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ABSTRACT

This paper examines the college board governance system of the 23 Colleges of Applied Arts and Technology in Ontario, Canada, with an assessment of specific issues related to the system's effectiveness and suggestions for improvement. Contextual factors currently affecting the role of governing boards are discussed including a decline of authority, confusion of mission, the politicization of the campus, accountability, and financial problems. The paper then examines what roles governing boards should perform, including the role played by the board's president; what the board's composition should be; the differences and issues concerning developing boards around either the community or constituency models; and how board members should be selected and paid. Finally, recommendations are presented on ways to strengthen college governing boards so they may respond appropriately to community needs in light of the considerable social, economic, and political changes occurring in Canada. Recommendations include adherence to a community model of board governance, the development of conflict of interest guidelines for governing boards, and a close monitoring of the composition of governing boards for the purpose of increasing board effectiveness. Contains 57 references. (GLR)

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A Green Paper
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Colleges of Applied Arts and Technology
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by

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April 1993

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Governance in Ontario's College System

Introduction

Established under the Ministry of Colleges and Universities Act, Ontario's 23 Colleges of Applied Arts and Technology serve the diverse postsecondary educational and training needs of its students. Since their beginnings in 1965, these colleges have had an extraordinary impact upon the life and learning in all communities of the province.

What began as a dream in the hearts and minds of visionary leaders in the 1960s has flourished into a complex network of structures and processes responding to the dynamic needs and opportunities of human growth and development. While college education changed in many ways during the ensuing decades, the commitment to providing relevant education and training of high quality to Ontario's youth and adults has remained steadfast. The contribution of the colleges has been far-reaching and their innovative leadership is widely acknowledged nationally and internationally.

That the college system has flourished in Ontario is due in large measure to its creative leadership -- men and women in government and its agencies, in the communities of Ontario, and in the colleges. The perspectives on governance offered in this paper grow out of a deep respect for the unstinting and unselfish hard work of thousands who have helped to shape these colleges and in recognition of the need for examining alternate models in the context of the challenges of the 21st century.

While I have been a participant and an observer of college governance since the beginning of the Ontario college system, I readily acknowledge my indebtedness to others, practitioners and students of governance both in Canada and elsewhere. This "green paper" is a think piece; it purports to

provide an understanding of college board governance, together with an assessment of specific issues related to its effectiveness. Although I have not engaged in a comprehensive evaluation of college governance in Ontario, my national governance studies have included Ontario colleges and I have benefited significantly from the perspectives offered to me at recent meetings with college presidents and governors in Ontario. The paper should help to develop a better understanding of the complex nature of governance and, perhaps, assist in identifying ways to improve it.

Roots and Evolution

The concept of lay governing boards originated in medieval Europe. Beginning in the medieval church, colleges and universities were monitored and controlled by the chancellor, an agent of the church. Historians trace the roots of governing boards to a papal bull in the 1200s which reestablished the Roman legal principle that corporate bodies could be regarded as legal entities. While charters granting corporate status to colleges, universities and other institutions originally were authorized by the Pope, this authority eventually passed on to kings as a part of the ascendancy of nation states.

Following the Protestant Reformation, control of religion and education no longer was vested in the clergy itself but became the responsibility of lay elders, and civil authorities appointed boards of citizens as a liaison between professors and students (Cowley, 1959). This political and legal concept was developed in Europe over time and established in Canada and the United States during the colonial period.

From the early beginnings of higher education in the United States, the college was independent of a central government and instead was governed by a board of external governors. In 1636 when John Harvard left his library

as an initial endowment for a college, the question became "Who would assure its continuity?" To this day Harvard operates under a "board of overseers" who approve the decisions of its presidents and fellows and who are responsible for its ultimate governance. In the historic Dartmouth College decision of 1819, the Supreme Court of the United States "not only vigorously affirmed the independence of that college from the state, but also clearly recognized its board of governors as the corporate body that held college property and exercised ultimate control" (Carnegie, 1982, p. 9). In the governance of the early Canadian colleges, the role of the lay board was dominant and that of the faculty minimal (Ross, 1971).

The concept of lay control was firmly established for the governance of colleges and universities in North America. To refer to a board of governors as "lay" means simply that they are not necessarily experts in the area of operation for which the trust has been established; in the instance of college governors, they need not be educators. The rationale for a lay board, as opposed to a board of experts, derives from two underlying principles: that an "unchecked monopoly of power is a threat to the public good no matter how benign the monopoly", and that "education is far too important to society to rely totally for its governance on the faculty, whose self interest, as with any professional group, is ever present" (Zwingle, 1980, p. 15).

Opponents of this form of academic governance argue that the lay nature of trusteeship can result in a betrayal of the original trust "through ignorance or indifference" (Nason, 1974). The general consensus, however, is that, in spite of occasional ventures into areas better left to others, lay boards have served postsecondary education well. Professor E.D. Duryea (1973, p. 22) supports this contention:

Despite occasional intrusions into internal affairs and matters related to academic freedom, the governing board has served as a point of balance for that essential dualism between institutional and academic autonomy and public accountability which has characterized American higher education.

Duryea's reference to the dual nature of lay governance points to a problem which continues to plague trusteeship: the translation of the trustee role from general, occasionally ambiguous role statements, into daily actualities. What constitutes an "intrusion into internal affairs and matters related to academic freedom" is not always clear, and can be a source of tension between trustees and college administrators and faculty.

