

ARIZONA BOARD OF REGENTS
Leadership for Arizona's Public
University System

The Arizona Board of Regents provides policy guidance to Arizona State University, Northern Arizona University, and the University of Arizona in such areas as:

- Academic and student affairs
- Financial and human resource programs
- Student tuition, fees and financial aid programs
- University capital development plans
- Strategic plans
- Legal affairs
- Public and constituent outreach

The Board consists of 12 members. Eight volunteer members are appointed by the Governor to staggered eight-year terms. Two students serve on the Board for two-year appointments, with the first year being a non-voting apprentice year. The Governor and the Superintendent of Public Instruction serve as voting ex-officio members.

As its mission, the Arizona Board of Regents is committed to:

- Ensuring access for qualified residents of Arizona to undergraduate and graduate instruction;
- Promoting the discovery, application, and dissemination of new knowledge;
- Extending the benefits of university activities to Arizona's citizens outside the university; and
- Maximizing the benefits derived from the state's investment in education

Arizona Board of Regents

Ernest Calderón, President, Phoenix

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ABOR Executive Director
Joel Sideman

University Presidents

Arizona State University
Michael Crow

Northern Arizona University
John Haeger

University of Arizona
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What is the
Arizona
Board of
Regents?

ARIZONA BOARD OF REGENTS

The Arizona Board of Regents was created under the Arizona Constitution. Article XI §2 of the Constitution provides that “the general conduct and supervision of the public school system shall be vested in ... such governing boards for the State institutions as may be provided by law.” Article XI, §5 establishes the Board. The Board is a free-standing body corporate.¹ The Board oversees baccalaureate public higher education in Arizona.

The Board’s powers include those that are “necessary for the effective governance and administration of the institutions under its control.”² Such powers are plenary.³ The Board’s powers, therefore, are analogous to those of the Corporation Commission which “has full and exclusive power in the field of prescribing rates which cannot be interfered with by the courts”.⁴ Case law states that “... a board of regents is a constitutionally created body corporate, it exists on a plane equivalent to that of the Legislature”.⁵

Arizona universities have no independent legal existence but rather are extensions of the Board. They are governed through implementation of policies and regulations adopted by the Board. With the approval of the Board, each university adopts internal rules and procedures that are consistent with its particular needs.

Title 15 of the Arizona Revised Statutes codifies the Board’s constitutional mandate and provides the statutory framework for the governing powers and responsibilities of the Board. It confirms the authority of the Board to maintain the state universities and the general corporate powers to contract; sue and be sued; purchase, receive and sell real and personal property; and hold leases of real and personal property and conduct such other business as may be consistent with its role as the governing body of the university system.

Thus, the Board is endowed with general administrative powers, including the authority to enact ordinances for the governance of the institutions under its jurisdiction; to appoint, employ, remove, and make salary recommendations for all officers and employees; to fix tuition and fees; establish curricula and courses; prescribe admission qualifications; award degrees and diplomas; adopt energy conservation standards; and adopt annual budgets for each university.

The Board’s constitutional authority was confirmed by the Arizona Attorney General in an Opinion that states: “In interpreting the Arizona constitutional requirement that instruction be furnished “as nearly free as possible,” the Arizona Supreme Court has held that a state university does not violate the constitutional requirement when it imposes fees that are neither excessive nor unreasonable. Whether tuition is unreasonable or excessive cannot be determined as a matter of law, but is an issue of fact to be evaluated in light of all relevant circumstances. The ABOR has statutory responsibility to fix resident tuition and fees taking into account the universities’ programs, the legislatively approved budget, and other sources of revenue. One of the circumstances that the ABOR may consider when determining whether tuition is unreasonable are the tuition and fees at other public universities, although this factor may not be the sole basis for raising tuition.”⁶

Personnel-related authority permits the development of a comprehensive merit pay plan and the establishment of personnel policies. Authority relating to academic affairs includes the supervision of teacher training schools and the approval of courses of study and academic degrees.

The Board is empowered to establish alternative retirement programs, to manage the Arizona State Museum, to adopt rules prescribing procurement policies and procedures, and to enter into agreements with other governmental agencies. Financial authority is granted to maintain a “universities’ fund,” to expend income of land

funds, to expend money for the use and benefit of the institutions, to accept grants of money, and to issue bonds and manage money and property, including, specifically, research parks.

Additional provisions under Title 15 codify the Board’s authority to lease the University Hospital, operate a WICHE program, adopt guidelines regarding tuition classification, and exercise the power of eminent domain. The University of Arizona is designated as the land grant institution for the state and as such operates the Arizona Agricultural Experiment Station and the Arizona Cooperative Extension Service, both of which receive federal funding through the U.S. Department of Agriculture.

Arizona case law has further interpreted the specific powers of the Board. The Arizona Supreme Court has held that the Board has both powers that are expressly delegated to it as well as powers that may be reasonably implied for the purpose of effectuating its mission. In a case dealing with the expenditure of funds, the court determined that the Board has been given complete control of the management of its offices and the universities, including expenditure of funds, with the caveat that the funds must be used for the purposes for which they are appropriated.⁷

¹ A.R.S. §15-1625(A)

² A.R.S. §15-1625(A) (1)

³ See *Fairfield v. W.J. Corbett Hardware Co.*, 25 Ariz. 199,203,215 P.510,511 (1923) (“Within the scope of its duties, [the Board] is supreme”)

⁴ *Qwest Corp v. Kelly*, 204 Ariz. 25,30,59 P.2d 789,794 (App. 2002)¹

⁵ *Schmidt v. Regents of the Univ. of Mich.*, 63 Mich. App. 54, 55-56, 233 N.W.2d 855-56 (1975)

⁶ Attorney General Opinion (No. 199-011)

⁷ *State v. Miser*, 72P.2d 408 (1937)