticipation of promotion and tenure. If that expectation ceases, faculty would leave. Many already have.

All faculty, particularly faculty that just recently arrived at the university, have relied to their detriment on those representations. If the representations had been intentionally false, they would be fraudulent. Damages would be enormous. Even if the representations were negligently or mistakenly false, those injured thereby have a cause of action against the university and the state of Alaska. One does not change horses (or universities) in the middle of the proverbial stream.

Literally, thousands of students are operating under the same burdens. Most are taking a wait-and-see attitude. They have clearly been detrimentally affected by just these proposals. Some may leave, but many in the most vulnerable populations cannot relocate - they will just leave college permanently. To their great loss and great loss to Alaska. Nonetheless, if the universities dissolve, it could create a class action of stunning proportions. These concerns may not materialize, but they do surface due to the facts.

Thank you.