

PROPOSED RESOLUTION FOR CONSIDERATION BY THE FACULTY SENATE

OCTOBER 17, 2019

A RESOLUTION OF THE FACULTY SENATE OF THE UNIVERSITY OF MISSISSIPPI DECLARING NO CONFIDENCE IN THE MISSISSIPPI BOARD OF TRUSTEES OF STATE INSTITUTIONS OF HIGHER LEARNING (“IHL”) AND THE APPOINTMENT OF CHANCELLOR GLENN BOYCE.

Preamble:

The University of Mississippi is a nationally-regarded institution of higher education and R1 research university and it is clearly in the interest of the University and the State of Mississippi to maintain and enhance the regard that the University currently enjoys. The prestige and effectiveness of the office of Chancellor of the University is of critical importance both to the development and support of the University’s internal activities, and to the preservation of its reputation and standing among institutions of higher learning, current and potential students, faculty, staff, alumni, private donors, foundations, and federal grant managers.

WHEREAS, it is therefore essential that any search for a new Chancellor be focused on seeking out and selecting the most highly-qualified candidate from among a broad pool of competitive applicants; and

WHEREAS, it is therefore essential that any search for a new Chancellor be conducted according to the principle of shared governance which is crucial to unifying the community in establishing the legitimacy of the search process and the authority of its results; and

WHEREAS, to achieve these ends, the search process must be conducted with transparency and integrity; and

WHEREAS, in the recent search process undertaken by the IHL for a new Chancellor of the University, the IHL failed to adhere to its own bylaws governing the search process (§201.0509 B); and

WHEREAS, the IHL’s decision to suspend its own bylaws and rules (§301.0510D) demonstrates a disregard for the board’s role as a public body accountable to its constituencies and furthermore violates basic principles of fair and equitable hiring; and

WHEREAS, the premature termination of the search according to the IHL’s publicly-announced procedure, the de-selection of the qualified applicants previously put forward to University constituencies and determined to be finalists for the position, and the appointment of a non-applicant who was serving as a paid consultant to the search

process and who has close ties to the IHL creates the perception of impropriety on the part of the IHL; and

WHEREAS, this appearance of impropriety engenders concern that this search process has ignored the Southern Association of Colleges and Schools' (SACS) guidelines calling for the "absence of undue influence from external sources," thus jeopardizing the University of Mississippi's accreditation; and

WHEREAS, the IHL has failed to satisfactorily respond to a resolution of the Faculty Senate on October 8, 2019, which requested "A complete accounting, including a detailed timeline, of all actions taken by the IHL and any groups or individuals working with the IHL on the recently completed search for the next chancellor of the University of Mississippi"; and

WHEREAS, this abortive and irregular process has caused immeasurable harm to our institution and significantly endangered its reputation, not least in creating distrust in the University's rules of governance; and

WHEREAS, the Faculty Senate acts as part of the University's shared governance model in conjunction with the ASB and other representative campus bodies, such as the BSU, and affirms the importance of the resolutions passed by these bodies;

THEREFORE, BE IT RESOLVED THAT THE FACULTY SENATE OF THE UNIVERSITY OF MISSISSIPPI VOTES

- 1) "NO CONFIDENCE" IN THE PROCESS EMPLOYED BY THE IHL BOARD IN SEARCHING FOR A NEW CHANCELLOR OF THE UNIVERSITY;
- 2) "NO CONFIDENCE" IN THE IHL BOARD BY REASON OF ITS CONDUCT IN CONNECTION WITH THAT SEARCH PROCESS; AND
- 3) "NO CONFIDENCE" IN THE APPOINTMENT OF DR. GLENN BOYCE AS CHANCELLOR.

THEREFORE, BE IT FURTHER RESOLVED THAT THE FACULTY SENATE RECOMMENDS THAT THE AFORESAID APPOINTMENT BE VACATED AND THAT THE SEARCH PROCESS BE REINSTITUTED.

ANNOTATIONS TO THE PROPOSED FACULTY SENATE RESOLUTION:

The following document is meant to elaborate some of the key propositions asserted in the proposed faculty senate resolution.

“WHEREAS, in the recent search process undertaken by the IHL for a new Chancellor of the University, the IHL failed to adhere to its own bylaws governing the search process (§201.0509 B);”

We are proposing that the IHL’s hiring of Dr. Boyce violates IHL bylaws governing the search process. The IHL’s bylaws make provisions for how the search for an Executive Institutional Officer (EIO)—a Chancellor, in our case—must be conducted. There is both a standard “extended” search process and an “expedited” process; the rules for the latter process are outlined in IHL bylaw section 201.0509 B. In the case of this most recent hire, the IHL undertook the “extended” search process. It publicly declared the steps and timeline according to which it would pursue its extended search process, convened a Campus Search Advisory Committee, hired a search consultant (former IHL commissioner, Dr. Glenn Boyce), collected and vetted applications, identified a short list of finalist candidates, and (according to reports) conducted initial interviews of some but not all of the finalist candidates before suspending its search process and hiring Dr. Glenn Boyce (who had not applied to the position or been vetted by the Campus Search Committee). In suspending the extended search process in its final stages, the IHL presumably understood itself to be invoking its right to conduct an expedited process according to the provision in bylaw 201.0509 B.