Why do we bother having lay boards at all? Why not let academic councils replace governing boards? The answer is simple enough, "Society 'owns' the colleges, not the staff and students." The public interest must prevail over the self-interest of internal constituents in order to legitimate these institutions and to ensure continuing support from the public purse. To paraphrase Churchill on democracy, "It is the poorest form of government, except for all the others."

Board governance is a form of governance that has worked remarkably well. What makes it work is consensus -- consensus about goals, authority, values, roles and procedures. It functions in different ways on different campuses. The consensus has never been perfect, however, and toward the end of World War II it was growing perilously thin.

Views on the authority and effectiveness of governing boards vary considerably. One eloquent critic of boards, Thorstein Veblen (1965), argued for their abolition on the grounds that at best they were an unnecessary nuisance and at worst a serious menace to the integrity of the academic world.

Others would keep them as window dressing, helpful perhaps in fund raising, but generally viewed as ineffectual rubber stamps on all important matters. But when all is said and done, boards are the protectors and supporters of the colleges and universities of which they are the legal trustees.

In the best of times, governing boards of colleges face challenging and sometimes perplexing responsibilities. But these are not the best of times. Today's boards find themselves in the midst of countervailing forces. These forces have the potential of destroying the old models of governance. Let us look at some of these forces -- contextual factors that affect the role of governing boards.

Contextual Factors

1. Decline of authority. The temperament of the times reflects a decline in respect for traditional forms of authority -- authority of government, the church, industrial structures, and social institutions in general. Disrespect for elders, for the experience of others, for constituted authority is widespread. No social system or organization can function without some form of authority. So the question often posed is: "By what authority or whose authority?"

2. Confusion of mission. The management of any organization ought to be a reflection of its goals. The mission of colleges today is in flux, and various groups within the institution seem to work at cross purposes to one another.

Perhaps the lack of clearly stated purposes is inherent in the nature of an institution of higher learning. Knowledge and its acquisition is so individual an exercise and so varied in its manifestations that it cannot be stated in the specific terms appropriate to the operations of a business

enterprise. The different and sometimes conflicting interests of various groups within the institution make it difficult to articulate a clear definition of goals. But even worse, as Alan Pifer (1971) of the Carnegie Commission suggests, goals themselves are often in conflict.

3. Politicization of the campus. An alternative to consensus is conflict. In government, conflict is dealt with in political terms. How a college governing board deals with campus groups is a measure of its ingenuity. More than ever before college campuses mirror their communities -- ethnic and religious pluralism, occupational and educational diversity, economic and political extremes, older and special students.

Participation in national, provincial and local politics serves as an invitation for students to lobby for their interests and to exert political influence on campus. As do also faculty members and support staff, who increasingly view their participation in college matters as an inalienable right to challenge the role of trustees. Too easily today the notion of teamwork and consensus on campus gives way to adversarial relationships among constituent groups. And sometimes the demand to participate in governance is made without the willingness to accept commensurate levels of responsibility and accountability.

4. External intervention. I have on my shelf on governance a little monograph by Lyman Glenny of Berkeley titled, The Anonymous Leaders of Higher Education; his reference was to governmental bureaucrats in the governor's (premier's) office, cabinet staff, treasurer's office, and so on. Similarly, one of the Carnegie Commission's (1973, p.1) major conclusions emphasizes the invasion of academia from the outside.

External authorities are exercising more and more authority over higher education, and institutional independence is declining. The greatest shift of power in recent years has taken place not inside the campus, but in the transfer of authority from the campus to outside agencies.

Why? One reason, of course, is the far greater concern and involvement of the public in higher education.

5. Demand for accountability. Escalating costs in all social services coupled with a shrinking economy have heightened the demand for public accountability. Taxpayers are reluctant to dig deeper into their pockets, and other social programs often have greater political currency and clout than does higher education. Inevitably, educational institutions come under greater scrutiny by audit bureaus and provincial treasurers' offices. "Surely there must be ways of trimming away the fat, of making colleges more efficient," it is said, and so new measures of control are introduced in the interests of economy and efficiency. Intensified calls for accountability that promote "business-like behaviors" such as marketing, fund raising, strategic planning, and performance appraisal are areas where some trustees have considerable expertise.

6. Mounting fiscal costs. This is hardly the group that needs to be reminded of the substantial cutbacks in public funding of higher education experienced during the last decade. We all have learned how to do more with less, but at what cost! The decline in public revenue profoundly affects the nature and aura of college education. Boards are increasingly concerned about how these cutbacks are managed and how the public resistance to the spiraling costs of higher education will be addressed.

Even as there were many Canadians who made concerted efforts to forge a new basis for constitutional change in our country, so also there are many pundits and soothsayers of how to improve college governance. I have selected a limited number of issues to explore in seeking greater effectiveness in college governance in Ontario. A discussion of these issues will help to clarify their nature and perhaps suggest directions for their resolution.

Issues in College Governance

1. *What roles should governing boards perform?*

The literature on governing boards is replete with lists of trustee responsibilities. First I list five responsibilities that are standard expectations followed by five which are either new or are older expectations with new dimensions or urgency.

1. The legal role of a board is to maintain the integrity of the trust of an institution; a governing board safeguards the mission of an institution on behalf of its owners. Public institutions are subunits of government; colleges are creatures of provincial governments. Governing boards exist to preserve institutional purposes and to watch over the operation of their institutions on behalf of the government and its public. It is in this sense that governing boards fall within the domain of politics, and that governors engage in political behavior in their role performance.

