

The Governing Structures of State-Supported Historically Black Colleges and Universities

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There have been several major crises related to board governance at public colleges and universities in recent years. The boards of two prestigious institutions, the University of Virginia and the University of Texas at Austin, attempted to have their presidents removed from office because they believed that each was not moving swiftly enough to make changes within their institutions.¹ Of particular interest is the growing amount of influence that board members are wielding to affect change in the area of curriculum, which has traditionally been the purview of faculty. With the decrease in state funding for higher education, public boards are under pressure to increase institutional endowments, and ensure that institutions are fiscally sound.² Not only are these issues affecting public Predominantly White Institutions (PWIs), but also they are impacting public Historically Black Colleges and Universities (HBCUs) as well. Some scholars have described HBCUs as being in a state of crisis.³

In recent years, there has been an increase in board instability at public HBCUs. For example, between 2013 and 2014, members of the Alabama State University Board of Trustees were accused of financial improprieties. This resulted in the board chair and several other members of the board stepping down and being replaced by board members appointed by the governor of the state.⁴ More recently, a South Carolina House Ways and Means Sub-committee submitted a bill to close South Carolina State University (SCSU) for two years and remove all members of the university's board.⁵

This follows years of presidential turnover at the institution and the 2013 indictment of the chairman of the board of trustees for accepting kickbacks and misusing government money. The bill also called for a five-member board that would serve as a replacement for the SCSU Board of Trustees, which would be appointed by the president of the senate, speaker of the house, chair of the senate and house education committee, and the governor.⁶

These and other issues related to board governance at public HBCUs have become a cause of concern and alarm. In this moment of challenge there are those who have suggested solutions to address concerns regarding the composition of boards including, Ezzell and Schexnider who stated:

Establish a standing blue-ribbon panel comprising respected citizens to vet potential candidates to serve on public governing boards, including those of HBCUs. Creation of the panel by

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statute will ensure continuity, despite electoral changes in either the executive or legislative branches of government. Further, apply the same standards of excellence to all colleges and universities, including minority-serving institutions, and support leaders who seek to implement change in order to meet established goals.⁷

Purpose & Significance of the Study

The first purpose of our article is to gather information regarding the policies that govern the selection of public HBCU boards. The second purpose of the study is to examine the ways in which these policies shape the quality of the selection of candidates. The significance of this study stems from the dearth of previous research that specifically reviews the board selection policies at public HBCUs. Board governance at state colleges and universities has come under immense pressure as state funding has eroded over the past decades. Public colleges and university board selection processes can be different from the selection processes at private higher education institutions, in that a board member may be appointed by a state governor or by election.⁸ These positions are vitally important to the governance structure of a college or university. The results of this study offer information that may assist researchers, policymakers, and those who are concerned with board governance at public colleges and universities and HBCUs specifically. This study provides those within the HBCU community, as well as those seeking to understand governance issues surrounding HBCUs, with comprehensive data regarding HBCU board selection policies. Our findings will enable these groups and individuals to have a greater understanding of the selection processes of current HBCU board members, which may assist them in future decision making.

Brief History of Historically Black Colleges and Universities (HBCUs)

The rich history of Historically Black Colleges and Universities (HBCUs) dates back to the pre-Civil War period when only a handful of universities embraced the mission of educating and training free Blacks and ex-slaves. Established in 1865 by the Federal Government, the Freedmen's Bureau, along with private Black churches, missionaries, and humanitarians, sought to give birth to these academic institutions.⁹ The Institute for Colored Youth, now known as Cheyney University was the first institution of higher learning for African Americans in the United States. Quaker philanthropist, Richard Humphreys, established Cheyney University in 1837. Humphreys contributed \$10,000 for the design and

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development of a school to educate Blacks, due to their difficulties finding employment as a result of lack of education.¹⁰ Later in 1854, Lincoln University of Pennsylvania was established and held the honor of being the first degree-granting HBCU.¹¹ Its establishment was followed by the founding of Wilberforce University in 1856. Located in Wilberforce, Ohio, Wilberforce is the first HBCU exclusively owned and operated by African Americans.¹²

