

Focus

THE CHRONICLE OF HIGHER EDUCATION

Pitfalls That Can End a Presidency



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MISSTEPS OF ALL KINDS can derail a presidency, even one that may have been going well in other respects. Failure to respond adequately to complaints of racism, or sexual assault or harassment, on a campus can bring a leader down. So can conflicts with the Board of Trustees, incautious remarks about getting rid of underperforming students, poor management, and, in one outlying example, the theft of college funds. Once presidents are in a tough spot, online-reputation-management firms may not be able to get them out of it, and may even lead them into deeper trouble. Following are several examples of how modern presidencies have foundered.

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Cover illustration by Randall Enos for *The Chronicle*

After an Unusually Public Clash of System and Campus Chiefs, UC-Davis Surveys the Damage



RICH PEDRONCELLI/AP IMAGES

Accused of ethical violations, the chancellor at Davis, Linda P.B. Katehi, had previously refused to resign. She views the investigative report as largely clearing her.

By SARAH BROWN, JACK STRIPLING, and FERNANDA ZAMUDIO-SUARÉZ

AFTER a grueling three-month investigation into Linda P.B. Katehi's conduct as chancellor of the University of California at Davis, a campus fatigued by scandal now grapples with whether there is anything to be learned from the downfall of its leader — or from the aggressive tactics of the system president who wanted her gone.

Ms. Katehi, who had been on administrative leave, resigned Tuesday as chancellor of Davis in conjunction with the release of an investigative report that examined her service on corporate boards, the employment of her family members at the campus, and her role in a social-media campaign that sought in part to improve her online reputation.

The chancellor, who will return to the faculty, characterized the report as something of a vindication. But the document raised serious questions about her judgment and truthfulness, and capped off a highly public process that professors and administrators viewed as unnecessarily damaging to the university.

"It's been a puzzle to me," Ralph J. Hexter, Davis's acting chancellor, said in an interview Wednesday. "I've been in academia for a rather long time, and usually even difficult situations are managed without so much public muss and fuss. I regret that."

For reasons that may never be fully understood, Ms. Katehi and Janet A. Napolitano, the system's president and a former U.S. secretary of homeland security, proved incapable of reaching a private resolution of their differences. Both parties dug in their heels, with Ms. Katehi refusing to resign and Ms. Napolitano publicly airing a litany of allegations, some of which investigators found to be without merit.

Mr. Hexter, who was elevated to acting chancellor from the position of provost, has inherited a campus that he describes as disrupted yet capable of executing its mission.

"There's been choppy water, if I can use that metaphor, but the current has continued," he said.

Even so, Ms. Katehi's tenure became synonymous with a fractured administrative culture. Advisers said they felt reluctant to offer alternative ideas and were handicapped by a constantly evolving communications strategy devoted in part to restoring Ms. Katehi's damaged reputation. Despite Davis's perennial position as one of the nation's top-ranked public research universities, the campus has struggled to overcome a 2011 incident in which student protesters were pepper-sprayed.

"Anyone coming in would realize that you have some repair work to do with morale," Mr. Hexter said.

One of the central critiques contained in the report released this week was that Ms. Katehi was less than truthful when questioned about her role in hiring public-relations firms to enhance her online reputation and that of the campus. What the report does not explore is the extent to which Ms.



REX FEATURES VIA AP IMAGES

The president of the U. of California, Janet Napolitano, appeared intent on trying the chancellor in the court of public opinion, some faculty members say.

Katehi's misleading statements were crafted and endorsed by communications personnel who remain on staff.

Emails first published by *The Sacramento Bee* show that communications officers provided the chancellor with talking points that created distance between her and the campus's controversial social-media strategy, which included proposals to soften or remove mentions of the pepper-spray incident from Ms. Katehi's Wikipedia page. Some of the very language that her public-relations officers signed off on, according to email records, was described by investigators as "misleading, at best, or untruthful, at worst."

Asked about this, Mr. Hexter expressed confidence in the leadership of the communications office. Ultimately, however, he said it is his responsibility to shoot straight.

"You don't say something or you don't accept a note if you know it to not be true," he said.