However, this bylaw in fact specifically states that if the IHL chooses to pursue an expedited search process, rather than a standard extended search process, this decision must be taken *at the very early stages of a search process and prior to the hiring of a search consultant*--and neither of these conditions were fulfilled true in this case. Below is a transcript of IHL bylaw 201.0509 B, in which we have highlighted with the clauses which we believe were violated in this case highlighted:

B. Board Search Committee

The President of the Board shall appoint a committee of Board members to manage the search for a Commissioner or an IEO. However, any Board member who wants to serve on the committee may serve. The President of the Board, with the consent of the Board, shall appoint a member of the committee as chairperson.

Rather than engaging in the extended search process described below within the next paragraph and those that follow, the Board may, in its discretion, interview candidates that are known to the Board and consider their selection in accordance with the expedited process described in this paragraph. Such candidates may be internal candidates from the subject university or from one of the other state universities, or such other candidates that the Board believes should be considered. **The Board may conduct such interviews of internal candidates or other candidates at an early point in the process so as not to discourage the**

application of additional candidates that may choose to apply if an internal candidate is not selected by way of an expedited process. In any event, an expedited process, if followed, should be utilized prior to the hiring of a search consultant. Following interviews of any such internal or other candidates, the Board, as it deems appropriate, may proceed with utilizing any portions of the extended search process set out below. A Board vote to select a preferred candidate interviewed in accordance with this expedited process shall require the affirmative vote of at least nine Board members. If candidates are interviewed in accordance with this expedited process and no candidate is designated as a preferred candidate, the Board has the power to engage in other expedited processes or to conduct a search in accordance with the extended process described below.

“WHEREAS, the IHL's decision to suspend its own bylaws and rules (§301.0510D) demonstrates a disregard for the board's role as a public body accountable to its constituencies and furthermore violates basic principles of fair and equitable hiring;”

In their response to the Faculty Senate’s request for further information, the IHL has denied that it violated its own bylaws governing search procedures on the grounds that, in an October 3rd meeting, the IHL Board invoked a provision in bylaw §301.0510 D which allows the Board to suspend its own bylaws. So the IHL’s stated position concedes that this search process does not adhere to its bylaws governing search processes, but maintains that this failure to adhere to its bylaws does not in fact constitute a violation of its bylaws because the IHL voted to suspend its bylaws.

We are proposing that the IHL’s declaration that it can suspend its own bylaws governing search procedures—its declaration, in effect, that it is not obligated to follow any sort of process—demonstrates disregard for its role as a public body that is accountable to its constituencies and violates basic principles of fair and equitable hiring.

“WHEREAS, the premature termination of the search according to the IHL’s publicly-announced procedure, the de-selection of the qualified applicants previously vetted by University constituencies and determined to be finalists for the position, and the appointment of a non-applicant with close ties to the IHL who was serving as a paid consultant on the search creates the perception of impropriety on the part of the IHL;”

We are proposing that the late-stage suspension of the regular extended search process is objectionable not only because it is in violation of the IHL’s bylaws but also because the irregularity of the abortive search process casts doubt upon the integrity of the search. Moreover, we propose that a perception of impropriety has been generated not only by the irregularity of the process’s sudden and unexplained suspension, but further by the IHL’s decision to hire as Chancellor someone with deep preexisting ties to the IHL who had been working as a paid consultant to the search process. The many recent reports describing the widespread perception, dating from the early stages of the search, that Dr.

Boyce would ultimately be hired provides further evidence that this was not an open search for the most qualified candidate, but instead was being directed by members of the IHL toward a predetermined outcome. There is, in short, nothing about this search process that suggests that the IHL pursued a transparent and open search for the most qualified candidate.

“WHEREAS, the IHL has failed to satisfactorily respond to a resolution of the Faculty Senate on October 8, 2019, which requested ‘A complete accounting, including a detailed timeline, of all actions taken by the IHL and any groups or individuals working with the IHL on the recently completed search for the next chancellor of the University of Mississippi’;”

This clause will only be adopted should it prove to be the case that the IHL does, in fact, fail to provide a satisfactorily full account and detailed timeline that the Faculty Senate has requested be delivered by October 15th. The purpose of the October 8th resolution referenced in this clause was to give the IHL an opportunity to retroactively render their process more transparent and, in the course of doing so, to provide information which might clear away the clouds of suspicion and apparent impropriety surrounding which haunts this aberrant search.

DRAFT