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# The Relationship Between Selection Processes of Public Trustees and State Higher Education Performance

James T. Minor  
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Theoretically, higher education professionals agree that public trusteeship matters, yet little attention is given to the influence trustees have on the performance of public higher education. This study examines the relationship between selection and appointment processes and state higher education performance. Findings show that top-performing states use appointment processes that use restrictions, requisite qualifications, and methods to scrutinize the appropriateness of potential candidates. There is no evidence of clear qualifications or scrutiny among the bottom-performing states.

**Keywords:** *higher education; governance; state policies*

The role and responsibility of higher education governing boards is among the most perplexing issues in higher education. Even though national higher education organizations such as the Association of Governing Boards of Universities and Colleges (AGB) and the Association of American University Professors have attempted to define the role of boards, considerable variability exists with respect to how they operate. Consequently, institutions experience considerable variance in board performance. Recent examples illustrate the critical role trustees play in program closure, adjusting tuition, collegiate athletics, determining institutional policy, and presidential appointments. Yet, little is known about individuals who make up governing boards, how they are selected or appointed, or the relationship between appointment processes and state higher education performance, if any.

Public boards have particularly become the subject of attention in the wake of what the American Council of Trustees and Alumni (2005) characterized

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as an “accountability revolution” in higher education. The State Higher Education Executive Officers, for example, recently launched The National Commission on Accountability in Higher Education to review ways states can improve performance through the use of accountability systems. The Business-Higher Education Forum, whose membership consists of chief executives from business and higher education, is exploring the intersection of student learning, assessment, and communication with the public (Business-Higher Education Forum, 2004). In addition, individual states have begun to explore the relationships between appropriations and student outcomes. These measures, along with other significant shifts in higher education (i.e., technology, for-profit sector competition, less stable funding patterns), place pressure on boards to effectively interpret issues and provide direction for institutions and state systems. As a result, the selection or appointment of trustees has significant consequences for public higher education (AGB, 2003; Freedman, 2004).

Although scholars debate which characteristics or actions lead to board effectiveness, the theoretical assumption that board members and their collective actions influence institutional performance is well accepted (Chait, Holland, & Taylor, 1996; Kerr & Gade, 1989; Kezar, 2006; Weary, 1999).

The following is an examination of the relationship between the selection–appointment of public trustees and the performance of state higher education systems. More specifically, the study focuses on one central question: Do states with high-performing higher education systems select or appoint trustees differently than states with low-performing higher education systems? To begin, I frame the issue of selection or appointment of public trustees. I then use secondary data to examine the relationship between selection processes and state higher education system performance. The later portion of this article is dedicated to discussion of these processes and their implications for public higher education.

## **Trustee Selection and Responsibility**

The selection of public trustees is often thought of in terms of gubernatorial appointments made by governors or state education commissioners or confirmed by political officials. Forty-seven states have systems wherein the governor appoints all or a portion of board members within their respective states. Fifteen of the 50 states have dual systems in which a portion of trustees are elected and a portion are appointed (Center for Higher Education & Policy Analysis, 2004a). For example, all trustees of Michigan’s doctoral and research institutions are elected by the public to serve one of those three

institutions. Trustees for the remaining 12 public 4-year universities in the state are appointed by the governor with the consent of the senate. Nevada and South Carolina are the only 2 states in which all trustees are selected by general elections. In Nevada, 13 individuals are elected to serve 6-year terms governing all public higher education institutions.

In addition to varying appointment processes, governance structures vary considerably across states. For example, 15 states have segmented governance systems whereby a portion of public institutions are governed by a system board and a portion are governed by individual boards. At least 8 states employ government entities that coordinate institutional activity, some of which still use individual boards in addition to coordinating boards. Governance structures and the relative authority granted (or exercised) vary not only across states but within them. Some scholars have attempted to categorize governing board structures, but the variability from state to state makes it virtually impossible (Kerr & Gade, 1989).

Trusteeship is viewed primarily as a function of higher education governance. Three commonly agreeable responsibilities bestowed on public boards are the appointment of the president or chief executive, the establishment and approval of university policy, and maintaining the fiscal integrity of an institution (American Association of University Professors, 1966; Freedman, 2004; Ingram, 1993, Hermalin, 2004). Certainly, the powers of many public boards extend beyond these three items, for example, granting final approval of tenure decisions or new academic programs. Still, even the most fundamental responsibilities have significant consequences for colleges and universities. University decision making is more challenging today given the increasing demands to make faster decisions and the seemingly ever-expanding list of issues that must be decided on (Duderstadt, 2001; Tierney, 2004). Structurally and philosophically, public college and university governing boards are established as a link between two concepts—the public good and university advancement. Numerous examples illustrate that this delicate and complex position can significantly enhance or diminish an institution's (or system's) ability to achieve its mission. As a result, the performance of boards is important. Issues of competitive positioning, intellectual property, affordability, fiscal schemes, and mission are but a few areas in which trustees are expected to provide guidance. This is particularly the case during times of institutional transformation.