Dana Topousis, Davis's interim leader of strategic communications, said Wednesday that she viewed the crafting of talking points as a collaborative process. Any language the communications team helped to develop reflected Ms. Katehi's positions, she said.

“We were doing our best to serve her,” she said.

A DIVIDED CAMPUS

The investigation of Ms. Katehi is the most significant personnel matter overseen to date by Ms. Napolitano, who nearly three years ago came

“This was actually quite public, quite painful, and quite lengthy, and that’s very different from what you ordinarily see when it comes to the departures of higher-education leaders.”

to lead what is often regarded as the nation’s most-esteemed public research university system.

For all of the peculiar details of this episode, the president’s approach is being described by observers in California as a precedent-setting action that may signal intense executive oversight of campus-level decisions and a predilection for public accountability.

Not everyone likes what they see.

Richard P. Tucker, a professor of cell biology and human anatomy at Davis, said that Ms. Napolitano appeared intent on trying the chancellor in the court of public opinion.

“She didn’t inspire much respect from the faculty for how she handled this,” said Mr. Tucker, who is equally critical of the chancellor for her leadership dating back to the pepper-spray incident.

The report, Mr. Tucker continued, revealed that most of the serious charges Ms. Napolitano had levied against Ms. Katehi “were actually exaggerations at best and, most likely, were just not correct.”

If the investigation’s findings struck some professors as thin gruel, they struck others as inconclusive. John T. Scott, chair of the political-science department, criticized the report for treading too lightly. Its use of vague language, he said, raised suspicion about Ms. Katehi even when the inves-

tigators found no clear-cut evidence of a policy violation.

“It struck me as being pretty fair and balanced, maybe even balanced to the point that in the end we didn’t have very much resolution,” Mr. Scott said.

The lack of resolution may feel especially unsatisfying after a process that many saw as unorthodox and ugly. Kevin R. Johnson, dean of the law school at Davis, praised Ms. Napolitano for spearheading a thorough review of what he considered to be serious allegations. But he acknowledged that the drawn-out battle between the president and the chancellor had carried consequences.

“Usually these things are done much more quickly, much more amiably, and without a lot of statements from public-relations firms and press offices,” he said. “This was actually quite public, quite painful, and quite lengthy, and that’s very different from what you ordinarily see when it comes to the departures of higher-education leaders.”

Ultimately, Mr. Tucker said, the chancellor probably found more faculty support than she might have had otherwise because “they thought she was being treated unfairly by Napolitano.”

Lynette A. Hart, a professor in the School of Veterinary Medicine, said Ms. Napolitano erred in not consulting professors before opening an investigation of a chancellor known to have faculty support.

“The way some of these things played, especially the way Napolitano handled it, did convey a kind of hostile environment that isn’t conventional in a university setting. It’s more like she’s dealing with the army or something,” Ms. Hart said.

A PRESIDENT’S MESSAGE

Despite the faculty discontent that surrounded the investigation, Ms. Napolitano’s message remains clear, said Dean R. Florez, a former majority leader in the California State Senate.

“Janet Napolitano is going to put the institution above any individual chancellor or friendship or relationship that she may have built in the system,” Mr. Florez said. “The message is really, you know, we’ve got to clean the place up.”

The investigation and its public report also serves as a warning for other system chancellors, Mr. Florez said. By making Ms. Katehi’s case a model, Ms. Napolitano is telling university leaders to strictly adhere to policy and showing them the

consequences of cutting corners.

Ms. Napolitano's University of California does not operate under the deferential model many in higher education are used to, Mr. Florez said. Mistakes aren't dealt with behind closed doors, and investigation reports are made public once they are released.

Ms. Napolitano and the board might be making an example of Ms. Katehi, said Jim Newberry, a higher-education lawyer with Steptoe & Johnson LLC, but that tactic isn't completely inappropriate.

Mr. Newberry said the president's transparency helped further plug her overall message: Integrity matters.

"If your business practices are less than forthright, you may well have the same set of issues to deal with that you saw at Davis," Mr. Newberry said. "That's a good message for the board to send."

CLEARING HER NAME

Despite the difficulty of the last three months, Ms. Katehi saw the investigative process as a necessary step toward securing her reputation in academe, the former chancellor's lawyer said Wednesday.

