I. EXECUTIVE SUMMARY

In this review of governance models and recent reforms, we provide the following observations and details about university governance in the selected states.

A. Mixed Model: North Carolina.

The University of North Carolina has a mixed governance system that may provide a model for Oregon policymakers seeking reform. Almost all powers are granted to a central, system governing board by statute. However, state law also creates institutional boards of trustees, which are formed to receive delegated powers from the central authority. Although North Carolina’s system currently appears to delegate a relatively uniform set of powers to every constituent school, the statutory flexibility provided by the state’s structure could allow different schools to have different levels of independence and autonomy.

In addition, stakeholders at both the central and institutional level in North Carolina believe that the structure strikes a proper balance between system and local authority, especially because each institution has significant say in the selection of its chancellor (the campus-level executive officer), its eventual budget request (as a component of the system request), and its tuition rates.

Among other powers, North Carolina’s central authority, the Board of Governors, retains authority for the following responsibilities:

(1) Academic program coordination;
(2) Hiring and firing of the central executive (the president);
(3) Final approval over the hiring of the institutional executives (chancellors), upon recommendation of the local board;
(4) Setting tuition, fees, and enrollment levels at each school;
(5) Developing, presenting, and coordinating advocacy for a single system-wide budget;
(6) Issuing bonds in the name of the university system.

Among other powers, North Carolina’s Board of Governors delegates to each institutional board the following responsibilities:

(1) Hiring, firing, pay, tenure, and personnel decisions for faculty, staff, and all but the most senior administrative officers;
(2) Initial selection and recommendation of the institutional executive (chancellor);
(3) Setting standards for student grades and eligibility for degrees;
(4) Developing a master facilities plan and approving construction projects;
(5) Setting admission criteria and reviewing admission decisions (in excess of system minimums).

B. Recent Reform Efforts: Connecticut, Florida, and Wisconsin.

Connecticut has recently implemented a sweeping governance reform package that consolidates most of the state’s four-year schools, as well as its community colleges, into a centralized system. (This reform excludes the University of Connecticut.) Whereas most of the schools had institutional governance prior to the change, none do as of January 2012, when the new central board began exercising its powers. Connecticut policymakers believe the state is on track to make a number of efficiency gains as a result of the change. The state is projecting a savings of several million dollars, though the recent nature of the reform prevents drawing firm conclusions about its success.

In the past decade, Florida and Wisconsin have attempted or experimented with decentralization of their educational governance systems. Florida provides the best case study for why policymakers should not overhaul a university governance system without deliberation and consensus. After the system was decentralized at the beginning of the last decade, a backlash by some stakeholders led to a re-imposition of central authority, followed by conflict, lawsuits, and a lack of clarity about the role of each component in the system.

Similarly Wisconsin recently flirted with the idea of decentralization solely for its flagship institution. However, the proposal also yielded a significant amount of tension between educational stakeholders and policymakers, in part because some believed the reform push was an attempt to weaken the relationship between the flagship and the state.
II. INTRODUCTION

In November 2011, the Governance and Policy Committee of the Oregon State Board of Higher Education (“OSBHE”) tentatively chose to consider the creation of institutional governing boards at one or more of Oregon’s public universities, which are currently governed solely by the OSBHE. That same month, Oregon Governor John Kitzhaber had also expressed his desire to explore the creation of such boards. In a letter to the committee’s chairs, Kitzhaber wrote, “I think that any university that feels it needs an institutional governing board to oversee its operation, to advise its president, and to raise private funds might benefit from such a body.”

In line with Kitzhaber’s view, the committee members concluded that boards would only be appropriate, if at all, for those schools that wished to have them. However, despite having given qualified approval to some form of institutional governance, the committee left open the question of how power might be distributed under any new governance system.

This policy brief reviews the experiences of four other states to help Oregon determine what path it should follow if it establishes institutional governing boards at any of its constituent schools. The main focus is the governance system of the University of North Carolina. The UNC system features a central governing board that oversees multiple institutions, but each institution also has its own local governing board, providing what is likely the best example of mixed governance from which Oregon can learn. In addition to North Carolina, we examine a few states that have recently attempted or undergone significant education changes—both to centralize and decentralize governance—and that would therefore seem to offer lessons for Oregon’s policymakers.

