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# **Bringing Political Theory to University Governance: A Comparative Analysis of Governing Boards at the Universidad Nacional Autónoma de México and the University of California**

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## **Introduction**

One of the things most scholars of higher education agree upon is that universities around the world are facing increasing, and often conflicting, demands for change (Duderstadt, 1999; Slaughter, 1998; Gumport and Pusser, 1997; Massy, 1997; Neave and Van Vught, 1994). Those demands are driven by myriad factors, including economic globalization (Carnoy and Castells, 1997; Slaughter and Leslie, 1997), emerging technologies (Barley, 1996; Gibbons, 1995), market forces (Winston, 1999), competition for access to elite institutions (Pusser, in press), and social conflict (Ordorika, 1999; Marginson, 1997). As universities prepare to chart an uncertain course towards dynamic transformations, the issues of governance and policy-making moves to the fore.

A great deal of contemporary literature in higher education has also been devoted to emerging university responses to demands for change (Gumport and Pusser, 1999; Katz, 1999; Powell and Owen-Smith, 1999; Clark, 1998; Dill and Sporn, 1995). Most of this literature accepts that universities will change, and turns attention to theories of organizational behavior to suggest that such phenomena as institutional isomorphism (DiMaggio and Powell, 1983), resource dependence (Pfeffer and Salancik, 1978), and networked

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*The preparation of this chapter benefited from research assistance by Kristen m. Smith.*



restructuring (Ghoshal and Nohria, 1993) can illuminate the future development of higher education institutions.

Despite their essentially apolitical nature theories of organization have rapidly achieved a central status in higher education research on governance (Masten, 1996; Moe, 1991; Wilson, 1989). As a result, the study of higher education has also only rarely addressed two key aspects of institutional transformation: power (Hardy, 1996; Pfeffer and Salancik, 1974) and the role of education in broader conflicts over the allocation of state resources (Rhoades, 1992; Slaughter, 1991; Carnoy and Levin, 1985).

While important normative work has been produced on various aspects of governance, including trusteeship (Cheit, Holland and Taylor, 1991; Kerr and Gade, 1989), institutional autonomy (Berdahl, 1990), and governance structures (Richardson et al., 1998) little theoretical inquiry has been devoted to two essential questions of governance: how are key decisions actually made in the postsecondary sector, and who makes them? In order to advance our understanding of higher education governance and policy-making, it is first essential to restore a political theoretical framework to the study of higher education organizations. To that end we begin with an historical review of the relationship between political science and theories of organization, and an overview of the prevailing governance models in higher education research. After presenting the respective cases of governing board formation at UC and the UNAM we present data on a contemporary episode of significant conflict over governance at each institution, to better illustrate the utility of the political theoretical framework in these cases.

### **The Separation of Political Theory and Organization Studies**

The dearth of political theory in the study of higher education governance has been particularly pronounced in the United States, though it is increasingly apparent in other global sectors as well. This is not surprising, as the study of organizations has flourished in schools of business and management in the United States, and been widely applied to the study of American and European higher education (Alfred and Carter, 1999; Robertson, 1999; Clark, 1998; Drucker, 1997; Oster, 1997; Peterson and Dill, 1997). This has led to a school of research on higher education organizational governance and policy-making in the United States that is at once ascendant and distinctive for its apolitical orientation and discourse (Pusser, 1999). The contrast to similar research in Latin America, as one example, is striking. In Spanish the word for policy is "políticas," and in many areas of Latin American literature on higher education, policy-making is treated as politics, as is governance (Brunner, 1989, 1990; Guevara Niebla, 1983). In the United States, governance and policy-making have continued to be treated as organizational issues, not political ones. Our assumption throughout this work is not only that policy-making is political, but that university policy-making is shaped by university governance struc-

tures and processes, so that we use the terms governance and policy-making virtually interchangeably.<sup>1</sup>

The initial separation of political science from the study of organizations in the United States has been well documented (Shafritz and Hyde, 1987; Moe, 1991, 1995; Masten, 1996). The divide is traced to the historical development of the study of Public Administration, in which from the early part of the twentieth century administration and politics were treated as quite separate entities (Moe, 1995). Over time the study of effective administration and organization became the focus of organization theorists, while political scientists turned attention to bureaucratic politics (Wilson, 1989). More recently a new wave of political science research in the United States, the positive theory of institutions, has turned attention to institutions as elements in a broader political process (McCubbins, 1985; McCubbins, Noll, and Weingast, 1989; Moe, 1991; Milgrom and Roberts, 1992; Eskridge and Ferejohn, 1992; Dixit, 1996). While a few political scientists and economists have turned a positive political theoretical lens on higher education (Toma, 1986; Davis, 1990; McCormick and Meiners, 1988; Masten, 1995), little of this work has emerged in higher education research or journals.

While recent increases in governing board activism in the United States have been cited as examples of an increasing "politicization" of governance (Ikenberry, 1998; Karabel, 1996) we suggest this is actually a contemporary manifestation of what has long been the case: public universities and their governing boards are political institutions, public postsecondary policy-making is political action, and members of public governing boards are political actors. Further, many of the contemporary demands for change in global higher education either emerge directly from political conflict, or as a result of resource allocation decisions made in political institutions (Ordorika, 1999).

In this chapter we suggest that a better understanding of the demands on contemporary higher education—and of the emerging responses to those demands—will be achieved by turning attention to those who stand atop institutional governance hierarchies, the members of university governing boards, and their allies in the broader political economic environment. To that end we present two case studies of the formation and reproduction of powerful public higher education governing boards,<sup>2</sup> through a lens attuned to the issues of power, state authority, and legitimacy in global higher education.

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<sup>1</sup>We are mindful of the fact that there are varying perspectives on the relative importance of governing boards in the policy process. This is in part a function of the particular institutions, governance structures, and contexts under consideration. The role of governing boards in making policy also varies with the type of policy being contested. We believe that in these cases, and arguably in many others, the highest degree of institutional power in the policy process, and the ultimate authority over policy rests with the governing board.

<sup>2</sup>We focus here on public governing boards and public institutions. While many of the same issues apply to private higher education institutions and their governing boards, the history and organizational contexts of private institutions are sufficiently distinct to warrant separate study.

## The Study of Higher Education Governance

University governance and policy-making structures around the world have long been a site of study for higher education researchers (Dill, 1997; Neave and Van Vught, 1994; Bensimon, 1989; Millet, 1984; Clark, 1983; Levy 1980; Berdahl, 1971). These studies have identified a number of different governance arrangements in varied contexts. Some researchers have focused on public universities administered by governments directly or through governmental agencies (Neave and Van Vught, 1991). Others have analyzed higher education institutions that are characterized by faculty and university administrative governance (Chait, Holland, and Taylor, 1996; Ingram, 1993; Clark, 1987). Literature in Britain, Canada and the United States has addressed a wide range of institutions that are neither run in a completely autonomous fashion by faculty and administrators, nor under the direct administration of governments and their agencies. The most typical form of organization for these institutions revolves around a semi-autonomous body: the board of trustees or governing board (Jones and Skolnik, 1997; Chait, Holland, and Taylor, 1996; Berdahl, 1990; Kerr and Gade, 1989; Clark 1983; Nason 1982). An emerging body of literature has begun to focus on instances of crisis in the contemporary university and the role of governing boards in crisis (Ordorika, 1999; Pusser, 1999; Heriddeen, 1998). Attention in this literature is centered on a key set of actors who are in a unique position to either facilitate or resist the calls for reform and transformation: the members of public university governing boards (Pusser, forthcoming; AGB, 1998; Peterson, 1996; Jones and Skolnik, 1997).

## The Role of Public Governing Boards

The majority of governing boards has been founded on similar principles in an attempt to provide a measure of oversight of institutional policies, and to serve as a mediating force between universities on one hand, and governments, markets, and societies on the other (Clark, 1983). Most boards are legitimized on the grounds of the alleged expertise of their members, and their independence from external interest group or governmental intervention (Ikenberry, 1998; Kerr and Gade, 1989; Nason, 1982). While there is significant variation in the composition, attributes, origin, appointment procedures and roles of governing boards, they are generally seen as providing stability, accountability, and responsible decision-making.

In the national contexts of the United States and Mexico, public governing boards are intended to be democratic institutions, with a membership broadly representative of their local and national constituencies. In many cases this broad representation is part of the founding constitutional mandates of the boards. The California state constitution contains this clause with regard to the composition of the University of California Regents: "Regents shall be able persons broadly reflective of the economic, cultural, and social diversity of the state, including ethnic minorities and women."<sup>3</sup>

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<sup>3</sup>Constitution of California, Art. IX, Section IX (d) as amended November 2, 1976

Few studies have applied cross-national comparative perspectives to the historical and contemporary composition of governing boards and their functions. Our assumption is that given their roles as representative bodies in quite different social and political contexts, the governing boards of the University of California and UNAM should have been created and constituted over time quite differently. To address that assumption we begin with a review of the literature on governance and policy-making in higher education.

### **Literature on Governance in Higher Education**

A systematic examination of the literature on governance in higher education shows the gaps and limitations of existing theory. It also provides the necessary foundation for the development of new conceptual frames that will enhance our understanding of the subject matter: the relation between power, politics, and governance in higher education.

In this chapter we will both summarize the development of this field of research, and present a synthesis of the literature in widely accepted models of higher education governance in different contexts. It is important to establish that while this review includes a few works on higher education governance developed in Latin America, the majority of the literature reviewed here is based on research from the United States, Canada, and Western Europe.

In looking at the literature on governance and change in higher education, we trace some concepts and ideas that are central to this research. First, if a basic assumption is that power and politics are core drivers for change in higher education, it is important to have a clear understanding of underlying assumptions about power. For this purpose, we look at the use of concepts such as conflict, consensus, and resistance.

Second, traditional approaches to governance in higher education have made a distinction between governance, management, and leadership. The first concept refers only to the structure and process of decision-making. The second points to the structure and process for implementing or executing these decisions, while the third refers to the structures (positions, offices, and formal roles) and processes through which individuals seek to influence decisions (Mets and Peterson, 1987). We feel that it is fundamentally important to expand and clarify these distinctions. Traditional analyses accept a differentiation between technical/functional and political issues in higher education governance that also grows out of theories of organization, but is not borne out in emerging research on higher education governance and decision-making (Pusser, forthcoming).

### **Evolution of the Study of Higher Education Governance**

A number of authors have suggested that much of the key literature on governance in higher education in the United States has developed since the early 1960s (Hardy, 1990; Chaffee, 1987; Mets and Peterson, 1987; Peterson, 1985). There are several reasons for the appearance and rapid expansion of this area of

study. Among these are: the growth in size and complexity of colleges and universities; the increasing importance of higher education as a social institution; growth in government funding and oversight of higher education; and increased social conflicts that have been reflected within higher education (Mets and Peterson, 1987).

Mets and Peterson (1987) argue that the evolution of the study of governance has been related to the development of higher education itself, and they identify four eras in the United States that are similar to evolution processes of higher education in other countries. The first period is described as an era of growth and rising expectations. They suggest that during the 1950s and 1960s there was a strong commitment to the expansion of higher education at all levels. This was a period of enrollment growth, emergence of new campuses, and increasing complexity of higher education institutions. The movement towards mass education generated social optimism about higher education and the expansion of administrative cohorts and functions. Two influential research frameworks for the study of governance were developed in this period: the bureaucratic model (Stroup, 1966) and the collegial model (Goodman; 1962; Millett, 1962).

