

**Testimony**  
**to the**  
**National Commission on Accountability in Higher Education**  
**May 10, 2004**  
**by**  
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**Washington, D.C.**

Thank you for the privilege of offering this written testimony on behalf of the Association of Governing Boards of Universities and Colleges (AGB) and its Board of Directors. What follows addresses the responsibilities of governing boards in assuring institutional accountability.

Since its founding in 1921, the Association of Governing Boards has been concerned about the need to clarify and advocate the responsibilities of boards of trustees of public and private higher education. For more than 80 years, we have had one mission: to advance the practice of citizen trusteeship and help ensure the quality and effectiveness of our nation's colleges and universities. To accomplish its mission, AGB has developed programs and services for its 1,150 member boards that help to strengthen the partnership between president and governing board; articulate the responsibilities of governing boards and board members; provide guidance and educational resources to regents and trustees, inspiring a level of professionalism for a voluntary function; identify issues that affect tomorrow's decision making; and foster cooperation among all stakeholders in higher education, including maintaining good working relations with state government leaders and agencies.

In 1998 and 2001, the AGB Board of Directors approved two companion statements that examine and clarify governing board responsibilities with internal and external constituents: *AGB Statement on Institutional Governance*, and *Governing in the Public Trust: External Influences on Colleges and Universities*. These two statements were published together in one document in 2001 as part of AGB's "Board Basic" series. I refer to these statements frequently in this testimony because they bear significantly on the topic of accountability.

Citizen trusteeship is a venerable American tradition that has served the nation well as a distinct and preferable alternative to direct government control. The nation's 50,000 trustees embody the values that govern higher education institutions in our democracy. We strongly believe that self-governance and self-regulation are crucial to institutional quality and integrity in American higher education. At the same time, we believe that such governance cannot be maintained if it is perceived as insular or dismissive of society's legitimate interests, concerns, and priorities, thus the need for balance and transparency.

Unfortunately, some governing boards see their responsibilities as ending with the appointment of the chief executive and with the holding of senior administrators accountable for accomplishing institutional or system goals. Certainly boards should ensure that strategic planning gets done to establish goals, and they should work closely and productively with the chief executive and senior staff on policies that will achieve them. But there are many additional board responsibilities. One of the most challenging is to provide first level of accountability assurance to the public for the institutions they govern.

Effective trustees, as individuals, and boards, as corporate entities, demonstrate the following:

- a firm understanding of substantive system or institutional policy issues and a devotion of productive policy debate and decision-making while not deferring unnecessarily either to state officials or university administrators;
- a grasp of the fiscal operations of their institutions (or university system) so they can plan strategically for the future, ensure prudent spending of public dollars as reported in financial audits, justify the cost of education to students, families and the public, and guarantee effective management of human and physical resources;
- a full understanding of the academic programs of their institutions to ensure that accreditation standards are met and that institutions achieve (and live within) their individual missions even as they move to serve new emerging markets, using best practices in evidence-based academic planning and decision-making;
- support for academic quality – including a rigorous general education curriculum for all students, demonstrated student learning, incorporation of new technologies in the classroom, and attention to faculty work, recognition and rewards;

- a broad, “non-parochial” view that shows an appreciation of the impact on other colleges and universities of the actions of their own institutions, and, if in a system, shows no special favor for particular institutions.

Especially in partnership with their chief executives, boards of trustees should demonstrate serious efforts to do their best to ensure that their institution or system of institutions provide quality education and services that demonstrably improve the lives of students and citizens, by:

- directing university expertise and capacity toward the solution or amelioration of community and state problems and other issues within the broad public domain;
- serving those who have not been able to take advantage of direct educational opportunities (i.e., the underserved); and
- addressing current major public concerns or criticisms (e.g., on costs, access, tuition pricing, and faculty productivity).

In order to accomplish the foregoing, effective governing boards monitor key strategic indicators of institutional performance on regular cycles. This monitoring includes indicators reported to accrediting agencies and state-level boards, commissions, or agencies in annual accountability reports, but others as well. Collectively, these often are referred to as “dashboard” indicators and they help to detect trends and areas that need board attention. Some are “inputs” and others are “outcomes.”

As Peter Ewell of the National Center for Higher Education Management Systems suggested at a recent AGB meeting, in the case of student learning outcomes, it is incumbent upon the governing board to understand assessment processes and results and to ensure that results are used for sound academic decision making, including those decisions affecting mission and new programs. The work of academic affairs committees is particularly important in this regard, and can help inform full-board-level learning in intensive, special-purpose board retreats, for example.

