

PRESIDENTIAL SEARCH PROCESS

Draft Recommendation of the NKU

Faculty Faculty Senate Voting Item 05-05-2017

PASSED

Sections B & B.2 of the Statement of Collegial Governance at NKU state that “good faith consultation” with “the Faculty Senate and its committees” are “routine” in the selection of NKU’s President. In its capacity as the official representative body of the General Faculty of Northern Kentucky University and in the expectation that “faculty opinion in these matters should be strongly considered,” the Faculty Senate offers the following recommendations to the Presidential search committee and the NKU Board of Regents.

In order to promote transparency and accountability at Northern Kentucky University and;

to facilitate the success of the new president;

to foster positive relations between faculty and administration and promote mutual respect;

to observe written and established norms of shared governance at NKU;

to enable both the campus community and the presidential candidate to determine each other's suitability;

to ensure that the new president is qualified to be appointed to the faculty of a college within the university with a grant of tenure and to serve as chief academic officer of the institution and the faculty;

and to create a welcoming environment for the new President;

the General Faculty of Northern Kentucky University respectfully recommends that three or more Presidential search finalists be brought to campus for open public meetings with the faculty and other campus constituencies, during the academic year, and before any offer of employment is extended.

[FACULTY SENATE DRAFT – NOT VOTED OR ADOPTED]

COLLEGIAL GOVERNANCE AT NKU (excerpts)

B. THE ROLE OF FACULTY BODIES IN THE COLLEGIAL SYSTEM:

"Faculty bodies" are defined as the collective members with faculty rank of an academic unit (such as) Department and College faculties, the Senate and its committees, and department and college faculty committees. As participants in the collegial system of university governance, all faculty bodies are obligated to make decisions and/or recommendations for the good of the university.

2. Activities fundamentally affecting academic programs:

Good faith consultation with faculty bodies is routine in the following matters. Faculty opinion in these matters should be strongly considered.

-Selection of the President and Executive Officers

NKU FACULTY SENATE CONSTITUTION (excerpt)

ARTICLE I. FUNCTIONS AND PURPOSES

A. The Faculty Senate is the official representative body of the General Faculty of Northern Kentucky University.

B. The purposes of the Faculty Senate are to:

- 1) Provide a forum for the faculty to propose policy or to discuss all matters relating to the well being of the University.
- 2) Allow the faculty to participate effectively in the enactment of university policies.
- 3) Provide efficient channels for the faculty to meet its obligations in implementing policies adopted by the Faculty Senate.
- 4) Conduct studies deemed essential to the progress of the University.
- 5) Evaluate university policies, programs, and practices and recommend such improvements as seem warranted.



Statement on Presidential Searches

In recent months at a number of colleges and universities across the country controversy has emerged over decisions by governing boards to conduct searches for new presidents or chancellors in secret, abandoning the previously standard practice of inviting a select group of finalists to visit the campus and meet publicly with faculty and other members of the campus community. The rationale for such secrecy is that open meetings discourage applications from highly qualified candidates, although no evidence has ever been offered to suggest that this is in fact the case.

AAUP policy statements make clear that such decisions to forgo public campus visits and public forums by finalists violate longstanding principles of shared governance. Shared governance helps ensure that universities and colleges serve the public interest. Serving this interest is why we have public universities and colleges and why we grant special tax status to nonprofit private universities and colleges.

As the Academic Senate at Sonoma State University has declared, "Forgoing announcing finalists' names publicly and scheduling official campus visits for them would be behavior more characteristic of a private corporation than a public university. Doing so would also mean a less transparent search process and less confidence in the outcome on the part of the university community and public. . . . Such visits give the university and public insight into finalists' knowledge of the campus and their ability to unify and lead the students, faculty, staff and administration. They also give finalists insight into the university community they aspire to lead."

Although governing boards have the legal responsibility for selection of a president, the process of selection is fundamental in determining which candidate has the most appropriate academic leadership and administrative skills needed to lead the institution. The 1966 Statement on Government of Colleges and Universities, formulated jointly by the AAUP, the American Council on Education, and the Association of Governing Boards of Universities and Colleges states:

Joint effort of a most critical kind must be taken when an institution chooses a new president. The selection of a chief administrative officer should follow upon

a cooperative search by the governing board and the faculty, taking into consideration the opinions of others who are appropriately interested. The president should be equally qualified to serve both as the executive officer of the governing board and as the chief academic officer of the institution and the faculty. The president's dual role requires an ability to interpret to board and faculty the educational views and concepts of institutional government of the other. The president should have the confidence of the board and the faculty.