Mets and Peterson's second era is characterized as a period of increasing conflict. Student struggles and faculty collective bargaining processes in the late 1960s and early 1970s generated new concerns about university governance. Student dissatisfaction with increasingly large and impersonal universities, the growing professionalization of faculty, and "external" issues like the civil rights movement and the Vietnam War brought such issues as student and faculty power and autonomy onto the policy agenda. Two additional governance frames were developed in this second epoch: the open system model (Katz and Kahn, 1978) and the political (Baldrige, 1971).

The third period described by Mets and Peterson is an era of consolidation and economic recession. Financial constraints supplanted activism as the main concern on campuses in this period. Against the backdrop of a rise in environmental pressure, Cohen and March (1974) developed an influential model of universities as organized anarchies. At the same time, other institutional theorists suggested that environments could shape, to a great extent, the meanings, values, and structures of higher education organizations (Meyer and Rowan, 1978). This era also witnessed the initial development of management techniques designed to address financial scarcity, a generally rare phenomenon at that point in the post-war era (Gumport and Pusser, 1997).

The fourth era in Mets and Peterson's typology is presented as a time of "reduction and redirection." An increased focus on retrenchment, reduction, and reallocation generated a transition from earlier "open system" models towards ecological approaches to higher education governance. The new emphasis on goal redefinition, change in mission, and selection of new clientele suggested that higher education institutions could effectively adapt to their surrounding environmental pressures.

The brief description of the evolution of the field provided by Mets and Peterson demonstrates both that research on higher education governance grew rapidly and that analytic approaches evolved into more complex models to deal with shifting contexts (Chaffee, 1987).

### **Models of Governance in Higher Education**

Research on higher education governance has generally been focused on four major analytical models: bureaucratic-rational, collegial, political, and garbage can or symbolic (Hardy, 1990; Bensimon, 1989; Chaffee, 1987; Mets and Peterson, 1987; Peterson, 1985; Baldrige et al., 1983; Riley and Baldrige, 1977; Cohen and March, 1974; Baldrige, 1971). A review of those models will help ground our case study presentations.

#### *The Bureaucratic Framework*

In developing a bureaucratic model of governance, Stroup (1966) argued that university governance demonstrates many of the characteristics described by Weber in his work on bureaucracy. The main characteristics of bureaucracy in Weberian terms include: a fixed division of labor among participants; a hierarchy of offices; a set of general rules that govern performance; the separation of personal from official property and rights; the selection of personnel on the basis of technical qualifications; and a careerist perspective on employment by participants (Weber, 1978). In Stroup's rational perspective, organizations are seen as mechanistic hierarchies with clearly established lines of authority. Within this model organizational goals are clear, and the organization is a closed system insulated from environmental penetration, with administrative leaders having the power to analyze a problem, evaluate various solutions, and execute their preferred strategies (Scott, 1992).

The bureaucratic model also turns attention to the stability of structure in higher education organizations. It is a perspective highly associated with rational leadership and decision-making and management control of existing functions and tasks.

Several authors have pointed out that many other basic features of bureaucracies are not addressed in Stroup's model of governance. Baldrige (1971) argued that the bureaucratic model focuses on authority (legitimate, formalized power) but excludes other types of power (mass movements, power based on expertise, and power based on appeals to emotion and sentiment). He also maintained that the bureaucratic model deals with governance structures but not with decision-making processes; and that it has difficulties in dealing with change. Blau (1973) pointed out the existing contradictions between authority based on position and authority based on expertise as another weakness of the traditional bureaucratic model. In a second generation of research on governance, authors have focused on the latter issue (Hardy, 1990). In *Professional Bureaucracy* (1991) Henry Mintzberg argued that traditional bureaucratic authority coexists in higher educa-

tion organizations with a bureaucracy based in professional expertise. The latter differs from the traditional approach in that behavior is shaped by commitment to values based in professional rather than institutional organizational norms. Coordination of activities is the product of a standardization of skills, and professional standards and norms are largely legitimated outside the organization (Mintzberg, 1991).

### *The Collegial Framework*

The explanatory limitations of the traditional bureaucratic model opened the way for other views of the university as a "collegium" or a "community of scholars" (Baldrige, 1971). In the collegial frame, organizations are viewed as collectivities with organizational members as their primary resource. It emphasizes participatory, democratic decision-making, human needs, and ways in which organizations can be tailored to meet them. Colleges are pictured as communities of scholars (Millett, 1962) who determine and control organizational goals on the basis of their professional expertise and a shared value system. The collegial frame is particularly useful for understanding stable organizations, or organizational sub-units in which preferences are developed by interactive consensus (Bensimon, 1989).

Collegial views also emphasize the importance of both decentralized structures and consensual decision-making processes (Hardy, 1990). As a result this model provides very few insights into decision-making processes. Consensus is presented as a natural consequence of shared values and responsibilities within the institution, and conflict is virtually absent from this theoretical perspective.

### *The Political Framework*

Baldrige (1971) assumes that complex organizations can be studied as miniature political systems. His framework, often referred to as an interest-articulation model, is based on three theoretical perspectives: conflict theory (Coser, 1964; Dahrendorf, 1959), literature on community (Dahl, 1966), and work on interest groups in organizations (Selznick, 1949).

From the political perspective organizations are seen as composed of formal and informal groups competing for power over institutional processes and outcomes. Decisions result from bargaining, influence, and coalition building. This frame assumes that colleges and universities are pluralistic entities comprising groups with different interests and values (Baldrige, 1971). Conflict, which is not particularly salient in the two previous frames, is here a central feature of organizational life. While Pfeffer and Salancik (1974) suggested a political approach focused on organizational structure, Baldrige emphasized the decision-making process.

A major weakness of the model is its failure to account for the persistence of higher education organizations in the midst of continuous conflict (Hardy, 1990). Riley and Baldrige provided a second version of this political model in which

they argued that conflict is not constant (1983; 1977). They suggested that their original model underestimated the impact of routine bureaucratic processes, and that a variety of political processes had not been acknowledged. They expressed the need to pay more attention to environmental factors.<sup>4</sup> Finally they recognized that their model had not sufficiently recognized the importance of long-term decision-making patterns, and had failed to consider the ways in which institutional structures shape and constrain political efforts (Baldrige et al., 1983).

In qualifying the political frame, Baldrige provided a mixed model. He downplayed the political nature of university governance and incorporated elements of the bureaucratic, collegial, and garbage can models. The resulting framework is ambiguous and does not provide a clear idea of what conditions make politics and conflict likely to emerge (Hardy, 1990). It has also been argued that the "political" mediation and interest articulation in the Baldrige model is considerably less effective in contests of prolonged duration, those that are particularly complex, and those with great salience in broader state and national political struggles (Ordorika, 1999; Pusser, 1999).

### *The Symbolic Framework*

Within this analytical framework organizations are seen as systems of shared meanings and beliefs, from which organizational governance structures and processes emerge. Leaders construct and maintain systems of shared meanings, paradigms, common cultural perceptions and languages (Pfeffer, 1981) by sustaining rituals, symbols and myths that create a unifying system of belief for the institution (Bensimon, 1989).

In higher education literature Cohen and March's *Leadership and Ambiguity* (1974) presents one of the most prominent analyses of governance as a symbolic process. Cohen and March characterize universities as "organized anarchies" because of their problematic goals, unclear technology, and fluid participation:

In a university-anarchy each individual in the university is seen as making autonomous decisions. Teachers decide if, when and what to teach. Students decide if, when and what to learn. Legislators and donors decide if, when and what to support. Neither coordination nor control is practiced. Resources are allocated by whatever process emerges but without explicit accommodation and without explicit reference to some super ordinate goal. The "decisions" of the system are a consequence produced by the system but intended by no one and decisively controlled by no one.

The symbolic governance model emphasized the growing complexity of higher education institutions and viewed the decision-making process as analogous to a "garbage can." The garbage can model does not presume any structural

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<sup>4</sup>Baldrige states that "Colleges and universities are somewhere in the middle of a continuum from "independent" to "captured." In many respects they are insulated from their environment. Recently, however, powerful external forces have been applied to academic institutions. Interest groups holding conflicting values have made their wishes, demands, and threats well known to the administrations and faculties of organizations in the 1970s" (Baldrige, 1971).



arrangement of governance. Its basic assumption is that decision-making is a non-rational process in which independent streams of participants, problems, solutions, and choice opportunities are linked through coincidence in time. Solutions are generated on the basis of university officials' personal priorities, and those solutions are in turn matched to particular problems. This perspective focuses mainly on leadership and presidential activity. Politics and conflict are of lesser importance, power is ambiguous, and focused on the president (Cohen and March, 1974).

*Cultural Models, a New Generation of Research*

Cynthia Hardy (1990) argues that these four models were developed in a first generation of research. A second generation,

continued to explore the bureaucratic/professional continuum. The garbage can was often cited, but there were few attempts to systematically examine or empirically verify it. Collegiality as a consensual process remained relatively undeveloped. The political frame started to attract attention, as did the idea of mixed models (Hardy, 1990).

This second generation has provided a more complex view of university governance. Research on professional bureaucracy (Mintzberg, 1991) has enhanced the understanding of internal structures, and mixed models have been developed that combine the bureaucratic, collegial, and political models. These hybrids have identified a bureaucratic/collegial structure (Childers, 1981) and consider consensus and conflict as an integral process of decision-making (Hardy, 1990).

The new generation of research has also focused renewed attention on university culture, both at the level of the discipline, and the institution. These studies have extended the development of organizational cultural perspectives in management literature. Organizational culture is seen as a persistent patterned way of thinking about the organization's goals and tasks, the human relations within the organization, the forms of coordination, and its relation to the broader environment (Bensimon, 1989). Early research conceptualizing a social construction of reality (Berger and Luckmann, 1966) helped open the way for cultural approaches to the study of education. Burton Clark (1983; 1972; 1971; 1970) advanced this perspective in higher education with his work on beliefs and university sagas.

Other pioneering works emphasized culture as an external variable that plays a major role in shaping goals, control structures, and relations within organizations (Meyer and Rowan, 1978). Culture has also been portrayed as an internal component of organizations' ability to articulate belief and meaning into an organizational mission. In 1974 Cohen and March suggested that higher education institutions encompassed a wide range of cultures. This approach has attracted a variety of scholars in the field of higher education. One critique of the culture approach is that efforts to address this issue have often been made with traditional theoretical stances and methodologies that are not well-suited for cultural studies (Hardy, 1990).

*Positive Political Theories of Institutions and Higher Education*

Another theoretical paradigm, the positive theory of institutions (PTI), has recently and widely been applied to research on the organization and governance of public institutions (Horn, 1995; Moe, 1991; Mashaw, 1990; Calvert, McCubbins, and Weingast, 1989). PTI uses models and theoretical propositions from political science that address the structuring of political institutions and political organizations for partisan gain. From an initial application to research on political organizations and bureaucratic structures, this work has subsequently been applied to studying educational institutions in general (Chubb and Moe, 1990) and specific structures within postsecondary institutions (Pusser, forthcoming; Youn, 1997; Masten, 1993).

The positive theory of institutions grew out of work on social choice (Shepsle, 1986; Hammond and Miller, 1983; Arrow, 1974; Olson, 1965). Arrow and other social choice theorists pointed out that although majority rule policy-making is unstable and leaves a great deal undetermined, the political process itself, and political institutions such as the Congress, are quite stable. PTI offered an explanation: political institutions and the process of structuring those institutions brought stability to majority rule voting, shaped the outcome of those votes, and offered a mechanism for successfully implementing the gains from control of majority rule decision-making (Moe, 1991). PTI turned attention to public authority, suggesting that without the exercise of public authority through political institutions electoral activities would be far less effective in shaping policy. That is, few individuals or interest groups would "contract" to allow a majority rule body to decide gains or losses on a particular issue. Since in a democratic institution many policy decisions are made in precisely this fashion, interest groups have an increased incentive to organize such political institutions as legislatures and governing boards in order to protect and privilege particular gains (Masten, 1996; Moe, 1991).

