

# What Does It Take to Lead: The Hidden Curriculum of Qualifications for Service on Public Boards of Higher Education

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## Abstract

**Background/Context:** U.S. higher education governing boards have received enhanced public attention over the last decade in response to national media coverage and emerging governance scholarship. Despite the rise of attention on this topic and the maintained influence of board decisions, governing boards remain one of the least understood aspects of higher education.

**Purpose/Objective/Research Question/Focus of Study:** The qualifications required for board member service in higher education are a particularly understudied aspect of boards. Given the limited knowledge of board qualifications, our study aimed to understand what (if any) were the known requirements for service on U.S. public boards of higher education.

**Setting:** A total of 95 public board bylaws representing at least one institution from each state were examined for any mention of the requirements or qualifications for the trusteeship. Both standalone institutional boards and system boards were investigated to account for the diversity of board types. Altogether, the bylaws of 95 boards that govern 842 public institutions in the nation were reviewed.

**Research Design:** The study used qualitative document and content analysis methods to examine board bylaws.

**Findings:** We found that very few boards have any defined (and publicized) requirements for public trusteeship in higher education. We evaluate the findings using a Critical Race Theory and hidden curriculum framework of analysis and discuss the

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implicit and explicit messages of the board bylaws. This study brings to the forefront that there are either hidden, ambiguous, or little to no requisites for arguably one of the most influential roles in higher education. The lack of transparency in this area may help perpetuate inequity in board representation.

**Conclusion/Recommendations:** If institutions desire to enhance transparency and accountability, it is crucial to elucidate standard practices for filling board seats (including qualifications for board service, who gets to decide on these qualifications, and the ramifications of these practices on equitable board member representation). Boards, governors, and other influential decision-makers should contemplate establishing and sharing requirements for board service so that (a) boards enter into this position with a better understanding of what is required of them, and (b) there are more explicit guidelines to support why and how some groups are overrepresented on the board while others have been historically excluded.

### Keywords

trusteeship, governing boards, boards of trustees, governance, bylaws

. . . [A] group of part-time nonspecialist people who behave in idiosyncratic ways are chosen according to no known system of merit. . . (other than, perhaps, wealth or social position) is in full charge of the institution, making basic decisions about its future. . .

—Cyril Houle (J. Martin & Samels, 1997, p. 91)

Governing boards<sup>1</sup> have long been a staple in higher education (Donovan, 1959; Taylor & de Lourdes Machado, 2008) and are fashioned after Scottish models of lay governance (Kezar, 2006). Most higher education institutions in the United States are controlled by boards with the formal legal authority to govern nearly all facets of the institution (Birnbaum, 1988; Corson, 1975). Their performance influences how institutions respond to external and internal pressures to meet increasing demands and expectations (Kerr & Gade, 1989). Designed to represent the best interests of the community (Duryea, 2000; Nason, 1980; Novak & Johnston, 2005), boards are recognized as institutional guardians—responsible for preserving the mission, protecting academic freedom, and performing additional functions such as meeting reporting requirements, creating policy, monitoring key performance indicators, reviewing and deciding on major resource decisions and investments, and seeking out the institution's and public's best interest (Collis, 2004; Hendrickson et al., 2013). It is essential not to minimize the role and legal and organizational importance of these fiduciary agents (Association of Governing Boards of Universities and Colleges [AGB], 2015), because these boards carry considerable impact (Legon, 2011; Michael & Schwartz, 1999).

Despite their broad responsibilities, boards have long remained relatively inconspicuous within the higher education landscape. However, recent headlines have

pulled boards from the periphery to center stage, as in the case of Nikole Hannah-Jones's tenure denial at the University of North Carolina (UNC) (Commodore & Morgan, 2021), the sudden and inexplicable firing of Teresa Sullivan at the University of Virginia (Rice, 2012), and scandals involving cases of university misconduct cover-ups such as those that occurred at Michigan State University and University of Southern California (USC; Kitchener, 2018; Watanabe, 2019). The recent focus on boards regarding such influential matters reveals the question of whether and how these individuals are prepared to make decisions of such gravity that affect lives at local, regional, national, and global levels. It is unclear what makes these individuals specifically apt for the trusteeship.

In a report examining the backgrounds, educational attitudes, and roles of governing board members, Hartnett (1969) put forth that "it is somewhat remarkable that so little is known about who trustees are [and] what they do in their roles as trustees. . ." (p. 12). Literature exists that investigates boards' objectives, functioning, and organization (e.g., Belcher, 1960). So there is a general idea of board roles and responsibilities (e.g., selecting the chief executive officer, setting institutional policy, etc.), but a limited sense of whether the individuals on the board are qualified to serve in those roles (J. Martin & Samels, 1997). Said differently, although boards' roles and responsibilities are well documented, less is known about whether (and how) trustees are equipped to fulfill their positions on the board. Given the limited knowledge of board qualifications matched with the influence of board decision-making, we sought to identify what, if any, criteria have been established for board service. Furthermore, given the national call for equity in higher education, we examined how these qualifications might be tied to the present homogeneity found on boards. Our study was driven by the question: What are the ways in which exclusion manifests through the hidden curriculum (HC) related to board qualifications for the trusteeship within board bylaws? We begin the article with a brief literature review on board qualifications, then tie a novel application of the HC to Critical Race Theory (CRT) to examine board bylaws for what is currently known about the requisites for service on higher education boards. We conclude with implications for research and practice.

## Qualifications for Service on Boards of Higher Education

"[Governance describes] the traditions, institutions and processes that determine how power is exercised. . . and how decisions are made on issues of public concern."

—The Institute on Governance (n.d.)

There is minimal understanding of the key aspects of board service that transpire before the board term, like trustee selection and appointment (Minor, 2008). An emphasis on preboard knowledge and qualifications is required because trustees often lack previous experience with higher education institutions except for their time as students (Eckel, 2019) and are appointed to the board without consideration of whether

their particular expertise or background is relevant to the board's needs and responsibilities (Gale & Freeman, 1993). Scholars criticize trustees' inadequate skill, understanding, and experience related to higher education (Schmidt, 2014). Most trustees are selected for reasons other than their ability, skillset, or experience; board selection is mainly based on three elements: power, prestige, and politics (Rall & Oru , 2020). Board members are increasingly selected based on their financial, political, and business connections (Mathies & Slaughter, 2013; Pusser et al., 2006; Pusser & Ordorika, 2001), not for their knowledge of higher education or interest in and conviction for the role. Boards have ultimate decision-making authority (Warren, 1914), yet “. . . are composed to a large degree of lawyers, industrialists, bankers, and other types of business executives [who], before serving on the board. . . [had not] acquired a workable knowledge of the historical background and meaning of higher education” (Bryant, 1964, pp. 8–9). Despite a lack of postsecondary expertise, trustees retain the ultimate responsibility for the campus and hold the ultimate power of authority for key policy decisions (Kaplan, 2004).

The qualifications of board members have not received much focus in higher education literature, though some basic knowledge exists of the criteria used to make board appointments (Michael et al., 1997; Rose, 1993). Dika and Janosik (2003) received responses from 41 state higher education executive officers and 24 governor's offices responding to trustees' selection criteria. They listed political relationships with influential state officials (80.5%), demonstrated leadership skills (75.7%), and personal integrity (68.6%) as the top three important criteria. The authors found that the majority of the selection criteria address demographic qualifications such as occupation, place of residence, or a balance of political parties; only two statutorily mandated requirements related to the personal skill set of the trustee: Experience related to the institutional mission and ability to serve without bias (Dika & Janosik, 2003). Researchers at USC put forth that the following criteria should be present and later enhanced in trustees: commitment to public education; record of public/community service; knowledge of complex organizations and academic institutions; demonstrated collaborative leadership; willingness and availability for constructive engagement; commitment to open-minded, nonpartisan decision-making; and integrity and civic virtue (Center for Higher Education and Policy Analysis [CHEPA], 2004). CHEPA researchers further push for diversity, unique skills or competencies, and complementary skills and perspectives to be considered as qualifications for trustees. Yet, it is unclear whether public boards of higher education systems or institutions actually require or recommend any of these qualifications.

