

**Keynote Address to the  
Oklahoma State University Faculty Council  
April 22, 2013  
Andy Lester**

Thank you, President Hargis, for that kind introduction. You know, I was appointed over 5½ years ago to the Board of Regents to fill the unexpired term of someone who had recently resigned to pursue other career opportunities. And, while you hate to lose talented people from a Board like ours, in this case, I'm glad we did. Not because it opened up a slot for me. Rather, because I believe the person whose term I completed, Burns Hargis, has transformed Oklahoma State University. From the Billion Dollar Campaign to the record enrollments and the installation of a Phi Beta Kappa chapter, President Hargis has led Oklahoma State University to new heights. Thank you, President Hargis, for your inspirational leadership.

As someone who majored in history and is a lifelong

student of history, I am mindful of the fact that 124 years and a couple of hours ago, the first Oklahoma Land Run started. From the beginning, the land grant mission has been vital to Oklahoma. I am proud of the fact that Oklahoma State University embraces the land grant mission. Those of us who love Oklahoma know that the future of our state is inextricably intertwined with what happens at Oklahoma State University.

As I suspect is true of many of you, I am not a graduate of Oklahoma State University. In fact, I may be the first member of our Board of Regents who did not attend any of the five institutions we govern. But that doesn't keep me from loving them. I have seen what OSU does, from afar and up close. And, without diminishing the accomplishments of others, it's the work of you and your colleagues that makes OSU an excellent institution that is growing better by the day.

These are not mere words of flattery. They are heartfelt

thoughts. When I say I have seen firsthand what OSU does, I am referring not to what I know as a regent, but rather what I have learned as a father.

Oklahoma State has been transformational for my daughter, Susan Lester, who graduates in a couple of weeks with an Honors degree in English literature (and, I'm proud to add, will soon be one of the first OSU students admitted to membership in the Gamma Oklahoma chapter of Phi Beta Kappa).

It's not that she has gained certain knowledge here, though that has certainly happened. Rather, it's the entire experience OSU has provided. She has had several professors – some of whom are present today – who have taken a personal interest in her success, who have taught her, prodded her, encouraged her and mentored her. Of course, she did her part. She worked hard. She attended classes, engaged in discussions and debates, listened to the ideas of others, thought and rethought through

various problems and ideas. In short, her experience at OSU has helped her become a creative, critical thinker.

That doesn't happen in cookie cutter style. It happens because excellent students receive an excellent education from excellent professors at an excellent institution that has sufficient resources to fulfill its mission.

It's hard for me to imagine anything we do as a society that is more important than higher education. I come from an academic family. I grew up in the Duke University community, within a mile of the campus. My dad was an academic, and my sister is a professor of mass communications at the University of Georgia.

Perhaps that family background helps explain my great interest in the academic mission of our institutions of higher education. I have served on the board of one small, private, liberal arts college – Eureka College, in central Illinois – and

have been a member of the board of trustees of the foundation of the University of Central Oklahoma. And, for the past 25 years, I have been an adjunct professor of law at Oklahoma City University.

Given that family and personal background, it would be hard not to believe in the notion of shared governance. I know how hard members of the faculty work to fulfill OSU's mission. Whether one considers the teaching, the research, the writing, the mentoring, the committee work, or any of the numerous other things professors do, it is obvious that any contemporary institution of higher education is built on work of the professoriate.

I also know from my own tenure as a professor of law that many have little idea about their own institution's governing board. Having served on both sides of that divide, I wanted to talk briefly about OSU's governing board, the Board of Regents

for the Oklahoma Agricultural and Mechanical Colleges, and some of the issues confronting those of us involved in higher education.

First – and I am asked this question a lot – how does one become a Regent? What does it take to be a regent? My short answer – it helps to know a Governor.

Our Board of Regents is a constitutional board, composed of nine members. Eight are appointed by the Governor, with the advice and consent of the Oklahoma State Senate, to staggered eight-year terms. The Governor also appoints the President of the State Board of Agriculture, and that person serves *ex officio* on the Board. But, unlike the other regents, the term of the Ag Board president is coterminous with that of the Governor.