The new economics of organization proved a quite useful component of PTI, as it added insights from economic theory, particularly agency theory and transaction cost economics (Calvert, McCubbins, and Weingast, 1989; Bendor, 1988; Williamson, 1985; Moe, 1984) to the analysis of the structural form of political institutions. In this application, agency theory suggests that institutional form and process can be seen in part as a series of contracts between principals and agents. Principal-agent contracts between individuals are a staple of modern life, and within the PTI framework the relationship between institutions, state legislatures, and state universities for example, can be conceptualized as a principal-agent contract.

In applying positive theories of institutions to postsecondary governance, researchers have conceptualized the university as a site of struggle between competing interest groups seeking influence over public benefits and seeking to use the organization as part of a broader political process (Pusser forthcoming; Youn, 1997; Masten, 1993). Among the central elements in that interest group struggle are control of the agenda for organizational action (Kingdon, 1984), governing

board confirmation dynamics (Hammond and Hill, 1993), ex ante legislative design of institutional governance structures (Masten, 1993; Weingast and Marshall, 1988), the personal relationships between policy actors apart from any formal relationships (Parsons, 1997) and the control of the allocation of costs and benefits from institutional policy (Wilson, 1989; 1980).

Masten (1996) has suggested that the policies that emerge from the public postsecondary system have enormous value for actors and formations inside and outside the institutions. He further suggests that higher education can be conceptualized as a key commodity in its own right, and the postsecondary policy formation process is consequently seen as an interest group struggle for that commodity value. PTI has recently been applied to a number of aspects of higher education governance, including Masten's (1996; 1995) work on the structure of faculty organizations and the setting of tuition, Youn's (1997) research on the politics of curricular reform, and the confirmation dynamics of postsecondary governing boards (Pusser, 2000).

There are also a number of limitations on the PTI perspective. Foremost, positive theories of institutions rely on pluralist assumptions about the governance of public institutions (March and Olsen, 1995; Carnoy and Levin, 1985; Hobbes, 1968; Locke, 1955; Dahl, 1956). The pluralist, "common good" assumption suggests that the political system allows for representative expression of the general will. A number of authors have pointed to weaknesses in pluralist approaches, including the acceptance of pluralism as a socially efficient allocative mechanism, the presumption that individual choices aggregate for the highest social benefit, and the reliance on meritocracy and expertise as a basis for disproportionate allocations of decision-making power (Rhoades, 1992; Carnoy and Levin, 1985).

Another shortcoming of research in the PTI paradigm is that to date it has done little to address deeper questions of power and conflict. While models turn attention to the role of political parties in state and national policy-making, they stop short of such significant issues as the control of interest groups, and the role of the state as mediator of demands by organized interests.

### *Ideology in Higher Education Research*

A considerable body of research has emerged in the past two decades that deals with issues of ideology in higher education. Much of this literature has looked at epistemological and theoretical issues with regard to the ideological nature of the social construction of reality, knowledge and culture (Tierney and Rhoades, 1993; Tierney, 1991; Hardy, 1990; Chaffee and Tierney, 1988; Gumpert, 1988; Tierney, 1988). Many critical and postmodernist approaches use this perspective in theoretical developments (Tierney and Rhoades, 1993; Lincoln, 1991), but only a few articles and books apply this theoretical frame to practical research. A powerful exception is the work of Sheila Slaughter, who has focused attention on ideology in higher education policy, discourse, and finance (Slaughter, 1993; Slaughter, 1990; Slaughter and Silva, 1985).

### **Theories of the State and Governance**

One of the most important limitations in existing research on governance is that most studies do not account for the role of higher education in the broader state (Rhoades, 1993; Carnoy and Levin, 1985). Historically, research on higher education has adopted an implicit view of the state as either a source of funding or as an intrusive force interfering with the development of professional and scientific expertise (Slaughter, 1988). Underlying this implicit view of the state is a powerful belief in the apolitical nature of education (Wirt and Kirst, 1972). Based on an extensive review of literature on higher education, Rhoades (1993) demonstrated that the implicit view of the state and the belief in the apolitical nature of post-secondary education has been promoted in research by university scholars on academic work and academic institutions. Much of that research has assumed that higher education institutions are politically neutral and autonomous organizations with legitimacy based in professional expertise and rational organization (Rhoades, 1993). The state is seen as an external adversary, inefficient and intrusive. Rhoades also suggests that these assumptions are rooted in a structuralist and pluralist view of the state that permeates the work of higher education scholars.

Similarly, Wolin (1991) argues that the political nature of governance is obscured by the implicit presentation of the government as an apolitical site of decision-making. Taken together this literature suggests that an understanding of the historical role of higher education institutions in the state is essential to understanding contemporary higher education governance and policy-making.

### **The State and Public Higher Education**

A class view of the state, in its original formulation, suggested that the state was an instrument for perpetuating and reproducing the dominance of the economic elites (Mann, 1993). Subsequently a variety of perspectives emerged from that formulation, including Gramsci's (1971) vision of hegemony as key to understanding class conflict and contest. Gramsci addressed bourgeois hegemony over civil society, a hegemony rooted, according to Gramsci, not only in the use of the state as a coercive instrument, but in bourgeois hegemony within the state itself. Gramsci's work brought attention to the role of the state and its institutions, including education, as sites of contest, and led to further variations on state theory, including the structuralist view put forth by Althusser (1971) and for a time, Poulantzas (1974). Althusser suggested there are essential economic, political and ideological structures in society, including the state, in which the ideology of capitalist production is reproduced.

Bowles and Gintis (1976) presented a reproductivist view of the function of the education system. They argued that, "the educational system, basically, neither adds to nor subtracts from the degree of inequality and repression originating in the economic sphere. Rather, it reproduces and legitimates a preexisting pattern in the process of training and stratifying the work force," (1976, page 265).

Resistance theorists (Apple, 1982; Aronowitz, 1981; Giroux, 1981; Willis,

1981) challenged the strict reproductivist view by restoring a strong degree of agency to the process of reproduction. Resistance theorists suggest that schools are contested sites characterized by structural and ideological contradictions and student resistance, where subordinate cultures both reproduce and resist the dominant society (Aronowitz and Giroux, 1993; Freire, 1970).

Other class theorists have also suggested that state institutions, with their own inherent contradictions, rather than being entirely reproductive, were also sites of contest (Habermas, 1975; O'Connor, 1973; Offe, 1972). The conceptualization of the state from this "contested" perspective embodies a tension between the inequalities inherent in capitalist economic production, and the demands of subordinate groups seeking redress of those inequalities (Poulantzas, 1974). The hegemonic view offered a useful framework for thinking about the relationship between education and the state, as it located the education system as a site of conflict within the state, and as it conceptualized the state as a fluid institution conditioned by, and enacted through, struggle. A number of researchers have extended this proposition to suggest that the education system is not a *de facto* site of the reproduction of inequality, but more accurately a site of contest, with the potential for equalization and democratization as well (Labaree, 1997; Slaughter, 1988; Carnoy and Levin, 1985).

Carnoy and Levin argue that contests over the provision of education can be seen as one part of a broader societal conflict rooted in the inequalities of income, access, opportunity and power inherent in the nature of economic production. They describe the tension as a contest between demands for efficient public resource allocation in support of economic production and demands for social and economic programs designed to maximize opportunity and reduce inequality (1985). Labaree (1997), following Bowles and Gintis (1990), conceptualizes the conflict pointed to by Carnoy and Levin as an essentially political dynamic. Labaree characterizes the tension as one between democratic politics (public rights) and economic markets (private rights) and suggests that these inherently contradictory goals have been expressed as three essential and competing educational goals: democratic equality, social efficiency and social mobility. He suggests that, "In an important way, all three of these goals are political, in that all are efforts to establish the purposes and functions of an essential social institution," (1997, pg. 42).

Offe (1974) extended the "contested state" perspective to include the proposition that the state becomes a contestant in its own right as it seeks to resolve the tension between its capital accumulation dynamic and its social welfare function. Skocpol (1985; 1992) carried this a definitive step further declaring that "the state is a structure with a logic and interests of its own" (Mann, 1993, pg. 52).

The issue of how autonomous the state can be from the demands of economic production and powerful elites in the civil and political society has been widely debated (Domhoff, 1990; Jessop, 1990; Weir, Orloff, and Skocpol, 1988). Building on Weber's insights on political institutions, and the work of Weir, Orloff,

Skocpol, and other state institutionalists, Mann (1993) proposed that state autonomy is expressed through state political institutions, which in turn constrain future struggles. As Mann described it:

States are essentially sites in which dynamic social relations become authoritatively institutionalized, they readily lend themselves to a kind of "political lag" theory. States institutionalize present social conflicts, but institutionalized historical conflicts then exert considerable power over new conflicts. (1993, pg. 54)

From this perspective "political struggles and policy outcomes are promised to be jointly conditioned by the institutional arrangements of the state and by class and other social relationships, but never once and for all," (Weir, Orloff, and Skocpol, 1988, pg. 17). That is, it is the existing social and political formations that shape policy, the fit between political institutions and group capacities are transformative and lead to further contest. Mann concludes that, "Degrees of success in achieving political goals—including the enactment of social legislation—depend on the relative opportunities that existing political institutions offer to the group or movement in question, and simultaneously deny to its opponents and competitors" (1993, pg. 54).

In a pioneering work on academic freedom and the state, Slaughter (1988) traced the growth of higher education as both outcome and catalyst for the larger growth of the American state in the post WW II era. She found that the rapid growth in the broad distribution of access to the benefits of higher education in the post-war period was also part of the growth of the distribution of state benefits in the same era. She noted a particular tension emerging from the growth of higher education within the state, that growth created opportunities for both economic production and a wide variety of reform movements that were supported by professional expertise developed in higher education institutions, such as the EPA, OSHA, and the Clean Water Act. At the same time, "State funding for higher education was used to meet the demands of production for a more highly technical work force and very often continued to reproduce values and norms consistent with unequal relations of production," (1988, page 245).

Following Carnoy and Levin's conceptualization of these tensions in education institutions, Slaughter concluded that, "it may be necessary to conceive of the state and higher education as engaged in multiple and sometimes conflicting functions simultaneously. For example, the state and higher education are both the subject and object of struggle. They are arenas of conflict in which various groups try to win ideological hegemony, yet at the same time they are resources for members of contending groups intent on political mobilization in external arenas," (Slaughter, 1988, pg. 245). Slaughter's conceptualization makes an important contribution to the study of conflict over higher education as a state resource, and to the question of whose interests are served by emerging policy in higher education.

### Dimensions of the Political Struggle for Power

The development of a political framework for the study of higher education governance also shifts attention to elite formations and the struggle for power, where power is understood as the potential to determine outcomes on three dimensions (Lukes, 1974; Hardy, 1990). The first dimension is that of the actors, structure, and process of decision-making (Dahl, 1966; Weber, Mills, and Gerth, 1946). The second addresses the control of the political agenda (Bachrach and Baratz, 1970). The third dimension is the process of shaping and incorporating perceptions, cognitions, and preferences (Lukes, 1974) into a dominant ideology<sup>5</sup> (Gramsci, 1971).

Elite studies were originally developed by classical theorists Gaetano Mosca (1939), Vilfredo Pareto (1935), and Robert Michels. Classical elite theorists recognized unequal distribution of power as inevitable. The minority that possessed the largest share of power was defined as the governing or political elite (Pareto, 1935). For Pareto and Mosca, the character, abilities, and expertise of political leaders determined the power structure of society (Parry, 1969).