The discussion about, and examination of, the responsibilities, roles, and requisites of trustees are a vital contribution to higher education governance scholarship (Chait et al., 1996). The impetus for the research taken up in this article is a prior study (Rall, 2014) that discusses the limited or nonexistent socialization of board members for the trusteeship. Because board members are appointed to these essential decision-making roles, they are not “automatically and immediately” prepared to effectively serve on the board (Burns, 1966, p. 68). If trustees are in large part not socialized for their roles

(Davis, 1997; Freedman, 2005; Rall, 2014), investigation necessarily takes a step backward to consider what skills and traits trustees must possess that qualify them for service. In other words, if trustees are not actively trained once they are in the role, then potentially there are a priori skills, experience, or knowledge they possess that serve to, at minimum, qualify them for and, at most, exemplarily equip them for board performance. Exploring qualifications is essential because the “lack of any formalized process for screening and appointments of candidates is unacceptable for high performing organizations in the twenty-first century” (CHEPA, 2004, p. 3).

So although scholarship suggests that candidate qualifications are integral to an effective board (CHEPA, 2004), the literature does not delineate a basic understanding of what qualifies these lay citizens for the trusteeship. In fact, “. . .the principle of placing primary responsibility for the direction of colleges and universities in the hands of boards of lay citizens has never been challenged” (Martorana, 1963, p. 5). To determine whether there are any commonly established requisites and qualifications in place for trustees of public higher education institutions in the United States, we combined notions of the HC with CRT to form the lens through which we examined the data.

## Exposing What Is Hidden and Exclusionary

“Most of us never stop to think that the settings we enter have hidden curricula, let alone what those hidden curricula might be.”

—J. R. Martin (1976, p. 149)

The concept of the HC has primarily been used to study basic education and has not been more broadly applied to other aspects of higher education (Semper & Blasco, 2018; Townsend, 1995). Here, we adapt and apply the concept of the HC (Snyder, 1971)—the “. . .opposite metaphor to describe the shadowy, ill-defined and amorphous nature of that which is implicit and embedded in educational experiences in contrast with the formal statements about curricula and the surface features of educational interaction” (Sambell & McDowell, 1998, pp. 391–392)—to our examination of board bylaws for guidance on qualifications for board service. We consider what is stated in the bylaws about board qualifications versus what may be implied about such requisites. In addition, we use CRT to examine the ways these explicit and/or implicit requisites may reinforce inequity and exclusion among public boards of higher education.

## *The HC*

The HC is a theoretical framework connected to critical theory that helps examine various social functions of education (Karanhya et al., 2013). The curriculum, described as covert or latent, is intentionally hidden to preserve particular interests, or it may go unnoticed (J. R. Martin, 1976) and even unchecked over time. Dominant power structures, such as higher education boards, are often reinforced through this

HC (Gramsci, 1971) because the HC universalizes the interests of the dominant group as the interests of the greater society (Jay, 2003) and prioritizes the needs and purposes of the dominant group (Fernández-Balboa, 1993).

The HC is often the consequence of expectations and assumptions that fail to be formally established or shared (Alsubaie, 2015). Just as schools reproduce the preexisting socioeconomic structures from society (Giroux, 1983), we explore how boards (through their bylaws) may reproduce exclusionary qualification practices that prevent board diversification and inclusion. Furthermore, as in the case of schools, we consider that how qualifications are learned and communicated is more likely determined by the HC than the official curriculum (Giroux, 1978). For boards, that means contemplating how the information absent from board bylaws may carry greater weight than what is explicitly outlined in the bylaws. We interrogate how board requirements may represent and perpetuate dominant ideological interests in society and within board membership and how boards legitimate these dominant messages (Portelli, 1993).

## **CRT**

CRT is a “set of basic perspectives, methods, and pedagogy that seeks to identify, analyze, and transform those structural and cultural aspects of society that maintain the subordination and marginalization of People of Color” (Solórzano, 1997, p. 6). CRT is used to challenge the color-blind approaches traditionally used in educational policy research and asserts that racism is endemic in education and other institutions (Ladson-Billings, 1998). CRT is predicated on challenging claims of impartiality, objectivity, meritocracy, and equal opportunity and is committed to ending racism and all forms of oppression (Matsuda et al., 1993). In education, CRT examines how “educational theory, policy, and practice are used to subordinate certain racial and ethnic groups” (Solórzano, 1997, p. 122) and serves as a “powerful explanatory tool for the sustained inequity that people of color experience” (Ladson-Billings, 1998, p. 18). CRT is a framework of analysis to elucidate the ingrained racist practices and ideals that prevail in society.

One of the five tenets of CRT, summarized by Khalifa et al. (2013), is particularly applicable to the analysis of board bylaws—racism is an invisible norm. This tenet assumes White culture is the standard by which other races are measured, “. . . masking the maintenance of White privilege and domination” (C. Harris, 1993, p. 1715). Furthermore, CRT refers to Whiteness as a form of property (DeCuir & Dixon, 2004; Ladson-Billings & Tate, 1995), affording valuable rights and privileges to those who possess it (C. Harris, 1993). This unearned privilege, or White advantage, opens the door to a select few in society (McIntosh, 1990) and perpetuates exclusivity in all facets of U.S. life, including the highest levels of decision-making in postsecondary education.

By contesting traditional claims of objectivity, neutrality, and color-blindness (Bell, 1995), CRT serves as a fundamental tool to examine board bylaws and reveal the self-interest of the dominant group. Because the trustee role is presumably available to all

but disproportionately enjoyed by White males (AGB, 2016; Rall & Orué, 2020), board qualifications require further study from a CRT perspective. Boards, for example, are often criticized for their composition (Bustillos & Siqueiros, 2018; Henderson, 1967; Rall et al., 2019); homogeneity may be inexplicitly upheld through unclear or restrictive requirements for service, appointment/selection processes, and exclusive practices. Combining CRT and HC may evince why, “. . .when it comes to. . .leadership roles, the mental associations between whiteness and leadership have contributed to the scarcity of minorities at the helm. . .” (Eberhardt, 2019, p. 275). The same may be true for boards. CRT, coupled with HC, guided our examination of explicit and implicit standards of trustee requirements that shape board composition in public higher education.

## Approach to the Study of Boards

“. . .unexamined historically situated White cultural ideology embedded in the language, cultural practices, traditions, and perceptions of knowledge allow these institutions to remain racialized.”

—Gusa (2010, p. 465)

One way to ascertain the competence desired/required for the trusteeship is to look at the qualifications listed in the board bylaws. Like mission statements, board bylaws are ubiquitous, normative organizational artifacts that exist because they are expected to exist; they are essential because they serve a legitimating function and demonstrate that the organization understands the “rules of the game” (Morphew & Hartley, 2006). Bylaws are central policy documents that guide governance; they establish the rules by which the board organizes itself and reflect institutional history and mission (O’Neil, 2013). Furthermore, we focused on board bylaws because “individual board members will serve and leave, but the board. . .is the one constant factor within the institution for as long as the basic documents establishing the institution remain unchanged” (Corbally, 1970, p. 240). Such documents are intended to clearly and consistently communicate board responsibilities and authority (Corbally, 1970) and offer an understanding of the research problem (Creswell, 2007).