A 2013 report from the AAUP's Committee on College and University Governance entitled Confidentiality and Faculty Representation in Academic Governance declares:

Unless mandated to be open by state law, many such searches [for higher administrative officers] have an initial, confidential screening stage conducted by a search committee that includes faculty members. The next stage is normally one in which finalists are interviewed. At this point in the process, the names of finalists should be made public to the campus community so that the community at large, faculty committees, or at least selected faculty members have an opportunity to interview the finalists and forward their views to the search committee or to a consulting firm employed by the college or university.

The conclusion of the same document recommends:

Searches for presidents and other chief academic officers should have an open phase that allows individual faculty members as well as faculty bodies to review the credentials of finalists, ask questions, and share opinions before a final decision is made.

Finally, the AAUP website provides a Presidential Search Committee Checklist to guide institutions in the application of these policies. This emphasizes that

open visits are crucial in the success of the search process because they permit members of the campus community to participate in providing impressions, as well as to contribute to the candidate's understanding of the culture of the institution. In this final phase of the selection process, open visits present vitally important opportunities for both the campus community and the candidate to determine each other's suitability. This final step is extraordinarily useful to the search committee in making its final recommendation to the board.

The AAUP thus calls upon colleges and universities to resist calls for closed, secretive searches and reaffirm their commitment to transparency and active faculty engagement in the hiring of higher administrative officers. Faculty members should demand that their institutions observe established norms of shared governance by involving faculty representatives in all stages of the search process and by providing the entire faculty and other members of the campus community the opportunity to meet with search finalists in public on campus.

CINCINNATI ENQUIRER

<http://www.cincinnati.com/story/opinion/contributors/2015/10/08/aaup-miami-making-big-mistake/73580272/>

AAUP: Miami U making a big mistake

By Karen Dawisha, Keith Tuma and John McNay 11:18 a.m. ET Oct. 8, 2015



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(Photo: Enquirer file)

Karen Dawisha and Keith Tuma are co-presidents of the Miami University chapter of the American Association of University Professors, and John McNay is president of the AAUP's Ohio Conference.

Last week, news emerged that the Miami University board of trustees has chosen to conduct a secret search for the new president of the university. This is an alarming development.

Putting three elected faculty on the search committee and swearing them to secrecy – they will be asked to sign a nondisclosure agreement – does not represent an open process in which the

input of all members of the university community is considered. It does not suggest that the board takes shared governance seriously. Faculty should be widely consulted and have input in all important decisions at the institution. They do the work that is central to the university's core mission – instruction and research – and they know a lot about the qualifications and commitments a president should have.

The board's decision does not reflect the norm in Ohio. Presidential searches conducted in the recent past at Bowling Green, Toledo and Akron have been open processes in which finalists were brought to campus and required to meet with faculty and students. There are no special circumstances that justify the Miami board's secretive process. Transparency and honesty, especially at a public institution of higher education, should be of the utmost importance.

Miami University is Ohio's most expensive public university. It generates enormous revenue and is building large reserves on the backs of its students. Those students also deserve the right to be involved in the hiring process and to evaluate the finalists in open forums and small group settings.

What has happened at the University of Iowa is a cautionary tale. The Iowa board of regents hired as president Bruce Harreld, a corporate executive whose primary experience was based in marketing for IBM. The faculty were polled and almost unanimously found Harreld unqualified to be president. Iowa brought in all four finalists (three were clearly highly qualified) to face the faculty and students, but the regents blundered by hiring Harreld over persistent objections by the university community. The university is now in turmoil, and the faculty have issued a vote of no confidence in the board there. Miami has a chance to take a different road and to make a choice based on maximum feedback from all concerned parties – faculty, students, staff, alumni and the administration.

Many experts see a secretive process like the one proposed as flawed: "It is typically for the advantage of the candidate rather than the institution," says Michael Poliakoff, vice president of policy for the Washington, D.C.-based American Council of Trustees and Alumni, told Inside Higher Ed recently. "A confident and great institution should really be setting its own terms rather than deferring to candidates who understandably want to spare themselves the embarrassment of possibly being a finalist and not getting a final offer." Further, such a clandestine process certainly violates the spirit if not always the letter of the Ohio Open Meetings Law and thus opens the door for ongoing controversy.

We are disappointed by this decision by Miami's board of trustees. This position is very important to the future of Miami University and demands much more transparency than is being offered. It is especially unfortunate that an institution of higher education is all but locking out of the process the very people who are most engaged in education at Miami – students and faculty.

Miami University is an outstanding institution and deserves better judgment from its board of trustees than this. There is still time to fix this situation. We urge the Miami trustees to reverse their decision and show that it honors the tradition in higher education of openness and free exchange of ideas that an above board search would reflect.



