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6-10-2016

### The Risky Business of Faculty Votes of "No-Confidence" in these Turbulent Times

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William Austin Warren County Community College

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# The Risky Business of Faculty Votes of "No Confidence" in these Turbulent Times

DR. ROBERT HILL Assoc. Professor - Nova Southeastern University DR. WILL AUSTIN President - Warren County Community College



2016 AAUA Leadership Seminar

> June 10-11, 2016 San Antonio, TX

CONFIDENTIAL & PROPRIETARY

# AGENDA



- 1. Welcome & Introductions
- 2. Poll the Audience
- 3. Goals for the Session
- 4. Quick Historical Context & Background
- 5. Some Recent High-Profile National Examples of "No Confidence" Votes
- 6. Case Study (small group activity)
- 7. What is Shared Governance?
- 8. Conclusion
- 9. Q&A





# **A LITTLE PERSPECTIVE**

By The Numbers!

U.S. COLLEGES AND UNIVERSITIES		STUDENT DEMOGRAPHICS	
Public 4-year institutions	698	Undergraduate	17,505,990
Public 2-year institutions	939	Graduate & Professional	2,911,547
Private 4-year institutions, nonprofit	1,606	TOTAL	20,417,537
Private 2-year institutions, nonprofit	88		
Private 4-year institutions, for-profit	816		
Private 2-year institutions, for-profit	663		
TOTAL	4,810		

The Chronicle of Higher Education, Almanac 2015-2016 (2015, August 21). Page 61



# FIRST SOME QUESTIONS...

1. Are you in a right to work state or a closed shop state?

Do you have shared governance at your institution?

5. Do the faculty have tenure? 7. Where are you in your reaffirmation of accreditation process?

2. Do you have a union & a collective bargaining agreement?

4. Do you have a faculty senate? 6. Are members of the BOT elected, appointed (and if appointed by whom)?







### **BEING A COLLEGE PRESIDENT**



The individual most likely identified as the leader of a university or college is the **president**, who also may be called **chancellor**, **rector**, or **vice chancellor**, depending on the continent and the system.



# **OR BEING A COLLEGE PROFESSOR**

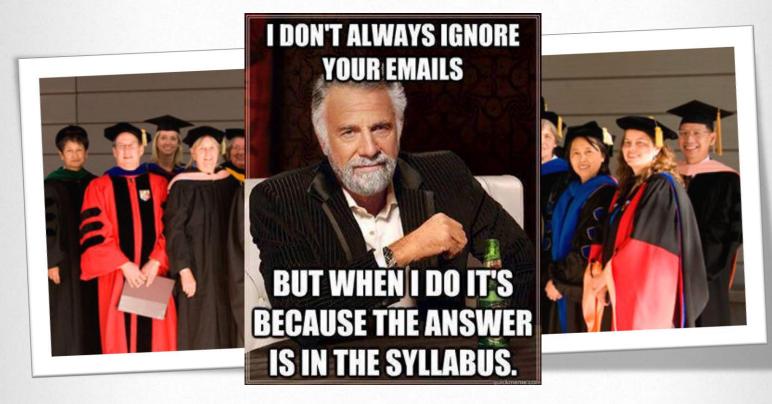






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## **OR BEING A COLLEGE PROFESSOR**







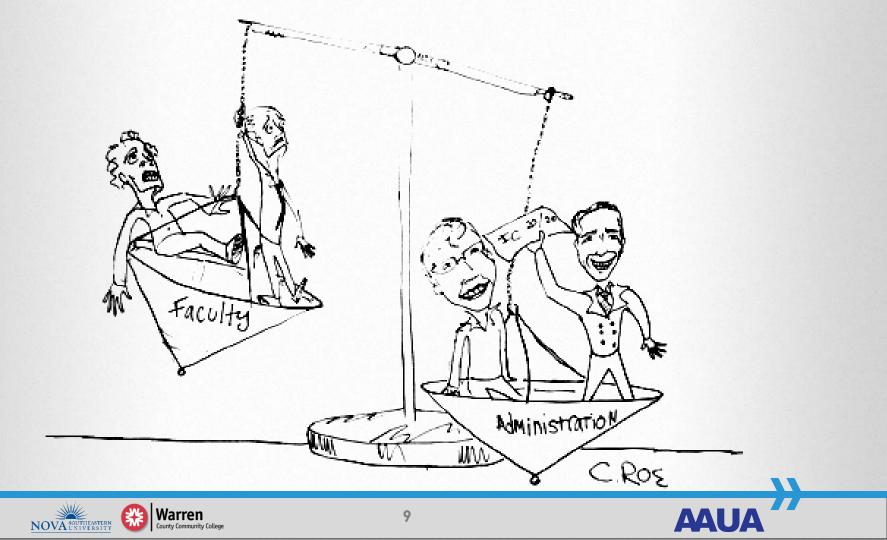
# Isn't Always

8











# **NO-CONFIDENCE VOTE DATABASE**

#### www.seanmckinniss.org/no-confidence-vote-database/



"I am a graduate of the PhD program in Higher Education and Student Affairs at The Ohio State University. My dissertation concerned shared governance and organizational mindfulness. My master's thesis featured case studies of votes of no confidence against college presidents. My other research interests include comparative education and business/higher education collaboration...