To obtain our list of publicly available board bylaws, we initiated an internet search of public institutions in the United States. We began with the flagship institution in each state because they are integral to higher education success; they have an established history and contribute to economic growth in the state (Fox, 2001). Guided by higher education websites such as Oglethorpe and College Raptor, we identified the best-known flagships in each state. We followed the institutions’ main website to navigate to the board’s website and obtain their bylaws. We added 45 bylaws based on whether a different board governed more than one public institution in the state. We prioritized system boards because they set the goals and programs for the state and have more complex roles and responsibilities than do private institution boards (Nason,



1982). Ultimately, the bylaws of 95 public boards, with at least one institution from each state, were examined for any mention of the requirements or qualifications for the trusteeship (Appendix A). Both standalone institutional boards (Rall, 2020b) and system boards (Rall, 2020a) were investigated to account for diverse board types. In total, the 95 boards govern 842 institutions in the nation. Document analysis of this swath of board bylaws, therefore, has widespread implications.

### *Document Analysis*

Document analysis (Patton, 2002), particularly of official external communications (Bogdan & Biklen, 2011), allowed for an in-depth exploration of trusteeship qualifications. Qualitative document analysis is a combined technique, procedure, and method for identifying and analyzing documents for relevance, significance, and meaning (Altheide et al., 2008). Document analysis aids in creating a detailed understanding of the case (Merriam, 1998), which is necessary for this study because each institution and board has a different history and context. We employed document study methods (Bailey, 1994) and qualitative document analysis methods (Miles et al., 2013) to conduct this investigation and relied upon qualitative content analysis (Ary et al., 2006) of the bylaws. Once the bylaws were located, we searched for keywords and phrases including, but not limited to, “criteria,” “qualifications,” “requisites,” “requirements,” “credentials,” “training,” “experience,” “abilities,” and “skills.” In the bylaws review, we also paid special attention to the language and/or omission of language surrounding stated requirements or qualifications.

We considered bylaws as “literal recordings of events” (Yin, 2009, p. 103) regarding the institutional priority of board members’ qualifications. Our interpretations were based on multiple rounds of close reading; each bylaw was read by at least two of the authors. We compared our notes after each read to piece together the data found. The multiple reads minimized the data related to the board qualifications that might be missed with only one set of eyes. Similar to Mills (2007), we implemented qualitative content analysis—a cyclical process of coding data and using theoretical and analytical constructs to generate answers to research questions (Altheide, 1987) to aggregate text across sources. We analyzed bylaws using constant comparative analysis to identify themes related to the requisites for board service (Pinto et al., 2012). The analysis included coding and categorizing (Richards, 2009) of keywords extracted from the bylaws. By analyzing themes and patterns, we interpreted and made sense of the requirements valued within the trusteeship both within and across institutions (Creswell, 2007).

### *Limitations, Reliability, and Validity*

There were a few limitations throughout this research study. First, the analysis centers on the most recent board bylaw documents, which means that some of the bylaws have been recently updated, whereas others are more dated. The oldest bylaw update was in



2007 (though multiple documents did not give a date for the revision), and the most recent was in 2020. We were not able to ascertain specific changes in the versions and when they happened. Second, the data presented here only represent boards that had bylaws readily available on their websites, so there may be some bylaws that we did not have access to that either embody or refute our data. We attempted to contact institutions to obtain more information; however, some were nonresponsive. To demonstrate reliability, we cross-referenced information for accuracy. Akin to the approach of Morgan and colleagues (2021), which used strategic plans to examine aspects of the role of boards in higher education, no team member coded the same board bylaws twice. We aimed to triangulate the perspectives to maximize the distinct interpretations the bylaw review would reveal (Tracy, 2010). In addition, constant collaboration enhanced and facilitated data entry. To enhance validity, we also provided the names of all boards whose bylaws were included (Appendix B).

## The Manifestation of the HC of Board Bylaws

“A hidden curriculum consists of those learning states of a setting which are either unintended or intended but not openly acknowledged to the learners in the setting. . .”

—J. R. Martin (1976, p. 144).

Established modes of coding and categorization guided data analysis to outline broad themes and create a contextualized analysis (Lincoln & Guba, 1985; Miles & Huberman, 1994). Based on the 2018 to 2020 analysis of the 95 public postsecondary board bylaws, we identified four themes rooted in Portelli’s (1993) work on the HC. We contextualize these four major meanings of the HC and present bylaw examples of how governance structures can be a part of the HC (Giroux, 1983).

### *Board Bylaws as the Unofficial or Implicit (but Expected) Expectations/Requirements*

One way to define the HC is the “unofficial expectations, implicit values and norms” that play a central role in achieving certain expectations (Jackson, 1968). Expanding Townsend’s (1995) conversation of the HC in graduate programs, specific components of board bylaws convey an HC that current trustees unconsciously perpetuate and future trustees learn over time. Bylaws can, thus, have the power to influence, maintain, or disrupt the status quo within governance. In the case of aspiring board members, a lack of clear expectations for board service can deter individuals who are not attuned to the HC because they might find themselves outside the realm of selection for board service. With no insight into how to navigate the expectations of the role, candidates may preemptively shut the door on the opportunity to serve. If a board member successfully navigates the appointment/selection process, bylaws are further used as an instructional document to learn policy and procedural guidelines that

influence the values and norms board members enact in service. Thus, both the written and unwritten messages found within board bylaws are crucial to the courting and socialization of new trustees. We argue that the official curriculum of board bylaws is hidden because it either is not readily available or goes unnoticed (Portelli, 1993). We divide this theme into two sections—ambiguity and exclusions.

*Ambiguity.* One way board messaging remains hidden or unnoticed is via the ambiguous phrasing used in the bylaws. Many of the listed board qualifications are subjective (AGB, 1981, 2013). Therefore, it is challenging to know whether specific descriptions of the trusteeship are actual qualifications. The University System of New Hampshire, for example, spotlights how service on the board requires “commitment, dedication, and diligence”—buzzwords that can have an array of meanings. The Mississippi Board of Trustees (BOT) of State Institutions of Higher Learning delineates both exact qualifications (e.g., be at least 25 years old and reside in the district from which he or she is appointed) and intangible characteristics (e.g., “. . . men or women. . . of the highest order of intelligence, character, learning, and fitness for the performance of such duties”). Because there is no evidence of mechanisms in place to assert proficiency in these requisites, based on the notions of exclusion and HC, those in power likely impose their judgment in these areas as they see fit. Without clarity, those already in power can appoint according to their discretion of qualifications.

The Texas A&M University Board of Regents (BOR) “is a group of highly accomplished individuals who are completely focused on the perspectives of the students, faculty, and alumni and are committed to moving the university forward.” At the same time, Rutgers University in New Jersey specifies in its bylaws that “the most qualified candidates shall be, by their experience and expertise, persons who can best further the mission of the University.” The University of Iowa BOR designates that the nine members of its board “shall be selected from the state at large solely with regard to their qualifications and fitness to discharge the duties of the office.” Although appointment to the board is dependent on “qualifications,” none are provided. No determination of how to assess “fitness” or who evaluates fitness to perform the duties of the office is offered either. In not establishing norms for qualification, the bylaws default to the qualifications that have always been used, whiteness.

The Pennsylvania State BOT lists that trustees “shall be natural persons of full age” who need not be residents of the Commonwealth of Pennsylvania. At Rutgers, the board of governors (BOG) is selected “by their experience and expertise, persons who can best further the mission of the University”; however, it is unclear in which areas this experience and expertise need to reside. For the Minnesota State Colleges and Universities BOT, the governor must *consider* the needs of the BOTs and the balance of the board members concerning labor and business representation and racial, gender, geographic, and ethnic composition. Still, there is no accountability measure for this “consideration.” The hidden or implicit message is that individualization in requirements is valued, and standardization of requirements is not. Providing certain requisites yet keeping them opaque make these segments of the bylaws merely speech acts

that do not do what they say; they are nonperformatives (Ahmed, 2006), implying qualification as if merely writing the requisites takes the place of actually having and objectively evaluating them. The veil of ambiguity allows those who have always “qualified” for board service to continue to qualify and dominate the board space.

