

Statement by Sheldon Kurtz, Faculty Senate President
(delivered to the Faculty Senate, Tuesday December 12, 2006)

Senators, faculty members, and members of our community: Thank you for gathering today to consider a historic resolution of profound consequence for the people of Iowa. The resolution we consider today declares that the University of Iowa Faculty Senate, elected to represent the faculty of The University of Iowa, has lost its trust and confidence in the leaders of our Board of Regents.

I want to publicly thank Governor Vilsack for his efforts, albeit unsuccessful, to address both the governance issues and the presidential search issue. We spoke again last Friday for over 40 minutes. When we spoke he made no attempt to dissuade the Faculty Senate from going forward with a vote of no-confidence as he did quite vehemently in our meeting on Monday, November 27. In fact, he voiced the opinion that a no-confidence vote would be an appropriate way for faculty and staff to express their concerns about the leadership of the Board of Regents.

Let me begin by emphasizing that the Faculty Senate fully recognizes that the Regents have the statutory responsibility to select our next president. That is one of many important responsibilities that the people of Iowa have entrusted to the Regents. When carrying out their responsibilities, however, the Regents cannot do their jobs in whatever way they wish. The Regents owe the people of Iowa what lawyers call a duty of care--a duty to take reasonable care in acting in the best interests of the State's citizens and of public higher education. By repeatedly violating this duty of care, the Board's leaders have demonstrated that we cannot trust them to do the work that the Governor appointed them to do.

Our concerns with the Board's leadership did not begin on November 17 when the Regents stunned the state by disbanding the presidential search committee and terminating the search. Our concerns began much earlier and stem from numerous interactions members of our community have had with the Board leadership.

Let me single out a few examples that fall into three categories: first, the disastrous presidential search which has now proven to be a spectacular failure and about which Professor Katherine Tachau will make some further remarks following my presentation; second, a pattern of flagrant and gratuitous disregard for the University's faculty; and third, an ongoing process of secretive strategic planning that deliberately excluded students, staff, faculty, and administrators who know the University best and who represent its future.

The Regent-controlled presidential search was a notorious debacle, condemned not only within the University but across the State, as well. The Board's last-minute decision to scrap the search process and start all over again not only followed an enormous expenditure of state funds, of faculty, staff, and student time, and of hard-won community trust but also wasted an effort that had identified and endorsed four excellent candidates.

We owe our gratitude to the campus-based members of the search and advisory committees and to Mayor Ross Wilburn for the efforts they put into the process—we applaud them for trying as hard as they could to make it work, at times against incredible obstacles. In the end, the slate of candidates they recommended included three provosts and one sitting president. Had they fared as well in the on-campus interviews as they did off-campus, we would have been proud to have any one of them as our President. But as we learned on Friday, November 17, Regents Gartner and Wahlert had other plans.

The Board's decision to abandon the search process was announced after secretive, closed-door discussions. Because the Regents insisted on holding these critical discussions in private, there are many questions we cannot answer.

- Did the Regents consider the possibility that the termination of the search might have a disastrous effect on the University's ability to recruit an excellent president in the future?
- With four excellent individuals rejected on the shakiest of premises, what candidates will seek the job knowing they would have to work under these very same Regents?
- Did the Regents recognize that their actions will cause widely-respected faculty, staff, and students to hesitate before agreeing to take part in a search process controlled by the same Board leadership that casually dismissed the recommendations of the overwhelming majority of the now-disbanded search committee? I say “casually” because I am told that before rejecting the four finalists that infamous Friday, the full Board never even saw, much less considered the search committee's detailed list of the strengths and weaknesses of each candidate.
- Before voting to discharge the search committee and terminate the search, why didn't the Board's leaders consult with the two co-vice chairs of the search committee—two senior faculty members who have the well-earned and abiding respect of their peers?
- And, finally, in the absence of a collective, deliberative discussion among the full Board of Regents, how are we to understand the fact that the Board's leaders managed to obtain six votes to terminate the search process, and then, only at the last moment, advised the other regents that the deal had been done?

The pattern of behavior that causes us concern is not a fluke. It is a consistent pattern. The signs of trouble appeared long before that fateful Friday. Here are just a few examples:

- Last spring, Regent Gartner told me, Dick LeBlond, then President of the Faculty Senate, and Mark Kresowik, then President of the student body, that the search would follow the UNI model and there was no need to discuss it with us, only to later publicly deny making that statement here at the public forum on campus last spring.