"These baseless allegations were announced to the world, and at that point Chancellor Katehi was not going to resign with those charges pending," said the lawyer, Melinda Guzman. "At that point she wanted to continue with the investigation and clear her name."

In Ms. Katehi's view, she was cleared of the most serious charges, which included allegations of nepotism, the misuse of student fees, and mischaracterizations of her involvement in Davis's social-media strategy. In actuality, in-

vestigators found reasons to quibble with the chancellor in two of these three areas, only dismissing outright the charge that she had misused student fees by diverting them into physical-education programs.

But the report finds no evidence that she tried to enrich her family members, and it leaves open the possibility that she was merely "misleading" instead of "untruthful" about her role in the social-media contracts.

Still, Ms. Katehi's resignation is a welcome development for faculty members who came to view her as a distraction. Mr. Tucker, for example, says the investigation reinforces misgivings he has had about Ms. Katehi since 2011, when he felt she should have resigned for the good of the university.

"She was all about the Katehi brand," Mr. Tucker said, "and she just wanted to try to defend her reputation until the very end."

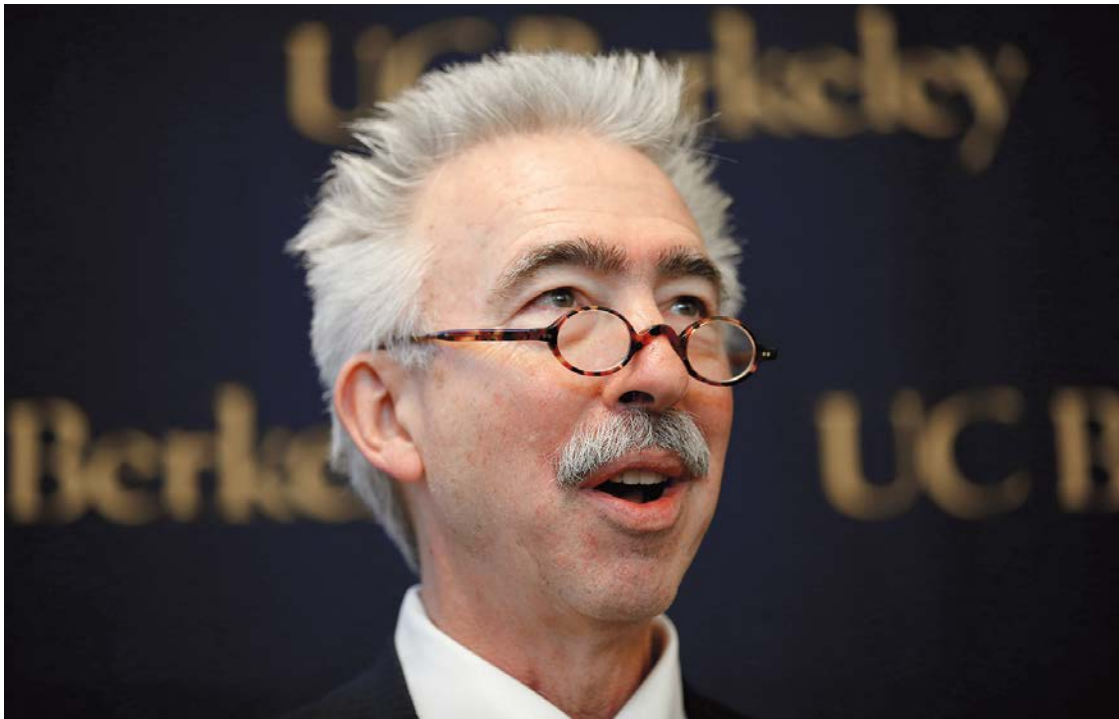
Under her agreement with the university, Ms. Katehi will become a tenured faculty member with dual appointments in the department of electrical and computer engineering and the gender, sexuality, and women's studies program.

Details of the agreement, as described by a university spokeswoman, stipulate that Ms. Katehi will receive her chancellor's salary of \$412,000 for one year before returning to the faculty. She will forfeit that money, however, if she does not serve as a professor for at least one year. She must vacate the chancellor's residence by October 31.

Both parties have agreed not to sue one another.