**Exclusions.** Contrasting the ambiguity of some qualifications provided, specific articulations around what disqualified potential trustees from service were also incorporated. The bylaws for the BORs in the State of Iowa, for example, outline that “not more than five members can be of the same political party” on the board at once. At the same time, the BOT at Pennsylvania State contends that “a person who is employed in any capacity by the University shall not be eligible to serve as a member of the BOT.” This statute is similar to that of the BOT of Bridgewater State University, which specifies that “No member of the board shall be principally employed within the public higher education system of the commonwealth.” The University of Oklahoma bylaws state, “no member of the BORs shall be employed upon any work to be performed in connection with The University of Oklahoma, Cameron University, or Rogers State University. . . .” The text highlighting exclusion is important because, assumingly, this verbiage is meant to address and deter conflict of interest yet, at the same time, it affirms the point of our article: There are assumed advantages that certain individuals leverage to remain connected to power and influence to which certain communities have limited access.

Although attention was given to prevent conflict of interest through institutional employment, we were still highly aware that numerous boards still had the governor and/or president/chancellor of the institution or system on the BOT. For example, governors appoint at least part of the board in 47 of the 50 states, and in 15 of these states, appointments are made without any required confirmation or approval from the senate (AGB, 2010; Janosik & Dika, 2000). A board nominated by the governor or public election might behave differently from a board appointed by the individual institution due to political positioning (Shaw, 1992). Pressures and influence from special-interest groups and campaign donors have the potential to compromise efforts to appoint trustees who are the most deserving and experienced (AGB, 2003)—consider boards like the University of Wyoming, where the governor sits on the board as an ex-officio member. Similarly, Washington State University BOR has the university president serve as the nonvoting secretary, the “custodian of all official records of the Board.” Although they might have “no vote” on the board, this does not mean that they have no influence. This conflict of interest only furthers the exclusionary practices of boards. In the absence of written qualifications (and in some cases, a clearly delineated process for how one might be appointed to the board), it is not a stretch to assume political ties come into play and those connections are composed of exclusive circles that leave marginalized communities out.

In a recent study (Ellis et al., 2020), the *Chronicle of Higher Education* reviewed 50 flagship and state public university boards across the United States and found that of the 411 board members, 285 (70%) were appointed through a confirmation process

controlled by a single political party, whereas only 93 (22%) underwent a bipartisan check. Findings also uncovered flagships received over US\$19.7 million in donations made by board members to the political and partisan causes within their institution's states (Ellis et al., 2020). According to the study, the number did not include additional donations from companies, spouses, or family members associated with a trustee. This reveals a public higher education governance system dominated by political actors and donors and vulnerable to partisan loyalty. In our review of the bylaws, it was not specified how political affiliation would be verified or how a direction regarding proportions on par with proportions in the general population might perpetuate current disproportionality rather than improve boards' diversification. Thus, the lack of formal requirements and qualifications would align with research that implies current practices privilege those already in power.

Although evidence suggests higher education is political (McLendon, 2003), scholars must be more cognizant of how today's institutions withstand political influence brought forth by its leadership. Board culture and composition can affect members' decision-making process, turning board spaces into political arenas (O'Leary et al., 2020). Former UNC President Thomas W. Ross was told in his early tenure by a board member, "You're going to be great here. And you'll be here a long time if you change your party registration" (Ellis et al., 2020, p. 1). In another instance, former chancellor of the University System of Maryland, William E. Kirwan, stated that board members are "making political judgments that have potential long-term consequences" for higher education (Ellis et al., 2020, p. 3). When board members cannot be objective in their fiduciary roles and responsibilities, the institution and public good are compromised. Although we do not argue that political affiliation or history of activism should disqualify someone from serving as a trustee, we do contend the unofficial or implicit guidelines can be political.

*Board Bylaws as Unintended Messages of Board Requirements.* An unintended outcome or HC of bylaws fraught with ambiguity or devoid of mention is that they reinforce paradigms of older, wealthy, politically connected, White males as leaders. Everyone else is on the periphery, even though these "other" groups often represent larger swaths of higher education (in number) than the dominant group (Townsend, 1995). The hegemony that controls the nation at large manifests in higher education institutions' control as understood through the board bylaws. Furthermore, the history of who has served on these boards and have then, by position, also imagined, written, and executed the board bylaws imply and reinforce the notion that these White men are in power and that it is their knowledge that matters. As a result, "when a curriculum is consciously designed to reinforce the dominant culture, then this reinforcement is an intended outcome" (Townsend, 1995, p. 4). The HC conveys a message here that the knowledge learned outside of the typical professions presently overrepresented on the boards is not worth knowing or deemed necessary at all. So minoritized voices are physically absent in the boardrooms and figuratively absent from important documentation (both in their creation and in being mentioned), which

means that unintended requirements for the trusteeship manifest in the bylaws are maleness, Whiteness, and other affiliated identities. In not offering direct qualifications for the trusteeship, the default is the status quo, and in the United States, the status quo defaults to whiteness.

*Indirect Qualifications.* The majority of bylaws stated indirect rather than direct qualifications for the position. Many boards have ex-officio members based on positions they concurrently serve, such as governor, president of the university, president of the faculty senate, or alumni association president. Although these board members do not have qualifications to serve as a trustee, they are assumed to be qualified because they meet the qualifications to serve in other prestigious roles. However, this assumption creates a flawed appointment system. For instance, the governor of California has to be a U.S. citizen and a resident of California for the 5 years leading up to the election to be governor. Yet, there are no qualifications listed for the vote the individual wields on the University of California BOR. Indirect qualifications as a standalone can: (a) privilege those already in power, (b) deter qualified applicants from service, and (c) create more ambiguity in the appointment process.

Indirect qualifications can also give insight into the values associated with the institution's mission and purpose. At least one of the nine members chosen by the governor must be an alumnus of the university for the BOT of Bridgewater State University. This board additionally explains that its members should reflect "the regional geographic representation" and that, of the appointed members, "at least 1 shall be a representative of organized labor, at least 1 shall be a representative of the business community, and 1 shall be a member whom the governor shall choose from among not more than 3 full-time undergraduate students who shall be nominated." In this case, the HC reflects that higher education expertise is not as integral to the success of a trustee as is their business and professional experience.

As numerous scholars have noted, the enterprise of higher education is idiosyncratic, so the assumption that qualifications for positions not directly tied to postsecondary education might equip individuals for board membership in higher education is problematic. In addition, the requisites for these other posts often limit the participation of minority groups due to the connection to elite, exclusive, and often politically affiliated circles. The government and politics of the United States are also majority White and male. So, in granting a seat on the board to these positions based on no known formal requirements, boards convey a message perpetuating the current societal power structures. The overwhelming prevalence of Whiteness on boards coupled with the minimal representation of minoritized groups on boards is a political issue (G. Johnson & Howsam, 2020). Representation (or lack thereof) on higher education boards is an expression of power over who influences decision-making in higher education (G. Johnson & Howsam, 2020). The unintended message of the bylaws is that White-dominated positions such as governors and lieutenant governors have a value to add to these boards, whereas nonprofit or working-class positions more commonly held by marginalized communities are not readily granted a seat at these board tables.

*Board Bylaws as Communication of Implicit Messages.* The HC describes aspects and values that are implicitly and/or explicitly omitted (Dodds, 1985). The absence of written qualifications can be taken in a variety of ways. First, it is possible that there are qualifications but that they are transmitted through some informal process, which renders including them unnecessary in the bylaws. Through this study, it has become clear that substantial information and processes may be transmitted informally. Although the bylaws memorialize any formal requirements for the trusteeship, informal pathways may be in place to fill the gap. Second, it could be that the qualifications for the trusteeship simply are not made readily accessible. A select group, but not the public, may know the requisites. Without access to the requisites, individuals looking to or already serving on the board cannot assess if they are qualified for the trusteeship. Third, and most problematic, is that there are no qualifications for the trusteeship. It is important here to mention that out of the 95 bylaws studied, 73 (77%) mentioned no training of new board members. This creates an assumption that board members must be well versed in the responsibilities of their position, although a larger number of bylaws, 75 (79%), mentioned no such qualifications were needed. If nearly 80% of the bylaws failed to mention any type of qualifications, yet nearly 80% of public boards are White males from similar professions, socioeconomic status, and so forth, perhaps the qualifications are implied rather than stated to move under the radar like a political dog whistle.