This is my current database of noconfidence votes against college/university presidents."

Data from the <u>Chronicle of Higher Education</u>, <u>Inside Higher Ed</u>, other popular publications, and web searches.





# A FACULTY VOTE OF NO CONFIDENCE...

...is the "nuclear option" no president wishes to face. Building trust and communicating purposefully will avert such showdowns.... When such conflicts arise, faculty senates frequently precipitate an institutional crisis by voting (or threatening to vote) no confidence in the president. Just as often, the board steps in and registers carefully worded support for the president. The next step is either a swift presidential departure or a slow withdrawal over the course of a year or two.

Averting the Nuclear Option by Tierney, William G.

Academe, v93 n4 p49-51 Jul-Aug 2007



The president of Harvard University, Lawrence H. Summers sparked an uproar at an academic conference when he said that innate differences between men and women might be one reason fewer women succeed in science and math careers.

Boston Globe, January 2005





AAUA

"Some votes of no confidence have made headlines and brought administrative change - many credit the faculty vote of no confidence in Harvard President Lawrence Summer in 2005 with contributing to the governing board's decision to oust him - but many votes go ignored."



Kiley, K. (2013, April 23). Votes of no confidence proliferate but their impact seems minimal. Inside Higher Education. Retrieved from Boston Globe, January 2005







# I'm not the woman president of Harvard, I'm the president of Harvard.

Drew Gilpin Faust, President, Harvard University





# IN THE PAST TWO YEARS...

...faculties at more than a dozen universities have held **votes of no confidence**,

a method of desperation that was once rarely employed.







# **MOLLY CORBETT BROAD...**

# Former president of the University of North Carolina and the president of the American Council on Education

"All too frequently now, I've been receiving calls from presidents who are afraid they are about to be fired." Some worry that they've lost the trust of their faculty, while others fear that they've disappointed their boards."







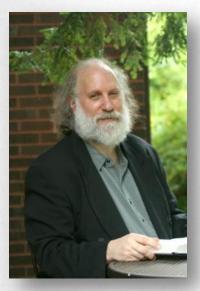
# **MOLLY CORBETT BROAD...**

# Former president of the University of North Carolina and the president of the American Council on Education

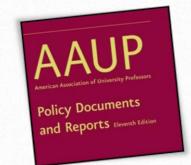
"Board members come out of the private sector, where their corporations have gone through dramatic change as a result of new technologies and globalization. They don't want their institutions to be left behind."













http://www.aaup.org/report/faculty-evaluation-administrators http://www.aaup.org/import-tags/cary-nelson http://cary-nelson.org



# **NO CONFIDENCE VOTES BY THE NUMBERS**





schools nationwide have held votes of no confidence in their academic presidents in the last 25 years.



Votes of no confidence have been held by 134 faculties or faculty senates in 41 states including District of Columbia and Bermuda. 56 of 0