Post-Civil War, the number of HBCUs grew exponentially, with more than 200 institutions being founded in the South in the five years following 1865.¹³ It is not truly known how many HBCUs were established, but Gasman identified that there were 105 HBCUs located in the United States.¹⁴ However, in March 2013, the U.S. Education Department designated the American Baptist College in Nashville, Tennessee as the nation's newest HBCU.¹⁵ And in April 2015, Simmons College of Kentucky earned the designation of HBCU status, making them the 107th such institution.¹⁶ HBCUs are categorized as: "Black academic institutions established prior to 1964, whose principal mission was, and still is, the education of Black Americans."¹⁷ There has been some confusion about what institutions are classified as HBCUs because some academies established post-1964 did not clearly define their principal mission as to educate Black Americans, despite having a predominantly Black student population. The year is of importance because, it was the year the *Civil Rights Act of 1964* was passed, which outlawed discrimination grounded on race, color, religion, sex, or national origin.

Currently, HBCUs encompass less than three percent of all American colleges and universities.¹⁸ Some of these institutions have existed for over 150 years and have helped fill voids in the American higher education system by affording African Americans the same opportunities as White middle-class citizens. Presently, nearly 400,000 students attend HBCUs and nearly 17 percent of all bachelorette degrees that are awarded to African Americans come from HBCUs; and at predominantly White research institutions in the United States, 50 percent of all African American faculty received their bachelor's degree from HBCUs.¹⁹

In their infancy, HBCUs also served as secondary schools. These colleges educated Black youth in the fields of agriculture, as well as prepared and groomed teachers and missionaries.²⁰ HBCUs have customarily granted access to African Americans who otherwise might not have attained formal schooling. In spite of their faired success, HBCUs have faced disparities compared to predominantly White institutions in regards to funding, facilities, and overall state support. For decades, legal proceedings have been fought in courtrooms over incongruent funding between HBCUs and PWIs. In the case of the *United States v. Fordice* (1992), the United States Supreme Court ruled that eight public institutions in the state of Mississippi did not adequately seek to integrate their universities. As a result of the universities' failure to integrate fittingly, institutions had to commence

affirmative action under the Equal Protection Clause to increase minority matriculation. In spite of impartialities, HBCUs continue to provide African Americans with comparable schooling that is equivalent or superior to that of PWIs.²¹ As repositories of Black history and culture, HBCUs have provided a means by which many African Americans could be qualified for well-paying positions that allowed them to move into the American financial middle and upper classes. The next section will highlight the methods used for this study.

Methods

This study outlined the limited research on the selection process of board members of public HBCUs. The absence of research in this sector of higher education governance has resulted in a void in the literature.²² This study used an unobtrusive qualitative approach, specifically content analysis to answer the research question. Content analysis is a research approach that is often used when analyzing text documents, such as field notes and newspaper articles.²³ This methodology was used in this study primarily to identify the board selection policies at public HBCUs. It was also designed to examine the ways in which these policies shape the quality of selection candidates. The population of the study was the 51 public HBCUs boards across 20 states. The study used unobtrusive measures based upon individual state and institutional board of trustee policy and procedural manuals. Additionally, newspapers, magazines, and other important documents were analyzed to gain a holistic understanding regarding the perceived quality of candidates for these roles.

The unobtrusive qualitative approach used in this research allowed us to study our subjects (i.e. board members of public HBCUs) without them being aware of it.²⁴ Unobtrusive research can be described as the "resourceful use of the mountains of data generated to address research questions across disciplines."²⁵ It is important to ensure that the data that is collected is both valid and reliable. According to Schwandt, validity refers to the quality of a statement, argument or procedure, and reliability is achieved when an account can be replicated and a different inquirer achieves the same results.²⁶ Measuring the validity and reliability in unobtrusive data is predicated on the credibility and integrity of the sources that collect and compiled the data.²⁷ Berg suggests that official public archival data derived from, policy manuals, books, magazines, and newspapers are perceived as credible sources of information.²⁸ Therefore, the use of these materials in scholarly research is both valid and reliable. Because this study examines state policies that are officially documented and are fact based and structured, the problems of reliability and validity inherent in data recording attitudes and opinions are greatly minimized.