BOWLING GREEN DAILY NEWS

http://www.bgdailynews.com/news/tensions-about-confidentiality-mount-around-wku-president-search/article_562c8444-0bac-5ce6-8957-ab0e1723fba1.html.

Tensions about confidentiality mount around WKU president search

By [Aaron Mudd](#)
September 16, 2016

As the search for Western Kentucky University's next president continues, there's disagreement about how much confidentiality candidates should have and whether the process is transparent enough.

Phillip Bale, who chairs the Presidential Search Committee, said the job opening has been posted online for about three or four weeks now and that the committee hopes to have an applicant pool that's diverse in all respects.

He also said the committee listened to feedback from stakeholders when it was developing the ideal profile for WKU's 10th president. It's been collecting feedback during special campus forums.

"I think it's an essential part of the process," Bale said. "We listened, we took notes, we actually taped a good deal of the sessions and many of the comments that were made certainly became a part of our discussion."

Bale said the Presidential Search Committee is charged with presenting three to four finalists for the full Board of Regents to narrow it down further. As many as six of the seven-member search committee are regents after the recent appointment of Julie Hinson.

"This is heavy task full of potential, full of possibilities," he said. "I think everyone on the search committee and everyone on the board understands that this is probably the most important thing we'll ever do in our service to Western Kentucky University."

But a key part of the process remains controversial – how much confidentiality candidates require.

"The assumption going in is that most all of the candidates require a great deal of confidentiality," Bale said.

The executive search firm Isaacson, Miller assisting in the search stressed the importance of ensuring that, Bale added.

"One of the things that the search firm has told me in the last week (is) that if they were unable to provide confidentiality at least two thirds of the people they've talked to already would drop out immediately," he said. "A lot of those would be strong candidates who maybe have very high-ranking positions."

However, some faculty find that confidentiality problematic and question how much say they have in the final decision.

During a meeting of the University Senate on Thursday, Senate Chairwoman Kate Hudepohl described that prospect as "troublesome."

Hudepohl said that, during a meeting between the Senate Executive Committee and Isaacson, Miller, the search firm said they understood the search would be closed.

"For those of you who don't know, a closed search means we won't know who's hired until they're hired," Hudepohl said during the meeting, getting a number of disgruntled responses from faculty present.

Hudepohl said the firm explained that a closed search was a growing trend in higher education and that having a closed search protects the candidate's position and their university. If a donor knew a president or provost was going to step down, for example, they might decide not to donate.

Hudepohl said those reasons make sense, but also took issue with not getting to meet the next president before he or she was hired.

"The idea that the stakeholders don't have a voice in the process is troublesome," she said.

The issue is accentuated, Hudepohl said, by a climate of distrust for some people on campus.

"Transparency is viewed as being a problem on this campus and so it seems like a lack of transparency," she said.

At the senate meeting, Faculty Regent Barbara Burch, who is another search committee member, defended the need for confidentiality in the process so that high quality candidates won't put their job at risk just to be an applicant. She said the work of the search committee is confidential, while the Board of Regents is the final selection committee.

"How the board will make that decision and what the process will be, I cannot tell you because I do not know," she said.

Burch said she believed candidates will have the choice of revealing themselves as finalists.

The conversation spurred many questions and comments from faculty concerned about the process.

Journalism professor Mac McKerral noted that the six Board of Regents members on the search committee means there's a quorum. That requires the time, date and location of the meeting to be open by law and it must be open unless there's a statutory exemption, he said.

Burch responded and said all meetings of the search committee are open.

Bale wasn't sure how many have applied, but said the number of applicants has risen into the double digits. He said there isn't a hard deadline for applications and that the goal is to winnow the list down to a few names by early December.

"If we keep our eye on the prize, which is to identify the very best person that we think we can find for our position, then we have to handle this very delicately," Bale said of the process.

— *Follow education reporter Aaron Mudd on Twitter @BGDN_edbeat or visit bgdailynews.com.*



http://www.timeswv.com/news/fairmont-state-professors-file-suit-over-president-search/article_771fd1b4-09ff-11e7-8530-57dd2450d69e.html.

Fairmont State professors file suit over president search

By Michelle Dillon, (Fairmont WV) Times West Virginian

Mar 16, 2017

FAIRMONT — Two Fairmont State University professors have filed a lawsuit against the school and the West Virginia Higher Education Policy Commission (HEPC) over the process to select the next university president.

