

The American University: Who is in Charge?

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"WHO IS IN CHARGE" of the more than 2,000 institutions of higher learning in the United States? Everybody, and nobody. Certainly not the trustees.

The unique American-Canadian system of trustee control exists today more as a legal fiction than as a fact. It is probable that "trustee control," as originally conceived in this country, will not be revived in our lifetime.

If this appraisal shocks anyone, I can only plead that I am not expressing approbation, but, to use the idiom of today's students, I am trying to tell it like it is. Whether this modern-day phenomenon is for good or for evil is too involved a subject for this article; however, I will, at least, discuss the facts.

The most distinguishing and misunderstood characteristic of American college and university trusteeship is that, with a few important denominational exceptions, absolute legal control over every function of the institution is placed in the hands of lay boards. Lacking the normal checks and

balances of the American political and business system, the power is absolute. This authority exists whether the school be public or private, state or local, denominational or independent. It all began in the seventeenth century with the founding of the earliest small colonial colleges, primarily for divinity training, and continues today even with our collegiate giants. In most other countries, control is in the hands of the state, or, as with Oxford and Cambridge, in the hands of the faculty. Not so with us.

Briefly, what is this absolute control? It is the full power to establish policy and to manage not only finances, property, budget, public relations, and the appointment of the president, but also the faculty, curriculum, all educational matters, and student life. To quote the 1642 charter of Harvard College, America's first institution of higher learning, the Board was given "full power and authority to make and establish all such orders, statutes, and constitutions as they shall see necessary for the instituting, guiding, and furthering of the said col-

lege and the several members thereof . . . in piety, morality and learning." And in case someone suggests that modern conditions might require a more realistic alignment of power, in 1819, the Supreme Court of the United States, in the famous Dartmouth College case, ruled that a charter granted without reservation is a contract between the state and the corporation, and may not be changed without the consent of the trustees.

The absolute power of the typical college board of trustees is not only a legal right and authority, it is also a moral obligation and responsibility. Yet, it is no secret within the academic community that the trustees have in fact abdicated the exercise of a substantial portion of this authority.

In the moderate language of Laird Bell, former Chairman of the Board of Trustees of the University of Chicago: "the board has the power to control the institution but is tolerant in letting the educators for the most part run it." A more extreme approach was taken by former *Chicago Sun-Times* Editor Milburn Akers: "One of the greatest wastes of human resources I know is boards of trustees. They have one purpose: ratify that which has been done for the past six months, give them [the administration] a blank check for what they want to do for the next six months."

Perhaps it is more factual to say that the typical board today has retained to itself policy control and sometimes management over physical plant, investments, fund raising, and the appointment of the president, but has delegated to administration and faculty both policy and management control over educational and student affairs, as well as the detailed control of the budget. This is true whether the board has done so deliberately and in writing, or whether it has occurred through tolerant default.

At the beginning of this article, I sug-

gested that everybody and nobody is "in charge." Specifically, from a ten-year study of the problem, I believe that the policies and management of most colleges and universities are in fact scattered throughout all possible groups in interest, in one degree or another of coordination. In general, I would rank the "in charge" power groups as follows, in order of greatest influence on the average institution: administration (president); faculty; trustees; students; government, or general donors in a private institution; donors of gifts and grants for research or other specific projects; alumni. Parents, who have a large stake, and the public, upon whom education has the greatest long-range impact, are virtually voiceless. With increasing demand for shared authority by faculty and students, answered by frequent executive acquiescence, those two power groups may rise in this command echelon.

To better understand this phenomenon, it might be constructive to take a look at the average American trustee. In a recently published book, entitled *The Trusteeship of Colleges and Universities* (copyright by McGraw-Hill Book Co., data used with permission), Vice-President Morton A. Rauh of Antioch College reports the following characteristics of our over 25,000 American trustees (from the replies of 5,200 trustees responding to his survey of a large sample of all institutions of higher education):

1. Approximately 86 per cent are male.
2. Seventy-five per cent are 50 years of age or older (88 per cent in private institutions), while only 5 per cent are under 40.
3. Negroes constitute 1.3 per cent.
4. Seventy-five per cent live in the same community or state.
5. Seventy-five per cent are Protestant (82 per cent excluding denominational schools).