Referring to an article written on the (lack of) diversity of senior leadership at an Ivy League university, Gasman et al. (2015) argue, “. . .the word ‘qualified’ does not actually pertain to qualifications but instead to ‘fit,’ with upper-level administrators assessing candidates on the likelihood that they will be pleasant in social situations and hold similar intellectual and cultural views” (p. 2). Likewise, when governors appoint “qualified” board members without precise requirements, these spaces can become a breeding ground for like-minded individuals. Suppose there are no formal qualifications to serve as a layperson board member, coupled with no board member training. How can the public measure performance and success in these positions?

Furthermore, how can the institution validate the use of governing documents, such as bylaws, if they are inaccurate, incomplete, or up to the discretion of those enforcing them? Without alignment of policy to practice, the public cannot participate in a democratic “checks and balance” to ensure that the public good is at the forefront of the institution’s mission and service. If bylaws overtly lay out appointment and selection processes in which anyone can equally participate while the HC covertly unravels a fallacy of fairness governed by political actors, then there is a breach of confidence between the public and the public institution. It is important to study living institutional documents because they serve as social contracts to increase public trust in the organization. When bylaws lose value and purpose, the public loses confidence in the institution of higher education.

*No Mention.* Tierney (1997) put forth that “What we often do not realize is that if the comment is political, then logically the absence of the comment is equally political”



(p. xii). This is also the case with the discussion of board qualifications and requirements. In fact, the HC describes the norms and values typically not discussed in specific goals or objectives in a setting even though they may be implicitly conveyed (Giroux, 1978). Overwhelmingly, out of 95 bylaws in this study, 75 board bylaws (79%) did not explicitly mention requisites or qualifications for trusteeship in their bylaws. Suppose we include the bylaws that only mentioned what would disqualify someone from serving on the board (i.e., employment within the university system, being legally retired, service on the state board when applying for the university board), rather than a requisite. In that case, this number rises to 82 (86%). Although most bylaws we reviewed did not speak directly to the requirements of the trusteeship, it appears that they may exist and demonstrate a disconnect between what people say and what they do (Hodder, 2000). The Arizona BOR, the University of Arkansas System BOT, the California State University BOT, and the California Community College BOG are examples. Others, like the University of California BORs, include Article 23.2, "Appointment and Qualifications," but nothing in the article discusses qualifications of any sort.

The lack of emphasis on potential board members *before* selection or appointment aligns with the scholarship we presented in the literature review, which gave minimal attention to any precursory qualifications. Many boards did, however, offer statements of expectations of board members once the trustees were already on the board (e.g., the University of Wisconsin BOR expects that board members will be "well-informed. . . active and contributing participant[s]. . . [who] adhere to high standards of ethical conduct"). The lack of qualifications can be taken in multiple ways. One approach is to consider that qualifications are not seen as necessary for this role. Those in power may not want (or need) "outsiders" to know the requirements for the trusteeship. Central to CRT is acknowledging a history of intentionally establishing structural barriers and inadequate progress for marginalized groups in higher education (Hiraldo, 2010). It may be that the history of board bylaws, initially crafted in a time when only White men were eligible to attend institutions of higher education, still limits opportunities for marginalized populations. Another way to look at this is that the qualifications are known only by those connected to those in this position. It is feasible that board membership ". . . conferred tangible and economically valuable benefits, and was jealously guarded as a valued possession, allowed only to those who met a strict standard of proof" (Crenshaw et al., 1995, p. 280). Another possibility, which we explore in greater detail next, is that the bylaws ignore board qualifications to maintain the fluidity of power so that those in power can remain in power and control who comes and goes on boards. This idea aligns with the CRT scholarship that says that laws serve the interest of those in power (Tate, 1997).

**Board Bylaws as Board Member Creations.** External views of what it takes to qualify for service on the board are typically different from the requisites put forth by the board itself. Trustees "know the content of the hidden curriculum since it arises out of their own reactions and attitudes" (Snyder, 1971, p. 7). The HC is uncovered by those on the



board but remains hidden from those outside the privilege system. When applying this to board bylaws, the HC is what trustees perceive they must do to get appointed to the board, make decisions on behalf of the institution(s), and inculcate the next wave of trustees. The final type of HC rests in the self-perpetuation of power. Those with the ability to appoint board members may assess potential trustees on the likelihood that the prospective candidate will maintain similar intellectual, social, and cultural perspectives (Gasman et al., 2015). For example, the Rowan University BOT bylaws state that “The board shall determine the composition and size of the [BOT].”

*Unchecked Power.* When accounting for board members’ removal, dismissal, or impeachment, only 42 bylaws had a section written on this process. One of those boards included the dismissal of student trustees only. Here, via the ambiguous process of board removal, power can remain unchecked, and lay members sustain their positions without replacement. The only form of removal for many of these trustees is the time limit of the position. However, the Western Wyoming Community College District BOT bylaws went further to state that “no prohibitions exist for the number of terms a Trustee can serve.” With boards having the power to determine the board’s composition and size, trustees may be able to maintain the status quo of arbitrary structure to the board like “no less than seven, no more than 15 of the current board members.” There is no impetus to change the HC because it has worked to their advantage. The bylaws offer enough information to make it appear that there are qualifications for the role but insufficient information to delineate the specifics of those qualifications. One way board bylaws ensure that the board’s power remains with the majority of lay members is through specifications for particular trustees.

*Specific Trustees.* The number of requirements found was inversely related to board responsibility. Board members who held the shortest terms and at times had no power to vote were required to possess more qualifications than their lay member counterparts. For example, some bylaws presented an extensive list of requirements for student trustees. For instance, a student regent for The University of Alaska BOR must be a full-time student, carry a cumulative 2.5 grade point average (GPA), attend a particular campus, be a U.S. citizen, and be a resident and registered voter in Alaska. Students who wish to be the student regent must submit a state ID, résumé, and letters of recommendation for a 2-year term. Contrast this with the surreptitious path to board service found at University of California Board of Regents, for example, whose laymen are appointed to 12-year terms with the possibility for renewal without any known requirements. The Ohio State University BOT spends time outlining the requisites for one class of its trustees—charter trustees. The board notes,

. . . In order to take advantage of the diverse cultural, geographic, business, professional, public service and civic backgrounds, talents and experiences. . .the position of charter trustee has been established. . .on the basis of the following attributes: Ohio State

University alumna/alumnus or friend of the university. . . Appointment and reappointment decisions will be made with consideration to the expertise needs of the overall board. . . Charter trustees shall be nominated by the talent, compensation and governance committee. . .

In this case, trustees create the rules and execute the rules to maintain and reinforce the status quo without any accountability. This lack of accountability is an additional implicit message. Without transparent qualifications, as in the case of mission statements (Blair-Loy et al., 2011), we are concerned that leaders such as trustees “who do not explicitly publicize them are less likely to be held accountable to them by internal and external stakeholders” (p. 434).

*Stances Against the Existing Norms (Outliers).* Although minimal or nonexistent qualifications were the norm of the sample we reviewed, a few boards demonstrated a range of qualifications. The University of Hawai'i (UH) was a noticeable outlier. Candidates are considered based on their contribution to the board's diversity, skills, and competencies.

Candidates must demonstrate: (a) Commitment to public or community service; (b) Capacity for objective, impartial decision-making; (c) Knowledge, experience or interest related to education; (d) Capacity for collaborative leadership; (e) Experience governing complex organizations; (f) Respect for academic freedom and a diversity of views; (g) Ability to raise resources to support an organization.

The practice of delineating requirements goes a step beyond most boards and causes us to wonder if this distinct approach has any connection to Hawaiian history that is rooted in diversity or Hawaii's distance from the mainland that may allow its unique culture to negate the practices we see in other states. Not only are the Hawaiian bylaws noticeable outliers, but so is the diversity of its board.