On March 3, FSU physics professor Dr. Galen Hansen and biology professor Dr. Albert Magro filed a lawsuit in Marion County Circuit Court against the FSU Board of Governors (BOG) and the HEPC.

In the lawsuit Hansen and Magro allege that the FSU BOG violated the West Virginia Open Meetings Act.

They say in the lawsuit that the BOG discussed and made decisions in secret about the make-up and selection of the presidential search committee, the candidate requirements, the job description, the manner of advertisement for candidates and the candidate selection timeline for the new FSU president.

Hansen and Magro also allege that the BOG made these discussions and decisions without public notification or record. They say that no meetings of the BOG from August to December 2016 included any mention in the agenda or the minutes information about the presidential search.

Hansen filed a freedom of information request (FOIA) in January asking for written documents with information regarding the timing, agendas, discussions, decisions, minutes and other information regarding the private meetings held concerning the general personnel policies of the presidential search, according to the lawsuit.

The lawsuit says that the BOG and the HEPC disclosed in its response to the FOIA request that the BOG did discuss and make decisions regarding general issue and policies related to the presidential search in an executive session on August 18, 2016.

The professors contend discussions and decisions were made without mentioning the presidential search in the meeting agenda or the meeting minutes and without coming out of executive session.

Hansen and Magro allege that personnel issues regarding the presidential search that were discussed by the BOG involved only general personnel policies and were therefore not covered by exceptions in the Open Meetings Act.

The lawsuit says only private personnel issues of a personal nature and specific to an individual can be discussed in executive session and only if the item is included in the meeting agenda.

Hansen and Magro allege that the HEPC also violated the Open Meetings Act.

The lawsuit says the HEPC violated the act by serving as an informal member of the FSU presidential search committee and it was in communication with the BOG about the search process and was therefore aware of meetings and decisions.

Hansen and Magro said in the lawsuit that the WVHEPC violated its duty to hold the BOG accountable and ensure the BOG carried out its duty to govern FSU effectively.

They say in the lawsuit that the HEPC failed to fulfill its duty and authority to hold the BOG responsible for violations of the Open Meetings Act and instead relied upon the public to hold the BOG accountable for its violations via circuit court action.

Hansen and Magro also allege in the lawsuit that the BOG violated the West Virginia Freedom of Information Act.

The lawsuit said that in response to Hansen's FOIA request, the BOG provided no written information regarding the presidential search other than the job advertisement and the search timeline, both of which were made public in an October 2016 agenda of a HEPC special meeting.

Hansen and Magro ask in the lawsuit for an injunction against the BOG to stop discussing items in executive session that have not been listed on meetings agendas or mentioned in motions to move into executive session.

They also ask for the court to order the BOG to come out of executive session to make all discussions and decisions in a public meeting and to record in public minutes all discussions and decisions made.

Hansen and Magro ask for an injunction against the HEPC to stop discussing and making decisions regarding general personnel policies outside of open meetings.

They also ask for an injunction against the HEPC to stop deferring to the public to fulfill its duty to ensure that the BOG comply with open meetings law and effectively govern FSU.

Hansen and Magro ask for the court to protect the right of the public to open meetings and that the BOG and the HEPC follow the provisions of the Open Meetings Act including those pertaining to executive sessions.

Hansen and Magro also ask the court to order the BOG and WVHEPC to pay costs including attorney fees.

Attempts to reach the BOG or the HEPC for comment on the lawsuit were unsuccessful.

According to court records neither the BOG nor the HEPC have filed an answer yet to the lawsuit.

Email Michelle Dillon at mdillon@timeswv.com.

<http://aaupuc.org/uncategorized/uc/>.

AAUP-University of Cincinnati President Ron Jones on the presidential search

December 15, 2016

As faculty are aware, the UC Board of Trustees launched the search for former President Santa Ono's replacement in June of this year. Rob Richardson, Board President and chair of the Presidential Search Committee, promised that the process would be "open, transparent, and collaborative." Unfortunately, it has been neither open, nor transparent, nor collaborative. To the contrary, the process has been shrouded in secrecy, lacking comprehensive faculty and student input, and in violation of well-established best academic practices.

To add to the consternation caused by this secretive search, The Cincinnati Enquirer recently reported that former Procter and Gamble CEO and the current Secretary of Veterans Affairs Robert MacDonald has emerged as a leading candidate. The leak of information poses two problems for the faculty. Since we have no other information to work with, we must assume that Secretary MacDonald is the only candidate being seriously considered. While that may, or may not, be a fair assessment of the situation, it would be unwise for faculty remain silent and not offer our opinions regarding the candidate. Second, hiring a president without academic credentials is a serious concern for those of us who work in Higher Education. When the University of Iowa decided it would abandon the accepted standards of shared governance and appointed Bruce Harreld, former IBM senior vice president, it was met with fierce criticism from the faculty and students. Harreld, one of the four finalists, lacked the qualifications and experience found in the other three candidates and yet the Board of Regents offered him the position due to his success in the private sector. Faculty questioned not only his academic background but also his the fact that he lacks any experience in public service. Eventually, the University of Iowa found itself on the American Association of University Professor's list of sanctioned institutions for "substantial non-compliance with standards of academic government".

