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# UVA board's balance between state, university at issue

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Posted: Saturday, August 9, 2014 10:40 pm | Updated: 10:46 pm, Sat Aug 9, 2014.



Posted on Aug 9, 2014  
by [Derek Quizon](#)

A key provision in the latest draft of a University of Virginia Board of Visitors conduct code largely was obscured by the controversy an earlier proposal generated.

If passed, it would settle a question the board has been wrestling with for the past year: Whom do board members serve first — the state or the university?

"As Visitors, we have one overriding responsibility: to serve the best interests of the University so that the University, in turn, can serve the best interests of the Commonwealth of Virginia," reads the latest draft of the code, released Wednesday.

An earlier draft of the code sparked outrage among state lawmakers over a provision that would have clamped down on dissent by individual board members. That piece of the proposal was scrapped last week.

The board is working on the code in response to a state law passed last year. The latest draft addresses the larger question, stating that the board must balance university interests with the public good but the "overriding" responsibility is to the university.



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That's the position taken by John L. Nau III, chairman of the board's Special Committee on Governance and Engagement. Nau drafted the proposal with consultants Timothy B. Robertson, a former board member, and Richard P. Chait, an expert on university governance.

The question of the board's priorities has come up in several of the last few meetings. Former Rector Helen E. Dragas has been critical of the direction of the university, with tuition rising in the wake of a cut to grant aid for low-income students.

The administration sees those things as necessary in the face of flagging state support and rising cost. The university also is trying to advance a \$564 million five-year plan that — among other things — calls for hiring about 400 faculty members and making major infrastructure improvements.

But Dragas said she believes UVA is in danger of pricing out many in-state students. The board, she has contended, has been thinking about the university too much as a single entity and forgetting the public interest.

"We took an oath to uphold the [state] constitution," Dragas said in a June meeting. "We're appointed to represent 8.2 million Virginians."

Vice Rector William H. Goodwin said the board looks out for the state by helping the university. There shouldn't be any difference between the two, he said.



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"I've been appointed to be a member of the Board of Visitors of the University of Virginia," he said. "I don't see that as any conflict with the state."

Richard Novak, a fellow with the Association of Governing Boards of Universities and Colleges, said it's a healthy discussion. There's an inherent tension on a public university board between looking out for what's best for the school and looking out for the public.

"I think it's an equal responsibility between the state and the university," Novak said. "When they vary, they have to be reconciled. And it's the duty of the president and the board to reconcile them."

Novak said the clause in the UVA board's statement of expectations was reasonable. Between the governor's office and the legislature, a board frequently is the only body looking out for the university's interests.

"Sometimes that means taking difficult positions that may contradict leaders in state government," he said.

On top of that, the idea of "the public interest" is subjective, Novak said. Board members are appointed, in part, to help foster the university as a public asset, but it's not difficult to argue that investing in the university helps the state, he said.

It's a question that each board member will have to confront, Novak said. The answers might not be clear.

"That's part of the ambiguity of being a public board member," Novak said.

State Sen. R. Creigh Deeds, D-Bath County, said the board should be looking out for the university first. Representing the state is the General Assembly's job, while the board's is to think about the university's needs so it can best serve the public, he said.

"They're not appointed to represent the state. They're appointed to represent the university," Deeds said. "Higher education is one of the keys to growth in the commonwealth."

State Sen. J. Chapman "Chap" Petersen, D-Fairfax, said the board is essentially managing a public asset on behalf of taxpayers. Petersen said he doesn't want to weigh in on specific issues of tuition and faculty hiring. But he said he thinks the board serves the public first.

"The Board of Visitors is there to manage the university on behalf of the shareholders," Petersen said. "They answer to the governor and the General Assembly."

Petersen and Deeds both said they are satisfied with changes to the board statement of expectations that rein in restrictions that would have kept members from talking to outsiders about "board business."

Novak said a formal policy restricting speech would have been a bit "heavy-handed," but he agrees with the principle.

In most cases, members should try to be supportive of board decisions and refrain from running to the press after losing a vote, he said.

The small size of the board and the need for a strong bond with the administration make it different from, say, a legislative body.

"Going to the press afterward can create so much distrust," Novak said. "Boards are small and they have to work as a unit to get things done."

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Much of the distrust is with and due to Ms. Dragas, whose secretive, manipulative, nearly clandestine attempt to oust President Sullivan last year brought suspicion on the board's operations. Her continued presence continues to taint the BOV and cause distrust. She should resign. She should never have been re-appointed by the criminal ex Governor, and will embarrass the University until she is gone. That dark chapter in the University's history will not be closed until she is history.

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**Kevin Stansberry**

Steven Lowe, you nailed it.

What, now Helen Dragas is casting herself as a populist of some sort? She attempted--UNsuccessfully--to pull one of the shadiest governance stunts in decades, academic or otherwise. She "failed" spectacularly, and created a toxicity that Mr. Lowe accurately describes. Now she thinks that she was appointed, and strangely "reappointed" (by the sketchiest governor in decades) to "represent 8.2 million Virginians"? And she is suddenly concerned about tuition costs? Really?

Journalists should start the stories on this topic (UVA BOV conduct code) with some journalistic context and accuracy: a reminder that this whole exercise with the BOV creating a "conduct code" is the direct result of Ms. Dragas' history of governance shenanigans.

Let's face it: it's blatantly apparent that Ms. Dragas has... [See More](#)

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