Public conversations about accountability in higher education have increased considerably over the past decade. Perhaps the most commonly debated issue is the balance between the autonomy granted to higher education institutions and the need for them to be accountable to the public

(AGB, 1998; Massey, 2003; Ruppert, 1994; Zumeta, 2001). Ironically, the role of public trustees has been absent from most of these conversations. Theoretically, government officials who appoint more than 80% of public college and university trustees do so with the intent of entrusting them with a highly prized public good. Accountability in higher education is defined as a triangle linking state priorities, academic concerns, and market forces; ideally, public colleges and universities would serve each while submitting to none (Burke, 2005; Clark, 1983). In the center of this triangle lay public governing boards; yet, their influence on state systems of higher education has not been considered. Even scholarship on state higher education policy has overlooked trustees as a determinant, raising the question of whether who serves makes a difference (Hearn & Griswold, 1994; Heller, 2001; McClendon, Heller, & Young, 2005).

## Trustee Qualifications

Given the pervasiveness of appointment systems, the influence of politics is often considered problematic. Dika and Janosik (2003) found that recommendations from legislators, immediate staff, and cabinet members were the most significant influence on governors making appointments. The recommendations of campus presidents and state higher education executive officers were significantly less influential. "The politics swirling about governing boards, particularly at public universities, not only distracts them from their important responsibilities and stewardship, but also discourages many of our most experienced, talented, and dedicated citizens from serving on these boards" (Duderstadt, 2001 p. 239). Aside from the influence of politics, one working assumption in higher education is that trustees, before being selected, have the requisite skills necessary to be effectual board members. Yet, there are few methods in place to ensure new board members are capable of performing their duties. Only a few states (Minnesota, North Dakota, and Virginia) are known to have legislative processes or committees that screen candidates and make recommendations to a governor for new appointments (AGB, 2003).

In most states, the only specifications provided for new board members are related to employment, age, or districting constraints. For example, the state of Oklahoma mandates that new board members be citizens of the state, be no less than 35 years of age, cannot be employees of the state, and may not be governing board members of another institution within the state system. South Dakota requires that no two members be residents of the same county

and no more than six shall be members of the same political party. I argue that selection criteria—standards on which appointments are made—are important as a means to guide and inform selection processes. One could reason that selection criteria that guide appointments should reflect known positive attributes of effective trusteeship.

Chait, Holland, and Taylor's (1991) dimensions of effectiveness established a framework to characterize effective boards. These dimensions are (a) an understanding of contextual dynamics such as institutional culture, (b) being well educated and informed about the institution(s) they serve, (c) the ability to work as a cohesive unit, (d) strong analytic skills, (e) maintaining positive political relationships, and (f) the ability to think and plan strategically. This work and numerous publications from the AGB provide a record of attributes believed to be attained by effective board members.

In a different 2004 study, I and two colleagues interviewed 132 individuals—governors, college and university presidents, policy analysts, and faculty leaders—to understand what criteria might improve board performance (Center for Higher Education & Policy Analysis, 2004b). The interview protocol is included in Appendix A. We identified seven criteria that corroborate the dimensions offered by Chait et al.: (a) a commitment to public education; (b) a record of public or community service; (c) knowledge of complex organizations and academic institutions; (d) demonstrated ability to lead collectively; (e) willingness and availability for constructive engagement; (f) a commitment to open-minded, nonpartisan decision making; and (g) a record of integrity and civic virtue. One president of a state system firmly stated, "I need regents who are intelligent, hard-nosed, aware, business savvy, and care about educating the citizenry of this state." This president, in the next breath, complained about the challenges involved in securing quality individuals. "The statutes and political undercurrent in [this state] is such that I have little influence on who's appointed to the board, which is difficult because regardless of who it is, or how useful they are, I've got to work with them" (field notes, Center for Higher Education & Policy Analysis, 2004b).

Nearly all interviewees conceded that many appointments are politically motivated while at the same time agreeing that public sector trustees should serve public interests rather than narrower political interests. One university president, while responding to comments about reforming appointments, lamented, "I wish I could be that optimistic, I really do, but I don't see the day when a governor in this state will make any appointment without considering the political repercussions." A current board member at major research university declared, "If we were talking about private boards I would say that wealth is a primary consideration [for selection]. But with public boards it's

politics, and in both sectors, education or service credentials run a distant third.” One current board member describing the appointment process was somewhat less critical. She stated, “I think we’ve gotten very influential power people to serve on our board without having to be overly prescriptive.”

One area related to selection criteria highlighted as a challenge was the lack of ethnic and professional diversity. “The lack of women and minorities on higher education boards continues to be a problem and serves as a bad model for institutions concerned with diversity,” according to one association leader. Most boards are disproportionately populated with trustees who have backgrounds in business, law, or finance. Far fewer have backgrounds in liberal arts or education or come from the nonprofit sector (Jones & Skolnik, 1997). One board secretary commented,

I would like to see boards collect and use profile data that tells you who’s on the board and to some degree what they bring to the board in terms of their expertise. Then move throughout the selection process using the information you have about current board members to fulfill needs according to the direction of the institution.