6. Eighty-three per cent have one or more degrees.
7. Fifty-eight per cent are Republicans, 33 per cent Democrats, but 61 per cent describe themselves as "moderates."
8. Their political leanings are no gauge of their attitudes on educational questions.
9. Most common occupations are manufacturing, money management, and law.
10. Least common occupations are organized labor and the creative arts.
11. There is no close relationship between corporate and collegiate control; only 20 per cent are directors, and 14 per cent executives, of corporations traded on recognized stock exchanges.
12. There is little college board interlocking; 85 per cent are on one board only, and 84 per cent were never on another board.
13. Median annual income is \$30,000-\$50,000; 16 per cent earn over \$100,000.
14. The trustee is active on over four other community service boards.
15. His median term is four to eight years.

Perhaps even more significant are a few board-of-trustee characteristics reported by the Department of Higher Education of Indiana University after an exhaustive 1967 study of almost all American boards:

1. Fifty-seven per cent of all boards have only from 3 to 15 members.
2. Faculty and students appoint almost no members.
3. Faculty are board members in 11 per cent of the institutions.
4. Students are board members in less than one per cent of the institutions, and are members of board committees in 15 per cent of them.
5. Only 50 per cent of the boards meet

monthly or oftener.

6. Seventy per cent of all board meetings last from two to four hours.
 7. In 72 per cent of the cases, the college President prepares the board agenda.
 8. Only 12 per cent of the boards have administrative offices or personnel outside of the President's office, usually an administrative secretary; almost none have an independent research staff.
- Rauh adds a few pertinent statistics:

1. The average trustee spends approximately 85 hours a year on college affairs, including travel time, and approximately 20 of these hours are spent in fund raising.
2. Only 53 per cent attend all board meetings; 80 per cent attend three-quarters of the meetin—omitting the public junior colleges, 38 per cent of trustees attend all board meetings.

Based on this data and other research a few conclusions seem valid:

1. *The limited time spent on collegiate affairs by the average trustee in fact forces an abdication of his exercise of full control.* Small boards, infrequent and short meetings, spotty attendance, and less than a total of two full weeks a year devoted to work, make it physically impossible to determine policy and manage the intricate affairs of even a smaller school, to say nothing of our academic goliaths. Because the grocery store must stay open, control passes by design or by default to those who will exercise it.
2. *It is questionable whether the average trustee is qualified to control any but the broadest aspect of today's highly involved collegiate problem.* Recruited largely from manufacturing, money management, and law, the trustee may be more comfortable in controlling fi-

nance, physical property, investments, public relations, and fund raising, than the mysteries of the academic world. Conversely, many boards have abdicated control in an area where they should be most effective—student morals and discipline.

3. *Perhaps most trustees do not have the inclination to exercise full control.* They are limited by time. Too many are elected as fund raisers or as window-dressing. Many find themselves in a strange environment, particularly the 17 per cent without collegiate degrees, and most are intimidated by superior faculty acquaintance with academic matters in a teaching and research atmosphere where over 50 per cent of modern knowledge was not taught when these over-50 trustees were in school. And then, what trustee is inclined to dictate student conduct when he is not sure how successful he has been with his own children?
4. *Even with college boards seriously attempting to fulfill their responsibilities, trustees are unable to act intelligently on policy questions because of a communications gap.* They lack sufficient information, objectively presented. Such a lack arises, in fact, when the administration presents little or no data on the agenda questions, or when the administration presents just enough to support the result it wishes, or when such a volume is supplied that the busy trustee lacks time to absorb it and therefore, in effect, is deprived of it. The problem is compounded by the fact that few boards have their own research staffs, and are dependent almost entirely on the President for information.
5. *Humans being human, there is a continual erosion of trustee effectiveness through the power-grabbing tendencies of the President, the faculty, and the*