Ms. Katehi, who has spent most of the past two decades climbing higher education's administrative ladder, said in a letter Tuesday that she is "happy to go back to what I always have aspired to be, a faculty member."

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STEPHEN LAM, REUTERS

After the abrupt announcement that Nicholas B. Dirks will step down as chancellor of the U. of California at Berkeley, faculty members and others are wondering how the campus will move past the controversies that dogged his tenure.

With a Sudden Vacuum at the Top, What's Next for Berkeley?

By SARAH BROWN and FERNANDA ZAMUDIO-SUARÉZ

THE University of California at Berkeley is hiring. Successful candidates for the position should be able to solve a \$150-million budget crisis, crack down on sexual harassment, and spearhead fund raising at one of the most prestigious — and controversy-laden — campuses in the world.

After three years, Nicholas B. Dirks, Berkeley's current chancellor, found this was a job he could not do anymore. On Tuesday Mr. Dirks announced he would resign after just three years, once a successor is named, and join the faculty.

"Over the summer I have come to the personal decision that the time is right for me to step aside and allow someone else to take up the financial and institutional challenges ahead of us," Mr. Dirks wrote in a message to the campus.

Mr. Dirks's decision also means that, for the foreseeable future, the campus will be led not only by a lame-duck chancellor but also an interim provost; Claude M. Steele, the former provost, left under a cloud of controversy four months ago.

The chancellor's tenure at Berkeley has been marked by serious hardships and controversies on the campus. Berkeley faced a \$150-million budget deficit and accusations that the university failed to seriously deal with sexual harassment of students or colleagues by star faculty members. A complaint has also accused Mr. Dirks of misuse of public funds. The university has not yet announced a resolution of that complaint.

In February, Mr. Dirks announced a sweeping cost-cutting plan designed to reassess Berkeley's administrative and academic structures, change up academic offerings, and boost fund raising. Some of those shifts would be "painful," he said at the time.

Professors were immediately skeptical of the plan, saying they felt they hadn't been adequately consulted by the chancellor. Later in the spring, Mr. Dirks said 500 staff positions would be eliminated over the next two years.

Against that backdrop of uncertainty, Mr. Dirks demonstrated fund-raising prowess. Last month, he said Berkeley had received a record number and amount of donations, totaling \$500 million during the past fiscal year.

Still, given the significantly reduced levels of state funding and a large amount of debt, Mr. Dirks wasn't increasing the university's non-state revenue sources fast enough, said Nancy E. Wallace, co-chair of the Fisher Center for Real Estate & Urban Economics at Berkeley.

Ms. Wallace said when the state cut funding for building renovations, Mr. Dirks began to increase the university's debt — too much, she added. Berkeley has spent more than \$2 billion on construction over the past decade, and 60 percent of the projects were necessary because the campus is built on a fault line.

Without a medical campus and a large endowment, Berkeley was left to rely on state funding and fend for itself, Ms. Wallace said. Mr. Dirks "was very ill-equipped and very unwilling to grapple with our financial problems," she said, "and was not familiar with a very heavily science-based campus."

Mr. Dirks, a scholar of British colonialism and India, was dean of the Faculty of Arts and Sciences at Columbia University before being named Berkeley's chancellor in 2012.

In response to requests for an interview with Mr. Dirks, a Berkeley spokesman referred to the chancellor's message to the campus on Tuesday.

Robert Powell, chair of Berkeley's Academic Senate and a professor of political science, said many faculty members are still processing the reasons behind the chancellor's resignation, but want to move past the controversies that have seemed to follow Mr. Dirks.

Among them, the chancellor has faced criticism over a \$700,000 fence constructed around

his residence, an "escape hatch" emergency exit planned for his office, and the revelation Wednesday that Berkeley had paid consultants more than \$200,000 over a year to boost his profile.

But it is concerns about sexual harassment and financial management that largely weigh on faculty members' minds as they contemplate a way forward for Berkeley.

'INADEQUATE' COMMUNICATION

The resignation wasn't a surprise to Celeste Langan, an associate professor of English and co-chair of the Berkeley Faculty Association. Many faculty members had lost confidence in Mr. Dirks, Ms. Langan said.

