

# #AbolishGoverningBoards?



**A Pathway to Rise Above the Partisan  
Fray: On Platforms & Fiduciary Duties  
--> Postsecondary Platform Fiduciaries**

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**What would happen if we're  
forced to make the case *for*  
Governing Boards...**







# What Should Boards Stand For?





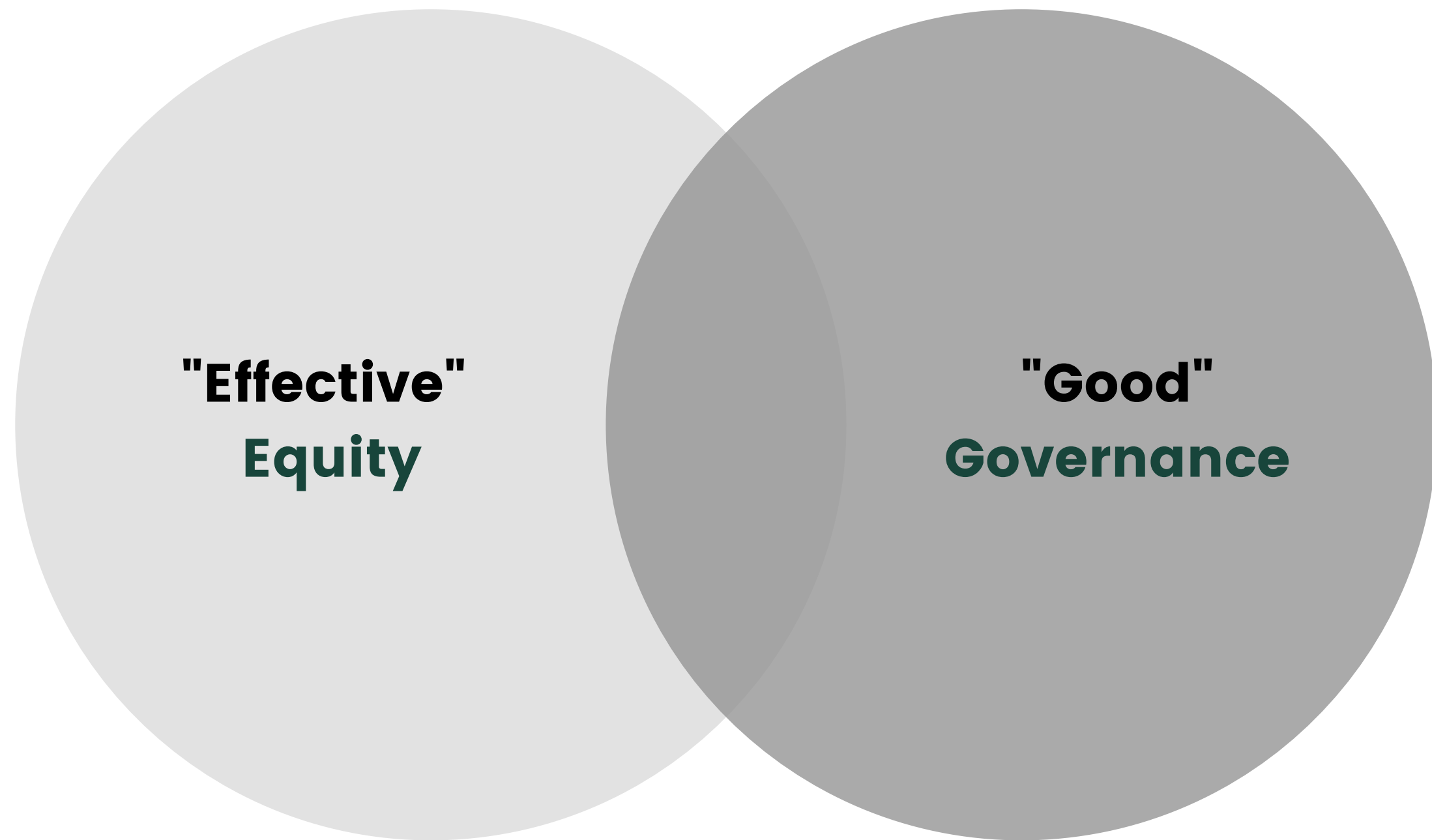


A Venn diagram consisting of two overlapping circles. The left circle is light gray and contains the text '"Effective" Equity'. The right circle is a darker gray and contains the text '"Good" Governance'. The overlapping area in the center is a medium gray.