College boards are accountable to government for their performance. Accountability implies that boards choose how they exercise their delegated authority, and that they report on the outcomes or results of their performance. But accountability is vacuous in the absence of freedom to act responsibly. When a board is judged to fail in the exercise of its trust, its authority can be revoked by government.

2. Most writers identify the appointment, development and performance evaluation of the president as the most important board function. As Zwingle and Mayville (1974, p. 24) point out: "The president is chosen by the board, reports to the board, and is subject to the board." Fisher (1991) attributes diminished public confidence, lower academic standards and a decline in presidential status to a lessening of board involvement in the presidential appointment process. Although external consultants are frequently involved in the search and selection of a president, this process must remain preeminently the responsibility of the board.

Presidents serve as chief executive officers of their colleges, charged with the responsibility and authority for running their institutions. For all of the role ambiguity that may tarnish relations between boards and presidents, most writers agree that the nature of this relationship is critical to the successful operation of an institution. According to David McKenna (1990, p. 32) the relationship between the board chair and the president is paramount at critical incidents in the life of an institution, and this relationship is often "more personal than organizational and more relational than functional." The two key concepts involved in board-president relationships are accountability and trust. Hall (1981) suggests that these exist when a president shares institutional information openly with the board, and the board reciprocates by providing the president with honest feedback.

Monitoring the performance of the president involves both on-going review and feedback as well as periodic formal evaluation. Such evaluation must not be construed as a popularity contest, but as a careful assessment of presidential effectiveness.

3. A chief function of a board is to establish institutional policies that provide the governing principles for an institution and set a framework

for carrying out its mission. Traditionally, boards set policy and administrators execute policy. Trustee meddling in the internal administration of an institution "is a sure recipe for disaster" (Wilkins, 1992, p. 13). As Cornell President Frank Rhodes once said, "Trustees should stick their noses in but keep their fingers out." To operationalize this axiom calls for the wisdom of Solomon, the patience of Job and, at times, the courage of Esther. "Boards of trustees," according to John Corson (1980, p. 101), "like Queen Elizabeth, reign but do not rule."

Dennison and Gallagher (1986) highlight the difficulty for some boards to maintain a distinct boundary between policy formulation and policy execution. It is helpful to distinguish among different levels of policy making. Chait and Taylor (1989) specify that boards must set governing policies that deal with the fundamental issues of mission and purposes and the questions of values and principles that guide other decisions. Executive policies are usually developed by the president and the college's executive officers, while operational policies that govern the day-to-day practices are established within appropriate college structures.

4. The fourth area of trustee responsibility concerns the financial well-being of the institution. Whether referred to as holding the assets (Rauh, 1969), managing the endowment (Nason, 1982), or establishing financial policies (Alberta Advanced Education, 1992), board involvement with the fiscal health of the institution is paramount. Indeed, McLeod (1979) somewhat pointedly suggests that boards have two preeminent objectives: to stay in business and to remain out of the courts. Some board members tend to be more adept in this role than in others.

5. Another role of long-standing significance is to monitor institutional performance. To what extent is the college living up to its stated mission? Are the administrators and faculty doing the best job possible? A wise board will carefully monitor how the administration functions and how well the purposes of the institution are being achieved. The well-being of the institution is a primary concern of the board.

6. Gleazer (1985) identifies a board's basic task as clarifying the mission of the institution. Interestingly, clarifying institutional mission has not always been deemed a trustee role, at least not in an on-going manner. Nason (1974) referred to the "clarification of purposes" as a *new demand* of trustees. He noted a tendency of society to rely on higher education to solve new problems as they arise, placing varied and significant demands on the educational system. Mission statements must reflect changing societal conditions if an institution is to be effective. The development of vision, of directions and priorities for the institution are central to the role of governors, and blocks of time must be planned for these activities.

7. Another area of increasing importance is the board's involvement in the institution's long-range planning. There is some disagreement, however, concerning the extent to which trustees should be *actively* involved in planning. Nason (1982: 35) points out that trustees "cannot make long range plans, but they can insist that the plans be made." Rauh (1969: 8) adopts a similar position in describing a board's most "potent instrument" as "insistence on planning." A board's responsibility lies in making provisions for institutional planning and for assessing the congruence of such plans with the mission and vision for the institution.

8. Colleges and universities are among society's institutions that have enjoyed a measure of institutional independence. What is normally

meant by institutional independence or autonomy is relative freedom to manage the internal affairs of the institution within the boundaries of the law and public policy. These internal affairs generally include allocation of funds, administrative structures, operational procedures, what shall be taught, to whom, by whom and how.

While the justification of relative freedom of an institution to manage its own internal affairs relates to the complex nature of education and the need for professional expertise in shaping the curriculum and learning experiences of students, recent contextual forces severely threaten institutional independence. Boards must resist the encroachment of external groups, including government, while maintaining ultimate authority in the management of internal affairs. In the absence of institutional independence, boards cannot be held accountable to government for results obtained in the exercise of their delegated authority.

9. Boards of governors are also seen as a court of last appeal for internal constituencies. Rauh (1969) contends that given the uncertainty surrounding higher education, situations that are either beyond the capacity of administration to cope with or that have eluded its attention are on the increase, and demand the attention of governing boards. Simply put, the board is the final authority of the institution, and it must be prepared to accept the responsibility that goes with that designation. At times, of course, conflicts cannot be resolved internally and recourse must be taken to the judicial system.