But she isn't pleased with the way his departure has transpired. "We would've preferred it to be a public faculty discussion, and yet it seems to have happened through back-door channels," she said. There had been talk of a no-confidence vote on Mr. Dirks in the Academic Senate, which would have required such deliberation, she said.

Berkeley has lessons to learn, she said, because in her view the past two chancellors have not been successful. "Something's not working," she said. "The problem that this resignation leaves us with is, How do we ensure it doesn't happen again?"

Other professors said they didn't like Mr. Dirks's leadership style. "He's aloof and disconnected from faculty and students, basically drifting from crisis to crisis without much substance," Michael B. Eisen, a professor of genetics, wrote in an email.

Michael H. O'Hare, a professor of public policy, said Mr. Dirks isn't the kind of chancellor who strolls around campus and interacts candidly with students, faculty, and staff. That impression of being closed-off was exacerbated by the \$700,000 fence, Mr. O'Hare said.

"Living in a completely isolated house, technically on campus but that in fact might as well be on the moon, instead of a nice house in Berkeley with neighbors he could meet on the street walking his dog, is a tradition he should have ended immediately," Mr. O'Hare said.

Many of the problems that have plagued Mr. Dirks's tenure were inherited, Mr. O'Hare acknowledged. He cited "pockets around campus where various kinds of power abuse are tolerated, including but not limited to sexual abuse" and what the professor described as a poorly designed cost-cutting plan.

But Mr. Dirks hasn't just been a victim of old issues, Mr. O'Hare said. Last fall, he said, he brought concerns about poor communication between the administration and the faculty directly to Mr. Dirks and Mr. Steele, the former provost. "Their input channels for knowing what was actually going on, and what the faculty and staff were experiencing and thought about it, were complete-

ly inadequate,” Mr. O’Hare said.

His efforts didn’t seem to pay off. He recalled mentioning at a faculty meeting that emails from Mr. Dirks often stated “do not reply to this message” at the end. “It was an applause line,” he said.

Daniel A. Farber, a law professor, said though many faculty members were unhappy with Mr. Dirks’s leadership, plenty of their problems stem from the leadership of the University of California system. Its president, Janet Napolitano, is a former politician who has served as governor of Arizona and U.S. secretary of homeland security.

“I think there’s a sense she still doesn’t really get higher education and that in particular she doesn’t really understand the needs of a research university like Berkeley,” Mr. Farber said.

Ms. Napolitano, through a spokeswoman, declined to comment for this article.

Still, it’s clear the university needs better leadership and help from the state legislature, something Mr. Dirks couldn’t deliver, Mr. Farber said. He hopes a new leader can change that.

After Mr. Dirks’s resignation — and the ouster of Linda P.B. Katehi last week as chancellor of UC-Davis — the University of California has to not only draw the right person to lead Berkeley, but someone who is not daunted by a system ridden with other challenges.

Ms. Wallace, of the real-estate and urban-economics center, said that given Mr. Dirks’s shortcomings, she hopes Berkeley hires a leader from inside the campus who understands what the university needs.

Still, even if Berkeley hires an ideal leader, that doesn’t solve the issues the campus has with the Office of the President, Ms. Wallace said. “All of us are basically tithing to the central administration,” she said.

Despite a tumultuous year, though, Mr. Powell, the senate chair, said he doesn’t think the system will have a tough time drawing strong applicants for the job.

THE MARCY FACTOR

Some of the sharpest criticism directed at Mr. Dirks has concerned his handling of sexual-harassment complaints involving faculty members.

In the past year, four such cases have rocked Berkeley’s campus, with the most prominent one

involving Geoffrey W. Marcy, an acclaimed astronomer. Mr. Marcy stepped down from the faculty last October after the university’s handling of the case became public: Berkeley found that he had repeatedly violated the sexual-misconduct policy but, as punishment, it only threatened him with sanctions.

In March, Sujit Choudhry, then dean of the law school, resigned his leadership position after harassment-policy violations were made public. That case brought about the departure of Mr. Steele, who received a law-school appointment at the same time as the investigation into the allegations against Mr. Choudhry. Mr. Steele eventually decided on the former dean’s punishment, which many saw as light — a one-year, 10-percent pay cut and a written apology to his accuser.