Given the experiences of these states, we discuss the contours of the University of North Carolina system to provide a potential model for Oregon should it choose to implement governance reform. If Oregon were to follow that model, the OSBHE would retain tuition-setting, budget requesting, and ultimate executive hiring authority at the central level, while having the option to delegate to institutional boards several other powers, including the power to make personnel policies and decisions, to engage in facilities planning, and to conduct the initial search for the campus executive. In any event, regardless of how Oregon structures its university governance in the future, the experiences of other states, such as Florida and Wisconsin, suggest that Oregon policymakers should implement any reforms in a consensus-driven, deliberate process, so as best to ensure stability and long-range planning.

III. DISCUSSION

A. The Mixed Model: North Carolina.

North Carolina has a mixed governance system that places most original authority in the hands of the central University of North Carolina Board of Governors, and allows
that board to delegate a number of responsibilities to the institutional boards of trustees at each of its 17 constituent schools (16 universities and one public, residential high school for gifted students)\(^3\). This system was implemented in the early 1970s, prior to which the schools were governed only by decentralized, institutional governing boards.\(^4\) Of the 17 schools in the system, eight have the designation “University of North Carolina” in their names, while the other nine have assorted institutional identities, including North Carolina State University and East Carolina University.\(^5\) The UNC System governs all of the state’s public, four-year institutions of higher education.\(^6\)

1. Governance Structure.

   a. Central Authority: University of North Carolina Board of Governors.

   The UNC Board of Governors comprises 32 appointed members (as well as a few additional nonvoting ex-officio members), half of whom are chosen by the state house and half of whom are chosen by the state senate.\(^7\)

   The board is generally directed to develop a statewide educational plan and to govern its constituent universities.\(^8\) The board determines “the functions, educational activities and academic programs of the constituent institutions” and may terminate any program upon determining that it is “unproductive, excessively costly or unnecessarily duplicative.”\(^9\) The board has authority to hire and fire the president, who is the chief executive of the entire university system.\(^10\) The UNC Board of Governors also has final authority to hire the individual chancellors,\(^11\) who are the chief executives of the constituent institutions but are subject to the direction of the president.\(^12\) However, the board makes it selection only after the institutional board of trustees recommends a slate of at least two candidates and the president—the system executive—makes a hiring recommendation to the UNC Board of Governors from the slate.\(^13\) The system president is often heavily involved in setting the goals of a search committee for the chancellor.\(^14\) In other words, the members of the Board of Governors make the final selection based on substantial input from the institutional board and the system executive.

   The UNC Board of Governors also sets tuition, fees, and enrollment levels at each school and develops and presents to the state legislature “a single, unified recommended budget for all of the constituent institutions[.]”\(^15\) Pursuant to the general budget, the legislature allocates the operating budget for each university individually, but the UNC Board of Governors may recommend that the state’s budget director adjust allocations among institutions for enrollment fluctuations and other efficiency concerns.\(^16\) The board is also authorized to issue bonds in the name of the university system, a power the individual institutions do not have, though it issues those bonds at the request of the institutions.\(^17\) The board issues bonds only for constructing facilities, not for operating expenses, and must receive approval from the legislature before building those facilities in order to later issue financing bonds.\(^18\)
b. **Institutional Authority: University of North Carolina Boards of Trustees.**

The board of trustees for each individual institution is comprised of 12 voting members, eight of whom are chosen by the Board of Governors and four of whom are appointed by the governor. Members cannot serve simultaneously on the Board of Governors and a board of trustees.

Because most of the powers of the institutional boards of trustees are delegated, their statutorily guaranteed powers are limited. The boards have statutory authority to enter certain purchasing contracts and to conduct negotiations and contract for lower value capital improvements. The state statutes require that each board help its institution “to serve the State in a way that will complement the activities of the other institutions and aid[] it to perform at a high level of excellence in every area of endeavor.” The boards are also instructed by law to “serve as advisor[s] to the Board of Governors[].” However, other than these broad mission statements and minimal statutory grants of authority, the institutional boards derive their powers only through delegation by the Board of Governors.