In addition, the University of Minnesota BOR outlines 12 personal characteristics (e.g., the ability to function as a member of a diverse group in an atmosphere of public transparency, collegiality, and selflessness) and six professional/experiential criteria (e.g., knowledge and experience that relate to the needs of the board and the challenges and opportunities facing the university) for selection (Hopkins, 2016). The University of Vermont and State Agricultural College BOT highlights 14 criteria a board member should encompass, including, but not limited to, financial acumen, proven leadership, strong decision-making skills, and experience in higher education or with issues facing educational institutions. This particular board also goes a step further to say that “the University and the Board are best served by having a Board composed of members with complementary skills and experience, and who reflect diversity in its many forms, including but not limited to gender, race, and ethnicity.”

Community colleges also were noticeable exceptions to the “nonqualification” rule and may warrant subsequent study. For example, Western Wyoming Community College requires a board member to be an eligible voter that must “reside in the sub-district from which he or she is elected” and take an oath of office before assuming the duties of the trusteeship. The Wisconsin Technical College System puts forth qualifications directly tied to diversity and inclusion of its board by saying it “shall give equal consideration to the general population distribution within the district and the distribution of women and minorities within the district.” The intent of such consideration is to reach a goal so that “each district board has four female, four male and at least one minority member.” The BOR for Kentucky State University, a public, comprehensive, historically Black land-grant university, notes that its board shall be “no less than proportional representation of the minority racial composition of the Commonwealth.” The HC directs attention to what should be emphasized or ignored (Fernández-Balboa, 1993). The intentional mention of qualifications by boards of unique states like Hawaii, which has more racial diversity than the United States as a whole; community colleges, which are open-access institutions that serve as the main postsecondary entry point for underserved student populations; and minority-serving institutions, which have an explicit mission to serve minority students, aligns with the HC framework. These institutions serve higher numbers of marginalized populations, and their bylaws may be an attempt to ensure that the board reflects that diversity. The following section discusses implications derived from our analysis and presents recommendations for both boards and the academy as a whole.

## Discussion and Implications

“...the concept of governance is freighted with values often stated in ways that imply that certain things are understood and agreed-upon when, in fact, they are not.”

—Frederickson (2005, p. 12)

The aforementioned findings primarily reveal that there are no known requisites to be a public higher education trustee. This acknowledgment was not surprising to us, but the reality carries implications for the future of higher education boards. This study brings to the forefront that there are either hidden, ambiguous, or little to no requisites for arguably one of the most influential roles in higher education. We attempted to expand the scholarly dialogue on governance-related issues in higher education and recognize there may be varied interpretations of the contents of board bylaws. Our analysis through HC and CRT suggests that these guidelines may often be intentionally incomplete, and the consequences of the lack of clarity around board requisites are far-reaching. Because boards are essential to higher education’s operation and success, the minimal requirements affect the future health and vitality of the entire higher education enterprise (Lingenfelter et al., 2008). In addition, there are extensive implications for the trustees themselves.

## *A Call for Clarity*

Board members often have problems understanding their roles based on confusing, abstruse, or nonexistent information (Longanecker, 2006). Individuals who become trustees often lack a clear understanding of what is expected of them, the board's purpose, how to implement their board responsibilities, and the requirements of their time on the board (AGB, 2013). When trustees have an inadequate understanding of their role's complexity, the results can be disastrous (Herron, 1969), yet many board members are unprepared for the trusteeship (Elfreth, 2011). Therefore, our study's first takeaway is that overall transparency, organization, and clarity are needed in all facets of the board. Moreover, some of the uncertainty surrounding the board's role as a whole may originate with unclear qualifications for board service.

An additional thought is that trusteeship requisites may exist for some boards but are intentionally kept hidden. A striking finding in this study was that there were no apparent signs of the application to serve on the public boards anywhere on the board websites. Of the 95 bylaws in this study, only 9 boards had an application available to the public, with 3 of those being an application for the student position. Schneider and Ingram (1997) contend that “. . . public policy is most dangerous when it succeeds in placating the public, disguises the inequalities that are tolerated and exacerbated by government, yet appears to be produced through a process that is open, competitive, and accessible” (p. 65). How might the standards of trustee requirements be reflective of higher education's exclusionary and homogeneous nature?

Furthermore, how might the HC of board bylaws serve as just an additional layer of exclusion after these board members also jump through the necessary hoops to possess the titles, finances, and political affiliation traditionally incumbent of board members? Subsequent studies should explore the bidirectional influence of politics on the trusteeship (e.g., think about UC Regent Richard Blum, for example, the spouse of California Senator Diane Feinstein, who was recently indicted in an admissions scandal where he exerted influence to have students accepted at UC Berkeley). Whether data omission was intentional or not, our study suggests that boards should include board qualifications (even if they are only suggested). Danton (1937) noted very early on that colleges and universities omitted information regarding board appointment or election and that including such information would require little effort and benefit many. Going further, Danton suggested that these institutions are, in fact, duty-bound to share essential facts such as these; we are inclined to agree. If there are no required or recommended qualifications, boards should clearly state that their subjective practices are utilized to meet the needs of their boards at the time.

## *A Call for Accountability*

Questions also remain about the combination of considerable demographic changes, heightened calls for accountability, whether trustees should be more representative of the increasingly diverse populace, and how board composition affects board decisions.

Evidence “. . . suggests that demographically diverse teams may be advantageous to organizations, especially in performing decision-making tasks” (Elsass & Graves, 1997, p. 946). Accordingly, it may be necessary to consider a novel process for board selection that removes the political and privileged undercurrents of gubernatorial appointments (Danton, 1937). As of 2020, extreme disparities exist—only 9 of the U.S. governors are women, and 47 of them are White (Eagleton Institute of Politics, Center on the American Governor, n.d.). Public boards mirror this White and male-dominated environment; trustees in this sector were nearly 75% White and 70% male (AGB, 2016). Governors, trustees, and system and institutional heads across the higher education sphere look very similar to how they have always looked (H. L. Johnson, 2017). Without questioning the status quo, this homogeneity may continue.

For those boards that demonstrated some intentionality surrounding diversification, it is also important to question their use of board bylaws. It is not in the idea but in the application of enhancing diversity that even some of these board qualifications have fallen short. The concept that numerical quotas will diversify the board does not consider the impact of tokenism (Niemann, 2016) or critical mass (Hagedorn et al., 2007). Even when appointed, underrepresented minorities enter these spaces as colleagues but quickly shift to become the Person of Color (Niemann, 2016). Once on the board, their racial identities become the most salient attribute to the university, especially when there are diversity-related issues (Niemann, 2016). Diversity requisites often-times merely support the promotion of more “diverse” boards but neither prioritize those programs that might sustain diversity nor provide explicit definitions of diversity. Although higher education institutions insist on displaying their tokenized members as a tribute to diversity efforts (J. C. Harris et al., 2015), college campuses and universities have remained largely exclusionary since their inception. Demographics do not mean qualifications, nor does diversity equate to inclusion and belonging. Furthermore, what does it say about these boards that they have to mandate diversification? What might these boards look like without such mandates? We must address the attitudes toward diversity usage on boards in addition to the organizational and administrative intention behind the term.

Board service based on ambiguity or privilege complicates governance and limits access to and diversity of effective decision-making. The corporate and nonprofit literature demonstrate that boards looking to improve performance and effectiveness should prioritize diversity (Buse et al., 2016). Without changing the barriers to the knowledge of and access to board service, postsecondary boards will continue to find it challenging to enhance the representation of minoritized groups. The HC of board bylaws perpetuates acceptance of certain opinions of what a board member should and should not be, therefore legitimizing power structures and social inequities (Fernández-Balboa, 1993). The standards perpetuated in board bylaws typically “codif[y] and extend the interests of those who disproportionately wield power” (Levinson et al., 2009, p. 769).

