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Texas Retreats on Higher-Ed Transparency

Posted by **Thomas K. Lindsay**

A recent bombshell article by *National Review's* Kevin D. Williamson may elevate the impeachment proceedings against University of Texas Regent Wallace Hall to a national issue.

"There is something rotten in the state of Texas," argues Williamson in his essay, "**Lone Star Lunacy**". "A regent [Wallace Hall] exposes wrongdoing at the University of Texas and in the legislature, and the regent gets impeached, possibly prosecuted." Williamson traces the history of the Hall saga over the past year, during which Hall's open-records requests of the University of Texas at Austin have brought him in the crosshairs of a special Texas House committee investigating whether he should be impeached and/or jailed.

After the 2009 University of Illinois "**Clout Scandal**" and the 2011 child abuse scandal at Penn State University, the average reader may wonder why a board member would be jailed or impeached for exercising his duties as a fiduciary. After all, when those two prior debacles broke open, they understandably gave rise to cries of "Where were the members of the board of trustees when all this was happening?"

Williamson identifies a few possible motivations on the part of Hall's accusers. Most important, he thinks, is their desire to prevent further disclosure of instances when legislators used their influence to secure admission to UT's law school for previously rejected applicants.

It's too soon to know where this Texas showdown will go. On May 12, the special committee investigating Hall will meet to decide whether to recommend articles of impeachment. If so, and if the full House votes to impeach, Hall will face a trial in the state Senate. Also unknown at this time is whether Hall will face criminal charges by the Public Integrity Unit of the Travis County district attorney's office.

But it is not too soon to know the chilling effect all this will have on the growing government transparency movement in Texas. I have **written** elsewhere that, "Regardless of Hall's ultimate fate, any present or future regent in Texas has already gotten the message: Demand transparency and you will (1) be vilified statewide in the major media; (2) be made the subject of a special committee investigation; and (3) spend hundreds of thousands of dollars of your own money defending your efforts on behalf of Texas taxpayers."

Ironically, Texas's other efforts toward greater higher-education transparency and accountability have been, up to now, **a model** for the nation. And by discouraging trustees from taking their jobs seriously, Hall's accusers are undoubtedly impeding future higher-ed reform efforts. Only boards of trustees have both the legal right and duty to improve outcomes for college students, a task that requires nothing less than a fundamental change in institutional strategy. As Benno Schmidt, former president of Yale and current chairman of the CUNY board, states it, "Change in institutional strategy can only come from trustees."

But in the current "Texas Model" of dealing with trustees prevails, when the next university scandal inevitably surfaces, we know what the answer will be to the cries of "Where were the members of the board of trustees when all this was happening?"

They were under their desks, hiding from legislative subpoenas.



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