Examinations of state higher education systems and the appointment of public trustees have essentially been conducted exclusive of one another. The point here is not to prescriptively determine what criteria public trustees should be evaluated against. Instead, the purpose is to consider various appointment processes in relationship to the performance of state higher education systems. One might argue that the relative success of U.S. public higher education is one indicator that the status quo is serviceable. At the same time, one could question whether the serious challenges confronting public higher education might be more effectively addressed (or avoided) with more effective trusteeship. Theoretically, trusteeship matters for public higher education; therefore, the process by which trustees are appointed should also.

## Method

This study involved the use of secondary data to examine the relationship between selection or appointment processes of public trustees (the independent variable) and the performance of state higher education systems (the dependent variable). The primary data source for determining state higher education performance is *Measuring Up 2004*, a national and state report card on higher education published by the National Center for Public Policy and Higher Education (2004). The *Measuring Up 2004* report assesses the

performance of higher education systems in each of the 50 states using five main categories: preparation, participation, affordability, completion, and benefits. Weights were assigned to multiple variables for each state, and states were assigned a letter grade for each performance category using the top-performing states as the benchmark. Methodological details and a technical report are available from the National Center for Public Policy and Higher Education (<http://measuringup.highereducation.org/about/technicalguide.cfm>). For this study, I used only four of the five categories. Preparation (i.e., K-12 course taking) was removed because it is least influenced by the performance of higher education trustees. The following are descriptions of the variables used to measure state higher education performance:

*Participation* measures the extent to which residents of a particular state have sufficient opportunities to enroll in higher education institutions. Indicators include enrollment percentages of young adults ages 18-24 and working-age adults ages 25-49.

*Affordability* measures how affordable higher education is for families and students relative to income. Indicators include percentage of family income needed to pay for college expenses, state investment in need-based financial aid, and student reliance on loans.

*Completion* serves as an indicator of student progress toward a degree and completion of certificates and degrees in a timely manner. Persistence and completion data are used as measures for this variable.

*Benefits* refer to the recompense (economic and civic) a state receives as a result of having a highly educated citizenry. Indicators include the percentage of the population with a bachelor's degree or higher and income data relative to the population with degrees. Civic benefits are gauged by measuring voter participation, charitable giving, and volunteerism.

Cumulative grade point averages were assigned to each state based on grades given by the *Measuring Up 2004* report (National Center for Public Policy & Higher Education, 2004; Appendix B). The five top- and five bottom-performing states were selected for comparative analysis. The top-performing states (in rank order) are Minnesota, Massachusetts, New Jersey, Utah, and Colorado; the bottom performing states are Arkansas, West Virginia, Louisiana, New Mexico, and Nevada. Appendix C provides a synopsis of the governance structure for each state. Documents detailing selection or appointment procedures in each state provided the additional data source necessary to conduct analyses. Once the five top- and five bottom-performing states were identified, a content analysis was conducted using institutional bylaws, state constitutions, confirmation transcripts, and other public (or private) documents



describing the selection or appointment processes of public trustees (Hatch, 2002). Using these data, a typological analysis (or category construction) was conducted across states to identify patterns, themes, or appointment models used by the top-performing states versus the bottom-performing states (Merriam, 1998). While conducting analyses the focal question was "Do the top-performing states select or appoint public trustees differently than the five bottom-performing states?" In pursuit of this question, I recognize that comparing, in the true sense, suggests that objects are the same (or at least similar). The states in this study each have different structures, a variety of distinct institutions, and unique contexts. Therefore, comparisons are made according to the characteristics of appointment processes and higher education outcomes as categorized by *Measuring Up 2004*.

I also acknowledge as a limitation the complexity of isolating determinants of state higher education performance. Many variables influence the performance of state higher education systems. Yet, the ability to account for and accurately measure items such as student engagement, diversity, or commitments to fund higher education is beyond the scope of this study. For instance, citizens of a particular state may vote to support higher education with additional tax dollars or special measures, but citizens of another may not. Using any combination of variables to measure state higher education performance across states presents intrinsic challenges. Still, the *Measuring Up 2004* report (National Center for Public Policy & Higher Education, 2004) offers the best comparative data available on state higher education performance.

To categorize selection or appointment differences, states were compared across three dimensions: restrictions, qualifications, and evidence of scrutiny. In addition, the governance structure of each public higher education system was noted (see Table 1). For example, segmented structures are those in which a single institution (or segment of institutions) is governed by one board and other institutional sectors are governed by a distinctly different board. System structures are configurations in which multiple state institutions are governed by a single board. Coordination signifies the existence of a state or independent entity responsible for oversight of programs, finances, facilities, or other state resources. Single-campus structures are simply arrangements in which a single board is responsible for governing a single institution.