**"Effective"**  
**Equity**

**"Good"**  
**Governance**





**“Postsecondary Education  
Platform Fiduciaries”**



# **“Postsecondary Education Platform Fiduciaries”**



# “ What's a Fiduciary?

"...someone who has **special responsibilities** in connection with the administration, investment, monitoring, and distribution of property—meaning, the **charitable or public assets** of the institution, as well as intangible assets such as its **reputation** and **role in the community**" (para. 2)



# What "Special Responsibilities" do Fiduciaries Have?

## Duty of...

CARE

*Acting in good  
faith with  
diligence and skill*

LOYALTY

*Prioritizing the  
best interests of  
the institution*

OBEDIENCE

*Operating in  
accordance with  
relevant laws and  
policies*









## Equity as a Duty of Care

**"Boards that desire said outcomes should engage in equity-minded governance and decision-making centered on the people, policies, and practices that implicitly and explicitly contribute to disparities in higher education. (Commodore et al. 2022, p. 68).**





## Equity as a Duty of Loyalty

**"...when board members choose not to view equitable practices and decision-making as a priority in or central to their work, they run the risk of not approaching board duties in good faith" (Commodore et al. 2022, p. 68)**

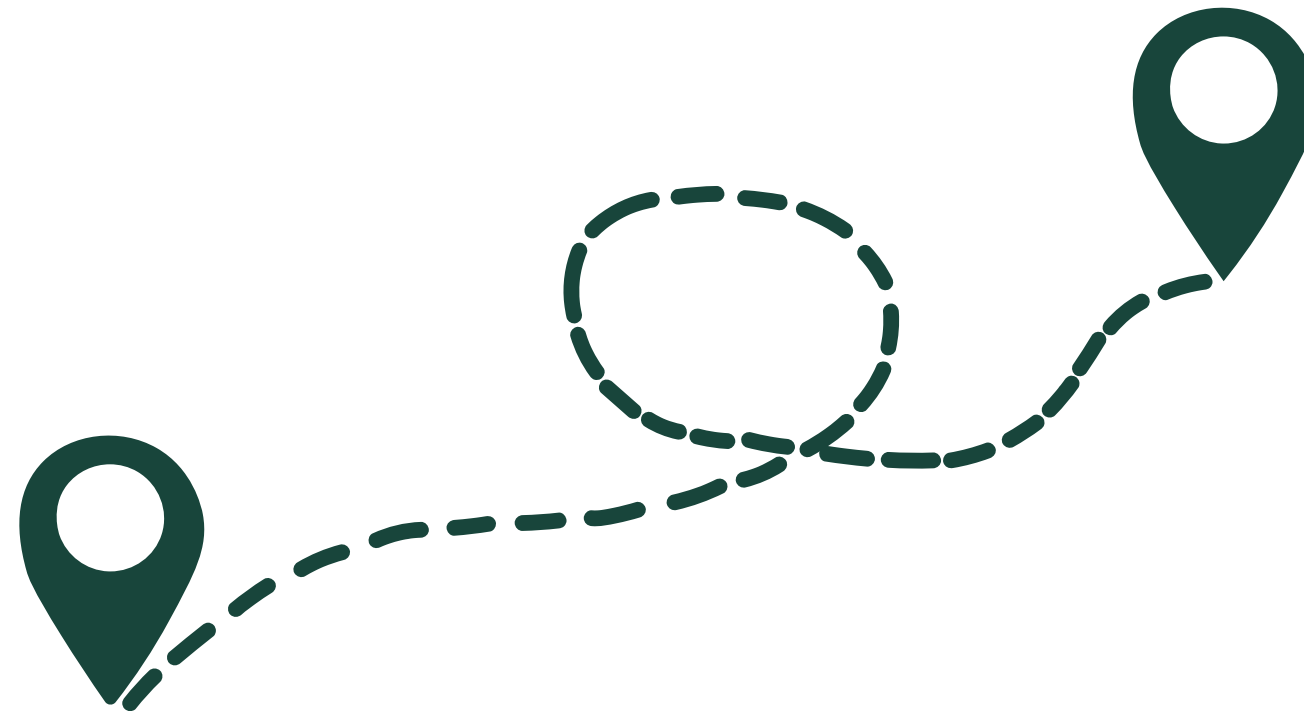




## **Equity as a Duty of Obedience**

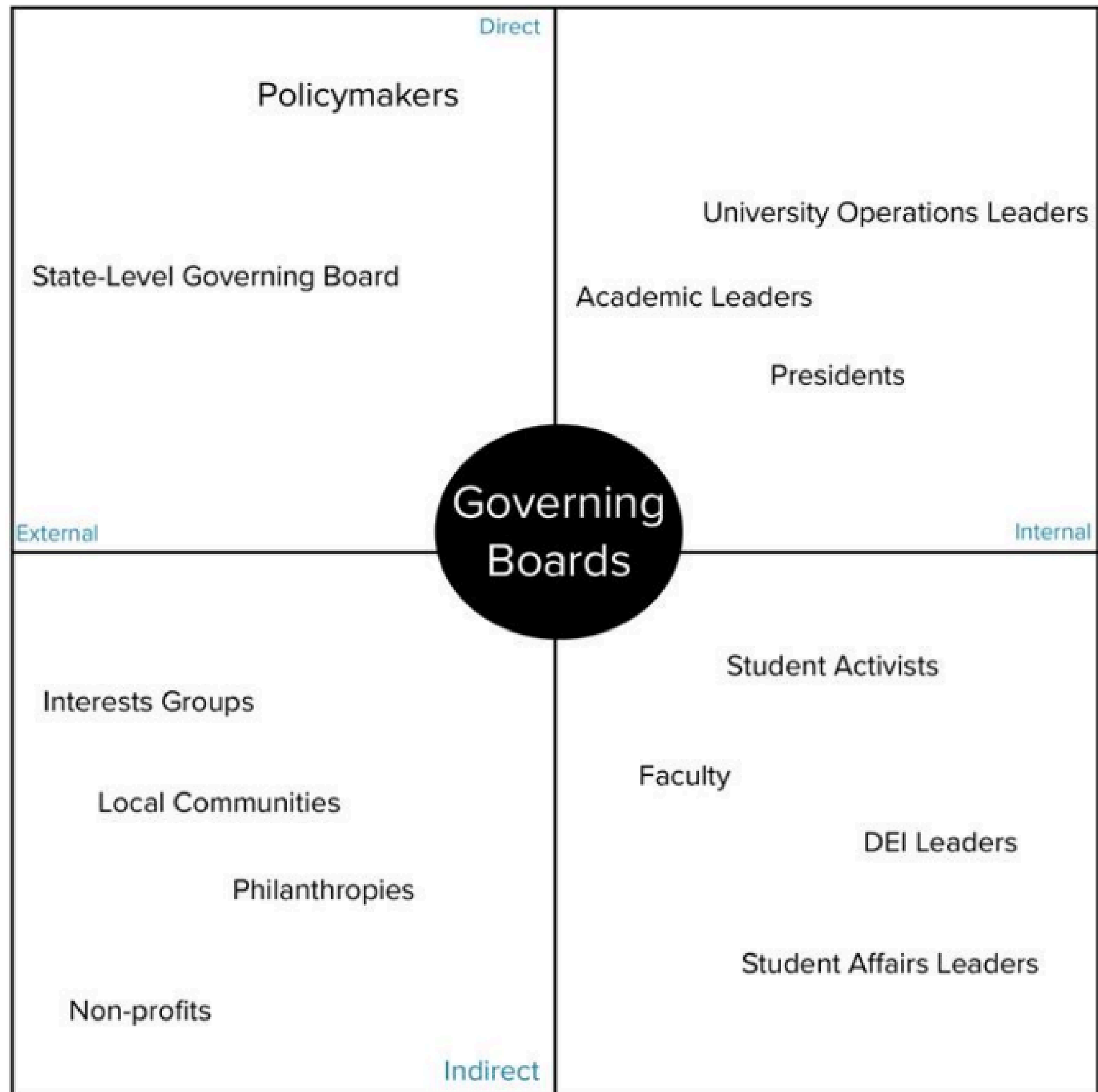
**"A true commitment to the duty of obedience, focused specifically on achieving the institution's mission, thus requires that boards look within to ask themselves how well their institutions live up to their expressed commitment to equity"**