of these votes have occurred within the last five years,

which is almost half of the total number of votes since the earliest

reported in

1989

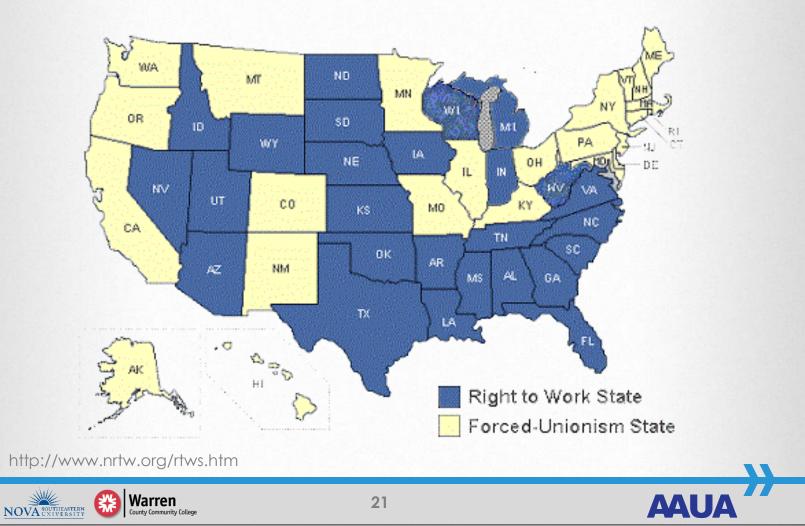
OURCE: NO-CONFIDENCE VOTE DATABASE SEANMCKINNISS.ORG

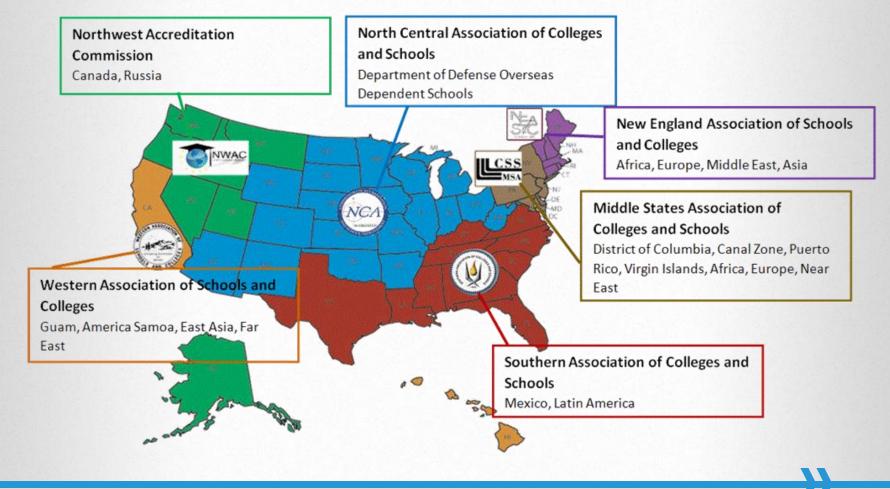
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http://theithacan.org/news/ic-votes-of-no-confidence-similar-to-actions-nationwide/



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# **WHO'S IN CHARGE?**

Shared Governance...

"means that a decision on a significant issue has been fully, deliberately and inclusively considered by the campus and then communicated. It means every effort has been made to fully inform and provide ample opportunities for participation."





### "WHY ARE WE HIRING SO MANY NON-TENURE-TRACK FACULTY?" "The answer may at first seem so obvious as to

make the question itself seem absurd."

Liberal Education

"Most department chairs, deans, and tenured or tenure-track faculty members would likely point to budget shortfalls, lastminute increases in enrollments, and the inability to win approval for new tenuretrack faculty positions.

Yet, these simple answers obscure a larger, systemic trend: the majority of the faculty at US colleges and universities has been moved off the tenure track. Non-tenuretrack faculty now account for nearly 70 percent of all faculty members, and three out of four hires nationally are off the tenure track."



By: Adrianna Kezar and Sean Gehrke

Winter 2014, Vol. 100, No. 1 https://www.aacu.org/liberaleducation/2014/winter/kezar





# "WHY ARE WE HIRING SO MANY NON-TENURE-TRACK FACULTY?"

"The answer may at first seem so obvious as to make the question itself seem absurd."

"Simple answers also hide the fact that hiring practices have changed in recent years; hiring decisions have become decentralized to departments, non-tenure-track faculty appointments are not tracked as tenure-track appointments are, larger strategic plans related to faculty hiring have been abandoned, and intentional and reflective hiring practices often are missing."



Liberal Education

By: Adrianna Kezar and Sean Gehrke

Winter 2014, Vol. 100, No. 1 https://www.aacu.org/liberaleducation/2014/winter/kezar







# "There are an estimated 50,000 trustees in the US – mostly volunteers.

http://agb.org Association of Governing Boards of Universities and Colleges







#### Limited Confidence in Boards: Only 3 percent of presidents are strongly confident American colleges are wellgoverned by trustees, and a large majority of public fouryear presidents would replace their boards if they could, survey finds.

https://www.insidehighered.com/news/2013/09/04/college-presidents-harbor-doubtsabout-governing-boards



Boards of trustees, sometimes called boards of governors, and infrequently boards of visitors (in Virginia), boards of overseers (Harvard), or boards of curators (in Missouri) – are the legal authority of the institution.

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# **OVERVIEW**

The FSU Board of Trustees is the 13-member governing board for the University. Allan Bense is the Chair of the Board of Trustees.