Many states have constitutional or legislative restrictions limiting membership on public boards. Most common are districting requirements that ensure geographic representation of board members or requirements that call for fixed numbers from various constituencies. In Mississippi, for example, the constitution states that four members of the statewide board "shall be appointed

**Table 1**  
**Top and Bottom Performing States by Category**

State	Structure	Restrictions	Qualifications	Evidence of Scrutiny
Top 5 ↑				
Minnesota	Segmented	X	X	X
Massachusetts	System/coordinated	X	X	X
New Jersey	Single campus/ coordinated	X		
Utah	System/coordination/ single campus	X	X	X
Colorado	Segmented/coordinated	X		
Bottom 5 ↓				
Arkansas	System	X		
West Virginia	Single campus/coordinated	X		
Louisiana	System/segmented	X		
New Mexico	Single campus	X		
Nevada	System (regents elected)	X		

from each of the three Mississippi Supreme Court districts” (Miss. Const. Art. VIII, § 213-A; Miss. Code Ann., § 37-101-5, as amended)

Qualifications were determined on the basis of evidence of written or expressed preferences for skills, professional background, experience, or personal attributes of potential trustees. This includes publicly available or undisclosed criteria used by appointing governors or nominating committees. This also includes stated requisite skills, backgrounds, or attributes required to serve.

Evidence of scrutiny was determined by measures taken, beyond senate confirmation, to examine the merit of candidates before they were appointed or selected. Because senate confirmation is, in many cases, characterized as rubber stamping or highly political activity, it is not considered an effective way to screen candidates or assess merit. In addition to collecting documents, at least two higher education officials (i.e., the commissioner for higher education) in each state were contacted to verify facts and provide additional context.

Two additional limitations of this study are noteworthy. First, these data are not intended to measure the strength of the relationship between selection and appointment processes and state higher education performance, but whether there is a relationship to more deeply investigate. As a result, this study is not designed to measure the influence of selection or appointment processes relative to other variables known to affect the performance of

state higher education systems. Second, this study focuses on how public colleges and universities perform collectively, not the influence governing boards have on a single institution. This caution recognizes that trustees governing a single institution may focus less on issues of a particular state than on those of their respective institution. This notion is further complicated by the fact that there is so little consistency in the configuration of board structures or their governing authority across states. In Nevada, for example, all public universities and community colleges are governed under one board whereby members are elected according to 13 districts. In West Virginia, single-institution boards govern each public university. The governor appoints 12 members, but additional members are elected to represent the faculty, student body, and classified employees. In addition, the grade assigned to each state in the *Measuring Up 2004* report (National Center for Public Policy & Higher Education, 2004) is influenced by the performance of the private college and university sector. I acknowledge that any inferences made using these data are provisional and worthy of future study.

## Findings

All 10 states appoint or select public trustees within legislative or statutory restrictions. Districting restrictions established to ensure geographical representation were the most common across the states. Other restrictions included residency or employment or those designed to balance political party affiliation. For example, at the University of New Mexico, the governor appoints all regents, but only a simple majority (four of seven) may be affiliated with the same political party. The Arkansas state statute dictates that one board member be appointed from each of the seven congressional districts of the state, and three members shall be appointed from the state at large. Table 1 provides a summary of the data categories.

Candidate qualifications are considered to be written or publicly available documents that outline requisite skills, professional experience, or particular backgrounds. Three of the five top-performing states express requisite qualifications for candidates compared with none of the bottom-performing states. Minnesota had the most developed list of criteria. The Board of Trustee Candidate Advisory Council in Minnesota (Trustee Candidate Advisory Council, n.d., paras. 1 and 2) lists personal and professional-experiential criteria that include (a) “the capability and willingness to function as a member of a diverse group in an atmosphere of collegiality and selflessness and (b) “an understanding of the board’s role of governance and a proven record of contribution with the governing body of one or more appropriate

organizations. In addition, the council outlines the responsibilities of individual members of the board, which are included in an application packet. In Massachusetts, for example, individuals from the Nominating Council are asked to “seek persons of the highest quality who, by experience, temperament, ability and integrity will provide policy direction and oversight” (General Laws of Massachusetts, chap. 6, § 18B).

Candidate qualifications were also determined by less thorough or publicly transparent processes. Colorado uses a process whereby candidates are asked to list “general qualifications” on a one-page application that refers to level of education, volunteer activity, and special skills. In other states, West Virginia and Arkansas for example, the process of determining qualifications was deemed important, yet the assessment of such was informal, ambiguous, and at the discretion of one or two staff members. In some cases, one or two staffers conduct candidate interviews before making recommendations to the governor. Yet, these interviews are conducted without established criteria from which to start and without protocol.

Determining evidence of scrutiny was more difficult and in some cases involved making value judgments. Minimally, scrutiny is considered any process to determine the merit or appropriateness of nominees beyond senate confirmation. In each state in this study (except Nevada), the governor appoints all or a significant portion of public trustees. The process by which individuals are appointed was the focus. Accordingly, a distinction must be made between objective and subjective scrutiny of candidates. Objective cases involved clearly outlined processes by which candidates are subject to the same or very similar interviews or processes in pursuit of appointment. In some cases, for example, interview transcripts were made available online in the interest of transparency. Subjective cases involve processes or interviews that are at the discretion of government staff persons. West Virginia and Colorado, for instance, use processes that allow staff members from the Office of Boards and Commissions to interview and determine the appropriateness of candidates. In the case of West Virginia, a three-person office interviews all candidates for all boards and commissions in the state. In both cases, the governor reserves the right to make the final decision.