10. An aspect of the trustee role finding increased reference in writings on college governance concerns the liaison between the institution and its local communities, commonly referred to as environmental or external relations. The need to focus on environmental relations is

essentially an argument for open lines of communication between the institution and the outside world. Potter (1979: 4) notes that this goes beyond simply representing the community to the institution and promoting the institution to the community; it requires trustees to be familiar with institutional operations in order to "calm an irate taxpayer or educate a misinformed legislator," or to refer such persons to appropriate college offices. Similarly, Nason (1982) describes trustees as serving both a "bridge" and "buffer" function.

The bridging function places governors in the position of interpreting community needs to the institution, serving as "antennae" for the institution, as well as communicating campus life to the external community. The trustees' buffering role is, by definition, more of a protective one, requiring them to interpret and justify disputed or misunderstood aspects of college operations to the external community and also protecting faculty and students from external interference in the pursuit of legitimate learning activities. Boards are not alone in these functions; program advisory committees also play a major role in external relations.

In summary, the roles of college boards are many and occasionally ambiguous. How they perform their roles affects directly the effectiveness of institutional governance.

2. *What should be the composition of the board?*

How college boards are constituted and who serves on these boards has strong implications for college governance. That a variety of provisions for the composition of boards exist clearly demonstrates that there is no "right" way to structure a board, although some arrangements appear to be more effective than others.

Size and term. Differences in board size and length of terms of office prevail across the country, ranging from a minimum of 4 in Saskatchewan to 36 members in Nova Scotia. Some boards have only public members; others include institutional members. Board size itself is not dependent upon constituency representativeness. Most college boards in Canada are medium in size, ranging from 10 to 16 members.

Board members serve definite terms in each of the provinces, and normally terms may be renewed once. Initial appointments of public members to college boards vary from two to four-year terms, and internal members usually serve shorter terms on college boards. Where students hold board memberships, they serve one-year terms; whereas the terms of faculty and non-academic staff members vary from one to three years. Current provisions tend to result in short terms of office for a large number of governors. Short terms make it difficult for board members to establish a clear conception of their roles and to function effectively as a governing unit. For board members to serve with maximum effectiveness, special efforts should be made to establish terms of office for greater continuity of service and to provide appropriate orientation for all new board members

Membership. The composition of college boards varies considerably across the provinces. In each province, lay members are appointed by government or a government agency. In addition to members who represent the public at large, special provisions pertain in some jurisdictions for the appointment of members from specific sectors. Thus, board members may be drawn from school districts, municipalities, minority groups, parents, geographical regions, government and specific corporations. Once appointed, however, each board member must hold a broad view of her/his trusteeship; neither the institution nor the public is served effectively by a trustee who

represents a narrow self-interest. "The strongest argument against board members who are representatives of groups," according to Kohn and Mortimer (1983, p. 35), "is that trustees should not be representative of anything except the public welfare."

Institutional membership on college boards is provided by law in most provinces. Presidents serve *ex officio* on college boards in seven provinces. Provisions for faculty, non-academic staff and student membership on governing boards seem to be increasing, both in Canada and the United States. Interestingly, the most rapid development lies in the growth of student representation on boards.

3. *What differentiates a community model from a constituency model of governance?*

Over the years the community/corporate model of boards has become the most common form of college governance in North America. Traditionally, a governing board exists to legitimize public authority within an institution. Whether trustees serve as lay members or institutional representatives, they are charged to "hold the trust" for an institution on behalf of the public. A board acts as a bridge and buffer between the public, its elected governmental officials, and the institution. Politically, a board exercises independence that is vital to the integrity of an institution.

How representative a board is of society at large is a characteristic that influences its effectiveness. How favorably the public regards the college depends on the board's ability to assess the spectrum of society's views and its success in interpreting the college's programs. Without broad representation, the board's effectiveness can be sharply curtailed. Canadian college trustees are characterized by diversity, but obviously not by the degree of diversity

found within the constituency of a college. Can a community college board establish appropriate policies in areas of career and service occupations, problems of minority groups, women, and labour if its membership is drawn largely from male members of professional and business communities?

A community board functions as an entity; in the truest sense of the term, the board becomes the corporation it governs. In a community model of governance, the individual profiles of board members merge to become a collective profile which includes experiences and expertise that equip the board to function at its greatest level of effectiveness. That is not to suggest that the individuality of board members is lost, but rather that a sense of community prevails in the deliberations of the board. Perhaps "one for all, and all for one" would accurately describe a board that functions according to a community model. Typically, objectivity and openness characterize the style of communication in such a board.

At the opposite pole along a continuum of openness in board governance lies the constituency model. The constituency model maximizes the political nature of board governance where, in its extreme, each board member is perceived as a representative of a power bloc with a vested interest. "A board member with a special interest at heart rather than the college interest," warns Parilla (1986, p. 40), "is likely to do permanent damage to the institution." The *modus operandi* under a constituency model of governance is bargaining and negotiation; conflict rather than consensus characterizes communication.

A concern under the constituency model relates to the identification of appropriate constituency groups. By what criteria would constituency groups

be invited to have representation on a board? Furthermore, many individuals actually have a plurality of memberships in constituency groups. To which group would such a board member be accountable or express her/his loyalty in making board decisions? In board governance, as in other social structures, good decisions are more than the sum of the parts, expressions of special interests or the perspectives of constituency members.

Interest groups, according to John P. Roberts (nd), "do not just want to tell you what they think you should do, they want you to do it." Indeed, in Parilla's (1986, p. 39) words, "any perception of constituency based membership conflicts with the basic premise that boards must function in the interest of the entire institution -- not a single group." Special interests tend to politicize a board and lead to "conflict of interest" and divisiveness. Constituency based groups tend to fracture the spirit of collegiality and change the entire climate and culture of board governance. Under a constituency model of governance the role of the board in policy making could be severely restricted and the authority of the president in providing executive leadership to the institution could be seriously undermined. To function most effectively board members must act as trustees with a commitment to the common good of the institution rather than as delegates who are guided by perceived preferences of their constituents.