The Florida State University Board of Trustees was created in 2001 and is the public body corporate of the university. It sets policy for the institution and serves as the institution's legal owner and governing board. The Board of Trustees is responsible for high quality education programs within the laws of the State of Florida and Regulations of the Florida Board of Governors.

The Board of Trustees holds the institution's resources in trust and is responsible for their efficient and effective use. The thirteen member Board of Trustees is composed of six members appointed by the Governor, five members appointed by the Florida Board of Governors, the Chair of the Faculty Senate and the President of the Student Body.

http://trustees.fsu.edu

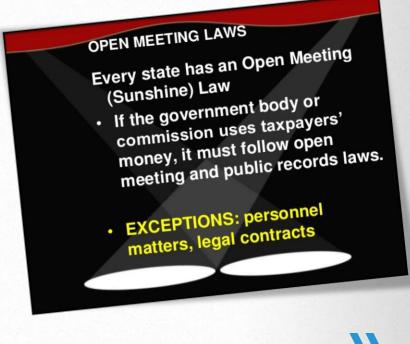


State sunshine laws are the laws in each state that govern public access to governmental records. These laws are sometimes known as open records laws or public records laws, and are also collectively referred to as FOIA laws, after the federal Freedom of Information Act.

If you are looking for the laws that regulate open meetings in each state, please see State Open Meetings Laws....

https://ballotpedia.org/State\_sunshine\_laws

NOVA SOUTHEASTERN









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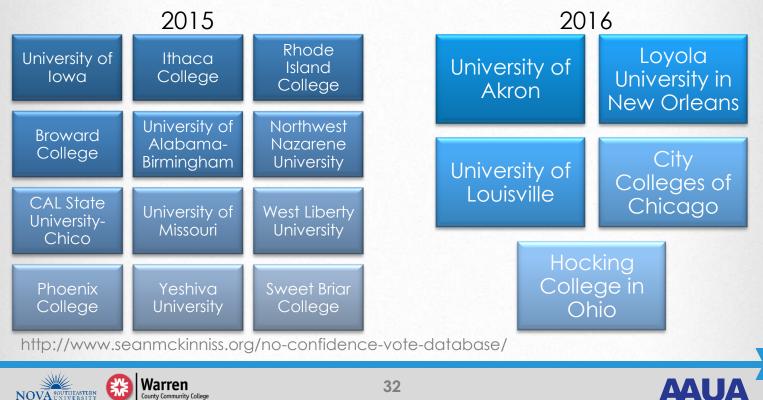
NOVA SOUTHEASTERN NOVA UNIVERSITY

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Warren County Community College

# **VOTES OF "NO CONFIDENCE"**

#### At public and private institutions...



County Community College

# VOTE OF 'NO CONFIDENCE' TAKEN AGAINST HOCKING COLLEGE PRESIDENT

Hocking College President Dr. Betty Young listens to Board of Trustees Chairman Tom Johnson Tuesday night. The **Hocking College Education Association** issued a vote of "no confidence" in Young and Dr. Myriah Davis (VP).



Article by Susan Tebben.



# WE HAVE CREATED SYSTEMS WHERE PEOPLE IN MANY STATES FEEL THEY HAVE A RIGHT TO...

Happiness created by an employer rather than themselves.

A lifetime position regardless of outcomes. A position just because one graduated from school

Be exempt from economic conditions of the "Free Market" Confuse a system based on protections for scholarly freedom of speech with protection from accountability.

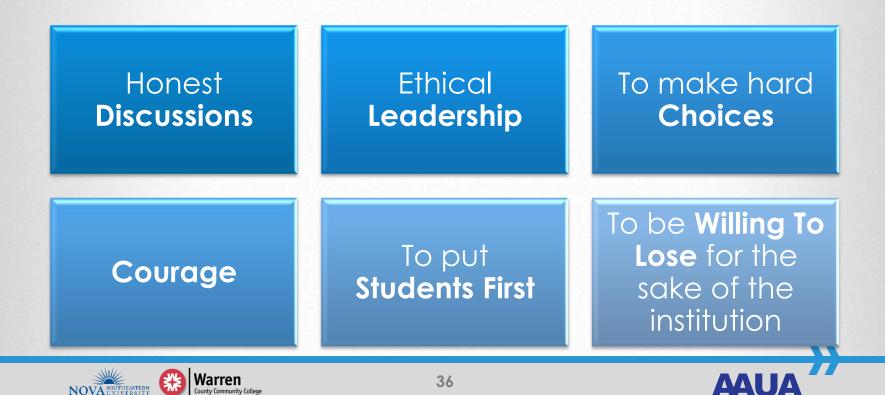


# WHERE DID THESE ISSUES EMERGE FROM?

- We have the contracts we negotiated.
- We have the cultures we have supported.
- We forgot to ask questions in a scholarly way.
- We perpetuated the us vs. them mentality, instead of leadership & teamwork.
- We let politics into our institutions.
- We spent so much time on the important notion of enrollment that we did not dedicate as much time on the equally important idea of outcomes.
  - We became too dependent on public funding over the business principles of free market.