Systems perpetuate this privilege across all facets of life—the economy, politics, health care, and education, with the latter resulting in power being long concentrated

in the hands of a homogeneous group. Our research demonstrates that higher education boards represent a system organized around privilege because it is dominated by privileged groups, identified with privileged groups, and centered on privileged groups (A. G. Johnson, 2006). McIntosh (1990) argues, “many doors open for certain people through no virtues of their own” (p. 4). Yet, we are conditioned to believe that these doors have opened to the hardest working, most deserving individuals. Board homogeneity has, thus, been qualified under the façade that the pathway to membership is democratic and equally attainable for anyone, whereas in fact, it is an unearned privilege, or White advantage, that has resulted in traditionally White, male boards dominating higher education. The concentration of such power will continue to permeate all aspects of social functions if scholars do not engage in conversations surrounding existing systems of dominance (McIntosh, 1990) and how to hold boards and higher education accountable for challenging these norms.

### *A Call for Action*

J. R. Martin (1976) identifies four potential options to pursue once a HC has been identified: Do nothing; change our practices, procedures, environments, and rules; abolish the setting (as opposed to changing it); or embrace it. Our research demonstrates that a combination of options might be appropriate. This article’s purpose was not to advocate for what should be on the certain list of traits, skills, or job histories for trusteeship service but rather for the need to contemplate whether there needs to be such a list and who would establish the contents of the list. Ultimately, it is a call to question the process of board recruitment, selection, appointment, preparation, and evaluation. As it pertains specifically to this text, just because there is a historical lack of transparency regarding trustee qualifications does not mean that this cultural norm should not be questioned, challenged, and, should it be necessary, overthrown (Tierney, 1997, p. xvii).

As we recommend action to combat the historical exclusion of boards, importantly, we acknowledge that we do not assume to know which audience actually engages with the board bylaws. We use board bylaws as a vehicle to expose board inequity because of the implied influence beyond what symbolic purposes may initially suggest about these types of publicly available documents (Morgan et al., 2021). Bylaws are living documents and detail how boards are to operate. Given the amount of power and length of service, board members need to enter the position with a sense of understanding of whether they can even meet the most basic qualifications. We must consider the possibility that some characteristics, abilities, or affiliations might be useful for the role of the trusteeship and that whatever the qualifications are should be drafted with equity in mind. Upon further investigation in this area, it may be that these skills are intangible or inextricably linked to the role and responsibilities of the trusteeship as suggested by Victor Bryant (1964): “. . . may I say that being a Regent and a good one requires wisdom, restraint, tact and at the same time conviction and courage generously applied” (p. 322).

Depending on the perspective, this particular topic “can be significant as well as trivial, worthwhile as well as worthless” (J. R. Martin, 1976, p. 137). We opt to consider this study’s findings as both significant and worthwhile for those minoritized voices on the board. As a society, we must begin to (re)consider and counter the implications of the unchecked perpetuation of the dominant model of White male governors appointing White male trustees who appoint White male chancellors and presidents who lead institutions and systems where there is disproportionately White male faculty, and so on (Rall & Orué, 2020). This inequitable representation necessarily influences higher education institutions’ policies, practices, people, and principles. For example, board composition, experiences, and ideologies influence how trustees interact with campus constituencies (Michael et al., 1997). The board’s influence can either (re)produce inequity or engender transformation for positive social change for the campus and community at large (Rall et al., 2020).

The AGB and Gallup 2020 *Trustee Index: Concern Deepens for the Future of Higher Education* notes that “[o]ne tangible way for trustees to become more in tune with those they serve is to increase diversity on their boards” (AGB & Gallup, 2020, p. 15). Board composition can be limited through the bylaws of an organization (Mayers et al., 1997). The implicit and explicit messages that board homogeneity elicits deserve exploration. Like other groups, demographically diverse boards can establish valuable decision-making interactions (Elsass & Graves, 1997). A different selection process may allow for greater diversity. So although trustee qualifications are essential for board effectiveness, those board members’ appointment and selection processes might be just as important (AGB, 2003; CHEPA, 2004). Besides, without knowing board member qualifications, it is impossible to hold board members accountable. Without knowing what it takes for them to lead, there is no method to evaluate their performance. We highlighted earlier how board members are often unsure of their roles. We must also question whether other stakeholders or community members might be even more perplexed by the qualifications and duties of the board.

### *A Call for Additional Research and Application*

This study also has implications for higher education boards outside of the United States. For countries that follow a governing board model, specific policies and procedures reflect historical and national influence (Rall et al., 2020). So whereas in the United States, our research may highlight the exclusion of women and People of Color, in other nations, these divisional lines may be drawn based on religion, gender, caste, socioeconomic status, or other identities that do not describe the dominant group. In addition, whereas the boards in the United States are intended to be apolitical, state governors’ highly political appointments necessarily play a role in the maintenance of power structures across the states. It would be essential to interrogate if and how the various ministries, councils, and entities in other countries play a role in board appointments and exclusionary practices based on power and privilege. Also, due to the large populations and higher education systems in countries such as India or China



(Rall, 2022), it is possible that an HC of board requirements might relegate even more groups to the margins by sheer numbers alone.

It is crucial to explore both term limits and the official removal process for all trustees who serve on higher education boards. These may be the only levers available to diversify boards in the absence of qualifications. If, as we present here, there are no solid requisites for the trusteeship, it is all the more critical that there are processes in place for removal because trustees may not be a good fit for the role. Because there is no agreed-upon vetting process beforehand, protections provided by a removal process or term limitation are key to shield the work of the board. Future research could explore whether and how boards rely on their bylaws when addressing board member efficacy, fit, and behavior issues and the role of these bylaws in maintaining appropriate representation and qualifications over time.

Finally, this “hidden curriculum” idea should be applied to other high-level decision-makers in higher education. The chancellor/president position, in particular, would be important to examine for any exclusionary practices that may slow or prevent the diversification of campus and system chief executive officers. Because one of the major responsibilities of governing boards is selecting the president/chancellor, exclusion at the board level can directly affect exclusion at the presidential level. We recognize that there are trends that indicate there are more People of Color in these important roles over the years, but just because People of Color are appointed and elected to the board and presidency does not mean they did not experience explicit and implicit forms of racism on the path to inhabit those seats and once they occupied the seats. Intentional investigation of these often “closed” processes may uncover additional examples of exclusion for top decision-makers.

The HC of the trusteeship needs to be made explicit in higher education. The “curriculum,” though, can be revealed only if boards, governors, and others in power acknowledge their roles in reinforcing established social norms surrounding board qualifications and reproducing such norms via the bylaws. It is imperative for higher education institutions to expose and hold senior decision-makers accountable around what denotes (and maybe, more importantly, connotes) qualifications for board service, particularly as this pertains to marginalized populations (Gasman et al., 2015). CRT and the HC served as a guiding framework to understand how systemic forms of oppression shape higher education boards. It is necessary to explicitly call out advantages that are rationalized through processes that may not be explicitly discriminatory but can have exclusionary consequences, such as board service qualifications.

## Conclusion

“Much of the most telling leadership of public institutions of higher education today is anonymous. Few realize the extent to which unknowns, both within an institution and outside it, really control educational policy.”

—Glenny (1979, p. 402).

The trusteeship carries long-lasting social, economic, and cultural implications for society and states (AGB, 2003). We present this study at a time when a greater focus on who boards are and what they do (or do not do) is apparent. Through the examination of the dominant methods of board qualification and the social context in which such requisites are perpetuated and endorsed, it may be feasible to “offset the powerful hidden influences to which we are subjected and to which we, even unconsciously, often subject others” (Fernández-Balboa, 1993, p. 250). The exclusion of minoritized groups from positions within university governance carries great implications. Racialized people continue to be underrepresented at the highest levels of university governance; these very structures serve to perpetuate this discriminatory stereotype (G. Johnson & Howsam, 2020). We explored how boards (through their bylaws) may actually reproduce exclusionary qualification practices that may prevent board diversification and inclusion. The discussion above elucidated the rationale for focusing on the HC of board qualifications and making these qualifications explicit. We attempted to lay the foundation for viewing board qualifications as an enhanced call for renewed scrutiny, clarity, and transparency of boards’ influence in higher education (Rall et al., 2021).