By policy, the Board of Governors has delegated the following major functions—among others—to the constituent institutions’ boards of trustees: final hiring, firing, and pay decisions regarding faculty and lower administrative positions (higher-level administrative hiring authority is reserved for the Board of Governors); the adoption and enforcement of personnel policies, including promotion and tenure; the conducting of the initial search for a new chancellor, out of which a recommendation is made to the president and Board of Governors; setting the standards for student grades and eligibility for degrees (decisions about which are unreviewable by the Board of Governors or the president); the creation of a master facilities plan, the approval of construction projects, and the selection of engineers and contractors for such projects; and the setting of admission criteria (in excess of Board of Governors’ minimums) and the admission of individual students (decisions about which are also unreviewable beyond the institutional board of trustees).

2. **System Functioning and Outcomes.**

Overall, the UNC system appears to produce generally positive educational outcomes and to leave stakeholders at multiple levels feeling satisfied that their views are appropriately represented. Other states and countries frequently consult with North Carolina education officials to learn from or model components of the state’s system. In terms of educational quality, UNC boasts a 14-1 student to teacher ratio, which has also been the envy of other states undergoing governance changes. UNC’s governance approach appears to function well from both a system-centric perspective, as well as an institutional one. Jeff Davies, the chief of staff to the UNC President, said the state’s prior system, wherein the schools answered to no central authority, was dysfunctional. “There was chaos,” he said, in part because the legislature was overwhelmed with lobbying from each individual institution.
chaos led the legislature to create the current mixed approach, with its balance of central and local power.\textsuperscript{35}

In evaluating the overall functioning of the system, Davies said he believes the interests of all schools are best protected by North Carolina’s integrated approach. Davies said it “would be a recipe for disaster” if some schools, especially the larger flagship institutions, were to spin off from the system completely.\textsuperscript{36} In his view, legislators are more likely to feel a connection with the larger research universities and flagships, especially because alumni from those schools are often overrepresented in the legislature.\textsuperscript{37} Thus, he said he fears that the interests of smaller schools, as well as general, statewide interests, would likely suffer under a system that allowed those already high-performing schools to have complete independence in their governance structures.\textsuperscript{38}

Davies also said the UNC System strongly enforces a unity of mission in lobbying the state legislature. Although individual schools are allowed full input when the system compiles its budget request, after that request has been finalized and submitted to the legislature, individual chancellors are not allowed to advocate for independent appropriations or to lobby at the expense of other schools in the system.\textsuperscript{39} “Once the request is decided, [the chancellors] sing from the same book,” he said.\textsuperscript{40} The immediate past UNC System president, Erskine Bowles—a former White House chief of staff—made clear that any chancellor deviating from the common goal would be fired.\textsuperscript{41}

Despite these protections for statewide and system-determined concerns, stakeholders at the institutional level in North Carolina also appear to believe that the state’s approach protects their interests and reflects their views. Shirley Frye, who chairs the institution-level board of trustees at the North Carolina School of Science and Mathematics (“NCSSM”), which is the only high school governed by the system, said her school’s institutional representatives wielded a large amount of influence over the recent selection of its chancellor.\textsuperscript{42} Frye has served on three administrative search committees within the University of North Carolina system, including as chair of the one that recently selected NCSSM’s chancellor.\textsuperscript{43} Frye said the institutional trustees appointed that search committee, which was comprised of trustees as well as faculty, student, and staff representatives.\textsuperscript{44}

Reflecting the more central views of the statewide system, the president gave the search committee its general charge, explaining what attributes he thought were important for the position.\textsuperscript{45} And the president also made the selection of the final candidate he forwarded to the Board of Governors (which generally accepts his appointment in a pro forma move, as in this case).\textsuperscript{46} However, it was the trustee-chosen search committee that developed a general job description, reviewed and interviewed candidates, and made a final selection of three candidates, while making clear its preferred top choice—the one the president also selected.\textsuperscript{47}

In addition to this executive search function, local boards in North Carolina have an important role with regard to tuition because they have significant influence in setting rates. Although ultimate authority resides with the system governing board, the central
Mark Lanier, who works for the administration and the institutional governing board at UNC Wilmington, said he believes the state’s system provides a great balance of interests. According to Lanier, “The key powers maintained at the system level by the Board of Governors and the President . . . have been sufficient to avoid unnecessary duplication and ‘leveling down.’ This results in greater efficiency for the state and less unneeded competition with the flagships by other campuses, yet the powers have been exercised in a way that capable campuses have not been unnecessarily constrained in their growth and development.”