#### WHAT WE NEED



#### WHAT ABOUT STUDENTS?

Our academic relationships have evolved into artificial interactions that have become systems developed to maintain power affiliations, economic correlations, divergent associations and non-mission focused dealings that are becoming emergently consistent in an institutional breakdown for students.





# "A vote of No Confidence shows that you've become aggravated to the point of no return." Don Hale





# 71.75%

# of respondents have **no confidence** in President Rochon. 2,695 respondents.



NMB

http://theithacan.org/news/ithaca-college-students-vote-no-confidence-in-president-

Dominick Recckio



rochon

DILA.





# THE NUCLEAR OPTION









#### SAVINGSWEETBRIAR.COM



"We the Faculty of **Sweet Briar College** hereby register a vote of no confidence in the Board of Directors of the Sweet Briar Institute and the President of the College, and we respectfully ask that the Directors and President resign."















#### **Teresa Sullivan** University of Virginia (2012) "The unluckiest president in America" (Forbes)



**Phyllis M. Wise** Former chancellor of the Univ. of Illinois at Urbana–Champaign



**Timothy Michael Wolfe** Former president of the University of Missouri System (2015)



**R. Bowen Loftin** Former chancellor of the University of Missouri in Columbia, Missouri (2015)



#### PRESIDENTS OF 2 PUBLIC UNIVERSITIES CRITICIZED FOR JOINING BOARDS



Ann Weaver Hart, President of University of Arizona



UC Davis Chancellor Linda P. B. Katehi heads one of the top 10 universities in the world led by a female leader.

https://www.insidehighered.com/news/2016/04/13/presidents-public-universities-criticized-joining-boards-profit-university



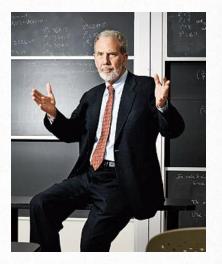


#### **OUR SELECTED CASE**









#### 10 Best College Presidents 2009 http://content.time.com/time/specials/packag es/article/0,28804,1937938\_1937933\_1937915, 00.html





## THE 10 BEST COLLEGE PRESIDENTS - TIME magazine

#### E. Gordon Gee of Ohio State (no longer there)...and nine other dynamos



Nov. 11, 2009: http://www.time.com/time/specials/packages/completelist/0,29569,1937938,00.html#ixzz0wDyOqEF4



### **NYU BY THE NUMBERS**

- Private, nonsectarian American research university based in NYC.
- Founded in 1831, NYU is one of the largest private, non-profit institutions of American higher education.
- More than 50,000 students in 3 degree-granting campuses in New York City, Abu Dhabi, and Shanghai, and at study away sites in Africa, Asia, Australia, Europe, North and South America.
- 11 global academic centers and research programs in more than 25 countries. NYU is also one of the largest employers in NYC with more than 19,000 employees.
- Nearly 470,000 Alumni from the United States and 183 foreign countries



NYU



### **NYU BY THE NUMBERS**

"NYU's **mission** is to be a top quality international center of scholarship, teaching and research.

This involves retaining and attracting outstanding faculty who are leaders in their fields, encouraging them to create programs that draw outstanding students, and providing an intellectually rich environment.

NYU seeks to take academic and cultural advantage of its location and to embrace diversity among faculty, staff and students to ensure a wide range of perspectives, including international perspectives, in the educational experience."



NY





"When I teach and meet a class for the first time, you realize that there are people there that have exceptional abilities or have the potential to do exceptional things and you never know who those people are. My job is to provide the best information I can."



John Sexton President, NYU





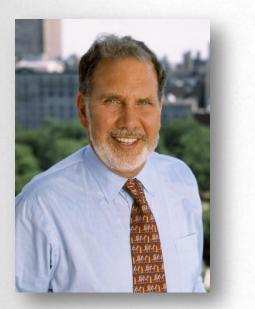
# "We are unavoidably complex and cacophonous, and we delight in the fact that we are not the same."