Subjective processes were not considered evidence of scrutiny because of the variance in methods applied across candidates. When asked about the duration and content of interviews, one staffer responded, “It just depends on how things go.” Seven states (New Jersey, Colorado, Alaska, West Virginia, Louisiana, New Mexico, and Nevada) use subjective processes to examine candidates. In New Jersey, the governor and chief of staff currently make decisions independently on the basis of letters of recommendation. During

a February 2002 audit of the University of Louisiana system, it was determined that “the state constitution and state law provided no specific procedures for appointment to the board” (University of Louisiana System, 2003, p. 1). In addition, it was found that “the University of Louisiana System lacks specific, detailed written requirement governing orientation, training, and participation for members of the board” (University of Louisiana System, 2003, p. 1) Only three states (Minnesota, Massachusetts, and Utah) show objective evidence of scrutiny of candidates for public trusteeship.

Overall, contrasting these states reveals that top-performing states do rely more heavily on the use of qualifications and scrutiny of potential trustees. Minnesota, Massachusetts, and Utah in particular show evidence of stable processes to determine the merit of candidates. Minnesota uses the most extensive process of all states and performs best according the *Measuring Up 2004* indicators (National Center for Public Policy & Higher Education, 2004). In each of the five bottom-performing states, virtually no evidence of qualifications or methods to scrutinize the appropriateness of candidates was found.

In addition to the three dimensions (restrictions, qualifications, and evidence of scrutiny), the governance structure in each state’s public higher education system was noted. The recurring question of whether governance structures matter can only be discussed cautiously. In each of the top-performing states, there is substantial statewide coordination of public higher education. Four of the five top-performing states have coordinating bodies. Colorado, for instance, uses the Commission on Higher Education, an 11-member lay board that acts as a central policy and coordinating board for Colorado public higher education. The New Jersey Commission on Higher Education was established to provide coordination, planning, policy development, and advocacy for the state’s higher education system. West Virginia is the only bottom-performing state with such a body. The remaining four bottom-performing states use systemwide or single-institution boards. Commissions on higher education exist in Colorado and New Jersey; Massachusetts uses a Board of Higher Education; and Utah and Minnesota have systems that include 10 and 15 institutions, respectively. Brief summaries of each state’s higher education system and governance structure are available in Appendix C.

## **Trusteeship and Higher Education Performance**

On the basis of the findings, the relationship between selection and appointment processes and state higher education performance is only provisional.

Yet comparisons across states do reveal distinguishable differences concerning appointment processes. These findings raise the question of whether the performance of bottom states might be improved by considering the process by which trustees are appointed. To be clear, I am not suggesting that simply changing the process of appointment solves every challenge of any particular state. Instead, I raise the question of whether state higher education performance (i.e., access, completion, affordability, or economic benefits returned to a state) might be improved if the appointment processes were reformed. Findings from these 10 states invite the notion that the combination of more rigorous appointment processes and sufficient coordination among state institutions could improve the performance of public higher education systems. As previously stated, the goal here is to establish a relationship between selection processes and state higher education performance, leaving investigations about the importance of certain variables or causal models for future study. Top-performing states in this study do use more rigorous selection processes for public trustees compared with bottom-performing states.

On the basis of the models used by most states, establishing continuity between requisite skills believed to improve trustee effectiveness and the processes that identify candidates could improve trusteeship. Seven of the 10 states in this study do not have established qualifications or a “wish list” for potential candidates. Guidelines are important signals for potential appointees and for state officials who consider them. Currently, the process in many states relies heavily on the individuals rather than established (minimal) qualifications for candidates. In one state, the Office of Boards and Commissions, in the absence of qualifications, had the benefit of a higher education professional with a long-time affiliation with higher education entities in the state. In at least two other states without qualifications, staffers advising the governor did not have higher education backgrounds or affiliations. In addition, turnover in these positions tends to be affected by the outcome of gubernatorial elections.

In the same way, the level of scrutiny given to the candidates varies significantly. The end result for any appointment process should generally be to select individuals who will best serve and protect public higher education. Yet, current appointment processes in many states do not, in any publicly accountable way, show much relationship between the two (process and desired outcomes). Theoretically, the fallback has been orientation. The idea is that once trustees have been appointed, institutions can orient them into effective board members. Typically, governing boards have relied on orientation processes to introduce or familiarize new trustees with their role and responsibility. Given what is known about appointment processes, the model

of public trusteeship relies less on measures to ensure quality before individuals are appointed and more on orientation processes to inculcate the values or practices consistent with effective trusteeship after appointments have been made. This, of course, assumes orientation processes are designed to effectively transmit particular values that inspire effective practices. On the contrary, however, orientation processes tend to vary from a 1-hour video on institutional history to a weekend retreat at the beginning of each academic year. In addition, orientation is often a one-time event. From what is known about orientation processes, they do not appear to be a reliable source for producing effective trustees (Dika & Janosik, 2003).