For traditional class theorists on the other hand, political leaders were representatives of the dominant economic class. The class-structure of society determined the political system. James Burnham and C. Wright Mills synthesized earlier work and suggested that elite power emanated both from control of economic production (Burnham, 1942), and as a consequence of the occupation of positions in key institutions in society (Mills, 1956).

### Two Case Studies of Governing Boards

As a site for the study of the politics of governance we have turned attention to the composition and appointment process of public governing boards. Following C. Wright Mills (1956) and Domhoff (1990) on elite formations; Bowles and Gintis (1986), Barrow (1990) and March and Olsen (1995) on democratic representation in education; and Carnoy and Levin (1985) and Slaughter (1988) on the use of state theory in the study of education; we suggest that the composition of governing boards and the alliances and allegiances of their memberships are a key and understudied element of governance and policy-making.

In an effort to broaden understanding of the role of governing boards in transformation processes associated with higher education, we have selected two distinct cases: the Universidad Nacional Autónoma de México (UNAM), and the University of California (UC). We find these appropriate sites for comparative study, as the University of California and the UNAM operate mindful of powerful missions and historical legacies of commitment to broad access, tuition-free public higher education (Ordorika, 1999; Douglass, 1992). Both

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<sup>5</sup>Gramsci distinguishes between rule and domination. A group rules or leads when it is able to exercise power in a hegemonic way. To do this the group has to establish previously an "intellectual and moral leadership" (one of the principal conditions of winning such power). Even if the group holds power firmly, it must continue to lead as well (Gramsci, 1971).

universities have overcome a number of institutional crises since their respective foundings, and each has grown to become a large, highly regarded and influential university in its own national system. Throughout the twentieth century, in their respective national settings, each of these institutions has been the site of powerful challenges to institutional policy and governance that have far-reaching implications for higher education (Ordorika, 1996; Douglass, 1995; Martínez and Ordorika, 1993; Muñoz García, 1989; Guevara, 1985; Stadtman, 1970; Gardner, 1967).

Each of these institutions has been subject to a broad array of contemporary calls for change, including increasing demands for productivity and efficiency, privatization, reorganization of faculty and staff labor, and increased contributions to local and national economic development. Both UNAM and UC have been engaged in bitter contemporary contests over access and diversity policies, and have been challenged by external political and economic interest groups seeking to enlist the university in wider political campaigns. Since their respective foundings the governing boards of UNAM and UC have enjoyed considerable constitutional autonomy and have evinced similar commitments to professional expertise and institutional autonomy in the conduct of the university.

Alongside these similarities exist significant conditions and formations unique to each university and its context. While the boards at the two institutions share an overall common purpose, they differ to considerable degree in terms of their origin, size, appointment procedures, responsibilities, and scope of decision-making authority.

### *Data Collection*

This research addresses the question of how governing boards have been founded and maintained in two distinct universities in different national settings. For each of the universities in this study data collection techniques have been employed that were most appropriate for the specific context, and in light of the available sources of historical data.

For the case of UNAM data were drawn from three distinct sources. The first data source was transcriptions of the debates and legal proceedings that gave birth to the governing board at the Universidad Nacional Autónoma de México in 1944-45, with a focus on the arguments for the creation of the board (Junta de Gobierno), the legislative mandate, and the appointment procedures. These were supplemented by the minutes of the University Council since 1945. The second data source consisted of historical records and biographies for the 111 members of the board since its founding in 1945. Finally, twenty-five semi-structured interviews were conducted with key actors at the UNAM. Interviewees included student and faculty leaders, former rectors, deans, administrators, and former and current members of the board.

The data collection for the analysis of the governing board of the University,



the Regents of the University of California (Board of Regents) consisted of three strands of complementary research. First, data were collected on the constitutional origin of the Regents beginning with the creation of the university in 1868. Each significant legislative or constitutional change in the terms, conditions or appointment procedures for the Regents for the period 1868-1998 was documented for the case study. Second, historical records and biographies were reviewed for over 250 Regents who have served on the board since the founding.<sup>6</sup> State legislative hearing transcripts were also evaluated for insight into the appointment process and for the role of state political actors in the appointment and confirmation of Regents. Those transcripts were supplemented by historical reports on the confirmation process contained in the California Oral History Project located in the University of California Bancroft Library Archives. Third, data were gathered to reflect the contemporary role of Regents, and their appointment and confirmation to the board. These data were collected through twenty-five semi-structured interviews with present and former Regents, representatives of university faculty and staff organizations, members of the staff of the Governor of California, the State Senate majority leader, members of the legislature, and representatives of interest groups who testified at confirmation hearings for a number of contemporary Regents.

### **The UC Governance and Policy-making Structure: History and Context**

#### *The University*

The University of California was chartered as a public land grant university in 1868. It is administered under the authority of a constitutionally empowered board, the Regents of the University of California. The University encompasses nine campuses: Berkeley, Davis, Irvine, Los Angeles, Riverside, San Diego, San Francisco, Santa Barbara, and Santa Cruz. Eight campuses provide undergraduate, graduate, and professional education; a ninth, San Francisco, focuses on the health sciences. A tenth campus is currently under development. The university operates five medical schools and numerous medical training programs, three law schools, and national laboratories under contract with the Department of Energy. The total operating budget for the University of California in FY 98 was over eleven billion dollars.

In the academic year 1997, the university awarded over 29,000 bachelor's degrees, and over 12,000 graduate and professional degrees. Total system enrollment for Fall 1997 was just under 170,000 students, about three quarters of whom were undergraduates. Over 90 percent of the students are drawn from California, one of the most ethnically and demographically diverse populations in the United States. Since 1939, UC faculty have been awarded 40 Nobel Prizes. UC offers academic study programs in more than 150 disciplines, with UC academic programs rated among the top 10 nationally more often than those of any other

<sup>6</sup>This total includes both appointed and ex-officio Reg

university. UC also produces nearly 10 percent of the nation's Ph.D.s and produces more research leading to patented inventions than any other public or private research organization.<sup>7</sup>

### *Context*

The contemporary context for governance at the University of California has been shaped by three key factors: (1) the constitutional autonomy from legislative intervention granted the Regents by the Organic Act and the California constitution of 1879 and its revisions; (2) the constitutional provision calling for Regents to be appointed by the governor, subject, after 1972, to state senate confirmation; and (3) the passage in 1960 of the California Master Plan for Higher Education, which codified UC's position as the elite provider of public higher education in California.

### *The First California Constitution and the Organic Act*

The origin and composition of the University of California's governing board, the Regents of the University of California, can be traced to the California constitutional convention of 1849, held in Monterey. At that convention article IX of the constitution was adopted, providing that funds received from the sale of federal land grants upon California's adoption to statehood would be used for the funding of schools and the establishment of a common university. Those funds were provided in 1862 by the Morrill Act. In 1868 the California legislature passed the Organic Act authorizing the creation of a single state public university, the University of California.

The Organic Act also delineated the structure of the first UC Board of Regents, a structure that would remain remarkably unchanged for the next 130 years. The Organic Act created a board with eight members appointed by the governor, serving sixteen-year terms with staggering of appointments. The appointed Regents were joined on the board by six ex-officio members, the governor, the lieutenant governor, speaker of the assembly, superintendent of public instruction, and the presidents of the State Agriculture Society and the Mechanics Institute. The appointed and ex-officio Regents were jointly responsible for appointing eight additional Regents, making the total on the board 24.

Under the Organic Act the power to choose a president was vested in the board, and even before appointing the first president the Regents selected a core faculty. From that point the Act prescribed that:

The immediate government and discipline of the several colleges shall be entrusted to their respective Faculties...for approval by the Regents. Further, all the faculties and instructors of the University shall be combined into a body which shall be known as the Academic Senate, which shall have stated meetings at regular intervals, and be pre-

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<sup>7</sup>Source: Profile of the University, University of California Office of the President, 19989 Oakland, CA.

sided over by the President...and which is created for the purpose of conducting the general administration of the University. (Organic Act, California Statutes of 1867-68.

### *The Second California Constitution*

In 1869 the university welcomed its first class, numbering 38 students, and by the time of the second California constitutional convention, held in Sacramento in 1879, the university was under political siege. A coalition of Grange members, Henry Georgists, and the Mechanics delegates were promising to disband the Regents and place the university under the control of a legislative board (Douglass, 1992). Their fundamental complaint was that the university had never complied with the Morrill Act stipulation that its primary purpose should be training in agriculture and the mechanical arts. Instead, the bulk of the university's programs were dedicated to liberal arts and the classics. They also felt that the land grant university had become the captive of California's elite, that it was created out of collusion between bankers, railroad owners, and business interests for their own benefit, at the expense of farmers and other workers (Douglass, 1992; Ferrier, 1930).

A primary target of their ire was university president Daniel Coit Gilman, whom they suspected of guiding the university to promote elite educational ideals at the expense of practical training. They also complained about the appointed members of the Board of Regents, noting that its membership consisted of "merchants, lawyers, physicians and divines, devoid of one practical and experienced educator," (Schulte, in Douglass, 1992, pg. 51). The Grange introduced a bill into the California senate in 1874 to reorganize the Regents so that the board would consist of seven ex-officio Regents and eight elected Regents, one from each of the state's eight congressional districts. Although the legislature resisted efforts to revise the university governance structure, Gilman, an early believer in academic freedom, resigned to take the job as first president of Johns Hopkins. In his resignation letter he wrote, "However well we may build up the University of California, its foundations are unstable, because it is dependent on legislative control and popular clamor," (Gilman, in Douglass, 1992, p. 60).

At the constitutional convention a number of bills were introduced to cause the university to focus on agricultural training and other practical pursuits, and to provide for direct election of all Regents. Six days before the convention adjourned an amendment was proposed that memorialized the status of the Regents and the university as a public trust under the Organic Act. It included language insuring that no person would be excluded from the university on account of their sex, and incorporated language that provided the university remarkable insulation, subject only to "such legislative control as may be necessary to insure compliance with the terms of its endowment and the proper investment of and security of its funds."<sup>8</sup> The amendment passed, and thus the university's autonomous status was established in the California constitution.

<sup>8</sup>California Constitution Article IX, section IX

As a consequence of the codification of the university's autonomous status at the 1879 convention, subsequent changes in the structure of university governance have required constitutional amendments. Over the years there have been four significant amendments. In 1918 two additional ex-officio Regents were added. In 1970 the legislature passed, and the electorate ratified, a constitutional amendment requiring that Regents' meetings be open to the public.<sup>9</sup> In 1972 the constitution was amended by a statewide ballot initiative, Measure 5, which required that the governor's nominations to the Board of Regents be ratified by a majority vote of the state senate rules committee for consideration by the full senate (Scully, 1987).

In 1974 a number of significant changes were introduced. Regents' terms were reduced from 16 years to 12. In a nod to the change in the state's political economy the ex-officio seats provided to the president of the State Board of Agriculture and the president of the Mechanics Institute of San Francisco were deleted, and an ex-officio seat for a representative of the university's alumni association was added. More significantly, the number of appointed board seats was increased from 16 to 18, and the governor was required to consult with an advisory board prior to making nominations to the Board of Regents. The advisory board consists of the legislative leadership and 6 members of the public appointed to four-year terms by that leadership, and representatives of students, alumni, and faculty. The current board consists of 26 members, 18 appointed, 7 ex-officio, and one student Regent appointed by the board.

