



FIRST AMENDMENT FOUNDATION

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LEGISLATIVE ALERT

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SELECTING UNIVERSITY PRESIDENTS BEHIND CLOSED DOORS IS BAD FOR FLORIDA

**THERE IS NO REASON TO BELIEVE THAT SECRET SEARCHES FOR A UNIVERSITY PRESIDENT
WILL PRODUCE BETTER-CREDENTIALLED CANDIDATES.**

**RATHER, THERE IS EVIDENCE THAT SECRECY RESULTS IN PROMOTING WELL-CONNECTED INSIDERS,
LEAVING OUT WOMEN, PEOPLE OF COLOR AND OTHER WELL-QUALIFIED APPLICANTS.**

We have seen this same legislation proposed in prior sessions – creating an exemption for records and meetings relating to the process of selecting state university and college presidents. This year, however, the bill seems to be gaining momentum.

SB 774 by **Senator Manny Diaz (R-Hialeah Gardens)** creates a public record exemption for personal identifying information of applicants for president at any state university or college. The bill also exempts meetings held for the purpose of identifying or vetting such applicants. Meetings held after a final group of applicants has been selected for the purpose of making a final selection will be open and the names of the final group of applicants will be subject to disclosure no later than 21 days before the meeting at which the finalist will be selected.

According to the bill's sponsor, the pool of applicants for these positions *isn't the best it could be* because of Florida's open government laws and as a result, state universities and colleges aren't attracting the best and brightest.

**Does that mean the University of Florida could have done better than Kent Fuchs?
Or that John Thrasher doesn't cut the mustard at FSU?**

Absolutely Not – Both President Fuchs and President Thrasher were selected after lively public review, and they have proved that the fully public process works in selecting the best. They have both served their universities with thoughtful care, loyalty, and distinction. In fact, every university president hired since the late

1960s was hired *in the sunshine*. That list includes not only Fuchs and Thrasher, but John Lombardi, Sandy D'Alemberte, Eric Barron, Bernie Sliger, David Szymanski, Steven Currall – just to name a few. Florida has and continues to vet and select the best when the process is transparent and participatory from the beginning to the end.

This bill would be a disastrous step backward for Florida.

You can look at states like Colorado where the presidential searches may be closed to the public. Colorado's closed system has **NOT** been used to lure stellar academic leaders, but rather to give jobs to political insiders.

The Florida bill speaks in terms of excluding public access from the start of the process, when there could be numerous well-qualified, diverse candidates. The bill would allow the public to weigh in **only after** all those potential candidates have been whittled down to three finalists. Unfortunately, the well-heeled, savvy executive-search firms have figured out how to game that provision by selecting ONE "finalist" and declaring that only one person received serious consideration. So "three" turns out in practice to mean "one."

It's also too easy for a selection board to choose "a favorite son" of the university, stack the three-person deck with applicants who fall short of the favored one, so that the favorite son is the obvious choice when it comes to public review and comment. Thus, we will never see how qualified the applicants reviewed behind closed doors might have been or what unique, diverse qualities and experiences they might have brought to the job.

Consider the example of Ithaca College's Presidential closed search: The Board of Trustees promised an inclusive search in which finalists would visit the campus and participate in public conversation. However, the Board soon reversed course and conducted the search entirely behind closed doors. The Board selected Shirley M. Collado.

Later, campus community learned that, 17 years prior, Collado pleaded "no contest" to a charge of sexually exploiting a client of her psychological practice. Had the campus stakeholders had been informed of this information, they could have decided for themselves whether the charge — many years old, after all, and a misdemeanor — was a deal breaker.

However, the significance of the conviction was magnified because the university excluded the community from the selection process. Moreover, it later became known not only that the crime existed, but that the Board of Trustees knew about it and intentionally withheld the information from the community.

Finally, we commend to you this article, published by Frank LoMonte, Director of the The Brechner Center for Freedom of Information at the University of Florida. It is the best survey we have found of why the entirety of the Presidential Selection process should be completely open to public participation and full access to records should be provided.

<https://www.aaup.org/article/costs-closed-searches#.XjWbPxNKiqA>

Floridians have made a great investment in the state's universities and colleges, and the process of selecting applicants for these posts is an issue of wide public interest and concern. Who applies for these positions, their qualifications and accomplishments, who is selected and who is not, is vitally important public information. To shield the selection process from public oversight and accountability is, simply put, bad public policy.

SB 774 is currently in the Senate Governmental Accountability and Oversight Committee. Until today, SB 774 didn't have a House companion, which meant it would be virtually impossible for the bill to pass.

But now the House State Affairs Committee is scheduled to hear a proposed committee bill, PCB SAC 20-04, that is virtually identical to SB 774. The committee is meeting in Room 17 HOB tomorrow morning at 8:00 AM.

As always, if you'd like more information, please don't hesitate to call us at 800/337-3518 or email info@floridafaf.org.