Currently, there are no leading models for the appointment of public trustees. Obviously, no one model will work for every state; however, presently there is little known about best practices that effectively balance unavoidable political climates, state higher education needs, and institutional advancement. A recent policy brief suggests that if current educational gaps in specific states remain, there will likely be a substantial increase in the percentage of the workforce without degrees (National Center for Public Policy & Higher Education, 2005). Oddly, pressure is placed on governors and state legislators to improve various aspects of public higher education (i.e., cost, quality, or access) rather than the trustees they appoint and confirm. Moreover, the processes by which trustees are appointed have not been highlighted as a potential means to improve public higher education.

## **Appointments and Accountability**

If this study is a microcosm of appointment models across the United States, only 30% of states would have appointment processes that reflect qualifications and scrutiny of individuals responsible for public higher education. In an era of increased accountability rhetoric, the appointment models currently used by states could justifiably become a part of the debate. One could argue that institutions cannot be made accountable to the public if those responsible for public colleges are appointed capriciously. Accountable appointment practices are most likely those that transcend political agendas and are established rather than arbitrary. Some states have moved toward strong accountability measures (i.e., Colorado's performance contracts) but lack publicly responsible processes to appoint trustees who are liable for higher education.

The 10 states used in this study show that different appointment processes are used in three of the five top-performing states. Comparing these states also revealed a significant level of coordination of public policy, program offering, and performance assessment focused on systemic success. The

continuous debate in higher education about the level of coordination among state institutions is usually played out as tension between public accountability and institutional autonomy. In a different way, this raises questions about the influence of state coordination on trusteeship. In states with higher levels of coordination, trustees may be more mindful of state educational priorities, the activity of other state institutions, or how their institution contributes to fulfilling the needs of a particular state. The issue of governance structure is one worthy of more investigation. These findings show a variety of structures across top- and bottom-performing states, raising questions about the importance of structure relative to other variables such as selection processes.

Trustee appointments are also a function of academic governance. Governance—the structure that dictates who decides on what—is considered a hallmark of higher education. Academic governance is commonly associated with institutional effectiveness, and 3 decades of scholarship have been dedicated to better understanding how trustees, administrators, and faculty interact to best make university decisions (Baldrige, 1982; Birnbaum, 1991; Ikenberry, 1971; Mortimer, 1971; Schuster & Miller, 1989). Faculty governance (or lack thereof) has received the most attention. Trustees are considered a vital part of the higher education governance milieu, yet the appointment process of public trustees is not framed as a governance issue. In many instances, the function of governing boards has been problematized and the appointment process ignored.

## Conclusion

State political currents usually drown discussion of reforming trustee appointment systems, although most would admit current processes are imperfect. Still, little if any movement toward reform is noticeable. Evidence that more clearly establishes a link between appointment processes and the performance of state higher education is necessary to begin serious conversations that suggest current appointment models have significant consequences for how well a state educates its citizenry beyond high school. Discussions about the quality of trusteeship often take place at the university level or in public policy forums. Rarely is this issue the subject of research. This study minimally establishes a relationship between appointment processes and the performance of public higher education systems. Methodically, the next steps involve finding ways to control for the economic condition of individual states, better understanding the effect(s) of various governance structures, and identifying policy initiatives as determinants of the collective



performance of public higher education institutions. One central question raised by this study is exactly how much trusteeship matters. Pursuing this question will likely provide guidance concerning exactly how much attention should be paid to the process by which trustees are appointed.

## **Appendix A**

### **Protocol for 2004 Governing Board/ Trustee Interviews**

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#### **Board Effectiveness**

What is the role and responsibility of a governing board? (and how does it differ from what you think they should be doing)?

Who are board stakeholders? Does this affect board performance? How? Define an effective board.

#### **Board Member Effectiveness**

What are three individual attributes of valuable board members?

What prior personal or professional experiences most significantly enhance the contributions of individual board members?

How knowledgeable are board members concerning the issues facing higher education and their campus?

How are individual board members best evaluated?

#### **Organizational/System Effectiveness (as It Relates to Boards)**

What might improve the selection or appointment processes of boards?

What should be the preparation/orientation after being appointed or selected?

What might be done to improve board performance/ effectiveness?

Possible probes:

What should be (and what is) the quality of communication between boards and other university constituents, especially faculty?

How does information sharing affect board performance/ effectiveness (between President and Board, other constituents)?

- How does the relationship of members of the board affect performance/ effectiveness?
- Should Boards be evaluated or rewarded? What is the best way to evaluate/ reward overall Board performance?
- Have you ever served on (worked with or observed) a board that appeared to learn and act together? Does this affect the performance/ effectiveness?
- How does/should the Board establish priorities and choose directions? How do boards manage internal and external demands for the institution? How do boards balance various stakeholders' concerns?
- How do the layers of governance (e.g., state coordinating boards, internal campus governance) interact? Does this affect board performance/ effectiveness?

### The Future

- What is the most critical challenge to governing board performance/ effectiveness?
- In what ways do you expect the responsibility and role of governing boards to change over the next ten years?
- If nothing changes with regard to governing boards, what do you predict will be the result for public higher education?
- Is there anything else we have not touched on that you think is important to board effectiveness and performance?
- Who else should I speak with?