Because he believes ambitious institutions within the UNC system are able to thrive under system governance, Lanier said greater decentralization would not be necessary for achieving educational excellence. On the contrary, he believes the schools would suffer from such a move. “By having us all in the same system (one university with multiple constituent institutions or campuses) and by having legislative requests that balance our interests, we can all work toward a common benefit, not strictly out of self-interest,” he said. And although the central governing board retains a host of substantial powers, Lanier still believes that “there are relatively few, if any, powers that should be delegated that have not been delegated.”

Based on the views of these system and institutional representatives, as well as the general reputation of North Carolina’s education system, it appears that the state’s governance system strikes a fair balance between the needs of each constituent school and the goals of the entire state. As Oregon seeks to move forward in a way that preserves its ability to achieve common educational goals while also allowing individual institutions to flourish, the North Carolina governance structure might provide an appropriate model. In addition, because the powers delegated to each institution are a matter of system board discretion, this model may allow Oregon maximum flexibility in creating a unique relationship between the system governing board and any institutional boards.

B. Recent Reform Efforts: Connecticut, Wisconsin, and Florida.

Governance reform is always a tool policymakers may consider to try to achieve better educational outcomes. Although it can be difficult to establish a cause and effect relationship between governance reform and specific outcomes, several states have attempted either consolidation or decentralization in the recent past. In this section, we briefly review the experience of three of those states: Connecticut, Wisconsin, and Florida.


Connecticut offers a recent lesson from a state that moved toward a more centralized governance system in an attempt to improve education. Shortly after he took office in 2011, Connecticut Governor Dan Malloy, a Democrat, persuaded the state’s
legislature to pass a higher education governance consolidation reform. “The consolidation, which took effect over the summer [of 2011], combined the administrative offices for the four state universities — Central, Eastern, Southern and Western — the 12 community colleges and Charter Oak State College. The merger also replace[d] the boards of trustees for those institutions as of Jan. 1 with the Board of Regents.”

The new centralized board created to take the place of the several institutional governing bodies has 15 voting members, nine appointed by the governor, four appointed by the legislature, and two representing students. “The board also will include four ex-officio, non-voting members who are the commissioners of various state agencies.”

Although some worried that the higher education consolidation would harm smaller, less powerful schools—specifically the state’s community colleges—the interim first president of the new system, Michael Meotti, expressed confidence that the opposite would be the case. Summarizing Meotti’s view, one reporter wrote that, “[C]ontrary to playing a secondary role, the community colleges are likely to get more of what their students need than ever before because the two-year schools are linked so closely with other colleges and universities. For instance, recent studies have found that many students in four-year Connecticut public universities are taking classes concurrently at community colleges to complete prerequisites or when courses they need at their universities are full or not offered in a particular semester.”

It will be difficult to assess the results of Connecticut’s reform for some time, as the new board’s powers only became effective—and the old boards were only dissolved—during the month of January 2012. However, perhaps the most important argument that led to the governance system’s consolidation was the expectation that it would provide important financial savings, a critical goal at a time when state budgets are shrinking, and a goal that might help pay for additional educational goods and services. Connecticut’s reorganization “is on track to save the state $4.3 million over the next two years . . . [and the] savings will be used to hire faculty at the state universities and community colleges,” according to the system’s new, permanent president, Robert A. Kennedy. Kennedy told the new Connecticut Board of Regents that he hoped especially to hire more full-time faculty, because, as one report on his comments noted, “full-time faculty are better positioned to offer advice and guidance to students and do committee work.”

Another objective that supported Connecticut’s reform was the hope that it would help unify the state’s educational goals and improve graduation rates. As one example, administrators hope that centralized governance will help students more easily transfer credits between schools.