4. *How should public and internal members interact on the board?*

In Canada, governing boards commonly include both public as well as institutional members. In most instances, the majority of governors are external while a small minority are internal to the institution. The genius in selecting a variety of board members from within a community lies in identifying meritorious persons of genuine commitment, interest, ability, and

political resources (time, affiliations, occupational success), not individually on the basis of age, gender, ethnicity, race, creed, etc., but in a manner that collectively reflects the diversity of the community. Upon selection, each board member should serve the overall interests of the institution rather than those of a specific constituency. In this sense, internal members are not representatives of certain groups, but members from constituencies within the institution. Once constituted as a board, each member holds equal status with every other member, and only in its corporateness does the board assume its legal role.

When faculty members serve on college boards, they should represent the broad interests of their institution. A classic argument against faculty membership on a board is that of a conflict of interest. If a board is to maintain an "impartial stewardship, balancing the interests of the various constituencies against the public interest," Rauh (1969: 204) argues, "then faculty board members may be a hindrance because they represent a special interest group." In a very real sense, all board members on occasion may find themselves in a conflict of interest on any given agenda item. Boards should be sensitive to this matter and develop appropriate mechanisms to protect their members from awkward situations.

There are notable benefits derived from institutional membership on boards. When administrators, faculty, non-academic staff and students serve on boards they may well add an authentic institutional perspective to board discussions. They also perform an interpretive function by sharing board concerns with their colleagues. Duff and Berdahl (1966) view this communication link as a major advantage of internal membership on boards. Rather than constituting a threat to the chief administrator or a special interest bloc on a board, internal members can serve as the president's

strongest allies as well as critics in helping create institutional awareness on boards. A board can be inspired to strive for greater objectives when internal members convey their enthusiasm for new educational or administrative policy initiatives. Only a board that is sensitive to the inner workings of an institution can effectively perform its trust responsibilities (Konrad, 1980).

Internal membership on boards also benefits institutional governance. Campus conflict often becomes dysfunctional when inadequate or ineffective channels of communication exist. Even when formal means are operative, they frequently are used to heighten dissension. Perkins (1973, p. 213) asserts that boards will find institutional membership on boards most "attractive" in governance. An Alberta study of college boards (Wood, 1991) strongly endorsed provisions for faculty, non-academic staff and student representation on boards. Specific constituency interests were generally not brought directly to the board; rather, these concerns were taken through appropriate channels to senior administration. Working within the system diffused the concern that internal members were using their membership as an advocacy position. Unions and other representative groups can have open access and serve as a resource to the board in an uncompromised manner if they are not members of the board. Co-operation and collaboration through institutional membership can work effectively to improve educational opportunities in Canadian community colleges when members are not beholden to their constituents.

5. *What should be the role of the president on the college board?*

The matter of board membership for the college president raises complex issues. As chief administrator, the college president is responsible to the board for the execution of its policies; and as institutional head, she/he is

responsible for submitting institutional plans and proposals to the board's authority. The board depends upon the president for information and for the development and execution of policy. The board must regard the president as "a knowledgeable partner in leading the enterprise" (Kauffman, 1980, p. 58). Except in matters pertaining to presidential evaluation, it would be untenable for a board to meet in the absence of the president. Board effectiveness rests upon an open and dynamic relationship between the board and the president, but actual board membership for the president should be a moot point. How does board membership* add anything to enhance the effectiveness of either the board or the president?

Consistent with the nature of a policy board, a president should bring a recommendation to the board only after considering an array of alternatives. For the president to vote on such a recommendation is nothing more than to endorse that which she/he has already submitted. In considering the recommendation, the board ought to raise penetrating questions to ensure that the proposed recommendation meets policy objectives, the process of consultation was adequate, the criteria for policy evaluation were appropriate, etc. It would not seem appropriate for the president to vote merely to "tip the scales" on an issue.

It would be most inappropriate for a board to establish governing policy or approve any matter on the basis of one vote, particularly the vote of the president. It is never in the interest of the board to take definitive action on any matter on the basis of a split vote. The president should participate fully in all board discussions and exercise strong leadership in all substantial matters, but to exercise the right to vote could at best have only symbolic

* Ex officio membership is based upon one's position and includes both voice and vote in meetings.

value. Board members should be encouraged to raise penetrating questions or make counter-proposals when appropriate, but they should do so with integrity and not as an expression of a lack of confidence in the president. In other words, how a president votes could be construed as her/his continuous review by a board, and this could develop a sense of powerlessness for the chief administrator of the college.

6. *How should board members be selected?*

Governing board effectiveness relates directly to the selection of board members. In Canada, most governing board members are appointed by government or one of its agencies. While gubernatorial appointment with senate or legislative confirmation is by far the most common trustee selection method in the United States, in about one-third of the states trustees are elected locally or by the legislature. The selection procedures play a significant role in the political independence and functioning of a board.

In a parliamentary democracy, election rather than appointment of trustees is deemed to be more democratic. It is maintained that elected trustees are subject to direct voter control and, therefore, they can be held accountable to a local constituency. Because they also represent people and votes, elected trustees may have a greater influence on legislators and other public officials. According to Slover (1982, p. 8), trustees are "more vigorous in protecting the institution from political intrusion by the legislative and executive branches of government."