Now, you might think that with a setup like this – appointments are made by politicians – the board would consist primarily of political hacks and cronies. Certainly that is

possible. But in practice, that has not been the case, at least not here in Oklahoma. For example, when in 2010 Governor Brad Henry, a Democrat, completed his eight years in office, and thus had appointed every member to the board, half were Republicans. And Governor Mary Fallin has now made four appointments, two Republicans and two Democrats.

The people of Oklahoma have entrusted our Board with full, plenary power to govern OSU. We are “the owners” of the institution. Of course, we then cede the vast majority of our authority to the administrators and professors of OSU. Nevertheless, the Board of Regents retains title, as it were, to Oklahoma State University, and with it the ultimate authority to set policy for Oklahoma State University.

Many think that regents are a bunch of fat cat boosters who simply enjoy good seats at football teams. Well, I can tell you that, at least as concerns our Board, nothing could be further

from the truth.

The members of our Board all work hard as regents. It does not have to be this way, and, in fact, is not so on some other boards of regents. No rule mandates hard work or, for that matter, even mere attendance at Board meeting. But, perhaps building on our agricultural heritage, the ethos of our Board is that each member works hard. I would estimate that, on average, each member puts in *at least* 15-20 hours per week on Board of Regents matters, and some put in even greater amounts of time.

This, of course, is all done on a volunteer basis. The members of the Board of Regents are highly successful people from a variety of fields of endeavor, and all volunteer their time – and a lot of time at that – for the betterment of our institutions.

As I suspect you know, our Board governs not just the Stillwater campus, but all OSU facilities and campuses, including OSU-OKC, OSU-Tulsa, the Center for Health



Sciences, and OSU Institute of Technology in Okmulgee. We are also the governing board for Langston University (including its two urban campuses), Oklahoma Panhandle State University, Northeastern Oklahoma A&M College and Connors State College. Members of our board are called upon to serve in other capacities, as well, including on the boards of OSU-Tulsa, Langston-Tulsa and Oklahoma City, and elsewhere. When one of our institutions needs a president – and, for the first time during my tenure I’m happy to say, this year we have not had to do so – several regents will serve on the search committee (of course, the full Board becomes involved in making the final selection). Sometimes regents serve on an institutional search committee. And occasionally other needs crop up, such as our recent task force which reviewed our policies and procedures, to make sure a “Penn State” type of incident does not happen here. I’ll come back to that in a moment.

Our board has eight regular meetings each year and usually has at least one or two special meetings, as well. We review construction and other contracts, issue bonds, set tuition and fees, approve course changes, vote on pay raises, and approve long range institutional plans. Our annual budget is approximately \$1.3 billion. Our schools have well over 40,000 students, most of whom – some 36,000 – are OSU students.

We are a state agency. Our meetings are open to the public. We do not meet secretly and do not decide anything behind closed doors. I invite you to attend our meetings. Our next one is this Friday, at the OPSU campus in Goodwell.

As regents, we have to strike a balance. We are tasked by the citizens of Oklahoma to operate our institutions on their behalf. This is a particularly important function insofar as Oklahoma State University is concerned because, as a land grant institution, OSU truly is the people's university. OSU's mission

statement reflects this: “Oklahoma State University,” it says, “is a multi-campus public land grant educational system that improves the lives of people in Oklahoma, the nation, and the world through integrated, high-quality teaching, research, and outreach[.]”

OSU’s vision statement says much the same thing: “[The] Oklahoma State University System will advance the quality of life in Oklahoma by fulfilling the instructional, research, and outreach obligations of a first-class, land grant educational system.”

As these statements make clear, the Board of Regents owes a duty to the public. To be sure, we also have a duty to the institution. We have to make sure that our policies, practices and procedures are sound, academically, fiscally and in numerous other ways. Sometimes balancing these jobs is difficult.

But this is what distinguishes a public board of regents

from a private board of trustees. By necessity, indeed by design, a public board is a political entity. That is, we are the people to whom the citizens turn when an issue concerning OSU or one of our other institutions arises.

Now, some people think the word “political” is a pejorative. I disagree. I have been involved in public policy for over 35 years, at all levels, from representing a tiny town to working for a President of the United States. And, if I’ve learned anything, it’s that, in our democracy, politics is about getting along with people. The political process involves working together with others to build a consensus about issues of public policy.