John Sexton President, NYU



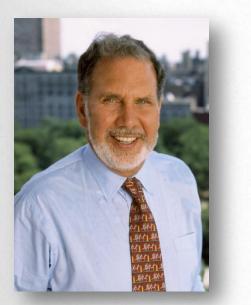






- Born in Sept. 29, 1943 (73)
- Sexton graduated from Brooklyn Prep, a Jesuit high school, in 1959. He holds a B.A. in history (1963), an M.A. in comparative religion (1965), and a Ph.D. in history of American religion (1978) from Fordham University, as well as a J.D. (1979) magna cum laude from Harvard Law School, where he was Supreme Court Editor of the Harvard Law Review.
- From 1988 to 2002, he served as Dean of the NYU School of Law, during which time NYU became one of the top 5 law schools in the country according to U.S. News and World Report.

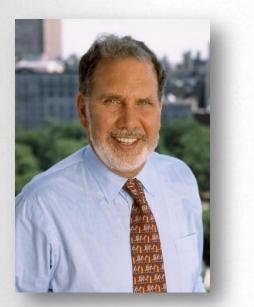




- From January 1, 2003 to January 1, 2007, he was the Chairman of the Board of the Federal Reserve Bank of New York; in 2006, he served as chair of the Federal Reserve System's Council of Chairs.
- During his presidency, NYU was named the "number one dream school" four times by The Princeton Review.
- Thompson-Reuters found that NYU—along with King's College London—enjoyed the greatest increase in reputational standing between 2010 and 2014 among the leading universities it studied in its survey



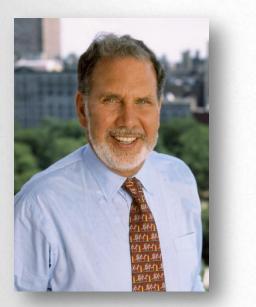




- Applications for freshman admission more than doubled, from 29,000 to over 60,000.
- In 2013, NYU undertook a \$1 billion fundraising campaign to improve financial aid
- Fundraising totaled \$4.9 billion from Fiscal Year 2003 to the end of Fiscal Year 2014. The Campaign for NYU, which ended in 2008, raised over \$3 billion, the largest sum then raised in a campaign by a U.S. institution of higher learning.





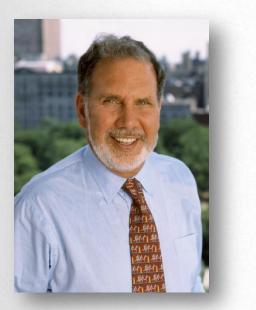


- NYU's endowment increased from \$1.14 billion in 2002 to **\$3.49 billion** in 2014.
- NYU heavily invested in student wellness and student services, and the University received more Excellence Awards from the National Association of Student Personnel Administrators than any other college or university.





#### In office May 17, 2002 - December 31, 2015



- In 2008, NYU successfully finished what was then the largest completed fundraising campaign in higher education.
- The Campaign for NYU, with a stated goal of raising \$2.5 billion, ultimately raised over \$3 billion. In 2009, NYU's fundraising continued to exceed \$1 million per day in spite of the economic crisis.

Source: The Imperial Presidency: John Sexton has a vision for N.Y.U.'s future. His faculty aren't buying it. http://www.newyorker.com/magazine/2013/09/09/the-imperial-presidency





BY RACHEL AVIV

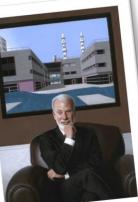
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ast May, during final exams, John Sexton, the president of New York University, approached a pale, thin freshman leaning against the wall of Bobst Library, smoking. "What can I do to make you stop?" he asked.

The student, Fletcher Nightwine, quickly took out his earbuds.

"Your hands are shaking!" Sexton said. "Come on—don't be nervous!"

Sexton, who is seventy years old, asked Nightwine how he had enjoyed his first year of college, and then urged him to smoke less, a plea that he frequently makes to students. If Nightwine cut down, Sexton said, he would take him to a Yankees game: "Does that sound fair? Is



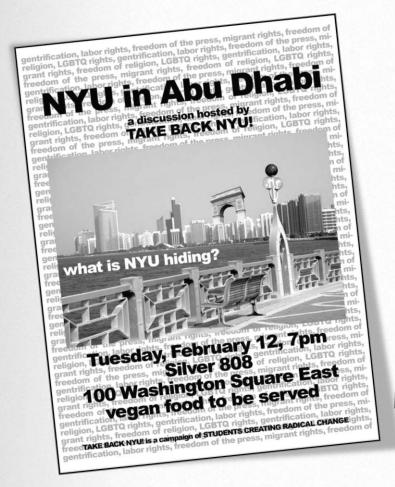
John Sexton is unpepular with many faculty members, one of whom said that he's gene 'slightly wild in his derive to shake the world."