## Appendix B State Cumulative Grade Point Averages (GPAs)

State Rank	Participation	Affordability	Completion	Benefits	GPA
1. Minnesota	B+	C-	B+	A	3.08
2. Massachusetts	A	F	A	A	3.00
3. New Jersey	A	D	B	A	3.00
4. Utah	A	C	B	B	3.00
5. Colorado	A-	D-	B-	A	2.78
46. Arkansas	C	F	C+	D+	1.40
47. West Virginia	C+	F	C	D	1.33
48. Louisiana	F	F	C	C	1.00
49. New Mexico	F	F	D	C+	0.83
50. Nevada	D	F	F	C-	0.68

## Appendix C

### State Governance Synopses

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#### Arkansas

The trustees of Arkansas State University serve the people of the state of Arkansas by providing management and control of Arkansas State University campuses in Jonesboro, Beebe, Newport, Mountain Home, and Heber Springs; degree centers of the university at sites in Blytheville, Forrest City, Fort Smith, and West Memphis; and other academic programs throughout the state. The board consists of five members appointed by the governor for overlapping 5-year terms and serves as a board of management and control. In this capacity, the trustees hire a president to serve as the chief executive officer, approve the institution's curriculum, approve the annual operating budget, establish policies for the efficient operation of the institution, and approve those matters that require participation of the governing board of the university.

#### Colorado

The state of Colorado governs its higher education system with dual governance bodies. The University of Colorado (UC) system includes four campuses—UC–Boulder, UC–Denver, UC–Colorado Springs, and UC at Denver Health Sciences Center.

The Board of Regents consists of nine members serving staggered 6-year terms, one elected from each of the state's seven congressional districts and two from the state at large. The members select their own chair and vice chair. The board is charged constitutionally with the general supervision of the university and the exclusive control and direction of all funds of and appropriations to the university, unless otherwise provided by law.

The Colorado Commission on Higher Education is an 11-member lay board, appointed by the governor and confirmed by the senate, that acts as a central policy and coordinating board for Colorado public higher education. The mission of the commission is to implement the directives of the General Assembly and promote and preserve quality, access, accountability, and efficiency with Colorado public higher education. The commission governs 12 4-year institutions and the community college system.

#### Louisiana

The members of the Board of Supervisors for the University of Louisiana System are appointed by the governor with the consent of the senate. Each member

serves a staggered term of 6 years, except the student member, who serves from September 1 through August 31 of the year following his or her election and appointment. Annually, the board elects a chairman and vice chairman from its membership.

The constitution designated East Baton Rouge Parish as the domicile of the Board of Supervisors of the University of Louisiana system. The legislation further stated that the location could not be changed except by statute.

The Board of Supervisors employs a full-time staff whose responsibility, under the supervision of a president, is to execute and enforce all decisions, orders, rules, and regulations of the board with respect to the conduct of the system.

*Southern University System*—The Board of Supervisors for the Southern University and Agricultural and Mechanical College System was created by the Louisiana State Constitution of 1974. The board is vested with the responsibility via the Constitution and State Revised Statutes for the management and supervision of the institutions of higher education, statewide agricultural programs, and other programs that comprise the Southern University System. Its powers are subject only to those that are granted by the State Constitution to the Louisiana State Board of Regents. The first official meeting of the Board of Supervisors was held in May 1975 on the Southern University campus in Baton Rouge, Louisiana.

## Massachusetts

Public higher education, coordinated by the Massachusetts Board of Higher Education, is divided into three segments, complementary in character and mission: Fifteen community colleges, 9 state colleges, and the five campuses of the University of Massachusetts. The 29 public institutions are geographically dispersed throughout the state.

The Board of Higher Education is an independent advocate for the system of public higher education and a supporter of the significant role played by the independent higher education sector in Massachusetts. The board is committed to insisting that its institutions use public funds efficiently and avoid unnecessary duplication. To that end, it has created a system of institutions with diverse missions among and within its segments that is founded on cooperation, collaboration, and participation.

The University of Massachusetts (UMass) Board of Trustees sets overall policy for the five-campus university (UMass-Amherst, Boston, Lowell, and Worcester). Its members include alumni, students, and private citizens. The university's Board of Trustees is charged with overseeing the operations of the five-campus, 60,000-student UMass system. The board selects the president and chancellors, approves academic programs, awards tenure, and sets student charges. The board consists of 22 members—17 gubernatorial appointees and 5 student members, with 1 student from each campus.

## Minnesota

The Minnesota State Colleges and Universities system is made up of 32 institutions, including 25 2-year colleges and 7 state universities. The system is separate from the University of Minnesota.

The law creating the system was passed by the Minnesota Legislature in 1991 and went into effect July 1, 1995. The law merged the state's community colleges, technical colleges, and state universities into one system. Instead of three separate governing boards and three chancellors, there is now one board and one chancellor for the entire system.

The Minnesota State Colleges and Universities is governed by a 15-member Board of Trustees appointed by the governor. The board has policy responsibility for system planning, academic programs, fiscal management, personnel, admissions requirements, tuition and fees, and rules and regulations. The board appoints the system's chancellor and presidents of the state colleges and universities.