While it is possible that an unconventional candidate could be an appropriate fit for UC, it is imperative that the process be truly open, transparent, and collaborative ensuring that all of the constituents at UC have a voice at the table. It's the right thing to do and will ensure that the right candidate is chosen for the job.

Secretary McDonald, if he is truly a candidate, and the other candidates should be made public and come to UC for public interviews with students, faculty, and other stakeholders. This would provide much needed confidence in the hiring process and a solid foundation for the new president to begin his tenure at UC. The process would also benefit the prospective candidates, providing them with the knowledge and confidence that UC is truly the best match for their skillset.

Both the National AAUP and the Association of Governing Boards of Universities and Colleges (AGB), a national association of university boards of trustees (of which the University of Cincinnati Board of Trustees is a member), have issued policy statements opposing closed-door, secret searches for university presidents.

In 1966, a joint Statement on the Government of Colleges and Universities was developed by the AAUP, the American Council on Education, and the Association of Governing Boards of Universities and Colleges. Of utmost importance, the joint statement states:

“Joint effort of a most critical kind must be taken when an institution chooses a new president. The selection of a chief administrative officer should follow upon a cooperative search by the governing board and the faculty, taking into consideration the opinions of others who are appropriately interested. The president should be equally qualified to serve both as the executive officer of the governing board and as the chief academic officer of the institution and the faculty. The president’s dual role requires an ability to interpret to board and faculty the educational views and concepts of institutional government of the other. The president should have the confidence of the board and the faculty.”

In November 2015, the National AAUP reaffirmed its policy on secret presidential searches, stating:

“...decisions to forgo public campus visits and public forums by finalists violate longstanding principles of shared governance. Shared governance helps ensure that universities and colleges serve the public interest. Serving this interest is why we have public universities and colleges and why we grant special tax status to nonprofit private universities and colleges.”

The statement concludes:

“The AAUP thus calls upon colleges and universities to resist calls for closed, secretive searches and reaffirm their commitment to transparency and active faculty engagement in the hiring of higher administrative officers. Faculty members should demand that their institutions observe established norms of shared governance by involving faculty representatives in all stages of the search process and by providing the entire faculty and other members of the campus community the opportunity to meet with search finalists in public on campus.”

The full AAUP statement can be read here

[https://www.aaup.org/sites/default/files/AAUP_Statement_on_Presidential_Searches_0.pdf].

Thus far the UC presidential search has not been conducted according to either the spirit or letter of the shared governance principles in the AAUP-UC Collective Bargaining Agreement, National AAUP policies, or policy statements of the AGB, of which UC’s Board of Trustees is a member. The hope and expectation is that UC will immediately enter a more open phase of this vital search.

Ron Jones
President, AAUP-UC Chapter

<https://www.bizjournals.com/louisville/news/2017/10/02/u-of-l-faculty-excluded-from-additional-input-on.html>

U of L faculty protest closed presidential search; SACS probation almost resolved



By [Chris Larson](#) – Reporter, Louisville Business First
Updated a day ago

The [University of Louisville's](#) sequestered search for a permanent president continues to frustrate faculty who say the search may violate university policy, according to letters between faculty and the board of trustees chairman.

At Monday's special board of trustees meeting, about 10 faculty members held a quiet protest during the meeting's open session, holding aloft signs that said things like, "No Ramsey 2.0" and "Secret search = Redbook violation."

After the meeting, board chairman [David Grissom](#) told reporters that faculty who want to provide input on the search process would be able to do so during a to-be-announced listening

tour of the trustees. The trustee committee that will arrange the listening tour will meet for the first time Oct. 9.

He also stated university constituencies are represented in the search process by trustees Enid Trucios-Haynes, William Armstrong and Vishnu Tirumala, who represent U of L faculty, staff and students, respectively. The board of trustees is acting as the presidential search committee.

At a Sept. 15 meeting, Grissom announced that the the board, which acts as the presidential search committee, [will keep the search private](#) to "protect the confidentiality of all candidates" and that doing so is part of best practices for finding a new president.