Public elections for board members can work only if clearly defined boundaries exist for an institution. It seems virtually impossible in Ontario for a community college to define a local constituency. The cost of election: both in time and money, may be a deterrent for some excellent candidates to

consider board service. Clearly, the electoral process itself is open to political pressure, and the politicization of selection procedures could adversely influence the ability of board members to serve in the best interests of an institution. Elections tend to make board members adopt party lines or to adopt a platform that is incompatible with trustee impartiality. Furthermore, Piland and Butte (1991, p. 10) contend that conventional wisdom implies that "elected trustees tend to more involved in administrative matters than appointed trustees." When boards become directly involved with administrative matters rather than policy agenda they undermine their role as governors.

From a national study of the selection and appointment of trustees by the Association of Governing Boards in the United States, Kohn and Mortimer (1983, p. 33) concluded:

Educational issues do not readily fit into party politics, and if tied together the victor at the polls is more likely to reflect the general success of his party than the wisdom of his educational platform. If the ideal is to keep politics to a minimum, then popular election . . . would seem to be the least desirable method.

Similarly, in a review of the selection of trustees for community colleges in British Columbia, Dennison and Harris (1984) did not favor public elections.

In a study of the effectiveness of elected and appointed boards, Ladwig (1981) found that presidents perceived governance effectiveness significantly higher under appointed rather than elected boards. The appointment process seems to provide the best opportunity for the selection of the most qualified individuals to serve on college boards. Board autonomy, balance and diversity and trustee commitment can better be assured and/or achieved

through appointment from a list of highly qualified nominees. The National Commission on College and University Selection (1980) also concluded that "the appointment process, preceded by a careful screening of candidates, is the preferred method of trustee selection." A careful screening process can be an effective method for matching board and institutional needs with the qualities and strengths of individual candidates.

In a recent study of the nomination and appointment of community college board members by governmental appointment in Alberta, Rainsforth (1987) found that the selection of community college boards was guided by implicit theories in the absence of provincial legislation. While nomination criteria centered on individual competence and ability, appointments were limited almost entirely to persons with a political affiliation to the party in power. Notwithstanding, almost 80 percent of the board members were satisfied with the present selection procedures; good governors were selected through the appointment process.

The strength of a board is a reflection of its membership. Every effort should be made to select the most knowledgeable, credible and representative citizens for board membership. In several states in the United States, the law specifies that board appointments must be preceded by a formal nomination and screening process. The use of a nonpartisan citizens' panel in the selection process lessens the likelihood of patronage appointments and enhances the stature of the selection. In his study of college and university governance, Corson (1975, p. 272) proposed the use of "distinguished nonpartisan individuals" on nominating commissions to reduce the likelihood of politically partisan appointments. A nominating commission may enjoy greater regional credibility than do politicians in the provincial capital, particularly if local community representation were to be included.

Board appointments should be made from a list of nominations of candidates who meet a carefully developed set of criteria designed to identify the best possible board members. Diana Pabst (1991) found appointment processes in several states to work very well. While the procedure in New Jersey did not mandate quotas for representation of major characteristics of the community, it did mandate "sensitivity" to the makeup of the populace. Similarly, geography, ethnicity, professional and occupational diversity were considered in making board appointments in Washington. The process was more explicit in Ohio regarding the time commitment of trustees; trustees were asked to allocate 15 to 20 hours per month to board related work. In Oklahoma, new board members were required by law to complete 15 hours of training as a prerequisite for board membership (Brisch, 1991).

A potential problem in the selection of trustees concerns the extent to which board members may be affiliated with, or feel they owe allegiance to, one particular group or constituency. Gleazer (1985: 45) states that "no trustee should represent a specific constituency or special interest." The issue of representation may constitute both a practical and ethical dilemma for trustees. The task of a board to maintain impartial perspectives is severely threatened when board members represent specific groups.

The appointment of board members relates directly to the model of board governance in operation. When board members are appointed as representatives of a specific constituency, they are guided by perceived preferences of their constituents, at times even at the expense of their own best judgment of what is best for the institution. "Trustees as agents do not define their role in the context of what is good for the college, but rather they are defined by constituencies or by their own narrow purposes" (Parilla, 1986, p. 40). A representative board will be composed of members of different

interests and loyalties, often in conflict with each other. "The strongest argument against board members who are representatives of groups," concluded Kohn and Mortimer (1983, p. 35), "is that trustees should not be representatives of anything except the public welfare." Appointed board members must be selected to represent the diversity of the community, not specific constituencies or special purposes, if they are to serve as a repository of wisdom on behalf of the welfare of the entire institution.

7. *Should board members be salaried?*

The tradition of board governance in colleges and universities rests upon the unstinting voluntary service of thousands of men and women who give freely of their time and expertise. Robert Greenleaf (nd, p. 68) said it best in a provincial seminar for trustees, "Trustees as servants face one of the most exciting challenges of our times: to lead our moribund institutions, and some of the seemingly moribund people in them, into a future of greatness." The task could not be more challenging, but those who serve as board members are eminently qualified to distinguish themselves in its pursuit.

It is common practice to cover board members' out-of-pocket expenses when performing their role, but not to pay them for their work. "A salaried trustee would be," in the view of the Honorable John P. Robarts (nd, p. 17), "a contradiction in terms." Trusteeship rests upon a voluntary commitment of time and expertise for the welfare of an institution. To pay for board service could jeopardize the ability of a person to serve impartially; payment could lead to a board member thinking in terms of preserving the position and the social or financial standing it may afford.