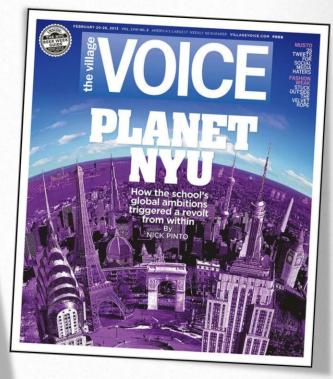


AUA



















Stephen Duncombe, a professor of media studies, said that faculty members were unable to make a "rational judgment" about the new campus. "We weren't given the materials, the data"

Sexton "failed to honor a basic principle of the university, which is built on the idea of free exchange and open debate. He locked us out of the greater discussion."



from The New Yorker article (9/9/2013)



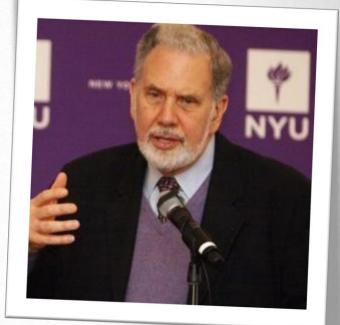


Another professor, who spoke on the condition of anonymity, said that, "until a few years ago, the faculty had the sense that we and John were all in this together—we liked being a part of this scrappy overachieving school, and there was a sense that John really cared about the faculty and their input.

Then, sort of overnight—some people speculate it was in the wake of Lisa's death—he became this top-down guy who was obsessed with his vision and his legacy to the exclusion of attention to faculty concerns."

from The New Yorker article (9/9/2013)

VA SOUTHEASTERN







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County Community College

NOVA SOUTHEASTERN

# **Ehe New Hork Eimes** N.Y.U. Gives Its Stars Loans for Summer Homes

By ARIEL KAMINER and ALAIN DELAQUÉRIÈRE JUNE 17, 2013

Follow one of Fire Island's quaint footpaths away from the ferry dock, past modest cottages and better-appointed vacation homes, to an elegant modern beach house that extends across three lots. A composition in bold, unadorned planes, it has a perimeter of green and two separate entrances, each outfitted with the long ramps that are the local custom.

Its most interesting feature, however, is not architectural, but financial. <u>The house</u>, which is owned by <u>John Sexton</u>, the president of <u>New York</u> <u>University</u>, was bought with a \$600,000 loan from an N.Y.U. foundation that eventually grew to be \$1 million, according to Suffolk County land records. It is one of a number of loans that N.Y.U. has made to executives and star professors for expensive vacation homes in areas like East Hampton, Fire Island and Litchfield County, Conn., in what educational experts call a bold new frontier for lavish university compensation.



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# **COST OF ATTENDANCE 2016-2017**

#### Undergraduate Students (two semesters, full-time)

	ON/OFF-CAMPUS STUDENT	COMMUTER STUDENT
Tuition & Mandatory Fees	\$49,062	\$49,062
Room and Board	\$17,578	\$2,270
DIRECT EXPENSES [SUBTOTAL]	\$66,640	\$51,332
Books and Supplies	\$1,070	\$1,070
Transportation	\$2,044	\$1,044
Personal Expenses	\$2,000	\$2,000
INDIRECT EXPENSES [SUBTOTAL]	\$5,114	\$4,114
TOTAL	\$71,754	\$55,446

**Direct Expenses** are institutional charges billed to you by NYU via the Office of the Bursar. **Indirect Expenses** are estimates of costs that may be associated with your attendance, but are not typically University charges

https://www.nyu.edu/content/dam/nyu/financialAid/documents/tuitiongeneral.pdf



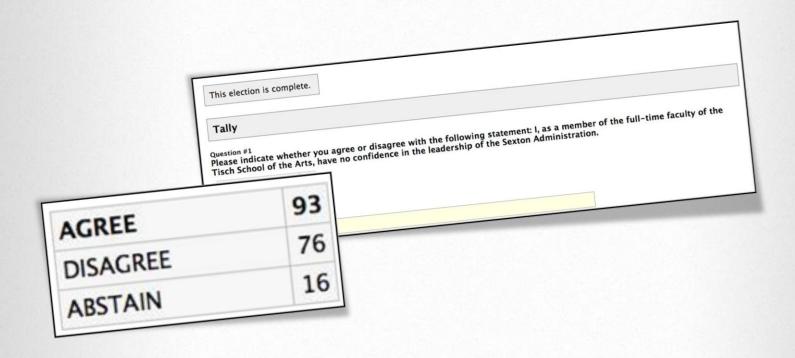


IAMES FRANCO GRADUATES





#### MAY 21, 2013: TISCH FACULTY VOTE NO CONFIDENCE IN NYU PRESIDENT JOHN SEXTON





The New York Times

Fourth No Confidence Vote for the President of N.Y.U.