Mr. Dirks has stressed on several occasions that Berkeley officials were working diligently to improve the reporting and investigation processes for harassment complaints and to offer more prevention training for faculty members. He created a new staff position in March to oversee the changes.

But for some, Mr. Dirks’s promises fell flat.

“I’m happy he’s stepping down,” Mr. Eisen, the genetics professor, said. Last fall Mr. Eisen wrote a blog post with harsh words about Berkeley’s failure to impose serious sanctions on Mr. Marcy after finding the astronomer responsible for harassing female graduate students over a decade.

Mr. Dirks’s approach of coddling professors accused of poor behavior was deeply problematic, Mr. Eisen said on Wednesday. “He’s shown no real leadership on this issue or, frankly, on anything else.”

Kathleen Gutierrez, a graduate student at Berkeley who brought a harassment case against an assistant professor this year, said she saw Mr. Dirks’s failure to take faculty misconduct complaints seriously as part of a broader trend of administrative shortcomings at the university.

Still, she wrote in an email, his departure “does not mean a clean slate for the University of California and its gross mishandling of sexual-harassment complaints against tenured and tenure-track faculty members.”

“The campus has the opportunity to set the new norm” on how colleges handle professors who harass, she said. “I only hope that it is the new chancellor’s prerogative to see that this happens.”

Originally published on August 18, 2016

5 Moments That Led 2 Top Leaders at Missouri to Resign

By ANDY THOMASON

THE dual resignations on Monday of Timothy M. Wolfe and R. Bowen Loftin, the University of Missouri system president and flagship campus's chancellor, respectively, were a resounding victory for people protesting on the Columbia campus in recent weeks. (Mr. Wolfe is leaving entirely; Mr. Loftin is taking another position in the system at the end of the year.)

Both leaders had resisted several calls to resign. But it was the long-simmering dissatisfaction in Columbia, Mo., that played a crucial role in forcing them out. For those just catching up, here are five moments that paved the way for Monday's ousters:

1. Graduate students learn their health insurance won't be subsidized.

In August the university suddenly informed graduate students it would no longer subsidize their health insurance. The measure, which the institution defended as satisfying a provision of the Affordable Care Act, prompted protests and an apology from Mr. Loftin. (He later assured students their insurance would continue to be subsidized.) The university's English department cited the move last week in a letter expressing no confidence in Mr. Loftin.

2. A student leader's account of a racist incident goes viral.

The recent outrage over racism in Columbia began outright in September, when the president of the Missouri Students Association, Payton Head, wrote in a Facebook post that he had been accosted on the campus by men who yelled a racist epithet at him from a truck. "I really just want to know why my simple existence is such a threat to

society," Mr. Head wrote in the post, which went viral. The association went on to demand Mr. Wolfe's resignation before the Board of Curators' meeting on Monday.

3. A homecoming parade gets tense.

Students protesting the racist incidents, united under the name Concerned Student 1950, surrounded Mr. Wolfe's car at a homecoming parade in October. When the students refused to move, they were dispersed by the police. Throughout the incident, Mr. Wolfe stayed in the car, which then allegedly bumped at least one of the protesters as it drove away. (Watch a video of the incident by *The Columbia Missourian*.) As he sought to pacify protesters in the last week, Mr. Wolfe apologized for handling the incident in the way he did.

4. Jonathan Butler begins a hunger strike.

Mr. Butler, a graduate student and one of the protesters at the parade, began a hunger strike on November 2, saying he wouldn't eat until Mr. Wolfe resigned. In the ensuing days, Mr. Wolfe released several statements saying he was concerned about the strike, drawing national attention to the students' grievances.

5. Football players threaten a boycott, and their coach backs them up.

On Saturday a group of Missouri football players said they would join Mr. Butler's protest, boycotting all football-related events until Mr. Wolfe was out of office. The next day, their coach, Gary Pinkel, tweeted a photo of the team together and said he stood behind the players. In a news conference on Monday, Mr. Pinkel said the players had been motivated primarily by concern for Mr. Butler.