That move drew ire from the U of L chapter of [American Association of University Professors](#). U of L AAUP chapter President [Susan Jarosi](#) said after the Sept. 15 meeting, "Grissom is wrong about best practices."

In a letter to Grissom provided by Jarosi, a faculty committee called the Presidential Search Faculty Consultation Committee claims the move to isolate the search violates university policy as enumerated by The Redbook.

[The Redbook](#) is the basic governance document for U of L. In regard to presidential searches, it reads that "in making the appointment of the president, the board shall consult with a faculty committee to be composed of one representative elected for that specific purpose from each" of the school's 13 academic units.

It does not appear that Grissom nor the board as a whole will formally consult with the faculty committee. Jarosi said in an interview that Grissom has ignored written request for the board to consult with the committee.

"Given what we are just coming off of, with the Ramsey era, and the claims to be restoring trust in the leadership of the university ... it's unbelievable to us that the board doesn't seem to understand how important it is that they not be the only ones knowing what's going on and participating in this selection," Jarosi said in an interview.

In a responding letter, Grissom state that the committee will get the chance to give input through the to-be-announced listening tour the trustees will hold with various university constituencies.

Grissom also said in the letter: "I promise you that the full board listens to them," referring to the three constituency trustees Trucios-Haynes, Armstrong and Tirumala. The other 10 trustees were appointed by the governor.

After the trustees meeting, Grissom added that the trustees will be the only U of L group to interview candidates fielded by their search firm, Dallas-based R. William Funk & Associates.

Postel optimistic after SACS meeting

According to a draft report from U of L's accreditation body — the Southern Association of Colleges and Schools Commission on Colleges — the university has resolved seven of nine issues it has raised since putting U of L on probation.

SACS placed U of L on probation in December after Gov. Matt Bevin abolished and reformed the board of trustees after he deemed it dysfunctional early in 2016. Since then, SACS identified nine possible violations of accreditation standards.

Now, after a site visit from SACS representatives which took place in September, Postel reported to the trustees that the university has been left with "housekeeping items" to resolve before the annual meeting of SACS in December.

According to the draft report, SACS has requested more information showing that the university has qualified administrators leading and managing the university and a timeline for finding permanent replacements. Currently, the school has several administrative leadership roles held on an interim basis.

SACS also asked U of L to craft a memorandum of understanding between itself and the [University of Louisville](#) Real Estate Foundation Inc. The real estate foundation is a nonprofit corporation that handles real estate and research affairs for the university.

Previously, SACS asked the university to establish a memorandum of understanding with the [University of Louisville](#) Foundation, the fundraising and investment arm of the university. The U of L Foundation and the U of L Real Estate Foundation are lead and managed by the same board of directors.

Postel said during the meeting that the memorandum was almost complete and will be presented to the real estate foundation and the foundation board of directors at their next meetings later in October.

SACS will consider U of L's probationary status at its national meeting held Dec. 2-5, Postel said.

[*Read the letter the faculty committee sent the board of trustees.*](#)
[*Read Grissom's response to the faculty committee letter.*](#)
[*Read the faculty committee's response to Grissom here.*](#)

Board of Trustees
University of Louisville

September 22, 2017

Dear Members of the Board of Trustees,

We, the Presidential Search Faculty Consultation Committee (PSFCC), are writing to express our deep concern regarding the Board's decision (announced via email on September 15) to conduct a closed presidential search. The specific concerns we wish to raise are as follows: 1) a need for transparency and accountability in the search process; 2) a need to restore trust, morale, and the public image of the university; 3) a need for the future president to have the endorsement and support of the faculty as chief academic officer; 4) a need to preserve the special responsibility of the faculty, staff, and student trustees to represent their constituents; 5) a need to prioritize the university's needs over candidates' fears of "risking their career"; and 6) a need to attract the right kind of candidates to lead us through the challenges confronting our university. Please see below for a detailed discussion of these points.

The university's *Redbook* (Section 2.1.1.) stipulates that, "in making the appointment of the President, the Board shall consult with a faculty committee to be composed of one representative elected for that specific purpose from each of the [thirteen academic] units listed in Section 3.1.1." The term consultation holds a specific meaning in the context of university governance, and by implication in the *Redbook*. Per the guidelines of the American Association of University Professors (AAUP) and American Conference of Academic Deans (ACAD), consultation is defined as follows:

a formal procedure or established practice which provides a means for the faculty (as a whole or through duly authorized representatives) to present its judgment in the form of a recommendation, vote, or other expression sufficiently explicit to record the position taken by the faculty. This explicit expression of faculty judgment must take place in time to affect the decision to be made. Proposals brought to the faculty for the expression of its judgment may come from the faculty, the administration, or the board.