- Regent Gartner promised faculty leaders that he would not serve on the search committee, but he did.
- Regents Gartner and Wahlert promised that they would allow the campus advisory committee to play a significant role in the search process, but they did not.
- Regents Gartner and Wahlert publicly voiced their support for on-campus interviews when they did all they could to subvert them, including the ultimate subversion of rejecting all four finalists before campus-interviews could occur.
- In an e-mail so transparently insincere and ungrammatical that many members of the University community thought it was a hoax, Regent Wahlert asked for campus-generated questions to ask the interviewees. Her e-mail was only a poorly veiled attempt to give the University community the illusion that it was participating in the process, and it signaled the Board leadership's plan to break another promise—the promise to hold on-campus interviews. Although many faculty and staff responded to Regent Wahlert's e-mail, there's little evidence that she paid any attention to their questions and comments. In two interviews, for example, Regent Wahlert told candidates that one of the most frequently mentioned campus concerns dealt with campus security--a worthy issue, to be sure, but it was not mentioned once in the hundreds of pages of faculty responses that were copied to the Faculty Senate.
- The search committee (which included Regents Gartner, Wahlert, Arbisser, and Harkin) overwhelmingly supported the advancement of four candidates' names to the full Board of Regents. Regents Gartner and Wahlert did not support the one candidate among the four finalists with the most experience in dealing with complex health care matters. On the other hand, they did support two of the finalists who had no experience in dealing with complex health matters. When announcing the termination of the search, however, the Board's leaders revealed a new requirement--one not included in the official job description and not even mentioned on the candidate scoring sheet that Regent Wahlert herself prepared--namely that a successful candidate must have had experience overseeing complex health-science operations. It seems clear that this was nothing more than a pretext for rejecting the recommended candidates on other, hidden grounds.
- Although Regent Gartner did not object to any of the four candidates whose names were sent to the full Board, he later told the public that one of the reasons the final slate of candidates was unacceptable was that no women appeared among them. That's an explanation that might inadvertently bring us closer to the truth, for there was a woman candidate whom the search committee interviewed and whom Regent Gartner strongly supported. The overwhelming majority of the search committee, including one regent, nevertheless refused to give that candidate their support and so her name was not recommended to the Board and Regent Gartner did not get the candidate he personally wanted. Hence, the search was terminated and the search committee discharged.

The second set of reasons for today's no-confidence resolution concerns the fact that Regent Gartner has consistently demonstrated by his actions and his words that he has

little respect for the faculty of the University of Iowa and does not deserve our trust. Here are some examples:

- When Regent Gartner repeatedly refused to publicly answer faculty members' questions about why the traditional University of Iowa search process should be changed, he showed an unwillingness to be accountable to the University community and to the public.
- When Regent Gartner insisted that the members of the search and advisory committees sign confidentiality statements so broad that they could not disclose their whereabouts to their families or file for reimbursement of their expenses, his behavior was unreasonable and offensive, a fact that even some members of the Board of Regents acknowledged by scratching the senseless provisions out before signing the statements.
- When Regent Gartner publicly accused members of the campus community of breaching confidentiality by disclosing the names of candidates, his behavior was hypocritical. There are good reasons to believe that the Board's leaders themselves leaked a candidate's name in an effort to build support for her with off-campus VIPs before she even interviewed for the position.
- When Regent Gartner publicly swore at Dr. Frank Abboud, the very distinguished vice-chair of the search committee, and in a tantrum labeled the other committee members' nearly unanimous decision to hold off-campus interviews in Chicago "insane and inane," his behavior was demeaning and abusive.
- When Regent Gartner's own Executive Director seeks out information about me, Professor Tachau, and Professor Abboud and when Regent Gartner uses that information in conversations with student leaders and when Regent Gartner glibly says to the press he is merely relaying "interesting" facts, his behavior creates an intimidating campus environment.