The 1974 amendment also added language stating that the appointed Regents be "broadly reflective of the economic, cultural, and social diversity of the state, including ethnic minorities and women."<sup>10</sup> In 1976 the constitutional language of 1879 insuring that women would not be excluded from the university was amended to read, "no person shall be debarred admission to any department of the university on account of race, religion, ethnic heritage or sex."<sup>11</sup>

### *The Board as a Representative Body*

Despite the constitutional commitment that the university itself should be open to members of all economic classes and to women, it is not clear that the university's governing body, the Board of Regents has been constructed over time with an equally egalitarian approach. For this study we have collected data from the University of California Bancroft Archives, records from the State of California Senate Rules Committee, as well as other published research, to document the historical composition of the Regents of the University of California.

### *The Historical Composition of the UC Regents*

As part of the data collection for this research we recorded the profession of

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<sup>9</sup>Regents meetings are divided into open and closed sessions. Closed session items include labor negotiations, personnel matters, and matters of national security.

<sup>10</sup>California Constitution, Article IX Revision, 1974.

<sup>11</sup>California Constitution, Article IX, sec f.

Regents appointed over the period 1868-1997.<sup>12</sup> This tally encompassed 157 appointed Regents. The range of occupations has been sufficiently narrow that all 157 appointees could be sorted into 15 categories.<sup>13</sup> Of these, the largest by far was *attorney*, with 51 appointed Regents in that category. The next most frequent category was *banker*, with 22 appointed Regents, followed by *business executive*<sup>14</sup> with 16, and then the principals of mining and utility companies, with 14 appointments. The categories with the smallest memberships were *union leader* with three appointments, and *military officer, public administrator, and farmer*, with two appointments each.

### University of California Appointed Regents: 1870 – 1998

<i>Profession or occupation</i>	<i>number</i>	<i>percent</i>
Attorney	51	32%
Banker	20	13%
Business executive	16	10%
Power and mining investor	14	9%
Civic leader and philanthropist	13	8%
Real estate investor	10	6%
Medical doctor	8	5%
Publisher	5	3%
Professor	4	3%
Transportation investor	4	3%
Union leader	3	2%
Minister	3	2%
Farmer	2	1%
Military	2	1%
Public administration	2	1%
<b>Total</b>	157	100%

Source: California State Senate Rules Committee Archives

As revealing as these categories are they do not begin to demonstrate the elite nature of appointments to the University of California Regents, a board that throughout its history has resembled a "Who's Who" of California's economic

<sup>12</sup>This tabulation includes Regents appointed by the governor, and Regents appointed by the board itself, but not ex-officio Regents, who gained their seats as a result of being elected to various state offices, or student Regents.

<sup>13</sup>Given the changing nature of occupational descriptors over time, we have tried to standardize these categories with contemporary captions. Although this does introduce a degree of subjectivity into the sorting of individuals, we believe this tally presents an accurate, if not perfect, depiction of the occupational status of Regents over time.

<sup>14</sup>Given the detailed descriptions in the archival data, this category reflects the equivalent of CEO in contemporary terms.

and political elite. The names of appointed Regents are on buildings and businesses and monuments throughout the state. The bankers have included A.P. Giannini, director of the Bank of America, William H. Crocker, president of Crocker Bank and Pacific Telephone, as well as I.W. Hellman, a principal of Wells Fargo Bank. The transportation investors included Leland Stanford and William Roth, director of the Matson Navigation Company; among the civic leaders were Phoebe Hearst, mother of William Randolph Hearst, and Dorothy Chandler, a director of the Times-Mirror Corporation. The business executives included Edward Carter, president of the Broadway-Hale Stores Inc., and Norton Simon, industrialist and renowned art collector, while the military men included Admiral Chester Nimitz. While not all appointed Regents have represented that level of wealth and power, it would be difficult to describe them as broadly reflective of the economic, cultural, and social diversity of the state. Only 14 of these appointed Regents were women.

In addition to the wealth and status of the board, it also has a remarkably "closely held" character. That is, of the 157 appointed Regents, many have close family, business, and personal connections to earlier Regents, as in the case of the Hearst family, which has had a number of family members and associates on the board (Schwartz, 1991). A small number of businesses, such as particular law firms, banks, and utility companies have also served as disproportionate sources of Regents over the years.

### *The Contemporary Board*

Appointments to the contemporary Board of Regents are governed by significantly different advisories and constraints than earlier in its history, primarily as a result of the 1974 ballot initiative that required Senate confirmation of gubernatorial appointments to the board. However, these shifts have done little to shift the socioeconomic or gender imbalances on the board. Of the 18 appointees on the board in 1998, only 4 were women.

Overwhelmingly white in its first 100 years, the board has become significantly more ethnically and racially diverse in the past 25 years. The contemporary board is also quite wealthy. The median wealth<sup>15</sup> of the 18 appointed Regents on the board in 1991 was estimated at nearly three quarters of a million dollars, as compared with a median family wealth in the United States at that time of about \$46,000 (Schwartz, 1991). The individual wealth of many of the Regents in that study may actually have been significantly higher than estimated, as the public reporting requirement for some categories of Regents' personal investments did not require detail beyond "over \$100,000 dollars." The estimates also did not include such assets as savings accounts, holdings of diversified mutual funds, government bonds, or personal residences (Schwartz, 1991). Appointed Regents have often used some portion of their wealth to make contri-

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In that study "wealth" was defined as "total household assets."

butions to the governors who appointed them, and to the governor's political party and causes. A number of appointed Regents have been leaders of their political parties at the state and national level (Pusser, forthcoming; Schrag, 1998).

### *The Appointment and Confirmation Dynamic*

Perhaps the single most predictable trait of a member of the UC Board of Regents has been that an appointee is a member of the governor's political party, and most likely an individual with close political and financial connections to the governor.

One Regent interviewed for the research described the nomination process this way:

Towards the end of October the governor called me. He said, "I'm calling to ask a favor." I said, "absolutely sir, if I can do it I'll be happy to." He said, "well I'd like for you to sit on the Board of Regents." I said, "the Board of Regents?" I said, "are you sure that's what you want me to do, governor?" He said, "Oh, I think it would be good for you and it would be good for the board. You would be a breath of fresh air, a different perspective." He said, "just say yes and I'll have (an aide) tell you all about it." So I said, "all right, if you think I can do it and that's what you want me to do." I had no idea who the members of the board were. I had no idea what their responsibilities were. Later I found out there had been many people who wanted to be appointed, who had submitted applications. So, having known the governor and I know governors have always done this, those applications don't mean a whole lot to the governor, because people get appointed because of their relationship with the governor.<sup>16</sup>

In some cases the Regents have had ties to interests that even a governor cannot resist. University of California Professor Emeritus Charles Schwartz offered this reflection on the reappointment of former Regent Edward Carter, in an interview for this research:

Edward Carter was the epitome of your big business man, a political player on a state-wide level who sat on the boards of directors of major corporations across the country. AT&T, Lockheed, things of that sort. This is a big player. I remember with chagrin when Jerry Brown was governor, he reappointed Edward Carter to the board. Edward Carter hated Jerry Brown and frustrated everything he could do. So why did Jerry Brown reappoint him? He couldn't afford not to.<sup>17</sup>

In 1998 all but one of the 18 appointed Regents on the board were members of the Republican Party. This contemporary polarization is attributable in part to the historically partisan control of the governorship in California. For the past 16 years the governorship has been held by Republicans, and only three Democrats have been elected governor in this century. The California State Senate on the other hand has been controlled by Democrats for virtually the entire period since the Senate was granted the right to confirm gubernatorial nominees to the board.

<sup>16</sup>Confidential interview, March 27, 1998

<sup>17</sup>Interview with Schwartz, July 24, 1998

There is a considerable body of research on the political dynamics of appointments to governing boards, judicial positions, and regulatory agencies (Hammond and Hill, 1993; McCubbins, Noll, and Weingast, 1987; Poole and Rosenthal, 1987). This research puts forward two primary models that describe political responses to appointments, the deference model and the agenda control model (Hammond and Hill, 1993). The deference model prevails in cases where confirming bodies have the ex-post power to constrain the efforts of board members, or shape board composition. Under those conditions the confirming bodies will general defer to the wishes of the appointing agent. This is usually the case for nominees to positions with short terms or where board members have little policy discretion or salience. The agenda control model prevails in those cases where nominees will have long terms, considerable independence, or significant policy authority (nominations to the United States Supreme Court are perhaps the prime example), and the confirming bodies are unlikely to defer to the appointing agent.

Contemporary UC Regents are nominated for 12-year terms by the governor<sup>18</sup> and those nominations are voted on by the State Senate after the nominees have served a year on the board. Once confirmed, UC Regents possess considerable constitutional autonomy from the California legislature. Regents govern over one of the largest cohorts of public employees in the state, control enormously valuable public assets, and receive over two billion dollars annually in state funding. Given the economic and political salience of the university it would appear that the agenda control model should prevail over the confirmation dynamic for the Board of Regents. However, in the 25-year period after the State Senate was empowered to reject gubernatorial nominations to the board (1972-1997) the Senate rejected only two of the more than 40 nominations put forward (Pusser, 2000).

Nor is it clear that nominees possessed such commendable expertise in higher education that even a partisan Senate majority would yield in the spirit of responsible governance. In most of the confirmation hearings reviewed for this research there was little discussion. Many nominees were asked the same opening question: "What are your qualifications for this position?" Most cited business experience, or membership in service organizations or civic groups. Few had ever served on any sort of education governing board, only one on a postsecondary board. Some seemed not only to have little experience with higher education, they didn't seem to think it would matter to the committee. The response of one Regent nominee, Leo Kolligian, was representative of the general approach of nominees:

MR. KOLLIGIAN: Well, I'm a Boalt Hall Law School graduate of the University of California, and I've been practicing in Fresno for, oh, something over 40 years. I feel

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<sup>18</sup>The governor is required by statute to consult with an advisory board before submitting a nomination to the Board of Regents.



I'm qualified because I've been involved in so many different business experiences and have had the opportunity to get into land development and go into different—different fields of law as well as law itself. I feel that I'm from the Valley. I am Armenian, but—and, I should say, and I do feel that there's a need for a representative on the board from that area for geographical reasons.

SENATOR PETRIS: Anything else? Anything about education?

MR. KOLLIGIAN: No.<sup>19</sup>

The nominee was unanimously confirmed by the Senate Rules Committee.

### The Case of UNAM

In an attempt to shed light on the nature of university governance at the UNAM and to identify elites and dominant groups within the university, we conducted a set of interviews with key university actors.<sup>20</sup> During these interviews we followed a reputational method for identification of elites. When asked to identify the most powerful and relevant individuals in university life, most of the respondents specifically mentioned that the majority members of the governing board should be included in such a list.<sup>21</sup> In addition to this, we drew data on the governing board at UNAM from a database on university rectors, deans, members of the board and other officials (Ordorika, 1999). This database provides information on the academic and political trajectories of these key actors at UNAM.

### The Governing Board at UNAM

#### *The University*

The Universidad Nacional Autónoma de México (UNAM) is the largest and most important educational institution in Mexico. In 1998 the UNAM had over 270,000 students (approximately 17,000 graduate, 145,000 undergraduate, 3,500 vocational, and 104,000 baccalaureate); 30,000 teachers and researchers and more than 31,000 administrative and manual workers (UNAM, 1998). It had 13 faculties, 4 schools, 5 multidisciplinary units, 24 research institutes, 13 research centers, and 14 baccalaureate level schools (5 colleges of sciences and humanities and 9 preparatory schools). The UNAM has 8 percent of the national enrollment at the undergraduate level and 14 percent at graduate level. According to Conacyt's last census on scientific production from 1984, this institution alone

<sup>19</sup>California Senate Rules Committee Hearing Transcript, June 1, 1986, page 4.