8. *What provincial structures should exist to enhance board effectiveness?*

Public education in Canada is a provincial matter; each provincial government has a ministry responsible for the operation and administration of colleges and universities. The responsibilities of the ministry include specific matters pertaining to legal provisions, fiscal support, and program services.

In Ontario, the Council of Regents (COR), an agency appointed by government, provides advice to the Minister of Education and Training on policy issues of a system-wide nature. Currently COR also has executive responsibilities for the appointment of all board members and for collective bargaining with support staff and faculty (OPSEU) and recommending salaries for administrative staff in Ontario's colleges. As an intermediary body COR serves as a communication channel between and among the colleges, OPSEU and the Ministry. How effective is COR as an intermediary body? Does it function primarily as an advisory council, coordinating agency or as a system-wide governing body?

Walter Pitman (1986), as advisor to the Minister of Colleges and Universities, recommended to replace the Council of Regents with a new Advisory Council on Colleges. In the intervening years since the Pitman report, organizations generally are seeking to reduce layers of bureaucracy, not increase them. If the creation of the College Employers' Association is affirmed, yet another provincial structure will be added to the system of college governance in Ontario. The wisdom in Pitman's recommendations rested upon the importance of the involvement of college boards/presidents in collective bargaining and, concurrently, in the need to strengthen the role of college governors and presidents in system-wide governance.

Recommendations

1. *The role of college governing boards should be strengthened.*

In times of considerable social, economic and political change, college boards can perform a pivotal role in the governance of Ontario's colleges. To respond appropriately to community needs, boards must be empowered to determine funding and program priorities within the mandate established by the Ministry of Education and Training. More energy needs to be focussed upon college purposes and goals, and greater latitude must be provided to boards to pursue creative initiatives in meeting society's educational needs.

The Ministry should hold boards accountable for their trusteeship, even to the extent of their removal from office in extreme cases, but it should not interfere in the performance of a board's mandate. Effective board functioning requires a clarification of roles and responsibilities. Although Regulation 640 delineates appropriately the boards' primary duties, the sections that undermine the ability of boards to function with integrity should be altered to give boards the authority appropriate to their mandate. Sections that specify the manner in which boards perform their duties, such as questioning the value of board nominations (3-2), setting quorums (3-7, 8), overseeing procedural details of selecting a president (6-2a, 2b), establishing guidelines for the college council (13-2) and others, diminish the authority of governing boards. The Regulation should establish the roles and parameters of boards, but not the manner of their execution.

If the encroachment of government and other external agencies undermines the role of boards, so also does the increasing advocacy of internal constituents for the right to determine the nature of their responsibilities. In setting governing policies on such fundamental issues as mission and programs, boards must retain final approval. College councils

and program advisory committees serve extremely important roles in college governance, and each college should empower them to function effectively. Both college councils as well as program advisory committees should have major input in setting priorities for college programs, but governance authority must remain with the boards. Given the unique role of colleges in Ontario to prepare people for jobs and for an active role in society, boards must be held accountable for their success in achieving specific outcomes in regard to program goals and priorities.

The strength of lay governance rests upon the voluntary commitment of board members to serve in the best interests of the general welfare of the institution and society. To serve effectively, appropriate orientation and in-service sessions must be provided for governors. Some orientation sessions could be offered annually on a provincial or regional basis, but each college board should plan a periodic board retreat for the purpose of board development. Review and evaluation of its own functioning could be a part of such activities.

College boards must be visible in the governance of their institutions, both in the community as well as on campus. In the performance of their duties, boards should work closely with their presidents in pursuing activities to enhance their functioning.

2. *The composition of governing boards should be monitored closely to increase board effectiveness.*

The size of college boards should allow them to function effectively. Resting upon the premise of lay governance and experience elsewhere, the mix of external to internal members should not fall below a 3:1 ratio. The present composition of membership seems appropriate, with twelve

members appointed from the external community and four members selected from each of the four internal constituencies -- students, faculty, support staff and administrators. It may be appropriate to provide some latitude for the number of external members to vary according to the nature of the college constituency, particularly in large jurisdictions. Special guidelines could be established by the Ministry to regulate the provision of additional external members.

Terms of office should provide enough time for board members to make a meaningful contribution to college governance. External members require orientation to both the college as well as to the role of governors; internal members usually have a fairly comprehensive understanding of the college, but they also require orientation to their role as governors. The current three-year term is too short and disruptive to a board and the college system if reappointment is not made in the vast majority of cases. If continuity cannot be ensured through reappointments, a four-year term should be considered for both external and internal members, except student members. Student members should serve two-year terms to increase their effectiveness. A two-year term would provide student governors a more reasonable time for orientation and for making a meaningful contribution to college governance.

As times change, the required make-up of boards also changes. To reflect the public nature of board governance and the need for changing membership, it seems appropriate to limit the service of all board members to two terms, thus allowing for the selection of new board members on a rotating basis. After serving two continuous terms board members could be eligible to return to board service following a two-year absence.

3. *The community model of board governance should be adhered to with both internal and external board members.*

Colleges are best served by a community model of governance. Board members should not be representatives or delegates of a narrow constituency or a special interest group; they should serve the general interest of the institution on behalf of the public. While internal members are elected by their own constituencies, they should serve the broad interests of the college as board members.

