

The USFA's September e-Letter advocating transparency in the presidential search resulted in a few expressions of disagreement by faculty members. In the spirit of reasoned debate, we offer a lengthier explanation of the principles on which the e-Letter was based, along with an opposing argument by Dwight Newman, College of Law.

Transparency and the Presidential Search

Allison Muri, Department of English and Chair, USFA Communications Committee

On June 9, 2011, a Town Hall meeting was held on the search for a new president. U of S News reported Nancy Hopkins, then chair of the Board of Governors and of the search committee, explaining that the meeting would help ensure transparency in the selection process. That transparency would not extend to identifying the candidates, however, since "confidentiality is essential to a successful search." Following a review of the practice for presidential searches at other Canadian universities and consultation with the search consultant, the search committee voted in favour of a confidential search on June 24. Was confidentiality in fact essential to finding highly qualified and desirable candidates, and to completing a successful search?

In making an argument for transparency, we do not suggest there were improprieties in the last presidential search. However, if we can agree that open and transparent governance of public universities encourages collegiality, helps ensure accountability, and protects fairness, impartiality and due process, then we should question the impetus behind the increasing tendency to keep institutional governance and decision-making processes shrouded in secrecy.

The university's "Search and Review Procedures for Senior Administrators" (<http://www.usask.ca/secretariat/Governing%20Documents/SearchAndReviewProcedures.pdf>) notes that while decanal candidates understand they will be expected to present themselves to the collegium,

presidential candidates are less likely to expect that their candidacy will involve being placed before the university community. Nevertheless, the policy states that "If there is evidence ... that the search will be disadvantaged by requiring public presentations of the short-listed candidates, the committee, at its discretion, may continue the search process in confidence. In the absence of such evidence, the committee is encouraged to make every effort to involve faculty and staff through such means as forums or seminar presentations." In making this decision, the search committee might consider the culture of this university and the emphasis we have placed on collegial participation and decision making. The committee might also consider, especially given recent events at our university, that the appointment of the president has an impact on our working conditions, and recognize the interest of promoting harmonious relations between the university and faculty. Search-consultant firms, potentially operating on principles dictated by corporate rather than collegial principles, should not direct these processes.

Academic freedom in collegial governance includes the freedom to discuss institutional actions and decisions, but confidentiality reduces the extent to which the university community can contribute, and can compromise the role of faculty members elected to the search committee. Recognizing that there is a tension between maintaining candidates' privacy and ensuring public accountability, having an open period during a presidential search would mean faculty mem-

bers could assess the merit of short-listed candidates, ask questions, and share their viewpoints before the committee makes its recommendations.

While members of senior administration at other institutions may well be unwilling to let their candidacy be known, there is no certainty that qualified and desirable candidates will not seek this position if they are asked to participate in public forums. There is no evidence that candidates selected through open searches are any less effective at their jobs. Indeed, why would we want a president who is unwilling to reveal to our campus community that he or she seeks this important appointment?

Faculty are becoming increasingly ill-disposed to the cynical use of the term "transparency" in pushing forward various agendas. Recall the all-too-recent claim that the TransformUS process "is open and transparent" (http://www.usask.ca/finances/project_initiatives/transformus/) even though committee members were required to sign non-disclosure agreements and Deans were muzzled.

It is time to engage with and inform the members of our university community, and the community at large, about choices made for "the People's University."

Questions about the Collective Agreement or the Search and Review Procedures for Senior Administrators?

Please contact the USFA office:
usfa@usaskfaculty.ca
Or 966.5609

The Collective Agreement is available at:

www.usaskfaculty.ca
www.usask.ca/hrd.employmentagreements.php

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The Value of Confidentiality in Searches for University Presidents

Dwight Newman, Professor, College of Law

In an era of calls for transparency in numerous contexts, being tasked with defending backroom secrecy is perhaps not meant to be an enviable position. However, I thank the Faculty Association for the opportunity to put the argument that searches for university presidents ought not to be fully transparent.

The ideas of openness and transparency are of course attractive ones within our democratic traditions. And transparency has the potential to undermine abuses of power in many different contexts. Sunshine can be a remedy for many problems. But, in the specific context at issue, too much sunshine also has the potential to burn.

The consequences of the USFA view calling for full transparency—although no doubt stemming from commendable instincts and good intentions—would be highly detrimental to the interests of the university and all of us as members of the university community.

In a USFA letter to members of 23 September 2014, the USFA put forward the following suggestion concerning the presidential search process: "Consider expressing interest, or putting forward the names of colleagues, to serve on the Search Committee. You can also participate by letting the Administration and Search Committee know that the search should be open and transparent, including a list of applicants, public talks and interactions with the campus community."

However, in a presidential search process, the kind of candidates we all want to put their names for considera-

tion are those who have the potential to be highly successful academic leaders. Past or current service in an academic leadership role—in a position like a provost or even a president of another institution—is a very valuable background and that most naturally aligned with the job requirements. But we cannot expect the president of another institution, or even a provost, to have his or her name out publicly as a candidate for president here.

The USFA position is that all applicants' names should be released. Imagine the circus as what one could hope to be dozens of names are dragged through widespread discussion, the media commentary of a university city's newspaper, and perhaps even USFA comment.

The concerns I am raising are not just theoretical. Searches for American college/university presidents have been the subject of a lot of discussion in recent years. In the context of some searches, there has even been litigation to try to force transparency. The result in such cases has been candidates withdrawing for exactly the sort of reasons I have mentioned.

More generally, the broader North American experience is that stronger universities have moved overwhelmingly toward using closed presidential search processes. Some universities, under various kinds of legal pressure to release their own records, have gone so far as to carry out presidential recruitment through separate, private foundations. They do this because they get much better results in terms of the candidate pool.

There have even been suggestions that university boards that fail to carry out a closed search—and thereby get a lesser candidate pool—could end up in breach of their fiduciary responsibility to get the best candidate possible.

There are many reasons for all to work together to build as much trust as possible in this and other university processes. But a fully open presidential search process is not the only way to do that, and it is quite frankly the wrong way to do that because of its other negative consequences. With respect, those calling for it are well-intentioned but would ultimately harm the interests of the university and all of us who are committed to its success. USFA members who contemplate a job at another institution might not if their job application had to be in the newspaper. They would be concerned over the potential harm to their current working environment if they ultimately did not move. If we want the possibility of the kind of president who might be holding a steady job, the same goes for the academic leadership context.

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