<sup>20</sup>These interviews included the current rector Francisco Barnés and former rector Guillermo Soberón; former members of the governing board Enrique González Casanova, Jesús Aguirre Cárdenas, and Luis Villoro; former university officials Jorge Madrazo and Javier Jiménez Espriú; former University Council faculty members Luis de la Peña and Manuel Peimbert; Eleazer Morales, and Jorge del Valle, founders and leaders of SPAUNAM (the faculty union); Evaristo Perez Arreola staff union (STUNAM) leader; former student leaders Gilberto Guevara, Salvador Martínez, and Carlos Imaz; and student leader Inti Muñoz. These interviews were conducted by Imanol Ordorika between June 1997 and February 1998.

<sup>21</sup>Ibid.

produced approximately 32 percent of the research in the nation (considering basic research in all areas) with 40 percent in biology, 62.5 percent in chemistry, 45 percent in mathematics, 75 percent in earth sciences, 77 percent in astronomy, 33 percent in communications, electronics and aeronautics, 43 percent in political science, 24 percent in economy, 28 percent in history, 61 percent in philosophy, 57 percent in information technology, and 33 percent in sociology (Martínez Della Rocca and Ordorika Sacristán, 1993).

### *Historical Antecedents*

The antecedents of the UNAM can be traced to the foundation of the Real y Pontificia Universidad de México in 1533 by the Spanish colonizers. The university was reestablished in its modern form as Universidad Nacional de México in 1910. Since then the National University has undergone significant changes in its governance structure and legal status.

The law that created the National University in 1910 established the Minister of Instruction as the chief of the university, with a rector and a university council in charge of the institution. The power to shape the university was divided, with the rector appointed by the president, and the government empowered to add new schools. Academic program reforms had to be submitted by the council to the Ministry of Instruction for final approval. The same Ministry supervised major financial operations with the endowment.<sup>22</sup>

In 1929 the university was granted limited autonomy from the government after a student strike. The essential elements of that legislation were: a) the university council would appoint the rector from a group of three candidates proposed by the president; b) the president had the right to veto resolutions and policies set by the university; c) the rector had to provide an annual report to the Federal Congress and the Ministry of Education; d) the university depended on a federal subsidy and did not have the right to its own patrimony; and e) the president was entitled to oversee the university budget. The Organic Law of 1929 put an end to the student movement but the students' demands for participation were not fully satisfied.<sup>23</sup> A new rector was designated in accordance with the new regulations. The university now became the Universidad Nacional Autónoma de México (UNAM).

The 1929 Organic Law was only in force for four years. In 1933 the National university was profoundly divided by a national debate over socialist education. The federal government addressed the crisis with new legislation that granted full autonomy to the university. Congress unanimously approved a new law that deprived the university of its designation as a national institution due to its lack of commitment to the state's popular education projects. The new law<sup>24</sup> established

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<sup>22</sup>Ley Constitutiva de la Universidad Nacional de México (Universidad Nacional Autónoma de México, 1985, pp. 35-43).

<sup>23</sup>The Student Strike Directory objected to many of the articles in the new law. The students demanded more institutional autonomy and participation rights (in Pinto Mazal, 1974, p. 151-161).

that: a) the University Council would be the highest authority in the university, and would appoint the rector and directors of schools, faculties, and research institutes; b) the University Council would define the composition and rules of the *Academias de Estudiantes y Profesores* (Student and Faculty Boards); and c), the law established the right of the university to its own endowment and to a unique donation after which the federal government would provide no additional subsidy.

From 1933 to 1944, the university functioned under this Organic Law and three different statutes approved by the University Council in 1934, 1936, and 1938. Essentially the three statutes established that faculty and students would be equally represented in the *Academias* and University Council. The rector, deans, and directors were to be elected through direct vote in the University Council and their appointments could be revoked at any time.

### *The Creation of the Governing Board*

In 1944, another student strike created a new crisis in the university. The institution was polarized into two factions organized around the University Council and the University Directory. Both groups appointed competing interim rectors. President Avila Camacho intervened and called for the formation of a provisional board constituted by former rectors of the university who would in turn elect a new rector. The provisional board appointed Alfonso Caso as rector. The board also established provisional bases for the operation of the university, the reorganization of the University Council and the creation of an independent treasury. The new University Council was mandated to discuss and adopt a new university statute before December 31, 1945. In the reorganized University Council students and faculty no longer had parity. The rector was to appoint a secretary general and new directors for all the schools, faculties, and institutes.<sup>25</sup>

Following the directives set by the provisional board, Rector Caso appointed a secretary general and 25 directors. The Rector and his appointees constituted almost half of the University Council. There were 15 faculty and 15 students elected, each group constituting only one fourth of the governing body. In October 1944 the University Council was installed. It became a constitutive legislative body. Caso went beyond his mandate from the former rectors to reform the university statute and prepared to legislate a proposal for a new Organic Law that could eventually be approved by Congress. Caso formed an ad-hoc committee to present a draft of the new Organic Law to the constitutive University Council. He argued in that draft that the problems of the university were caused by a permanent clash between political and technical forms of organization:

<sup>24</sup>In the *Ley Orgánica de la Universidad Autónoma de México*. 19 de octubre de 1933 (México, Congreso and Diputados, 1933).

<sup>25</sup>From the "Bases aprobadas por la junta de ex-rectores de la Universidad Nacional Autónoma de México para el Gobierno Provisional de la Institución" (*Universidad Nacional Autónoma de México. Comisión Técnica de Estudios y Proyectos Legislativos*, 1977, tomo 1, pp. 359-361)

As political authorities university leaders have always had a dual role: on the one hand they require the popular support of groups, and on the other hand they must possess the character of technical authorities that need to solve teaching and research problems from a purely objective point of view. The struggle between these political and technical roles has prevented the university from realizing its objectives, and indisputably has been decreasing the quality of teachers, their teaching, their programs, and consequently, the preparation of students. (Caso in González Oropeza, 1980, p. 64)

Caso argued that the university was a pluralist institution, a shared community with a common culture. According to Caso, there were no antagonisms between faculty and students, and ideological differences should not create adversaries within the university. In his view the community could govern the institution based on technical, rather than political, criteria (González Oropeza, 1980). The key element for Caso's "depoliticization" of the university would be the creation of a neutral governing body in charge of the appointment of deans and rectors, and which would serve as a higher authority in university disputes. Along these lines Caso presented a proposal to change the Organic Law. The most salient features of the proposal were:

1. The university authorities would constitute a newly created Junta de Gobierno (governing board), the University Council, the Rector, the Patronato (Trustees), the directors of faculties, schools and institutes; and the Consejos Técnicos (Technical Councils) which replaced the Academias of schools and faculties.
2. The composition of these Consejos and the University Council was in accord with the provisional bases set by the former rectors. Parity between faculty and students in these bodies was terminated. The authority of these collegial bodies was reduced vis à vis the directors and the rector (Jiménez Rueda, 1955, p. 238).
3. The Patronato would be an independent body in charge of the administration of the university endowment.
4. The Junta de Gobierno would be responsible for the appointment of directors (selected from sets of three proposed by the rector), and the designation of the rector. The Junta would also intervene in the case of a conflict between authorities and appoint the members of the Patronato (trustees).

Student representatives to the Council opposed the proposal because of the reduction in the weight of student representation. Students also argued against the creation of a governing board that would reduce the Council to a secondary role and end faculty and student participation in the appointment of university authorities.<sup>26</sup> Finally, most of the student representatives abandoned the Constituent University Council in protest over the proposal.<sup>27</sup>

#### *The Role of the Governing Board*

Early perceptions of the role of the proposed governing board differed somewhat. Some supporters viewed the new governing body as "the power organism of the

<sup>26</sup>Acta de la Sesión del Consejo Universitario Constituyente, November 29th, 1944 (in González Oropeza, 1980, p. 106)

<sup>27</sup>Acta de la Sesión del Consejo Universitario Constituyente, December 15th, 1944 (p. 209).

functions of the Institution."<sup>28</sup> Others thought of the new body as "out of the way of every conflict, of every struggle, of every interest, be it academic, political or confessional."<sup>29</sup> While most of the members of the Council agreed that the board should not be a representative body,<sup>30</sup> there was general agreement with the idea that the board should have a diversity of ideological and disciplinary perspectives.<sup>31</sup> The Constitutive Council discussed extensively various electoral arrangements that would guarantee this diversity.

According to the new Organic Law and the corresponding university statute (approved by the Constitutive Council in March of 1945) the board was to be composed of 15 members designated by the Constitutive Council. After five years, the University Council could substitute one member each year<sup>32</sup> as well as fill vacancies caused by death or a mandatory age limit. The board itself would fill the vacancies created by resignations.

Congress approved the proposal of the Constitutive Council and the new Organic Law was enacted on January 6, 1945. The new governing structure of the university was complete. The University Council, composed of appointed directors (50%), as well as elected student and faculty representatives (25% each), would appoint long-term members to the governing board. The board would appoint the rector who, in turn, would be the president of the University Council. The rector would play a major role in the appointment of directors by proposing a set of three candidates to the governing board. The governing board would then designate directors from the rector's proposal, and those directors would constitute the majority of the University Council.

There was general agreement around the idea that the new governing structure, and particularly the board, would "solve serious conflicts within the university...[it would]...put an end to politics"<sup>33</sup> within the Institution, and it would guarantee the "technical" nature of university governance. The governing board would preserve institutional autonomy by preventing the government and political interests from intervening and exercising any influence in the appointment of the university rector and the directors of schools, faculties and institutes.<sup>34</sup>

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<sup>28</sup>Martínez Baez, faculty representative of the School of Law, during the December 8th, 1944 session of the Constitutive University Council (in González Oropeza, 1980, p. 151).

<sup>29</sup>Mario Sousa, faculty representative of the School of Economics, during the December 8th, 1944 session of the Constitutive University Council (in González Oropeza, 1980, p. 146).

<sup>30</sup>Mario Sousa and Martínez Baez during the December 8th, 1944 session of the Constitutive University Council (in González Oropeza, 1980, pp. 147 and 151 respectively).

<sup>31</sup>Calderón Caso, faculty representative from the School of Dentistry and Antonio Caso, rector, during the December 8th, 1944 session of the Constitutive University Council (in González Oropeza, 1980, pp. 156 and 157 respectively).

<sup>32</sup>The order of these substitutions would be established by draw. After all the original members had been substituted, the University Council would replace the most senior member of the board each year.

<sup>33</sup>González Guzmán, director of the School of Medicine, during the December 14th, 1944 session of the Constitutive University Council (in González Oropeza, 1980, p. 190).

<sup>34</sup>Alfonso Caso, rector, during the December 14th, 1944 session of the Constitutive University Council (in González Oropeza, 1980, p. 193).

*Historical Composition of the Board (1945-1997)*

The Constitutive Council elected the first governing board of the UNAM on January 29, 1945. Each member of the Council was able to vote for eight of the fifteen members in an attempt to give some representation to minorities, though over time the board has not achieved significant diversity in terms of disciplines, university groups, ideology, or gender. This lack of diversity can be analyzed along disciplinary, political, and gender lines.

*Professions and Disciplines*

From January 1945 to January 1998, the governing board at UNAM has had 111 members. In a study of the composition of the board since 1945 we aggregated several disciplines and professional groups into broad disciplinary areas and computed the number of members and days served to assess the relative weight of each group on the governing board. Our study shows that three groups have dominated the board. These groups have been medicine with 19 percent, law with 19 percent, and engineering/chemical engineering with 15 percent. The rest of the membership has been divided between the humanities with 10 percent, the exact sciences with 9 percent, architecture with 6 percent, business administration with 5 percent, the social sciences with 4 percent, and economics with 4 percent.<sup>35</sup> The professional groups within the board have carried a much larger weight than the academic disciplines. The following table shows the composition according to disciplinary areas for three distinct periods.