We ask that you carefully consider the arguments presented below and reconsider the decision to conduct a closed presidential search. Furthermore, we request that you consult our committee, per *Redbook* guidelines, on the presidential search going forward.

The PSFCC firmly believes that the risks of a closed search far outweigh the rewards. Should you have questions, please do not hesitate to contact us. We would welcome the opportunity to discuss these matters with the Board at any time.

Sincerely yours,

Brian Alpert, School of Dentistry
Diane Chlebowy, School of Nursing
Seana Golder, Commission on the Status of Women
Susan Jarosi, College of Arts & Sciences
Robert Keynton, Speed School of Engineering
Kimcherie Lloyd, School of Music
Patrick Pössel, Interdisciplinary & Graduate Studies
Brad Shuck, Education & Human Development

Lynn Boyd, College of Business
Anna Faul, Kent School of Social Work
Rachel Howard, University Libraries
V. Faye Jones, Commission on Diversity & Racial Equity
Bert Little, Public Health & Information Sciences
Kelly McMasters, School of Medicine
Cedric Merlin Powell, Brandeis School of Law

Points of Concern

1. The Board's decision to not discuss the procedure of the search with the PSFCC and other primary stakeholders within the university was a failure of due diligence. Despite the Chair's public acknowledgment that there are differing views on what constitutes best practices for presidential searches, the Board did not invite discussion and debate about how to define them nor what options might be available for the conduct of the search. In seeking input, it chose to solicit advice only from unnamed "national experts in higher education" and privilege that input over the informed positions of those who will be directly affected by the decision and who will be working with the appointee for years to come. These failures repeat the rejection of transparency, consultation, cooperation, and collaboration that plagued the administration under James Ramsey.
2. A closed presidential search will inflict further damage to morale, trust, and the public image of the university. With the announcement of the closed search, the search process itself has already become a subject of contention and controversy, which detracts from the more important aspects of the search and works to undermine its very legitimacy. An open search, by contrast, ensures transparency and accountability and therefore protection against such charges. Moreover, an open search is crucial not only for permitting the campus and local communities to participate in providing impressions of finalists, but for candidates to gain a full understanding of the culture of the university; both are then in the best position to determine each other's suitability. The university community needs these things urgently, almost above all else.
3. The person selected for appointment as president needs to have the confidence not only of the Board of Trustees, but equally of the faculty. This is because the president holds a unique position within the university, serving as both chief executive officer (responsible to the Board) and chief academic officer (responsible to the faculty). A president who is selected without the support of the faculty thus enters into the job severely handicapped, making her or his task exponentially more difficult in a campus climate in which trust and morale are currently in very short supply. A closed search will undermine the efforts of the appointed president to correct the university's course by virtue of the mistrust sowed by a closed search process. By opting to go this route, the Board has invited faculty, staff, student, and community antagonism toward the search process, and that antagonism will necessarily deflect the perception of the appointee.
4. A search process governed by confidentiality throughout all phases denies the student, staff, and faculty representatives on the Board of Trustees the opportunity to properly consult with their constituents. So-called listening tours, while important for providing large forums in which many can express their views, are one-sided and abstract. Information, in other words, flows only in one direction – from constituents to representatives, but not back again. In addition, those providing input through listening tours are speaking in general, abstract terms – about "ideal" or "imagined" candidates with an "ideal" set of qualifications – and will never be afforded the opportunity to see how the production of the collective's ideals actually match particular individuals. Imposing confidentiality even during the final stage of the search process prohibits elected representatives on the Board from sharing information with their constituents so that they may formulate recommendations, a restriction which compromises the roles for which are elected and contravenes their charges as stipulated in the *Redbook*. This represents a very serious breach of governance.
5. The closed search has been justified by claiming that the best candidates will not wish to "risk their career by becoming a public person during an interview process." We would like the Board to be aware that no evidence is available to support this claim. Candidates for presidential

positions are intensely ambitious and highly accomplished professionals who are fully aware of the stakes entailed in pursuing their own career advancement. What is more, being publicly pursued by another institution indicates the strength and desirability of the individual. In fact, this often leads to retention offers from a home institution. This is a commonplace in both the corporate and academic worlds, and it seems disingenuous to assert that potential candidates must weigh “risking their career” in order to be considered for the position. The Board’s decision to frame the search process in these terms places concerns for candidates’ privacy above the needs of the university and the community at large. We believe it is possible to strike a balance in which both the university’s needs and candidates’ needs are accommodated by clearly outlining a search process that explains the importance of and rationales for confidentiality in the beginning stages but an open final phase with public on-campus interviews.