The 12-member Board of Regents is the governing body of the University of Minnesota. The legislature elects one regent from each of Minnesota's eight congressional districts and four from the state at large. One of the four at-large regents must be a university student at the time of election. Regents serve without pay for 6-year terms. The president of the university is *ex officio* president of the board. The board meets monthly (except for January and August) on the second Friday and the preceding Thursday

## Nevada

Nevada's Board of Regents governs the Nevada System of Higher Education. Elected to serve a 6-year term, the 13 regents set policies and approve budgets for Nevada's entire public system of higher education: four community colleges, one state college, two universities, and one research institute.

The eight institutions the regents govern include Community College of Southern Nevada; Desert Research Institute; Great Basin College; Nevada State College; Truckee Meadows Community College; University of Nevada, Las Vegas; University of Nevada, Reno; and Western Nevada Community College. The board leadership consists of a chair and vice chair who are elected by the board's membership. The term for the chair and vice chair is 1 year (July 1–June 30), and the chair is limited from serving more than two consecutive terms.

## New Jersey

The Higher Education Restructuring Act of 1994 created the New Jersey Commission on Higher Education to provide coordination, planning, policy development, and advocacy for the state's higher education system. The commission is also

responsible for institutional licensure and the administration of the Educational Opportunity Fund and other programs.

The commission serves as the principal advocate for an integrated system of higher education that provides a broad scope of higher education programs and services. The system includes both public and independent institutions and enrolls more than 380,000 full- and part-time credit-seeking students statewide. The 31 public colleges and universities consist of Rutgers, The State University of New Jersey; the University of Medicine and Dentistry of New Jersey; the New Jersey Institute of Technology; 4 state colleges and 5 state universities; and 19 community colleges. The 26 independent institutions include 14 senior colleges and universities with a public mission, 2 independent 2-year religious colleges, 6 rabbinical schools and theological seminaries, and 4 proprietary institutions with degree-granting authority. New Jersey uses single-institution Boards of Regents or Trustees

## New Mexico

The New Mexico Higher Education Department regulates and oversees all post-secondary institutions, including 2-year, 4-year, career, and special institutions. Two-year institutions include private and state-funded community colleges and schools offering certificate and associate's degrees. Four-year institutions include those offering baccalaureate and graduate degrees. Career institutions are schools that offer training in specialized fields. Special institutions include the New Mexico Military Institute and schools offering education to students living with disabilities. This section provides the names and contact information for all institutions, private and state funded, licensed to operate in New Mexico. It also provides information about qualifying for New Mexico residency, transferring courses from one New Mexico institution to another, degree programs offered by the institutions, and a contact list for each school regarding campus-based scholarships. New Mexico uses single-institution Boards of Regents or Trustees for the 2- and 4-year sectors.

## Utah

The Utah State Board of Regents was formed in 1969 as a governing body for the Utah System of Higher Education. The board consists of 18 residents of the state; 15 regents and 1 student regent are appointed by the governor of Utah, and two members of the State Board of Education, appointed by the chair of that board, serve as nonvoting members. The board oversees the establishment of policies and procedures, executive appointments, master planning, budget and finance, and proposals for legislation; develops governmental relationships; and performs administrative unit and program approval for higher education for the State of Utah.

The Utah System of Higher Education consists of 10 public colleges and universities governed by the Utah State Board of Regents, assist by local Boards of Trustees

for individual institutions. The system includes two major research-teaching universities, two metropolitan-region universities, two state colleges, three community colleges, and a college of applied technology.

## West Virginia

The West Virginia University Board of Governors is the governing body for West Virginia University, West Virginia University Institute of Technology, West Virginia University at Parkersburg, and Potomac State College of West Virginia University. In 2004, the West Virginia Legislature made the Community & Technical College at West Virginia University Institute of Technology a free-standing institution and placed it under the governance of the West Virginia University Board of Governors. The powers and duties of the West Virginia University Board of Governors include (a) the control, supervision, and management of the financial, business, and education policies and affairs; (b) the development and regular updating of institutional master plans and compacts; (c) the preparation of annual budget requests, (d) the review, at least every 5 years, of all academic programs; and (e) the appointment of the president of West Virginia University and the president of West Virginia University Institute of Technology, subject to the approval of the Policy Commission, and the appointment of the president of West Virginia University at Parkersburg and the president of the Community & Technical College at West Virginia University Institute of Technology, subject to the approval of the Council for Community and Technical College Education.

The board consists of 17 members: one faculty member, 1 student, 1 staff member, 12 lay persons appointed by the governor, and 2 Board of Advisors members from the Community & Technical College. In addition, the West Virginia Higher Education Policy Commission is responsible for developing, establishing, and overseeing the implementation of a public policy agenda for the state's 4-year colleges and universities. It is charged with oversight of higher education institutions to ensure they are accomplishing their missions and implementing the provisions set by state statute. The commission consists of 10 members, 7 of whom are appointed by the governor, and 3 *ex officio* members: the secretary of education and the arts, the state superintendent of schools, and the chairperson of the West Virginia Council for Community and Technical College Education.

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