**Governing board members by academic discipline 1945-1997**  
(years on the governing board)

<i>Discipline/Years</i>	<i>1945-1946</i>		<i>1966-1973</i>		<i>1973-1997</i>	
	<i>Y</i>	<i>YOGB %</i>	<i>Y</i>	<i>YOGB %</i>	<i>Y</i>	<i>YOGB %</i>
Unknown	5	1.52%	6	4.00%	6	1.90%
Social Sciences	0	0.00%	7	4.67%	30	9.52%
Business Administration	15	4.55%	10	6.67%	21	6.67%
Architecture	21	6.36%	13	8.67%	14	4.44%
Medical and Biological Sciences	73	22.12%	26	17.33%	75	23.81%
Law	115	34.85%	14	9.33%	25	7.94%
Economics	22	6.67%	10	6.67%	1	0.32%
Exact Sciences	13	3.94%	20	13.33%	45	14.29%
Humanities	25	7.58%	10	6.67%	50	15.87%
Engineering and Chemistry	41	12.42%	34	22.67%	48	15.24%
Total member years on the board	330		150		315	
YOGB=years on the governing board						
Source: University Biographies (NAM)						

<sup>35</sup>The data for each of the disciplines is: Medicine (19.19%), Law (19.16%), and Engineering (8.39%), Chemical Engineering (6.60%), Physics (6.37%), History (6.14%), Architecture (6.03%), Business Administration (5.76%), Economics (4.27%), Philosophy (3.51%), Sociology (2.63%), Bio-medicine (2.41%), Mathematics (2.18%), Psychology (1.43%), Veterinary (1.08%), Astronomy (1.06%), Literature (0.83%), and Communication Sciences (0.68%).

From 1945 to 1997, 29 members of the board (27%)<sup>36</sup> had previously been high-level government officials. Nine members (8.5%) occupied a government post (from director general to minister) at the same time that they were part of the Junta. At least seven members of the board (6.5%) occupied a position in the federal government after leaving this body. Eight board members held the post of government ministers, two of which did so while serving their term in the Junta.

Professional groups have traditionally been linked to the federal government. All of the economists and over 75 percent of the lawyers have occupied government postings at the levels of secretary, undersecretary, director general, judge, or supreme-court justice. Thirty-two percent of the members from the medical profession have held postings in the secretary of health (secretaries and undersecretaries). They have exercised enormous influence on the leadership of major public hospitals, particularly the Instituto Nacional de Cardiología (Cardiology Institute) and the Instituto Nacional de Nutrición (Nutrition Institute). Two members of the board (Chávez and Zubirán) founded these institutions.

It has also been argued that ICA (Associated Civil Engineers) one of the largest private corporations in Mexico, has exercised a significant influence on the board through the representatives on the board from the engineering profession. We only found information about membership in ICA for two governing board members (out of 10 engineers).<sup>37</sup> Seven ICA members have also been public officials (i.e., secretary or undersecretaries in the ministries of public works, communications and transportation, or energy).

#### *Chávez, Baz, and Zubirán: The Doctores Dominate UNAM*

The representation of the professional groups has been fairly concentrated, particularly within the medical sector. Doctors Gustavo Baz, Ignacio Chávez, and Salvador Zubirán were all at some point directors of the School of Medicine, Rectors of UNAM, and among the most powerful members of the board. They have constituted a closely-knit group in university and government politics since the early 1930's. Baz and Zubirán were personal physicians to Mexican presidents. Seven other members of the board had been direct subordinates of Chávez in Cardiología, the medical society, or the school of medicine. Several others had been disciples and friends. This group was also closely related to a number of lawyers and representatives of other professional groups and disciplines by friendship, family, and political bonds.<sup>38</sup>

<sup>36</sup>These calculations are based on 107 individuals that occupied 111 positions in the governing board given the fact that four of these individuals were re-appointed to this body.

<sup>37</sup>This may be due to the lack of sufficient information on the engineering group.

<sup>38</sup>Four of Chavez's high school friends later became members of the governing board. These were Antonio and Manuel Martínez Baez, Salvador Gutiérrez Herrejón, and Gabino Fraga (Romo Medrano, 1997, p. 47). Chávez, Zubirán, and Baz became friends while they were students in the School of Medicine, a fourth friend from that period, González Ayala, would also be director of that school and member of the governing board (pp. 61, 62). There were some family ties with Trinidad García (Chavez's daughter and Garcías' son were married) (p. 135). Chavez's own son, Ignacio Chávez Rivera, was part of the governing board from 1985 to 1997.

*From the Administration to the Board*

Six former university officials appointed by Rector Chávez between 1961 and 1966 came to be part of the governing board, as did eight directors of schools and institutes who were designated to the board during the time when Chavez was at the head of the UNAM. One more Chavez protegee, Dr. Guillermo Soberón, later became a rector at UNAM.

In keeping with the "revolving door" character of leadership at UNAM, eight former rectors also became part of the governing board. Four of them had been part of the group of former rectors that gave birth to the new Organic Law. Another was former Rector Caso himself. One former member of the board, Dr. Ignacio Chavez, resigned from the board in 1959 to become rector in 1961.<sup>39</sup>

Eight former directors of schools and institutes appointed by Caso in 1944, and eight faculty representatives who were also part of the Constitutive Council in that year, eventually became part of the governing board. None of the former student representatives or other dissenting voices, such as that of Dr. Lucio Mendieta y Nuñez (director of the Social Research Institute), ever became part of this body.<sup>40</sup>

*Political Affiliation: Right, or Right of Center*

Most members of the governing board at UNAM never publicly state any political affiliation. According to the information compiled in the university biographies, 11 members of the Junta are identified as members of the PRI through explicit party membership, participation in that party's advisory board (IEPES), or having served in the national Congress or Senate as PRI representatives. A few others have not been officially recorded as members of the PRI although they have participated in this party's internal political processes. This is the case for board member García Ramirez and Rector Soberón himself, who competed for the PRI presidential nomination in 1987.

At least 45 members of the board have been appointed government officials under PRI administrations, reflecting a clear political and ideological orientation of the Junta de Gobierno. Given the authoritarian characteristics of the Mexican political regime, it is safe to assume that upper-level government officials accept and generally concur with the dictates of the nation's president, who in turn is the leader of the official party. Participation in high levels of public office implied, at least until 1982, ideological conformity with the president and the government party.

Alternative political perspectives have had a much more limited presence on the governing council. Four members of the board were founders of the right-

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<sup>39</sup>The Organic Law establishes that two years must have passed after abandoning the board, in order for any former member of this body to be appointed rector or director.

<sup>40</sup>This will be evident through a comparison of the composition of the Constitutive University Congress (González Oropeza, 1980, pp. 99-103) and the list of board members compiled by Imanol Ordorika (1999).



wing party Acción Nacional.<sup>41</sup> It is possible that there have been more adherents to that political position (a moderate Catholic conservatism) that have participated on the board, but there is no available information to confirm this.<sup>42</sup>

Progressive political trends at the university have rarely been represented on the governing board. Some argue that only two members (Villoro and López Cámara),<sup>43</sup> appointed by Rector González Casanova after the 1968 student movement, could be considered as representatives of the university left. At least four well-known and highly regarded scholars nominated by the left were rejected by the University Council.<sup>44</sup>

Current Rector Barnés agrees that the Junta is a conservative body and explains that the absence of progressives in this body is due to the fact that:

Proposals made by the Rector carry a larger weight than those that emerge [from other actors] for many reasons. The Rector's proposal is usually more conservative than any of the other proposals, I absolutely agree. There is inertia in this process that although it provides the system with great stability, it also implies a slightly slower transformation in this collegial body's vision...<sup>45</sup>

Board member Villoro's recollection of the composition of the Junta de Gobierno between 1972 and 1984 was quite different.<sup>46</sup> That period encompassed two distinct political epochs: the González Casanova and the Soberón administrations. According to Villoro's description, during that time the board had three types of members. The first group was "the scientists." The members of the "scientists" were:

generally from the area of natural and exact sciences. They had a scientific orientation and a liberal stance, in the American sense. Usually they had very limited background and paid little attention to political and social issues. On most occasions, they felt that there was nothing political about their decisions. They represented between 40% and 50% of the board.

<sup>41</sup>These data are based on political biographies collected by Roderic Ai Camp (1995).

<sup>42</sup>Del Valle describes that in most university administrations and in the governing board there is always a strong presence by moderate catholic groups (Interview with Del Valle, 1997).

<sup>43</sup>López Cámara however, became a member of the Confederación Nacional de Organizaciones Populares, a corporatist branch of the PRI.

<sup>44</sup>In 1975, Rolando Cordera, faculty representative of the school of economics proposed Dr. Elí de Gortari's candidacy for the governing board. The University Council voted for the official candidate, Lic. Roberto Alatorre Padilla (Alarcón, 1979). In 1981, Dr. Manuel Peimbert, faculty representative of the school of sciences, proposed Dr. Juan Manuel Lozano. Marcos Mazzari, was presented by the directors of the school and the institute of engineering (Alarcón, 1985). The latter was elected. In 1986, a collective of student and faculty representatives put forward the candidacy of Carlos Tello. The Rector's candidate, Graciela Rodríguez, was elected (Acta de la Sesión del Consejo, 30 de julio de 1986). In 1993, Dr. Sergio Fernández was supported by thousands of student and faculty signatures. The Rector's candidate, Dr. Sergio García Ramírez, was elected by the smallest margin and at a high cost in legitimacy for him and the university administration (Acta de la Sesión del Consejo Universitario, 15 de diciembre de 1993).

<sup>45</sup>(Interview with Barnés, 1998).

<sup>46</sup>The following quotations are part of the author's interview with Luis Villoro (Interview with 1998).

Villoro called the second group *los obedientes al poder* (those obedient to power). These are the ones that,

received political directives from various sources; internal, external, or the federal government. They had to be very careful in the way they filtered these directives. Among this group, those that really have political contacts are relatively few, usually just two or three. The rest of the obedient group follows along.

Villoro stated that during his time on the board, there was a very marginal group on the left. According to his own description, only he and López Cámara could be considered part of the left.

### *Disciplinary Composition*

An analysis of the disciplinary affiliations of members of the board during the period under study shows a more varied picture. Engineering and chemistry share 21.6% of this body. Medicine, veterinary, and biomedical sciences represent 16.2%. The physical and mathematical sciences reached 16.2%. The humanities held 13.5% and law 10.8% of the Junta. Finally, the business school had 8.1% and architecture 5.4% of this body. Only nine individuals can be clearly identified as natural and exact scientists. Villoro might have considered some engineers, chemists, and physicians as part of the scientists' group.

### *An All-Boys Club*

Women represented between 15 to 20% of total enrollment of the UNAM from 1945 to 1960.<sup>47</sup> It increased to almost 35% in 1976<sup>48</sup> and to about 50% in 1979. In spite of this, in 53 years, the governing board has only included four women (two representatives of the humanities, one of the social sciences and one of the exact sciences). The first woman to become part of the board was appointed in 1976.