In the nomination and appointment of external members every effort should be made to identify the best possible candidates to represent the diverse make-up of the community, but no members should be selected to represent special interest groups. The current provision for a labour representative is an exception to the principle of appointing board members to serve the broad interests of society, and it should be discontinued. Instead, nomination criteria should ensure this and other concerns to select board members who represent and work for the general good and welfare of the college.

4. *All board members should have equal status in board functioning. Conflict of interest guidelines should be adopted by each board and carefully followed in board deliberations.*

Although the chairperson and the vice chair perform special roles, as do members of the executive committee, these responsibilities do not change their status. The chairperson and vice chair of the board should be selected from the external members, but committee membership should include both external and internal members. Careful attention should be given to encourage both external and internal members to contribute to the best of their abilities. A board should also provide safeguards to preclude the

appointment of board officers who do not have time, interest or ability to serve effectively.

All members should seek to pursue the best interests of the entire college, rather than narrow self-interest or a special constituency interest. To protect board members from awkward situations, conflict of interest guidelines should be adopted and adhered to in all board activities.

5. *The president should be a non-voting member of the board.*

The president serves as the executive officer of the college board and as chief administrator of the institution. In the interest of educational effectiveness, presidents should be empowered to lead their institutions to the best of their abilities. Governing boards should legitimize the responsibility and authority of the president and support and hold her/him accountable in discharging the duties of the office. The board chair and president should collaborate in the preparation of all agenda materials for board meetings.

Boards cannot exercise their responsibilities without the on-going involvement of their president. Indeed, the relationship between the board and the president is critical to the success of the institution. But there is little benefit to be derived from the president having voting rights on the board to which she/he is accountable for role performance. The president should participate in all board deliberations, except those pertaining to her/his performance, but do so as a non-voting member.

6. *All external board members should serve by appointment and internal members should be elected by their respective constituencies and authorized to serve as board members by the Ministry.*

The Ministry of Education and Training should establish broad guidelines for the selection of board members. Specific criteria for the nomination of external board members should be established collaboratively by the Council of Regents (COR) and the Association of Colleges of Applied Arts and Technology of Ontario (ACAATO). These criteria should guide the selection of the most knowledgeable, credible, and representative citizens -- regardless of age, gender, ethnicity, race, creed, etc. -- persons of genuine commitment, interest, ability and political resources to serve in the best interest of the colleges. Similarly, the nomination process should also be devised jointly by COR and ACAATO. The best features of the nonpartisan citizens' panel used in several states in the United States could be incorporated into the development of criteria and nomination procedures for the appointment of external members.

Boards should have the dominant role in the nomination of external board members because they best understand the needs of their own institutions. The current requirement of the development of a board profile facilitates the search for the most desirable board members. Special efforts should be taken to ensure the nonpartisan nature of board appointments. Nominations should be prepared by college boards, but they should also be open to society at large. All nominations should be provided to the college board for its consideration according to a nomination protocol. The board would then submit a prioritized short list of at least two names for each vacancy with its accompanying comments to COR, and COR would select and make the appointment from the short list. This process would strengthen the

role of the board in the appointment process and increase the likelihood of appointing the best possible persons to board membership.

7. *The primary role of the Council of Regents should be advisory to the Ministry of Education and Training and to the college system.*

The recommendation of Walter Pitman (1986) to replace the Council of Regents (COR) with a new Advisory Council on Colleges should be revisited in an attempt to enhance the leadership role of COR. In the past two or three years COR has adopted a more proactive role on behalf of the colleges, but perhaps the pursuit of both executive and advisory functions may have undermined its effectiveness. Some of the executive functions of COR should be transferred to the Ministry, others to an Employers' Association or to college boards. What is lacking in college governance in Ontario is a more vibrant advisory mechanism within the system.

A revised Council of Regents could perform this task by providing advice to the Minister in matters of legislative policy and the provincial mandate for colleges in the future. For greater effectiveness COR also should work more closely with ACAATO. Particularly in times of fiscal constraint, collaborative initiatives should be undertaken in research and development activities on behalf of the colleges and the college system. Indeed, ACAATO should adopt a primary role in research and development because it is in an ideal position to understand the research and development interests and concerns of college governors and presidents, and COR could perform an advisory role in this area. ACAATO could also be encouraged to adopt a stronger advocacy role on behalf of the colleges, again in concert with COR activities.

8. *The executive functions of the Council of Regents should be transferred to the Ministry and an Employers' Association.*

The commitment to strengthen local college boards calls for the transfer of executive functions from the intermediary body. When COR appears to function as a "super" board, the authority of local boards seems to be undermined.

When a provincial intermediary body such as COR acts as the agent of the boards in collective bargaining, boards seem to be somewhat distanced from this process. Collective bargaining on a provincial basis may create anomalies across regional boundaries of the province, and provisions should exist for resolving local and unique working conditions at the college level. The Ministry should be encouraged to establish the proposed new Employers' Association with the authority to act on behalf of boards in matters of collective bargaining. To avoid conflict of interest in collective bargaining, however, internal board members should not serve on the Employers' Association.

If the Employers' Association is not implemented, an alternative for the Ministry to consider would be for ACAATO to assume responsibility for collective bargaining. The best working conditions will prevail in the colleges if both governors and presidents are directly involved in collective bargaining rather than if COR negotiates with college employees. Bargaining is most effective when it involves both the employers and the employees because they stand to gain most by reaching an agreement.

Conclusion

College governance is a complex matter. Some of the existing governance structures and processes are inadequate for the context of the 21st Century. Often a time of confusion or uncertainty is a time of great opportunity for shaping the patterns of the future. The resolution of governance issues will play a major role in the future of college education in Ontario.

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