I mention politics because the Board of Regents is one of the primary places where the mission of higher education and the politics of our governing system intersect. On the one hand, regents have a fiduciary duty to the institution. We work to

make Oklahoma State University a better place, using the resources we have in what we hope is the best possible manner. Specifically, our job is to create an environment for our students to learn, and to enable our professors to teach, to research and to do the many other things you do. Yet, we also owe a duty to the citizens of Oklahoma to make our institutions accessible, affordable and accountable.

Most of the time, these two jobs of a public trustee are consistent with each other. For example, creating conditions which encourage a major donation to entice or retain great faculty members obviously fulfills the interests of both the institution in particular and society in general.

Sometimes, however, the two roles come into conflict. An obvious example concerns tuition and fees. Faculty and administrators generally want significant increases; politicians, and the citizens they represent, generally do not.

With the dual roles in mind, I'd like to turn briefly to the recently concluded work of the Policies and Procedures Review Task Force. Last July, as the new Board Chair, in light of the then-recently released "Freeh Report" regarding the highly publicized scandal at Penn State University, I called for a thorough review of our policies, to make sure that those tragic and unspeakable events could not happen here. In announcing the Task Force, I stated its purpose was "to strengthen our policies and to communicate clearly with all members of our college and university communities and the citizens of Oklahoma." I called for "a detailed and systematic review of our policies and procedures, with the expressed aim of ensuring they are comprehensive, responsive and decisive."

The Freeh Report was harshly critical of the Penn State Board's failure to exercise oversight, failure to have regular reporting procedures or committee structures to ensure

disclosure of significant risks, failure to make reasonable inquiry of University officials, failure to create an atmosphere of accountability, and failure to understand or to implement the Clery Act. The institution was cited for its failure to foster an atmosphere of non-retaliation against whistleblowers, failure to conduct an internal investigation, failure to have effective policies to protect children on its campuses, and failure to appreciate civil liability, criminal liability and public relations risks.

The Freeh Report contained a laundry list of suggestions to the Board, including adopting ethics and conflicts of interest policies, making a commitment to transparency, conducting training, and making Board members directly accessible to the University community. Fortunately, our institutions were already in good shape on most of these fronts.

I'm proud of what the Task Force accomplished. In a

relatively short period of time, the Task Force – which consisted of representatives of the administration, faculty, staff, students and board – conducted a comprehensive review of board and institutional policies and procedures, and drafted, edited, revised and finalized policies and procedures which will go a long way in making our campuses safer and more secure for all who live on, work at or visit them.

As you know, as the Task Force neared completion of its work, various media reported allegations that an OSU student sexually assaulted other students. Questions arose about the manner in which OSU officials responded to these allegations, and President Burns Hargis, to his immense credit, asked the Task Force to investigate how OSU employees responded to these allegations.

The results speak for themselves. Among other things, the Task Force recommended, and the Board of Regents adopted: 1.



a new policy for the protection and supervision of minors; 2. a new policy for the reporting of sexual assaults; 3. a new policy to retain an independent advocate for victims of sexual assaults; 4. a new ethics policy, applicable to members of the Board and its staff, faculty, administrators, staff employees, students, and volunteers; 5. a new non-retaliation against whistleblowers policy; 6. a new policy for legal audits, to operate in much the same manner as our current financial audits.

All of these changes enhance the message the Board of Regents has consistently communicated, that it will not tolerate illegal, immoral or unethical conduct or any acts which violate our policies. These rules apply to everyone. No one is so iconic – no one – as to be beyond the rules.

Although the Task Force finished its assignment, our work has just begun. All of us who care for Oklahoma State University have a continuing obligation to make sure it

continues to fulfill its mission in the best, most responsible way. I am satisfied with the policy changes we have adopted and are implementing. But they will require continual review and occasional amendment. Such is the work of those of us involved in higher education. We do what we have done before – we teach the same class, if you will – but we continually revise what we teach and how we teach, to reflect the most recent research, the most up-to-date thinking, the improving methods of pedagogic dialogue.

You are the heart and soul of this institution. The Board of Regents greatly appreciates what you do to make Oklahoma State University a great institution. Thank you for inviting me to be with you today.