By ARIEL KAMINER MAY 10, 2013

Two recent overwhelming votes of no confidence against the president of New York University have brought to four the number of N.Y.U. schools or campuses whose faculties have rejected his leadership.

The vote this week of the Steinhardt School of Culture, Education and Human Development was **117 to 45** against the president, John Sexton, and followed votes by the Gallatin School of Individualized Study; the College of Arts and Science, N.Y.U.'s largest; and Tisch School of the Arts Asia, a campus in Singapore that as of last November was not admitting any new students.

All the votes are nonbinding resolutions that do not obligate the university's trustees to take any action. But they call attention to the strong opinions that Dr. Sexton's 11 years in office continue to generate.

http://www.nytimes.com/2013/05/11/education/fourth-no-confidence-vote-for-thepresident-of-nyu.html



The New York Times

Fourth No Confidence Vote for the President of N.Y.U.

By ARIEL KAMINER MAY 10, 2013

On March 15, 2013, Sexton lost a vote of no confidence among NYU Faculty of Arts and Sciences, by a vote of 52% to 39% with 8% abstaining; with a total of 83% voter participation.

Subsequently, faculty of the Gallatin School, the Steinhardt School, and the Tisch School also passed votes of no confidence.

http://www.nytimes.com/2013/05/11/education/fourth-no-confidence-vote-for-thepresident-of-nyu.html



The New York Times

Fourth No Confidence Vote for the President of N.Y.U.

By ARIEL KAMINER MAY 10, 2013

However, the NYU Board of Trustees reaffirmed their support for Sexton; moreover, the faculty of the NYU School of Law passed a faculty vote of confidence in Sexton by 59-2 (with 3 abstentions), the Faculty Council at the School of Medicine passed a resolution of support for Sexton by 28-9, and the School of Social Work voted down a motion of no confidence by 20-12 (with 9 abstentions).

The University has stated that he will retire as the university's president after his contract expires in 2016, after 14 years as president, 14 years as Law School dean, and seven years as a faculty member.

http://www.nytimes.com/2013/05/11/education/fourth-no-confidence-vote-for-thepresident-of-nyu.html







New York University President John Sexton, under fire from the faculty amid criticism of pay and perks for college administrators, will step down after his term ends in 2016, when he will be 74.

http://www.bloomberg.com/news/articles/2013-08-15/nyu-president-sexton-to-resign-in-2016after-no-confidence-votes





The school will also cease lending hundreds of thousands of dollars to faculty and administrators for vacation homes, limiting its housing assistance program to primary residences, the board of trustees said in a letter yesterday. Some faculty members, who have voted no confidence in Sexton, today reiterated demands that depart immediately.







Under Sexton, New York University has become symbolic of U.S. higher education's focus on expansion and prestige with little regard to cost, and the school's announcement may suggest the beginning of a shift, said Richard Vedder, an Ohio University economics professor. The university costs \$64,000 a year to attend, making it one of the most expensive private schools in the nation.





"When they're asking people for so much money, and they're paying increasingly high salaries and perks, it makes donors angry; it makes students angry," said Vedder, who directs the Center for College Affordability and Productivity. "I'm hopeful the move by NYU may be the beginning of a new trend toward thinking smaller."





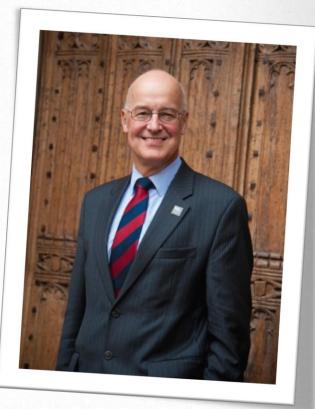
In its letter, NYU's board said it was "**extremely satisfied with the direction and leadership of the university.**" John Beckman, an NYU spokesman, said Sexton wasn't available for comment.





Andrew Hamilton was named the 16th president of New York University in March 2015.

He most recently served as the vice chancellor of **Oxford University**, the university's senior officer, after an academic career that took him from Princeton to the University of Pittsburgh, and then to Yale, where he was named provost.









### "Some at N.Y.U. find him <u>less imperious</u> than his predecessor, John Sexton."

http://www.nytimes.com/2016/03/06/nyregion/andrew-hamilton-new-york-university-president.html?\_r=0







"Shared Governance"

# Little is more contentious than when a faculty vote "no confidence" in the president, which often calls for boards to step in and take action.









# Questions





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