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Academic Fantasies: Open Trustee Meetings

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Longtime observers of the public university scene recognize ritual behavior as an essential component of institutional process. Among the many rituals of public university governance, open trustee board meetings have a special place. Everyone looks forward to the board meeting as a theatrical forum where talented individuals play ritualized parts according to well prepared scripts. The drama of the meeting lies in the quality of the performances, the cleverness of the scripts, and the ability of the actors to appear natural and spontaneous as they fulfill their roles. From time to time, an unscripted moment will appear, rewarding the audience for enduring the often boring rituals. The purpose of the open meeting, in theory, is to air thoughtful conversations, engage topics of significance with colleagues who share responsibilities, and explore alternative solutions to difficult problems. This actually almost never happens unless there's a breakdown in the operation of governance or a crisis in management.

Instead, almost all public board meetings are designed to present pre-negotiated, pre-discussed, carefully constructed resolutions of issues. When discussion occurs in the open meeting, it is almost always a prepared exchange in which alternative views are presented to create a record or establish positions not to explore in an open fashion alternative solutions to complex problems. Often the comments in open meetings are for the press, a theatrical presentation that provides the media with quotations and material for the news cycle, video of the board meeting stage setting, and multiple stand-up interviews after the fact.

If the matter is of great significance, particularly if it involves the hiring of a big time coach, the press will attend in force with print and television representatives. Otherwise, media attendance is light recognizing that nothing of real substance is likely to occur. Sometimes a major issue appears on the agenda and the media show up to hear the resolution. Although the script calls for comments from various members of the board, all quotable and appropriate, the actual issue is already resolved before the meeting and the discussion serves to establish a record of positions and perhaps an opportunity to demonstrate loyalty to one or another institutional or external faction.

The real discussion and decision occur informally in basically two cycles. The first cycle is a preliminary testing of the board leadership's position on or interest in a topic, often achieved through telephone calls to the board leadership from the president or in even more effective environments from trusted associates. Once some sense of the board leadership's position appears, the second

cycle takes place as the rest of the board members are contacted, especially those known to have a particular interest in the subject. Some board members focus on issues related to their industry or their locality, others focus on topics such as athletics or gender equity, and some pay close attention to financial or legal matters. If a consensus seems likely on the issue, achieved indirectly through conversations between board members and between board members and the institutional staff, the issue will make it onto the formal board agenda. This document serves to announce to the public and the media that the topic will be formally presented, discussed, and voted on at the next board meeting.

Before the next board meeting, usually the night before at some private non-business social event held for the trustees at a private residence, any significant board matter scheduled for the next day is again, informally but thoroughly discussed. At this time trustees can voice concerns, ask questions about elements of the issue they may not understand, consider alternatives, and in general have a thoughtful and engaged conversation. If, during this informal consultation, the board leadership determines that a consensus does not exist for the item, they can pull it from the agenda (and the board members agree to let it sit for a while for further review to find a solution acceptable to all) or the majority of the board may choose to go ahead with the item, even recognizing that a minority may well vote against it and make statements to that effect. This second solution will provide some drama at the meeting, but the drama is an end result of prior off book conversations, not an actual public discussion leading to a decision. Instead it is a set piece to let the board make the decision its majority wants and offer the minority an opportunity to state their position with whatever public rationale seems appropriate.

These events take place when the university is well managed, the institutional staff are reasonably in control of the operation, and the board has some confidence in their institution's leadership.

However, public boards are often caught in a variety of circumstances that may break this form of scripted public meetings. Some of these have to do with the highly political nature of the public board. If a board is composed of almost equal numbers of appointees from the previous and current governors (especially when the two governors come from different ideological perspectives) the spirit of compromise and accommodation required for effective scripting may not exist. In this case, the members of each faction of the board may well conduct separate preliminary conversations among themselves before engaging in an informal negotiation among all board members. These circumstances may well lead to contentious and frank, but out of public view, exchanges among board members over the issue. But even under these circumstances, at the public meeting the discussion will be relatively scripted with everyone speaking to the record not to each other. While the trustees may agree to postpone controversial issues for a while, perhaps to the next board meeting, eventually, either a consensus must emerge or a divided vote will appear.

A final complication occurs when the issue involves major personnel issues. Boards generally work to avoid a public discussion of personnel issues, relying instead on efforts to pressure senior administrators to depart to another position when the board's composition changes and the expectations of that board no longer match the senior administrator's perspectives. Again, this type of major decision is usually developed with the consensus of a majority of board members developed over a period of informal consultation. Usually, this process works with some effectiveness, but on occasion, either because the decision is not really managed by the board members but rather comes in response to external pressure from various political actors or because the board's informal consultation is poorly executed by board leadership, the preparation of the personnel script fails, and the illusion of a voluntary departure cannot be maintained.

Some idealistic observers believe that when something goes wrong, the issue is a lack of transparency in the decision process when the real problem is a failure of the invisible process to

work as it is should or is the result of an intervention by external actors who derail the informal process.

What the enthusiasm for open meetings fails to recognize is that most of the principals who participate in open meetings do not want their thoughts made visible through the press. Imagine this scenario: In the open Board meeting:

Trustee Gomez says, *I don't understand why our financial picture is so difficult since we've raised tuition every year for the past four years?*

The CFO making the report responds, *we've had to increase our tuition discounting from an average of 30% to an average of 40% to continue recruiting high SAT students. So the net tuition has actually declined as we've increased the discount and seen a small reduction in enrollment.*

Trustee Jansen says, *I don't think we should be discounting that much, those high SAT students mostly come from wealthy families.*

Trustee Sams says, *we have to keep our SAT high to maintain our place in the US News rankings.*

Trustee Ellis remarks, *maybe so, but the percentage of minority students is falling at our institution because we're not doing enough for need based financial aid.*

The headline the next day would say Dissension among Trustees High over University Enrollment and Financial Crisis: Trustees Confused by University Financial Aid. The article would have quotes from rich and poor students, from parents, from legislators, all highlighting the fact that the university doesn't know what it's doing and the trustees have no clue how to address the problem.

In a well ordered universe, the secret off book, out of sight discussions among trustees would have surfaced the concern, given the administration time to provide appropriate information, led to an agreement to form a task force to review financial aid, and crafted a script for the public meeting leading to this headline: Trustees Form High Level Taskforce to Improve Student Financial Aid Programs, followed by statements from trustees and administrators about how important everyone regards need and merit based aid for maintaining the accessibility and high standing of the university.

The open meetings and records laws are surely valuable and helpful, but they drive many discussions about policy, practice, and personnel underground and off book. When trustee governance fails, it's rarely because of a lack of transparency. Usually it's the result of a failure to have full and independent conversations out of sight and off the record.

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