

Review of: "Sustaining Gender Parity in Corporate Leadership Roles by Means of Random Selection"

Kurt Stanberry¹

¹ University of Houston System

Potential competing interests: No potential competing interests to declare.

This is a review of Sustaining Gender Parity in Corporate Leadership Roles by Means of Random Selection, by Robert Wright. The premise is a long-sought-after goal: to increase the percentage of females (and others) in corporate leadership roles. The recommended methodology to achieve this goal is through random selection from pools of qualified candidates.

In my review, I address two issues: current selection methods for two different types of corporate leadership positions, and legal issues involved in changing the status quo.

My first recommendation is the need to make an important distinction. Throughout the article, the author discusses the corporate leadership roles of officer and director as though they are closely similar, when there are important distinctions. Director and officers are not selected by the same method, and discussing them interchangeably has the potential to create reader confusion.

Officers are employees, hired by the corporation. Thus the selection method for officers is one that could be changed by the recommended random selection method.

However, directors are not traditional employees, thus they are not hired. Directors are elected by the shareholders, the owners of the corporation. This method of selection is not one that could be realistically changed to random selection. Such a change is not very feasible. It would take changing not only hundreds of laws, but also the basic idea of owners of a business (the shareholders) having a voice in the governance thereof.

My second recommendation is to refine the analysis of the legal challenges faced by implementing a system of quotas for various groups in corporate leadership roles. The article references the 14th Amendment, and the Commerce Clause, as challenges. While those are indeed important considerations, when it comes to officers, who are employees, another major legal hurdle that would have to be addressed is Title VII of the CRA of 1964, which is the foundational employment law. Additionally, a selection method that essentially doubles as a Affirmative Action initiative would have to address both legal and political hurdles, since the concept has become a controversial one in the courts and various legislative bodies.

Kurt Stanberry, MBA, JD

Professor of Business Law/Ethics

Davies College of Business | University of Houston Downtown

stanberryk@uhd.edu

B-479 | 320 N. Main St, Houston, TX 77002