The research outlined in this article exposes that very few boards have any defined requirements for trusteeship. Therefore, there is no practical method to ensure that individuals with the “needed characteristics” join the board. Numerous criteria need to be considered during the selection process to maximize trustee performance (CHEPA, 2004). Hence, future scholarship should investigate why there appears to be so little attention and forethought given to the recorded requisites of the trusteeship. In addition, scholars ought to question the many inadequacies discovered in the bylaws for those boards that do put forth qualifications. Most importantly, however, board members need to interrogate current norms surrounding board qualifications. Such reflection may prove beneficial for myriad components of board work; even if drastic reforms are not ultimately made, consciousness raising may be a prime lever of change against the HC of board service requirements (J. R. Martin, 1976). Gasman et al. (2015) implicate, “. . .for many the term ‘qualified’ has less to do with intelligence and skills but is more indicative of fit and comfort. We also ask as CRT urges us to, ‘who defines quality?’” (p. 12). Moreover, what does it take to serve on these boards?

The dearth of literature revolving around this topic prompts the need for a more intentional description of qualifications for board service. In the name of transparency and accountability, it is crucial to elucidate standard practices for filling board seats. Furthermore, trustees need to know the potential requirements and qualifications for their leadership role to efficiently perform the role to the best of their ability. The trusteeship of higher education matters for the efficiency and success of all institutions; therefore, the qualifications that equip these individuals for trusteeship should matter as well. So although delineating the actual qualifications for “what does it take to lead” on higher education boards is beyond the scope of this work, our research demonstrates that more interrogation in this area is needed to illuminate how the path to the trusteeship may be exclusionary. Whether they are merely hidden or entirely unknown, scholars and practitioners cannot remain complacent with the current insufficient

knowledge of these requisites. Greater understanding and exposure of the HC of board work is necessary to help advance diversity, equity, and inclusion at the highest university decision-making levels.

Appendix A

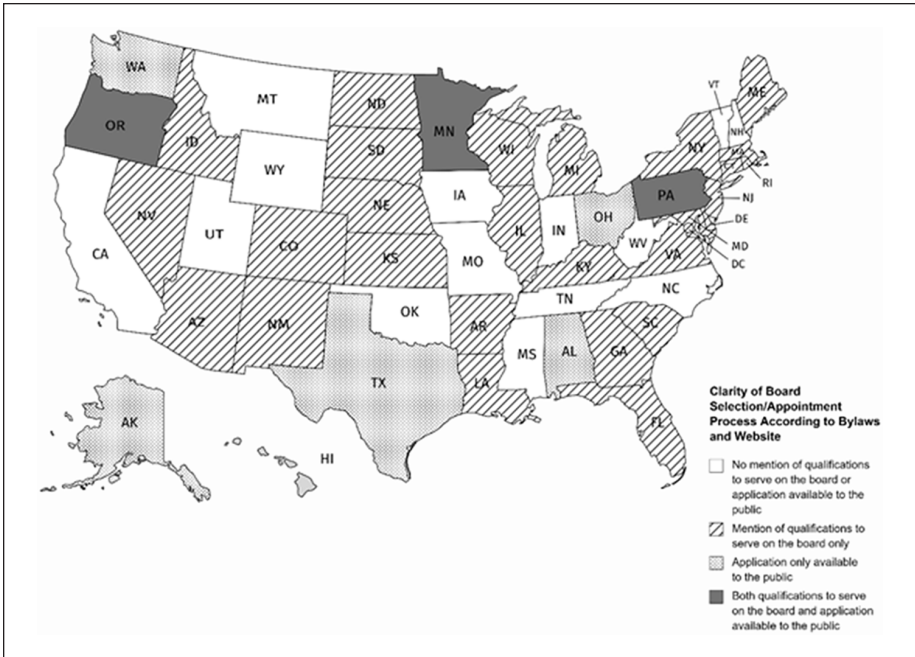


Figure AI. Qualifications to Serve on the Board and Application Availability, by State

Appendix B

Bylaws Reviewed

1. Alabama A&M University BOT
2. University of Alabama BOT
3. University of Alaska System BOR
4. Arizona BOR
5. Trustees of Arizona State University
6. Arkansas State University System BOT
7. University of Arkansas System BOT
8. California Community College BOG
9. California State University (system) BOT

10. University of California BOR
11. University of Northern Colorado BOT
12. University of Colorado BOR
13. Connecticut State University System BOR
14. University of Connecticut BOT
15. Delaware State University BOT
16. University of Delaware BOT
17. Florida A&M University BOT
18. Florida State University BOT
19. University of Florida BOT
20. University of North Florida BOT
21. State Board of the Technical College System of Georgia
22. The BOR of the University System of Georgia
23. University of Hawai'i System BOR
24. Idaho State Board of Education
25. Illinois State University BOT
26. University of Illinois BOT
27. Indiana University BOT
28. University of Iowa BOR
29. BOR State of Iowa
30. Kansas BOR
31. Kentucky State University BOR
32. University of Kentucky BOT
33. Louisiana BOR
34. Louisiana Community & Technical College System's BOS
35. Louisiana State University System BOS
36. Southern University System BOS
37. University of Maine BOV
38. University of Maine System BOT
39. Morgan State BOR
40. University System of Maryland BOR
41. The BOT of Bridgewater State University
42. The University of Massachusetts BOT
43. Michigan State BOT
44. University of Michigan BOR
45. Minnesota State Colleges & Universities BOT
46. University of Minnesota BOR
47. Mississippi BOT of State Institutions of Higher Learning
48. Lincoln University BOC
49. The Curators of the University of Missouri
50. Montana BOR of Higher Education
51. University of Nebraska BOR

52. Nevada System of Higher Education BOR
53. CC System of New Hampshire BOT
54. University System of New Hampshire BOT
55. Rowan University BOT
56. Rutgers University BOG
57. Regents of New Mexico State University
58. University of New Mexico BOR
59. City University of New York BOT
60. State University of New York BOT
61. North Carolina State University BOT
62. University of North Carolina System BOG
63. North Dakota State Board of Higher Education
64. Ohio State University BOT
65. The Ohio University BOT
66. Oklahoma A&M Colleges BOR
67. BOR of The University of Oklahoma
68. Oregon State BOT
69. BOT of the University of Oregon
70. Penn State BOT
71. University of Pittsburgh BOT
72. Rhode Island Board of Education
73. BOT of South Carolina State University
74. University of South Carolina BOT
75. South Dakota BOR
76. Tennessee State University BOT
77. University of Tennessee BOT
78. Texas A&M University System BOR
79. University of Texas System BOR
80. Salt Lake City Community College BOT
81. Utah Board of Higher Education
82. Vermont State Colleges BOT
83. University of Vermont BOT
84. George Mason University BOV
85. University of Virginia BOV
86. Virginia Tech BOV
87. William & Mary BOV
88. Washington State University BOR
89. University of Washington BOR
90. West Virginia University BOG
91. West Virginia Higher Education Policy Commission
92. Wisconsin Technical College System Board
93. University of Wisconsin BOR

94. Western Wyoming CC District BOT
95. University of Wyoming BOT

BOC = Board of Curators; BOG = Board of Governors; BOR = Board of Regents; BOS = Board of Supervisors; BOT = Board of Trustees; BOV = Board of Visitors; CC = Community College.

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### Note

1. Governing boards may be referred to by different names: BOC = board of curators; BOG = board of governors; BOR = board of regents; BOS = board of supervisors; BOT = board of trustees; BOV = board of visitors.

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