The third set of reasons for today's no-confidence resolution concerns Regent Gartner's extraordinary aversion to Iowa's tradition of open, collegial decision-making. The purpose of having a Board of Regents--rather than having one, lone Regent--is to assure the rule of many, not the rule of one. The rule of many is characterized by public, deliberative consultations. Iowans believe that when the Board of Regents meets together, thinks together, and talks together, Iowa triumphs. Yet on numerous occasions when collective deliberation was called for, the Board's leadership failed to meet this crucial responsibility. Regent Gartner's handling of the presidential search does not provide the only illustrations--there are others.

For example, in an e-mail dated July 20, 2006, and sent to Regent Wahlert and the three university presidents, Regent Gartner formally initiated a "process of strategic change" by asking this small group of individuals (not the entire Board) to answer a set of fundamental questions. Do the three state universities have a rational management structure, financial structure, and academic structure? How should each campus be

organized academically and administratively? If the universities compete against one another in various areas, are those overlaps necessary?

By taking up those profoundly important questions behind closed doors, it is clear that Regents Gartner and Wahlert are engaged in a process to control an agenda that could dramatically restructure the academic and non-academic functions of the three state universities and the relationships between them. And yet the members of this group of five have operated in secret. When asked about the discussions early on, some of them went so far as to deny that the discussions were even taking place.

Although Regent Gartner has stated that this review process represents one of the two most important functions of the Board, it was initiated without any public discussion or formal approval by the Board. Only when the Des Moines Register published a report about the lack of transparency did Regent Gartner finally express any interest in holding a public discussion. And nonetheless, Regent Gartner's heavy-handedness continues for he has announced that he will control the process by meeting individually with each Regent to help set an agenda for, he says, full Board consideration. And now, because of his and Regent Wahlert's inept handling of the presidential search, the small group will proceed without the input of a new, permanent president of the University of Iowa.

When will the Board, all nine of them together, meeting face-to-face, doing the people's business, finally deliberate on these momentous issues out in the open? If the deliberations occur only after the major decisions have been made, the process is no more than a charade. Ever since Regent Gartner took the helm, the Board's leadership has been characterized by a failure to communicate, a failure to collaborate, a penchant for secrecy, a willingness to resort to gratuitous insults, and a lax approach to formal policy-making that may be in violation of the State's Open Meetings law. Now Regent Gartner is very bright and bubbling with ideas but these failures are not the marks of a leader. They are not the traits of a person whom the people of Iowa want to lead the Board of Regents. And they are not the characteristics of a person our Governor should want in charge of Iowa's higher education system.

The Board leaders' breaches of their duty of care are not the result of brief lapses in judgment. They are a matter of consistent policy. As one Regent, who does not live in Iowa City, summarized the case: "We are a dysfunctional Board." This inability to function warrants a motion of no confidence in the Board's leadership. If approved, this resolution would demonstrate our considered judgment that the leadership team of Regents Gartner and Wahlert cannot provide the appropriate oversight of the Regents' system so important to every Iowan. It is a team that puts the University at great risk. It is a team that is designed neither to attract nor to retain a great president. This proposed no-confidence resolution sends a clear message to the Governor, the Governor-elect, the legislature, and the people of Iowa, that our State's great universities have been entrusted to two individuals who have demonstrated that they are not up to the task.

We believe this no-confidence resolution is not merely symbolic but will embolden our elected leaders and the seven other Regents to demand leadership changes that would enable the Regents to do the job they were appointed to do.

We also believe a change in the Board leadership is essential to accomplish the interrelated goals of finding and retaining an outstanding president to lead this institution and restoring a functional governance structure within the Board of Regents and between the Regents and the institutions they oversee.

Towards that end and like our counterparts at the State's other Regent-led institutions, we will talk to any Regent on the Board, at any time, including Regents Gartner and Wahlert should they remain on the Board. We have many issues ahead of us, including the structure of any new search process on which our input and participation should be understood as vital and we pledge to move forward following this vote with a positive and constructive approach and with civil and open exchanges. But, today we are telling the people of Iowa that control of the Board of Regents rests in incapable hands, and that this state can do much, much better.

Working together in mutual respect and through open and thoughtful discussions, our elected leaders, the other Regents, faculty, staff, students, alumni, donors, and friends-all of us who have dedicated our lives to working for the benefit of a great university-can restore the confidence that we traditionally have had in the leadership of our Board of Regents, and want one day to have again.

Thank you.