**(Commodore et al., p.69)**



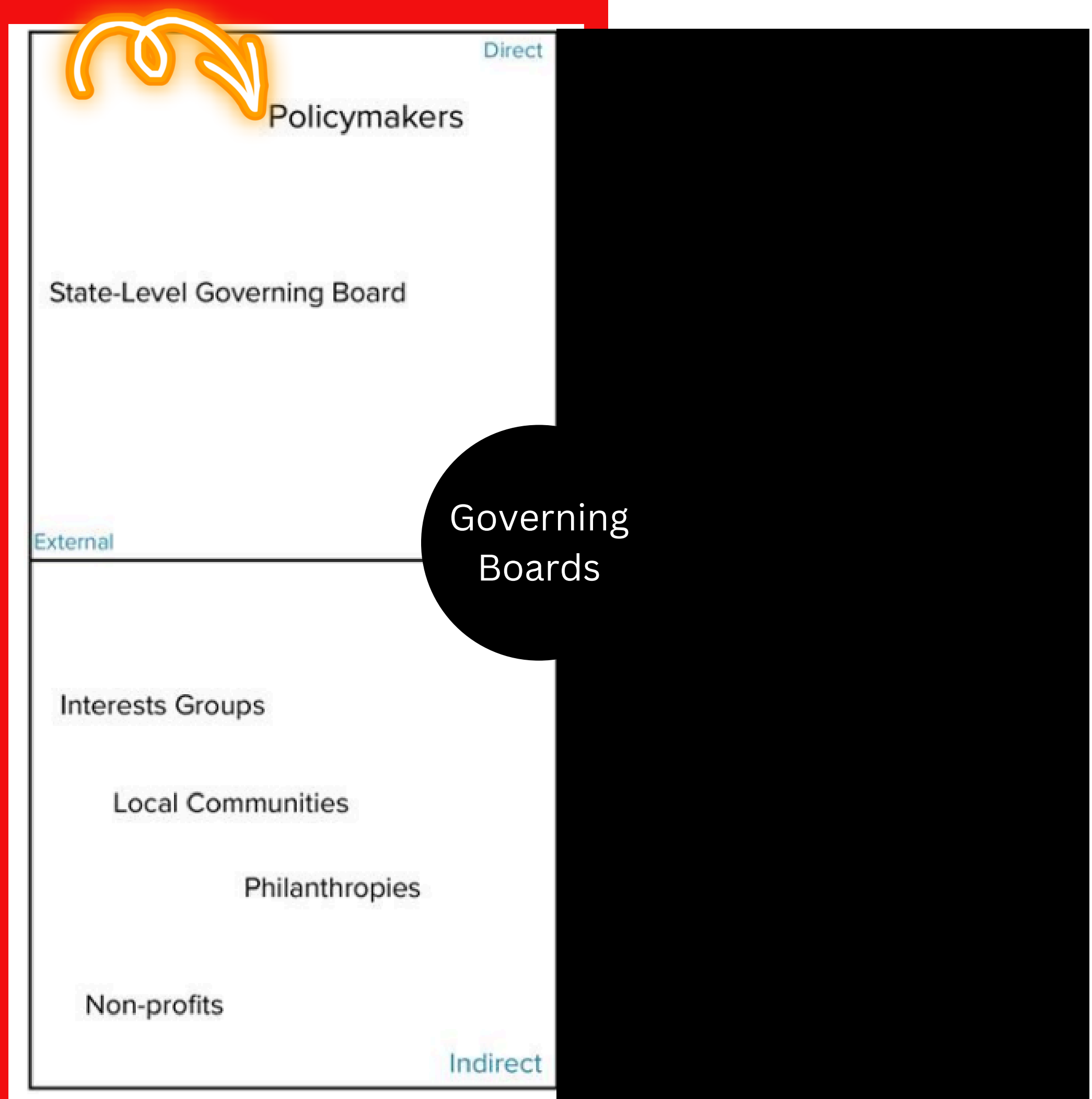


# To Whom are Trustees Accountable?





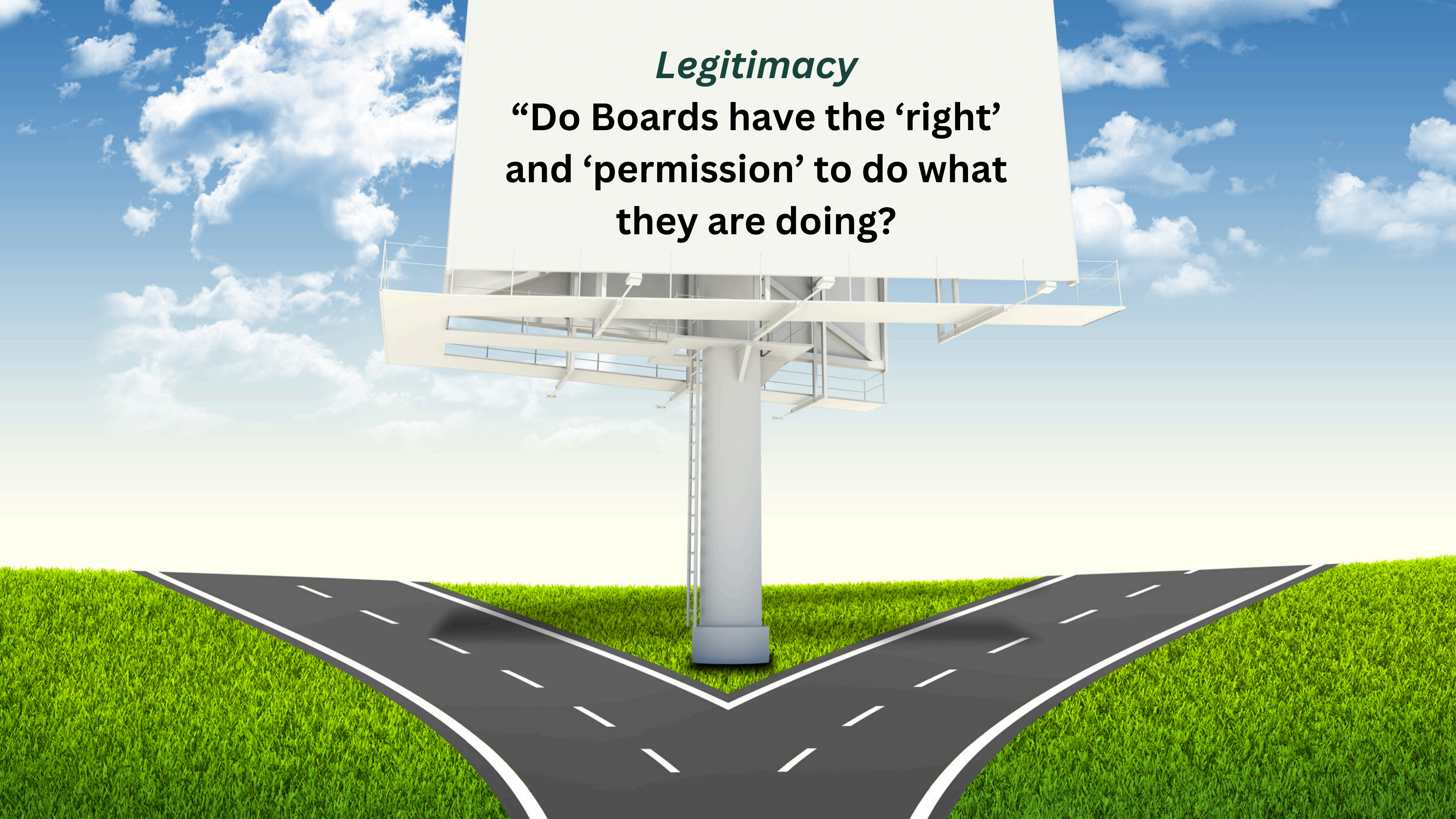
# To Whom are Trustees **Accountable?**





## *Legitimacy*

**“Do Boards have the ‘right’  
and ‘permission’ to do what  
they are doing?”**





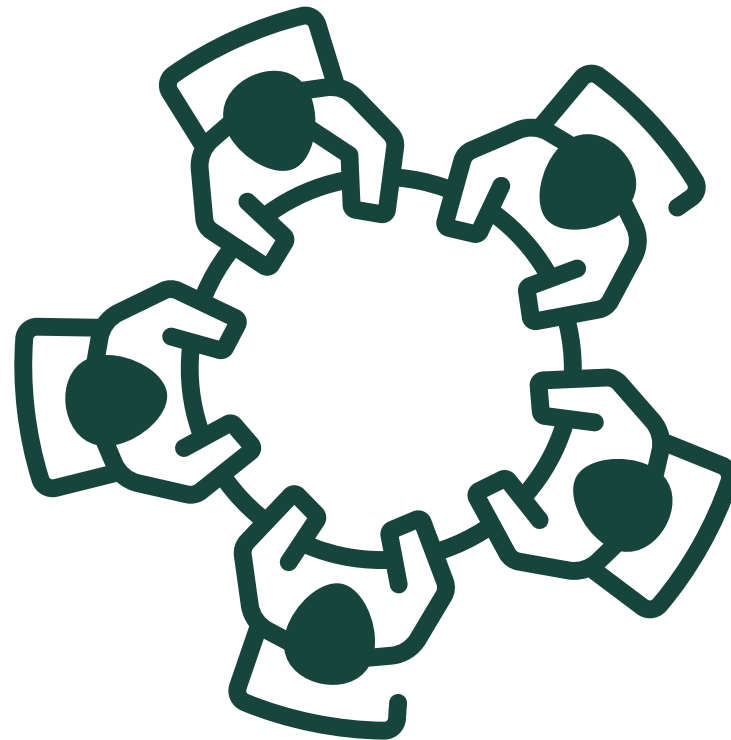
# *Legitimacy*





# External-Facing Fiduciary Duties

***Deliberation*** refers to whether a Trustee gives non-trivial considerations to the concerns of **various** campus constituents and does so in a free-standing manner. Thus, a process of transparent deliberation is required in all matters concerning the beneficiary.





# External-Facing Fiduciary Duties

***Conscientiousness* calls for there to be a legible connection between the deliberation of a Trustee and actions taken on behalf of a beneficiary.**



# External-Facing Fiduciary Duties

***Robustness*** calls for trustees to stay abreast of and necessarily **change** their deliberation and actions in light of changes to the beneficiary's interest.