### *Demands for Reform*

Throughout its history the governing board has been a site of conflict. When Alfonso Caso resigned from the rectorship in 1945, the governing board appointed Fernandez MacGregor. He resigned a year later. Zubirán was made rector by the board in 1947, and resigned in 1948, a casualty of student protests against tuition increases. Students demanded the termination of the governing board, and after a "community consultation" that lasted fifty days, the board required President Aleman's help in order to appoint Luis Garrido as new rector of the UNAM. Further student protests against the governing board took place in 1961 and 1965 when Ignacio Chávez was appointed and re-appointed rector. Chávez was ousted from the university by a new student movement in the School of Law in 1966. At the same time students from other faculties, grouped around

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<sup>47</sup>From UNAM, Cuadros Estadísticos 1929-1979.

<sup>48</sup>Ibid.

the University Student Council, demanded the democratization of the governing structure and again requested the abolition of the governing board.

During the 1968 student movement the governing board closed ranks with faculty and students against the government by refusing to accept Rector Barros Sierra's resignation. From 1973 forward, almost every appointment of a rector has been challenged. There have also been many conflicts over the designation of directors in faculties and schools. In every local and university-wide student movement, the demand for the eradication of the governing board has played an important role.

### **Governing Boards in Crisis**

The past decade has witnessed fundamental governance crises at each of the universities in this study. The contest over affirmative action policy at the University of California in 1994-95 and the struggle at UNAM over tuition and autonomy in 1999 which had not been resolved at the time of this writing, produced levels of conflict and dissension that had not been seen in over a quarter of a century. In each case the governing boards of the respective institutions were at the center of the crisis, and a brief analysis of the actions of the boards in these episodes offers a window into the utility of political theory for understanding contemporary higher education governance, and the nature of the respective governing boards under study.

#### *The UC Contest Over Affirmative Action*

In July of 1995, in the culmination of twelve months of rising organizational and political economic conflict, the University of California (UC) Board of Regents voted 14-10 to end race and gender considerations in university admissions, and 15-10 to do so for employment and contracting. The Regents' votes marked an historic reversal of nearly thirty years of UC affirmative action efforts, and UC became the first public university in America to eliminate the use of race and gender in admissions and employment (Pusser, forthcoming; Schrag, 1998).

The fall of affirmative action at UC challenges a number of prevailing understandings of the nature of higher education governance. A broad array of institutional factions had urged the Regents to preserve UC's existing policies on affirmative action. Supporters included the president of the system, the university provost, all nine chancellors, representatives of the nine campus Academic Senates, representatives of all nine UC student associations, representatives of the system's major staff organizations, representatives of the university alumni association, and the faculty representatives to the Board of Regents. There was also considerable support for UC's affirmative action policies beyond the campus borders. The Clinton administration lent considerable support, as did the California State Senate and Assembly Democratic caucuses and a number of elected state officials. They were joined by a significant cohort of state and national organizations and interest groups.

Powerful political actors were also arrayed in pursuit of an end to affirmative action at UC, including California Governor Pete Wilson, the State Assembly and Senate Republican caucuses, several candidates seeking the Republican presidential nomination in 1996, and a number of conservative legal foundations and interest groups. Despite nearly a year of public deliberation, a barrage of state and national attention directed at the Regents' deliberations, and the active involvement of the university's administrative leadership in the contest, the outcome came as a profound shock to a number of institutional leaders at UC and across the country (Schrag, 1998).

The UC contest over affirmative action points at once to the concentration of power in the governing board itself, and the strong influence of external political processes on the policy-making process. It also points to some essential limitations of a number of the models put forward for understanding the governance process. While the "community of scholars" described in collegial models, and the "professional bureaucracy" at UC both rallied in support of affirmative action, neither institutional norms nor bureaucratic expertise were sufficient to preserve UC affirmative action. Throughout the contest the university president and others invoked (to little avail) such powerful symbols as institutional autonomy and faculty governance, institutional arrangements that had prevailed in the university for nearly 100 years (Karabel, 1996).

The affirmative action crisis also demonstrated the limits of interest articulation as a governance mechanism. The university administration's efforts to build consensus and achieve compromise were continually thwarted by the presidential ambitions of a powerful state governor and his allies on the Board of Regents (Schrag, 1998). UC Regent William Bagley's remarks in an interview conducted for this study summed up the feeling of a number of Regents on the power of the governor:

Had the Governor not been involved, we would have never passed the resolution (banning affirmative action). The Governor got involved because he was running for president. The Governor used my university as a forum to run for president.<sup>49</sup>

This research suggests that while collegial, bureaucratic, symbolic and interest-articulation models are useful in the study of governance, once a critical level of contest is reached, by themselves they are not sufficient to explain governing board dynamics.

The UC affirmative action crisis points to the utility of attention to the positive theory of institutions and state theoretical perspectives for understanding public higher education governance. The long term process of "stacking" the board with close allies of the governor, the use of the UC contest as part of broader state and national contests for political gain, and the intervention of various political and economic interest groups in the contest were all apparent in this case.

Based on the analysis of documents and interview data from this case there was a clear perception by a number of students, labor organizers, administrators,

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<sup>49</sup> Interview with Regent William T. Bagley, June 1, 1998, San Francisco, California.

Regents and members of the legislature that the affirmative action crisis could also be seen as a contest over the allocation of scarce public resources. From this perspective UC was conceptualized as a site where historical inequities could be redressed through the allocation of access to positions in an elite public institution for traditionally underrepresented groups. Governance was seen as the central mechanism for those allocative decisions, and the issue of power in governance, and on the governing board was located at the center of the conflict. Then Chair of one of UC's largest labor organizations, Cheryl Hagen raised the issue this way in an address to the Regents on the day of their vote to eliminate affirmative action:

The reasons for racism and sexism are rooted in issues of economics, political power, social order and psychological factors. The question has never been whether or not minorities and women should be accepted and treated as equals, it has been a question of whether or not power is to be shared, and on what basis. The issue of power seeps through and permeates all thought when it comes to any movement within our society. There is nothing inherently wrong in the good-old-boy methodology. It works. It is only problematic because for faculty positions and senior staff positions within the University of California, women and minorities have not had the same access.<sup>50</sup>

The contest over affirmative action at UC also suggests that there are limits to the utility of pluralist perspectives on organization and governance. A number of actors interviewed for this research noted the importance of resistance by actors with limited voting power in the policy contest. Resistance efforts by students in favor of affirmative action were seen as particularly effective. Student led protests against the composition of the Regents and their voting patterns, organized student activism, and the students' invitation to the Reverend Jesse Jackson to address the board were seen as key strategic responses in the contest.

### *Governance Crisis at UNAM*

In 1986-87 the student movement led by the *Consejo Estudiantil Universitario* (University Student Council) demanded that the Junta be abolished. Students and faculty demanded that a University Congress be organized in order to reform UNAM's governance structures. This Congress took place in 1990.<sup>51</sup> At that time

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<sup>50</sup> Hagen, remarks to the Regents of the University of California, July 20, 1995.

<sup>51</sup> The 1990 University Congress is the only recent participatory experience for university reform. It was composed by 840 delegates. The democratic sectors gathered nearly 80% of the student representatives and 60% of the faculty delegates. This faculty group was very important because it included a vast majority of full time professors and researchers as opposed to the conservative faculty group which was comprised essentially of part-time professors. The Congress was characterized by an intense confrontation between important sectors of faculty and students against the Mexican government and the university authorities. The end result was a stalemate on the most important issues, such as finance and governance of higher education. Implementation of the most important agreements that the Congress produced has been blocked by the bureaucracy and after more than two years these have not been put in practice.

students pushed for the approval of a new Organic Law, but the administration blocked student and faculty efforts to institute reform. According to a number of observers interviewed for this research, the lack of legitimacy of UNAM's governing structures was the source of new student-administration confrontations in 1992, 1995, and 1997. This ongoing conflict has led to the longest strike in the history of UNAM, lasting six months at the time of the writing of this article. Among other issues, students have again demanded the replacement of the Junta with a more democratic and participatory governance organization for the National University.

The governing board, as the ultimate residence of power, has contributed to each of these confrontations, most notably through their selection of rectors. A succession of rectors who have attempted to increase tuition, reduce student enrollments, and establish efficiency driven financial policies designed to reduce costs and substitute private funds provided by students for federal subsidies, have polarized various institutional and social factions. In the student conflict of 1987, during the University Congress of 1990, and in the current conflict (1999) the Junta has reacted strongly against student and faculty democratization projects. It is difficult to explain the partisan role of the Junta in terms of bureaucratic rationality or collegial relations within the institution. After a six month strike the Junta has rejected innumerable demands from actors within and outside of UNAM for the removal of the rector. This situation can be better understood by looking at the political connections between university governing elites and the state apparatus. The Mexican government has pushed the university administration to increase tuition and subsequently used the student strike in an attempt to discredit and attack the left-wing presidential candidate Cuauhtemoc Cárdenas. Mexican President Zedillo and the governing board of UNAM have sustained the rector at the head of UNAM despite institutional and social protest. More recently, the rector and the Junta have asked the president to use security forces to put an end to the strike at UNAM. While the final outcome of this movement remains to be seen, it is increasingly clear that both the institutional policy contests that are at the heart of the crisis, and the broader partisan conflict that has emerged from the policy contests can be better understood as a part of broader political crisis in the Mexican state.

### **Findings and Implications**

The analysis of these cases suggests that despite quite distinct national contexts, the governing boards of the UNAM and the University of California evidence many elements in common. The study of their compositions shows that historically there have been few women or members of ethnic or racial minority groups on the boards, and little diversity in terms of economic class, ideological perspective, or professional affiliation. Despite constitutional revisions that have mandated broad societal representation and diversity on the boards, appointments continue to be allotted primarily to wealthy, politically connected men.

In the case of the UNAM, the members of the governing board constitute a significant portion of a university elite. This elite has alliances beyond the borders of the university and maintains tight linkages with political groups within the state apparatus. These linkages and interests may not initially seem to instrumentally challenge the autonomy of the UNAM. However, the findings of this research indicate that the appointment of university authorities, and therefore the creation of administrative and academic policies, are almost exclusively shaped by a homogeneous and relatively limited set of actors connected to dominant groups within the state.

In the case of the University of California, the historical record indicates that the economic, legal, and social elite of the state has shaped the Board of Regents since its founding. The evidence from the affirmative action crisis at UC suggests that powerful economic and political interests also have considerable influence over the contemporary university governance process. These findings suggest that processes such as board confirmation dynamics, which have previously garnered little attention in higher education research, may have major implications for prevailing understandings of governance.

While traditional frameworks for the study of higher education governance offer many useful propositions, they have turned little attention to the actual political dynamics of higher education governing boards and governance processes. The current ascendancy of an essentially apolitical body of theories of organization in higher education is also unlikely to bridge the gap. The data analysis of the two cases presented here suggests that with elements of positive theories of institutions, state theoretical propositions, and theories of power and elite formation, we can construct a political theoretical framework for research on higher education governance and policy-making. This political theoretical framework has the potential to enhance our understanding of governance and policy-making in higher education through:

1. Establishing the importance of political theory for research on higher education institutions as sites of political contest and as instruments in broader political contests, and for evaluating policy contests and governance crises in higher education for evidence of conflict over ideology and resource allocation;
2. Facilitating the evaluation of decision-making structures and processes in higher education as products of historical contests over ideology and resource allocation in education and the broader state;
3. Utilizing state theory in conceptualizing the dynamics of educational change as a process conditioned in part by competing demands for economic production on one hand and struggles for the redress of historical inequality on the other, and;
4. Establishing the linkages between internal and external political contests in shaping institutional processes and forms.

We hope that these findings from research on the governing boards at the University of California and the Universidad Autonoma Nacional de Mexico will inspire similar studies in different sectors of the higher education system, and in

institutions around the world. We believe that applying a political theoretical framework to the unique political dynamics in various national contexts will enhance our understanding of higher education institutions as political institutions.

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