2. Wisconsin.

Wisconsin has a centralized governing board that exercises authority over all of the state’s universities. Although there was a recent push to give more institutional governance authority to the state’s flagship university in Madison, this endeavor met
strong resistance. Eventually proponents abandoned the plan, though now there is a movement to grant more autonomy to all universities in the state.


The Board of Regents of the University of Wisconsin System consists of 18 members, 16 of whom are appointed by the Governor subject to confirmation by the Senate. Most members serve staggered, seven-year terms and serve without pay; two are ex-officio members.61 The two ex-officio members are the state superintendent of public instruction and the president or a designee of the Wisconsin Technical College System Board.62 Two current UW System students, one of whom is a non-traditional student, are appointed to the board for two-year terms.63

The board is generally directed to “enact rules and policies for governing the university system.”64 The board has program authority; it determines “the educational programs to be offered in the system and may discontinue educational programs as it deems necessary.”65 The board has authority to hire and fire the president, who is the chief executive of the entire university system.66 The Board of Regents has final authority to hire the individual chancellors,67 who are the chief executives of the constituent institutions but are subject to the direction of the president.68 Finally, the Board of Regents sets tuition and fees and enrollment levels at each school.69

b. Proposed Changes to Wisconsin’s University System.

Wisconsin Gov. Scott Walker, a Republican who took office in 2011, recently proposed a biennial state budget to cut the university system’s funding by $250 million.70 Under what has become known as “The New Badger Proposal,” the flagship school in Madison would be separated from the University of Wisconsin System as an independent entity, while receiving a 13 percent reduction in state support.71 The other 12 universities would remain under the control of the Board of Regents and receive an 11 percent reduction in state support.72 However, these 12 universities would not have the authority to manage the reductions at the institutional level, as only UW-Madison would have been granted institutional governing authority under the proposal.73

As an alternative, the Board of Regents endorsed the “Wisconsin Idea Partnership,” a plan that would give governing flexibility to all UW Universities while preserving a centralized governance structure.74 The Wisconsin Idea Partnership is a plan to provide “improved budgeting, tuition/pricing, human resources, capital planning and construction, financial management, and procurement tools to all UW institutions as part of a unified state system that includes UW-Madison.”75

These dueling models ignited a firestorm of debate within Wisconsin. Carolyn Martin, the chancellor of UW-Madison strongly supported the New Badger proposal. In a meeting before the Board of Regents, Martin stated the proposal “would mean an extraordinary opportunity to combine self-reliance and oversight in a way that permits us to survive, even in the face of deep cuts.”76 As one reporter explained, when Martin was asked why she would not support a system-focused plan instead of a special arrangement
for the flagship, she made clear that “she was unwilling to sacrifice Madison’s shot at a good deal for the sake of solidarity with her colleagues across the state.”

On the other side of the debate, the Wisconsin Idea Partnership garnered the support of the UW Board of Regents, 13 of the 14 UW Chancellors, student leaders, faculty governance groups, and academic staff governance groups. In an open letter to Walker, Charles Pruitt and Michael Spector, the president and vice president of the Board of Regents, respectively, expressed their concerns with the New Badger Proposal:

If changes are proposed that establish UW-Madison as a separate, self-contained institution with its own governance board separate from the Board of Regents, we would return to a two-tiered system the state abandoned 40 years ago for good reasons. Those competing systems gave rise to wasteful duplication, unnecessary competition, and conflicts. This resulted in higher costs to taxpayers and confusion for the State’s elected leaders who had to weigh competing requests.

Presently, the New Badger Proposal’s prospects seem dim. Republicans in the state legislature determined after several meetings that they did not have enough votes to move forward with the New Badger Proposal, despite support from the Republican Governor. UW-Madison Chancellor Martin resigned from her position to become the president of Amherst University in Massachusetts, and her departure was attributed at least in part to the failure of the governance reform proposal. The Board of Regents unanimously approved the Wisconsin Idea Partnership on September 8, 2011. The Wisconsin Legislature also tacitly approved that proposal in the 2011-2013 annual budget. It will take some time to see how the new arrangement helps or hinders the state’s universities.