6. Finally, the PSFCC believes that candidates who are unwilling to participate in a search process with a final public phase that includes dialogue with campus constituencies – at this point in time, given recent events, considering the numerous challenges we face – are likely not candidates who are best prepared to lead us through the difficulties confronting our university at this critical juncture.

Board of Trustees
University of Louisville

October 1, 2017

Dear Mr. Grissom and Members of the Board of Trustees,

Thank you for your letter dated September 29. We appreciate your prompt reply, but we could not help but notice that it failed to address the issues that we raised in our September 22 communication to the Board, perhaps most notably the need for transparency and accountability in the presidential search.

It is clear that the Presidential Search Faculty Consultation Committee (PSFCC) and the Board share many of the same goals. However, none of those shared goals – not the restoration of trust in the university's leadership, nor the support of the faculty, nor the suitability of candidates – can be achieved without transparency and accountability.

In opting for a closed presidential search, the Board is effectively ignoring UofL's past practices, which historically have involved more representative search committees, vetting of the search process by university constituents, and campus visits for finalists. It is also disregarding the *Redbook*, which enshrines strict consultation procedures in the stipulation of a faculty consultation committee. The PSFCC is disturbed that the weight and import of these institutional customs, procedures, and rules are being dismissed in favor of advice that Mr. Grissom has received in private consultation with unnamed sources.

The events of the past week only reinforce the absolute need for transparency and inclusiveness to reestablish trust in the university's leadership.

In closing, we wish to underscore again that we share many of the same goals, but we will not acquiesce in the subordination of our collective voice. The PSFCC is committed to working alongside the Board to ensure full compliance with the requirements of the *Redbook*.

The PSFCC requests that you contact us as soon as possible so that we may discuss these urgent issues in person.

Thank you for your attention. We look forward to meeting with you.

Sincerely yours,

Brian Alpert, School of Dentistry
Lynn Boyd, College of Business
Diane Chlebowy, School of Nursing
Anna Faul, Kent School of Social Work
Seana Golder, Commission on the Status of Women
Rachel Howard, University Libraries
Susan Jarosi, College of Arts & Sciences
V. Faye Jones, Commission on Diversity & Racial Equity
Robert Keynton, Speed School of Engineering
Bert Little, School of Public Health & Information Sciences

Kimcherie Lloyd, School of Music
Kelly McMasters, School of Medicine
Patrick Pössel, Interdisciplinary & Graduate Studies
Cedric Merlin Powell, Brandeis School of Law
Brad Shuck, Education & Human Development

BOARD OF TRUSTEES

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September 29, 2017

Presidential Search Faculty Consultation Committee
University of Louisville AAUP Executive Committee

Dear Members of the Presidential Search Faculty Consultation Committee and Members of the University of Louisville AAUP Executive Committee,

Thank you for sharing your thoughts and concerns about the search for the next president of the University of Louisville. I appreciate your candid and thoughtful comments on the search. We agree in principle on a number of points in your letters, particularly the need to restore trust in our institution's leadership, the need for the president to have the support of the faculty, and the need to attract the right kind of candidates to lead us through the challenges confronting our university. I am keenly aware that this process must yield a president who can inspire the university community through intelligence, integrity, vision and leadership.

In preparing to conduct a highly successful search for UofL's next president, I have talked with colleagues at other institutions and with a number of higher education search consultants. Without exception, I have been advised that, in order to encourage the best candidates to consider UofL, we need to assure them from the start that the search will be conducted in confidence until its conclusion. I recognize that this may appear to be in conflict with academic tradition, but delivering the best possible president for our university should be our primary objective.

This does not, however, preclude faculty, staff and student input into the search process. In fact, such input is vital to the success of the search. As you know, three of the 13 members of the search committee – almost 25 percent – represent the interests of faculty, staff and students. I have found Enid Trucios-Haynes, Will Armstrong, and Vishnu Tirumala to be strong advocates and I have great confidence in their commitment to the university and their constituents – and in their strength in representing their individual constituencies and bringing thoughts and concerns to their colleagues on the Board. I promise you that the full Board listens to them.

The Board has just begun the search and is developing plans to seek broad input into the process. The listening tour will be an important part of our search, and I encourage all of you to participate. I also assure you that the process will include consultation with all important constituencies of the university in accordance with the Redbook.

We share the same goal. We all want the best for UofL. I hope you will join me in demonstrating to the UofL family and potential candidates that, despite our differences, this is a place where we all work together for the betterment of our campus, our community, and the Commonwealth.

Sincerely,



J. David Grissom
Chair