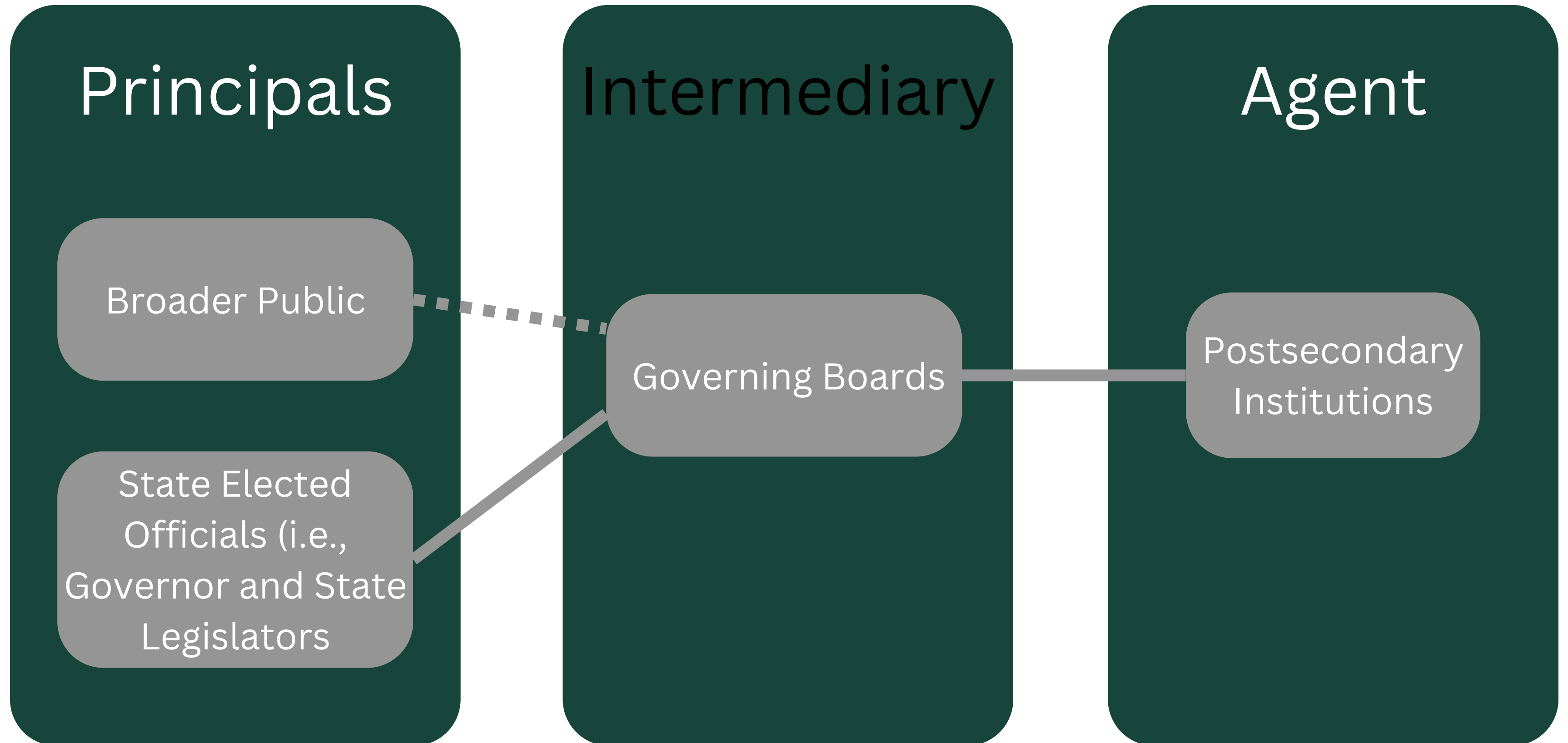




**ALMOST  
THERE!**



# Who is owed?



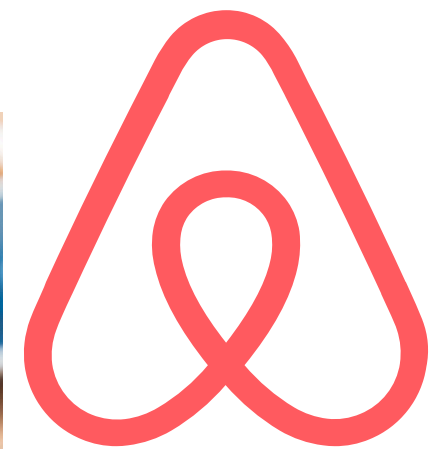


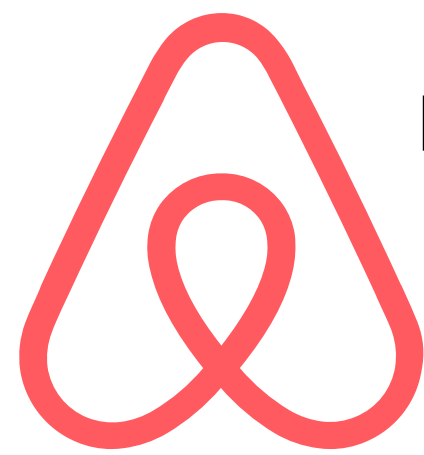


Producer  
to  
Consumer



Platform  
Logic

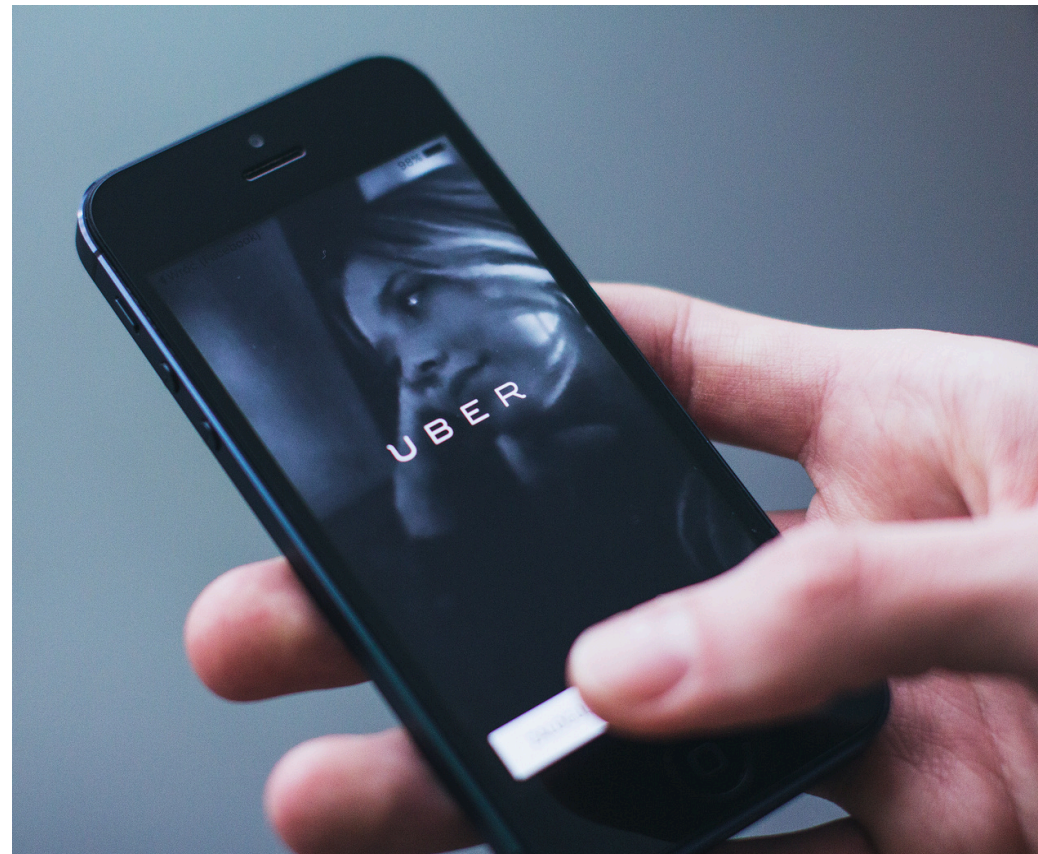




**Host: Monetization; Turnover**  
**vs**  
**Guest: Availability, Options**



**Creator/Influencer: Monetization; Content Moderation**  
**vs**  
**Viewer: Data Sharing; Enjoyment**



**Driver: Surge pricing; Vehicle Standards**  
**vs**  
**Rider: Convenience; Safety**

**Platform Logic**  
**within an Ecosystem**





**Instructor: ...  
vs  
Student: ....**



**Researcher: ...  
vs  
Funding Resource Constraints:**



**Community Concern: ...  
vs  
Campus Space: ....**

**Platform Logic  
within an Ecosystem**



## A **platform** approach to institutional transformation...

A decision or action is preferred if it is demonstrable [via *fiduciary processes*] how it helps (or at least does not harm) the entire platform (i.e., all stakeholders).





# **4 Enduring Questions for Postsecondary Platform Fiduciaries**

**Why do  
Governing  
Boards Exist**

**What are  
Governing  
Boards For?**

**Who are  
Governing  
Boards  
Accountable  
To and  
When?**

**What  
practices and  
tools do  
Governing  
Boards  
Need for  
Success?**

**Thank you!**