3. Florida.

In the early part of the past decade, Florida’s higher education system went through a torrent of sporadic changes as part of a back-and-forth between different centers of political power in the state. In “May 2000, after weeks of acrimonious debate and behind-the-scenes wrangling” the state legislature voted to eliminate the central boards that each oversaw several school systems, including the university system’s governing board and the community-college coordinating board, replacing them instead with institutional governing boards.

Before the reorganization took place, governing board members and administrators from a number of schools in Florida opposed the move. As the Chronicle of Higher Education reported:

They argued that it [was] likely to pit institutions against one another before the Legislature, with Florida State University and the University of Florida tending to beat out the others simply because they are larger and older, and [could] call on more alumni in the Legislature for support.
In other words, echoing what North Carolina administrators say they fear would happen were that state to further decentralize, the Florida administrators worried that the overall statewide system might suffer.

Once the state implemented the governance reform, these concerns only intensified, and a number of political players and educational experts in the state pushed to reverse the abolition of the central governing authority for colleges and universities, taking their case directly to voters via a ballot initiative for a state constitutional amendment. One such education expert was Robert H. Atwell, a former president of the American Council on Education, who “enthusiastically” supported the initiative to re-establish a central board of regents. “It was, in my judgment, a mistake to abolish the Board of Regents,” Atwell said at the time. As one Chronicle reporter noted, he referred to the result as “‘a Darwinian situation’ in which public universities compete[d] against one another, and lawmakers engage[d] in ‘an enormous amount of pork-barreling’ in the distribution of state higher-education funds.”

These results were perhaps unsurprising, as the creation of individual boards and the elimination of central governance may have been motivated at least in part by lawmakers’ desires to insert their judgments and more parochial interests at the expense of a common statewide plan. “In separate votes in May 2000, the Legislature agreed to establish a medical school at Florida State University and law schools at Florida International University and Florida A&M University. The university system’s Board of Regents had previously rejected proposals for those new schools; in doing so, it had angered several legislators, who emerged as leading advocates of the education-reorganization plan.”

Voters went on to approve the constitutional amendment to reestablish a central board of governors “by a vote of more than 60 percent[.]” But passage of the amendment did little to stop the conflict that had begun in 2000. Seven years later, proponents of the central board were suing the state legislature, claiming that the 2002 amendment had intended to place tuition-setting authority in the hands of the board, not legislators, as a state law mandated. After at least two rounds of governance reform—neither of which was achieved through consensus—policymakers continued to battle over how power should be distributed in the state’s education system. Thus, regardless of how a system is structured, Florida’s experience counsels in favor of a deliberative, cooperative process, at least for states that want to avoid ongoing uncertainty, instability, and conflict.

**IV. CONCLUSION**

The experiences of North Carolina, Connecticut, Florida, and Wisconsin, may offer lessons for Oregon policymakers seeking to reform the way higher education is governed.

In the first of those states, North Carolina, higher education is subject to a mixed system of governance, which might serve as a model for Oregon policymakers. A central board oversees the University of North Carolina’s 17 constituent universities, and that
central board delegates powers directly to an institutional board at each school. Although each local board is created by statute, the vast majority of those boards’ powers are only exercised through the delegation of authority. Despite this, stakeholders at both the central and institutional level believe that North Carolina provides an appropriate balance between statewide goals and school ambitions. In the view of representatives from both centers of powers, schools are free to achieve excellence for themselves while working in a collaborative and efficient policy environment toward common state aspirations. North Carolina’s model may also provide the flexibility Oregon needs to create more than one type of governing relationship between a system board and the constituent institutions.

Finally, the recent experience of three other states may help guide Oregon in moving forward. Connecticut recently moved to consolidate from an institutional model to a central model of governance in the hopes of saving significant state funds through efficiency gains. However, the experiment is still in its infancy, and time will tell whether it improves the state’s education system. In addition, the conflict and tensions that accompanied Florida’s and Wisconsin’s efforts to decentralize education governance suggest that any reform, regardless of its direction, is likely to achieve lasting success only through a process of consensus and deliberation rather than competition and conflict.

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UNC Code Appendix I § I.C.

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