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The data for the study was collected from a variety of sources by the researchers. The main sources of data were individual state and institutional board of trustee policy and procedural manuals. Additionally, newspapers, magazines, and other important documents were analyzed. The manuals were obtained by reviewing institutional websites and official state websites. The researchers conducted a thematic analysis of the text where we used an exploratory approach by analyzing the codes derived from the sections of the text (i.e. documents) according to whether they appear to contribute to emerging themes.²⁹

There are limits to the generalizability of the results of this study. The limited sample size disallows for the application of results to populations other than those who serve or have served as board of trustee members of public HBCUs. The results also may not be generalizable to all board of trustee members in all types of higher education institutions. However, it provides a foundation upon which to engage in discussion and further research.

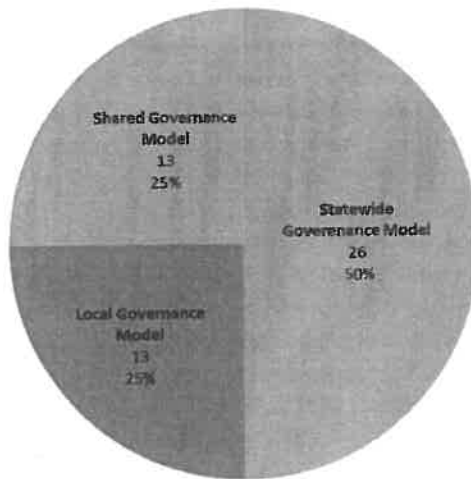
Dissecting HBCU Governing Boards: Structures and Appointment

HBCUs are a unique set of institutions that were created from the humble beginnings of a painful period in the history of America, yet today they are a part of a mosaic of 4,879 degree-granting two-year and four-year institutions (1,783 two-year and 3,096 four-year) that make up American higher education.³⁰ There are currently 107 HBCUs in the United States, representing 3 percent of institutions in America.³¹ While the "HBCU" marker readily identifies institutions with similar missions, it does not capture the diversity of institutions that are included in this category nor does it communicate the similarities between HBCUs and other institutional segments in American higher education. HBCUs are just like other institutions when it comes to governance structures. These structures are as diverse as the type and control of universities. While most private HBCUs are made up of single-institution governing boards that have a plethora of selection processes to determine board membership, public HBCUs have a variety of governing board structures and selection processes that are unique to the state context of each university.

While the state context of governance is different for each of the nation's 51 public HBCUs, they generally follow 3 distinct institutional governance structures: 1) statewide, 2) local, and 3) shared. *The Statewide Governance Model* is characterized by a single, state-level board that is vested with governing multiple institutions (including HBCU campuses) with the responsibilities for governance, control, and management of each institution under its purview. This includes the powers to hire presidents and chancellors, set policies and procedures that govern all institutions, approve the development of new degrees and programs, set

financial priorities for each campus, and provide coordination for the entire system of colleges and universities. According to Figure 1, the statewide governance model is present at 26 (50 percent) public HBCUs institutions and across ten states (Alabama, Arkansas, Georgia, Louisiana, Maryland, Mississippi, South Carolina, Oklahoma; Tennessee and Texas). While the Southern University system is the only system level board that governs multiple HBCUs, the remaining state-wide level boards govern both HBCUs and non-HBCUs.

Figure 1: Public Historically Black Colleges by Governance Type, 2015



Source: Education Commission on the States, Postsecondary Governance Structures Database, 2015

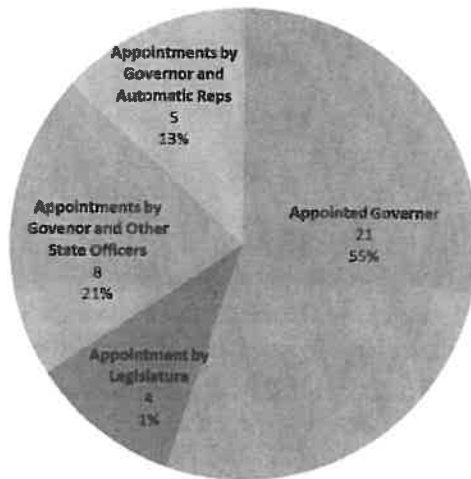
The *Local Governance Model* is described by a single, institutionally-based board that provides oversight over all aspects of the institution including hiring of the president, setting policies and procedure, ensuring financial fidelity as well as the authority to create new programs and degrees. The local governance model is currently practiced at 13 public HBCUs (25 percent) across 8 states (Delaware, District of Columbia, Kentucky, Maryland, Missouri, South Carolina, Texas) and the United States Virgin Islands.