student body. We must face the facts of life. A President strengthens his leadership by taking or manipulating power, and he can do it by dictating the board agenda as well as spoon-feeding the data and opinion supplied to the board. The faculty, zealous to increase the independence, security, and integrity of its own informal academic union, and conscious of its weight of numerical as well as professional strength, attempts to take more and more decision-making power not only from the trustees but also from the President. Impingement upon Presidential authority by the so-called democratic power groups within the faculty is as major a problem as their usurpation of trustee control. And then we have the students. Traditional mechanisms through student boards and newspaper control give them a powerful influence, but with current ferments of dissatisfaction, fanned by racist problems and outside subversive influences, substantial minorities are demanding participation in administrative and board powers. Through spineless administrative decision, failing to segregate the issues from the tactics, and motivated by sheer fear, students often get more than is healthy for them or the institution. Perhaps the faculty and student upsurge in power control is encouraged by the minimal representation these groups have on the average board of trustees, as well as by lack of communication between them and the board.

Having briefly analyzed the phenomenon of trustee power erosion, it would be natural to indicate solutions. This article does not permit such an exploration, but I would like to suggest a few avenues of constructive consideration.

Of course, there are many who feel that the status quo is quite adequate. It can be

argued that this developing American system has produced as flourishing, as varied, and as successful a pattern of higher education as exists elsewhere on earth. And certainly no one can challenge the integrity, devotion, sacrifice, and ability which generally characterizes the top level of stewardship of our college trustees.

For those who are concerned with corrections or improvements, serious thought should be given to a clear-cut modern definition of the role of the trustee. Many frictions would be eliminated by a clear understanding of the expected function of each of the cooperating power groups. Either the American trustee must make the effort to exercise his control function or clearly delegate unwanted responsibilities to those who will.

In making its delegation, however, the board should keep in mind several fundamental principles:

1. To avoid the arbitrary exercise of total authority it should not be necessary to abdicate basic responsibility; sound judgment is still the most imperative quality of the trustee.

2. Delegation to the President, and through him to the faculty, of the administration of curriculum, research, and general academic matters, should not relieve the board of the desire and obligation to determine broad academic policy; the board must decide quality and direction; it must judge the academic balance sheet as carefully as it analyzes the financial balance sheet.

3. Careful re-examination should be given to one of our most explosive problems—the impact of total freedom of expression by the faculty. There can be no question of their right to speak out on all matters, academic or public. The question is whether the board should take exception where such expression tends to harm the public image of the college, or to impair the soundness

of values being imparted to the students. In no other American institution is an employee completely free from the consequences of adversely affecting his institution by public expression. This question is a matter of board policy. It should also be a matter of re-evaluation of judgments by faculty.

4. Whether a power is retained or delegated, one of the trustee's most effective weapons in seeing that his institution is well run is to probe with penetrating questions every recommendation made by the President, and every item on his agenda. This technique can avoid the trustee's trying to run the entire institution, but permit him to see that it is well run. In that way the board establishes itself as the body before which the administration must justify its own stewardship. The board should see to it that it has professional advice on what questions to ask.

Even with a clear definition and delegation, an interesting legal question arises: is the American trustee to be held legally liable for abdicating or delegating his responsibilities and powers? Are we facing a rash of lawsuits against trustees by parents, students, donors, foundations, alumni, or just plain taxpayers? It is happening today with business corporation directors, to the point where many are resigning or declining to serve. It could happen in the academic world.

Finally, whatever the solution to the power question, the entire problem poses a broader moral challenge. Is an institution of higher learning merely an academic community, sifting and winnowing the conglomerate body of advanced learning, preserving the professional integrity of the faculty and administration? Or is it a total community, guiding not only the learning but also the morals, manners, and character of the students who must go forth to build a better world? The answer to these ques-

tions may indicate the proper weight to be given the real interest of parents, donors, taxpayers, students, and those who prefer the integrity of the fundamental principles upon which our free enterprise system was founded.

We may not know "who is in charge" today, but we know who has the most at stake—the countless coming generations who will suffer from our petty power struggles, or who will live in light because of our broader vision.