In addition, boards of trustees should periodically invite external constituent and public input at designated times during regular board meetings, and periodically meet with board members from sister institutions to understand issues, initiatives, and innovations on

other campuses – hopefully through regular (annual or biannual) statewide board education or governor’s trustee conferences.

As the *Statement on Institutional Governance* urges, the relationship between the institution or system and the various external political and regulatory oversight groups should reflect an understanding by which the institution or system is held accountable for results in relation to agreed-upon objectives, thus the need for more governmental oversight and regulation can be minimized. This arrangement preserves the essential autonomy of the institution or system, which differentiates it from other state entities and keeps the focus on “results.” The ability of public colleges and universities to provide for effective accountability engenders public trust. It demonstrates a willingness to address issues the public should care about – to serve the public trust. Activity by governing boards can preclude state elected officials from being forced to conclude that acceptable and reasonable levels of institutional competition and program duplication have been exceeded, or that higher levels of performance require more state intervention.

As they carry out their responsibilities, however, boards of trustees are best perceived as surrogates for the state’s *citizens*, rather than for state government per se. They exist and are responsible to do what the state cannot, should not, or does not want to do itself. Rather than be accountable to state government, the boards of trustees must be responsive and communicative to and with the state and its elected leaders. Being responsive and communicative are essential to any public governing board’s effectiveness. Failure to do so is a major abdication of its responsibility and its privilege of relative independence.

Effective boards balance responsiveness with independence. They do not unnecessarily defer academic policy decisions upward to the state coordinating board or the legislature, or downward to the faculty. Ineffective boards sometimes allow their policy independence to be compromised by passing difficult decisions on to others, or by ignoring stakeholder input on such matters as access, cost, efficiency, quality, or productivity.

It is our observation that, for the most part, legislatures and governors take direct action reluctantly. Notwithstanding some evidence to the contrary regarding assertive legislators or ideology, the majority of legislatures do not want to exceed their authority and make policies that are within the purview of governing boards. This is a good thing, to be sure.

As noted in our *Statement on Institutional Governance*, there are several perceptions about higher education accountability that affect governing boards responsibilities. They are as follows:

- The public demands greater accountability – particular regarding student outcomes – and elected officials have intensified their scrutiny of higher education.
- There is a widespread perception that faculty members, especially in research universities, are divided between loyalty to their academic disciplines and loyalty to the welfare of their own institutions.
- Many inside and outside the academy, including governing boards, faculty members, and chief executives, believe that internal governance arrangements have become so cumbersome that timely decisions are difficult to make, and small factions often are able to impede the decision-making process.
- In the quest for consensus or efficiency, the governance process sometimes produces a “lowest common denominator” decision, which does not adequately address underlying issues.

As we observed in *Governing in the Public Trust*, external pressures have led some trustees and political leaders to abandon long-accepted principles of citizen trusteeship. Some board members respond to narrow interests, and others use their position inappropriately to advance personal visibility, aspirations, or narrow policy goals. Others forget that trustees are responsible for reaching consensus and acting collectively as a board, not as individuals. When such inappropriate behavior occurs, the tradition of citizen trusteeship is broken, and the public trust is compromised. Boards can become dysfunctional and do irreparable harm to their university’s standing. Accustomed to being deferred to or left alone, governing boards many find themselves with few traditions or inadequate policies to guide them. Too often, the response is to appear to resist public pressures for change. On the other hand, some boards and trustees become overly accommodating and see duty to respond immediately to all demands of external stakeholders.

In closing, here are five principles from *Governing in the Public Trust* that we believe are essential for maintaining accountability, independence and the public trust:

- 1) A commitment to the primacy of the board over individual members – governing boards should be composed of carefully selected, independent-minded individuals of

stature who can focus on the intersection between society and the academy. Non-partisan, merit-based, selection processes for public boards is essential. (We have a long way to go in this regard. The selection of trustees and regents has become increasingly “politicized” in some states.)

- 2) Keeping the mission as a beacon – boards that allow the mission of the institution to drift can lose the selective focus that is essential to maintaining high quality and effectiveness
- 3) Respect the board as both a buffer and a bridge between the public and the institutions – boards must anticipate the central issues that are likely to test their capacities to craft an agenda to address challenges, be they student admissions, faculty prerogatives on curriculum and learning standards, executive recruitment and compensation, or other issues
- 4) Exhibit exemplary public behavior – through their personal conduct as individuals and as a board, trustees must ensure that they continue to earn the respect necessary for serving public purposes
- 5) Keep academic freedom central – intellectual integrity and academic freedom are at the heart of the historic social justification for self-governance in colleges and universities. Boards should understand these values and be prepared to support and defend them.

Thank you for this opportunity to submit this testimony on behalf of AGB.