The *Shared Governance Model* is blanketed by bicameral statewide and local boards that each exercise assigned governance functions for an institution of higher education. Institutions in this category usually have an institutionally-based governing board—usually a board of trustees—that has responsibilities to choose the president, ensure financial fidelity, and to enact policies and procedures. The

responsibility of governance of the institution is also shared with a state coordinating board that usually has the power to confirm presidential selections by local board, approve new academic programs and degrees, set budgetary priorities as well as provide policies and procedures that set the parameters in which institutionally-based boards can operate. The shared governance model is currently operating at 13 public HBCUs (25 percent) across six states (Alabama, Florida, North Carolina, Ohio, Pennsylvania and West Virginia).

The higher education governance structure models presented above offer a framework to understand board oversight at HBCUs. While the above models are simplistic in nature to aid our understanding, they are over-simplified because they do not convey the complex interactions between boards and institutions nor do these models give us an understanding of the state political environment in which these boards operate. However, an analysis of how boards are appointed gives us some insight into the political nature of boards and their connection to state government.

Figure 2: Appointments to Statewide Governing Boards, 2015

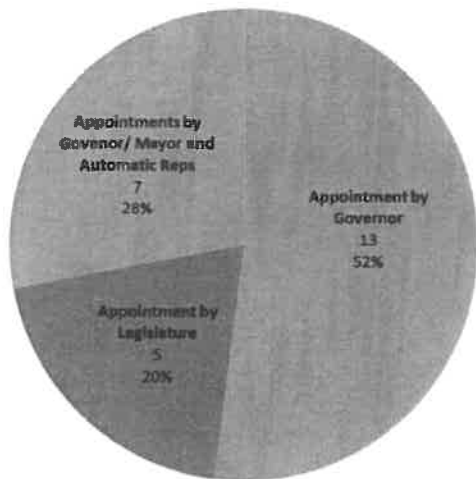


Source: Education Commission on the States, Postsecondary Governance Structures Database, 2015

In 100 percent of the cases where public HBCUs are governed by system-level coordinating boards—including both those that are part of the statewide and shared governance models—members are appointed to the boards according to state law. In 55 percent of cases where a statewide governing board provided

oversight for HBCUs, the appointment of individuals to boards were made by the governor of the state. Another 34 percent of board member selections were a combination of appointments by the governor and another elected official such as the lieutenant governor or through the selection of a student representative. The remaining 11 percent of board appointments were made by the state legislature. In all cases of appointments, they are subject to confirmation by the upper chamber (usually the senate) of the state legislature.

Figure 3: Appointments to Local Governing Boards, 2015



Source: Education Commission on the States, Postsecondary Governance Structures Database, 2015

Similar to the statewide board model, 100 percent of public HBCUs that have institutional-level governing boards (local and shared models) involved appointments to the board in accordance with state law. In 52 percent of the cases, appointments of individuals to the board were by the governor of the state. Another 28 percent of board member selections were a combination of appointments by the governor/mayor and a combination of other elected officials, automatic representatives, and alumni associations. The remaining 20 percent of board appointments were made by the state legislature. All appointments to the board for local boards are subject to confirmation by the upper chamber (usually the senate) of the state legislature.

