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From: Susan A [REDACTED]
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To: House State Affairs
Subject: Public Testimony on HB 10: The University of Alaska Faculty Representation Act

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To the Honorable Members of the Alaska State Legislature:

I submit the following testimony in regard to House Bill 10, "An Act relating to the Board of Regents of the University of Alaska." While the intention behind HB 10 is to improve faculty representation on the University of Alaska Board of Regents, I urge you to consider the following legal, constitutional, operational, and representation concerns as the bill moves through the legislative process. I believe these concerns should be addressed to ensure that HB 10 creates a fair, transparent, and functional system of governance for our universities.

1. Constitutional and Separation of Powers Concerns

The governor's appointment power is a cornerstone of executive authority in Alaska. HB 10 creates a situation where the governor's appointment discretion is limited by the requirement that at least one regent be a tenured faculty member, chosen from a list of nominees provided by the faculty senates. While this provision seeks to ensure faculty representation, it could conflict with the governor's constitutionally protected appointment powers.

Suggested Solution: To address this, I recommend that the legislature clarify that while the governor is limited in selection, they are still granted sufficient discretion in choosing the final nominee from a broad pool of faculty candidates. Alternatively, a joint appointment process, where both the governor and faculty have a seat at the table in appointing the regent, could help mitigate this tension. This would maintain the balance of power while honoring the intent of faculty representation.

2. Potential Political and Partisan Influence

Although the bill attempts to increase faculty representation, there is concern that political influence could still play a significant role in the nomination and appointment process. Faculty senates might come under political pressure to submit certain candidates, leading to the politicization of the Board of Regents.

Suggested Solution: To combat this, I propose the inclusion of a nonpartisan advisory committee to oversee the nomination process. This committee could ensure that nominees are selected based on merit and academic qualifications rather than political affiliation. Additionally, greater transparency in the nomination process would help ensure that appointments remain unbiased and focused on the needs of the University of Alaska.

3. Potential Disenfranchisement of Non-Tenured Faculty

The bill's requirement that the faculty regent must be a full-time tenured faculty member could disenfranchise non-tenured faculty, such as adjuncts and lecturers, who play a critical role in the university community. This could potentially exclude a valuable segment of the academic community that is already underrepresented in university governance.

Suggested Solution: To address this, I recommend modifying the language to allow for non-tenured faculty to be eligible for the position of faculty regent, or at the very least, ensure that non-tenured faculty have a pathway to serve on committees or hold other forms of institutional leadership. This would allow a more inclusive and representative governance structure for the university system.

4. Ambiguity in the Faculty Nomination Process

The bill does not clearly outline the procedures for faculty senate elections or how the faculty senates will organize the selection of nominees. The lack of clarity could lead to inconsistencies or disputes between campuses regarding who should be nominated.

Suggested Solution: The bill should explicitly define the electoral process to ensure consistency and fairness. This might include clear guidelines on voting eligibility, how elections are conducted, and how nominees are selected. Additionally, the bill should set timelines for the submission of nominee lists to prevent delays and confusion.

5. Potential Quorum and Operational Challenges

HB 10 also raises the quorum requirement for the Board of Regents from six to seven members. This could create operational difficulties, particularly if there are absences or vacancies on the board. The new faculty regent position, if not filled in a timely manner, could potentially lead to delays in board decision-making.

Suggested Solution: A contingency plan should be established to allow the Board to function with a temporary quorum in case of vacancies or unfilled positions. For example, the Board could proceed with a quorum of six if necessary, but require additional appointments within a set timeframe to maintain full representation.

6. Future Political Pressures on Faculty Nomination Lists

While the bill outlines that the governor must select a regent from the list provided by faculty, it does not fully address the potential for external political pressures on faculty to influence their nominations.

Suggested Solution: As mentioned, the establishment of a nonpartisan advisory committee could serve as an additional check on political influence. Furthermore, clear rules for faculty senates regarding the nomination process would ensure that nominations are conducted in a fair and transparent manner without undue political influence.

7. Disenfranchisement of Other Stakeholder Groups

While the bill ensures that faculty are represented on the Board of Regents, it does not fully address how the broader Alaska community or other important stakeholders are represented. It is vital that the Board

remains balanced and reflects the needs of various groups, including business leaders, community members, and students.

Suggested Solution: The bill could include requirements for broader representation on the Board of Regents, ensuring that other stakeholder groups, such as business, community, and student leaders, also have a meaningful role in university governance. This could help prevent dominance by any one group and ensure that decisions benefit the entire Alaska community.

Conclusion and Call for Amendment

HB 10 presents a noble effort to ensure faculty representation on the University of Alaska's Board of Regents, but there are several legal, operational, and fairness concerns that need to be addressed before the bill can be fully effective and fair.

I recommend the following amendments to ensure that HB 10 does not inadvertently create legal conflicts, political tensions, or disenfranchise other groups:

Clarify the governor's role in the faculty regent selection process to ensure executive authority is not unduly restricted while maintaining faculty representation.

Establish a nonpartisan advisory committee to oversee the nomination process and ensure it is free from political interference.

Loosen tenure requirements for faculty regents to ensure non-tenured faculty are not excluded from governance.

Define the election process for faculty nominees more clearly to ensure fairness and transparency.

Include a contingency plan for filling vacancies and ensuring quorum on the Board of Regents.

Broaden stakeholder representation to ensure the Board of Regents reflects a diversity of perspectives, including students, business leaders, and community members.

I strongly encourage the legislature to address these concerns to create a more inclusive, transparent, and functional system of governance for the University of Alaska.

Overall this bill is written very well. These are just a few additional suggestions to address my concerns.

Thank you for your time and consideration of these points.

Susan Allmeroth
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