Overall, the members of governing boards of HBCUs are largely impacted by political appointments that are made by a state entity. Whether it is

a state governor/mayor, legislature/city council or a combination of both, public HBCU boards are not separate or detached from political influence. In fact, public HBCUs exist in an environment in every state that includes governors, state senators, state representatives, political parties, etc. While accreditation standards across the nation seek to make colleges and universities free from political influence, the fact is that public HBCUs will always be affected by the politics of a state because of the statutory powers given to elected officials to influence outcomes at public universities.³² This could include direct influence of the allocation of funds by legislatures as well as the power to veto funding by the governors. Thus, what this analysis of public HBCUs really reveals is the level of influence that state politics plays in the functioning of HBCU governing boards. It is believed that the dysfunction experienced by HBCU boards is caused by the undue political influence of the state in the selection of members. However, much more analysis of political influence on HBCU boards is needed.

Being appointed a board of trustee member is a duty that should not be taken lightly. All board members must become educated stewards who are invested in the success of America's jewels. Partnering with organizations like the Association of Governing Boards (AGB) is critical for HBCUs when establishing governance and leadership models. These conventional models help leaders navigate the ever-changing landscape of higher education.

The continued relevancy and realization of HBCUs lies within governance. In 2008, the U.S. News & World Report released an imprint entitled *America's Best Black Colleges*. This feature marked the first time the periodical released a stand-alone ranking of HBCUs. In spite of this milestone, Dr. Mickey Burnim, the ninth president of Bowie State University stated that future challenges for HBCUs included remaining genuine to their founding mission of providing schooling while insuring long-standing success and sustainability of their respective institutions.³³

With recent board items at South Carolina State University and past items within the University System of Georgia boards (institutional mergers and closure), it is important to understand the roles and responsibilities of public boards that govern HBCUs. At South Carolina State University, oversight from ineffective board members caused institutional instability as well as statewide and even nationwide scrutiny. A recommended two-year closure was suggested by the South Carolina House Ways and Means Subcommittee on Higher Education for the institution in 2015-2016 and 2016-2017 academic years. Upon analysis it was discovered that South Carolina State University, a land-grant institution, was underfunded by over \$6 million dollars from 2010 to 2012 by South Carolina legislature.³⁴

According to the Association of Governing Boards: "There is a clear distinction between an under-engaged board, an over-engaged board, and an

appropriately engaged one.”³⁵ Relationships between board members and university presidents are vital for institutional survival. Many leaders in the academy reason that public institutions should be reconstructed to resemble nonprofit institutions due to declining state funds.³⁶ This reconstruction would focus less on public appointments and more on fundraising. By creating an operative board culture, an institution may focus on the board selection process in addition to an effective board environment. Many presidents stated that board members should also be models of giving.³⁷ At some institutions, the expected annual giving from board members ranges from \$5,000 to \$50,000.³⁸ The securing of funds and the giving of funds by board members demonstrates their investment in the university and its prosperity.

In order to select ideal board members, it is our recommendation that institutions locate individuals who have shown a commitment to public education, who have a record of community service, competency with strategic planning, a record of integrity, and a willingness to work collaboratively across the board.³⁹ Commitment to education is key because one should be devoted to the overall quality of education and the return on investment it has on the community. Board members are ambassadors for their institutions and one’s record of commitment to education should be reflected through individual scholarship, volunteering, and charitable offerings.⁴⁰

A proven track record of community service displays to selection committees, an individual’s compassion for essential issues affecting the public. In the board of trustee’s role, social consciousness, concern for others, and the understanding of local and state public policy are central.⁴¹ Having an aptitude for strategic planning, illustrates an individual’s knowledge of various facets of higher education ranging from leadership to financial matters.⁴² As institutions become more revenue centered, it is still the mission of the academy to produce scholars. It is the responsibility of the board member to guide the institution and learn how the academy functions.⁴³

According to Tierney et al, the integrity of an individual should always be measured against the university’s values.⁴⁴ The valor to speak up against injustices as well as to promote educational and social equality should be qualities possessed by a worthy candidate. A prime candidate should be meticulous and distant from scandal.

Efficient administration, highly knowledgeable board members, and unwavering support from institutional governance structures are the keys to survival for state funded HBCUs. The only way this vision is to be realized is if transparency, and fair and equitable treatment are enacted by state legislation. In addition, this vision can come to fruition with dedicated and knowledgeable advocates for HBCUs being appointed to serve on these state supported boards.

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