Originally published on November 9, 2015

In Missouri, the Downfall of a Business-Minded President

By BRUCE JOSHUA MILLER and NED STUCKEY-FRENCH

TIMOTHY WOLFE should never have been president of the University of Missouri. He was a computer-company executive with no advanced degrees or experience in academic administration. Like so many other unrepresentative, politically appointed boards, Missouri's Board of Curators chose a private-sector manager to run a public university. Wolfe had virtually no experience with students or scholars.

If he had, one of his first major decisions as president in the spring of 2012 would not have been to shut down the University of Missouri Press. The internationally respected press had been in existence for 54 years and had published over 2,000 titles. These titles included the definitive edition of the collected works of Langston Hughes and the premier series of Mark Twain scholarship. No American writers have written more insightfully about race than these two sons of Missouri, but Wolfe was going to sell off the rights to these titles at garage-sale prices.

A few weeks later, the Board of Curators approved Wolfe's decision to close the press, ostensibly to save its annual subsidy of about \$400,000 (later estimated to be much less). At the same meeting, it announced Phase 1 of a \$200-million plan to upgrade Mizzou's sports facilities.

By committing the university to an athletic arms race and running it like a corporation, Wolfe and the board were heading down a disastrous path. More than 5,000 people signed an online petition opposing the closure of the press, scores of authors claimed breach of contract and demanded that the rights to their books be returned, Missouri's principal newspapers supported the protest movement, and Wolfe and the university found themselves in the national news. By fall, Wolfe was forced to reverse his position and reinstate the press.

We can see now that these events presaged what has happened in Columbia this fall. Public universities are public trusts, not private corporations. They are a public good in which we must all invest. We used to view them this way. Forty years ago, about two-thirds of their revenue came from state appropriations; that figure is now down to about a fifth. Administrators have tried to wring these lost revenues out of already strapped middle-class par-

ents and their children through higher tuition and enormous student-loan burdens. In the meantime, the number of administrators has skyrocketed, and their compensation packages have swelled to private-sector levels.

On campus, tenure is attacked, teaching is shifted to poorly paid adjuncts and teaching assistants, and students are treated shabbily. Their demands for safe campuses, challenging classes, and basic respect are too often ignored. The privatization of public higher education led Chancellor R. Bowen Loftin, who has since agreed to step down, to yank medical insurance away from graduate assistants, and it led President Wolfe to rush to meetings with big donors while ignoring the concerns of African-American students.

Fortunately, such bottom-line thinking has also led students, faculty, and staff to fight back. This fall Missouri provided us all with the brave example of student leaders (including athletes) who were willing to risk everything in order to make their university the place of learning it should be. Our hope is that the Board of Curators will pick new administrators who see the University of Missouri as a public institution to which we have entrusted our children and our society's future rather than as a corporation that puts money and skyboxes first.

Making this happen will be difficult. State governors appoint the boards, and the boards appoint the presidents and chancellors. Such a system, as we have seen recently at Purdue, Iowa, the University of North Carolina, and Florida State as well as at Missouri, has led to the appointments of businesspeople, bureaucrats, lobbyists, and politicians as university presidents. Such appointments do not bode well — but students, faculty, and staff at the University of Missouri have demanded something different.

We cannot thank them enough.

Bruce Joshua Miller is editor of Curiosity's Cats: Writers on Research (Minnesota Historical Society Press, 2014) and president of Miller Trade Book Marketing. Ned Stuckey-French is an associate professor of English at Florida State University. They were active in the campaign to save the University of Missouri Press.

Originally published on November 11, 2015

When a Board Fires a President Who Fired a Provost

By FERNANDA ZAMUDIO-SUARÉZ

WHEN Temple University's Board of Trustees named Neil D. Theobald as its 10th president, in 2012, the announcement rang with hopes that he would usher the institution into a new, more prosperous era.

Mr. Theobald's résumé boasted a successful run at Indiana University as senior vice president and chief financial officer. He arrived on the Philadelphia campus, in 2013, with ready plans to keep costs down by helping students graduate in four years and reshaping the university's budget.

Three years later, the leader who was once acclaimed for his business acumen is on the chopping block.

On Tuesday, Temple's board voted no confidence in Mr. Theobald, with the intention of dismissing him at its July 21 meeting, Kevin Feeley, the board's spokesman, said on Wednesday.

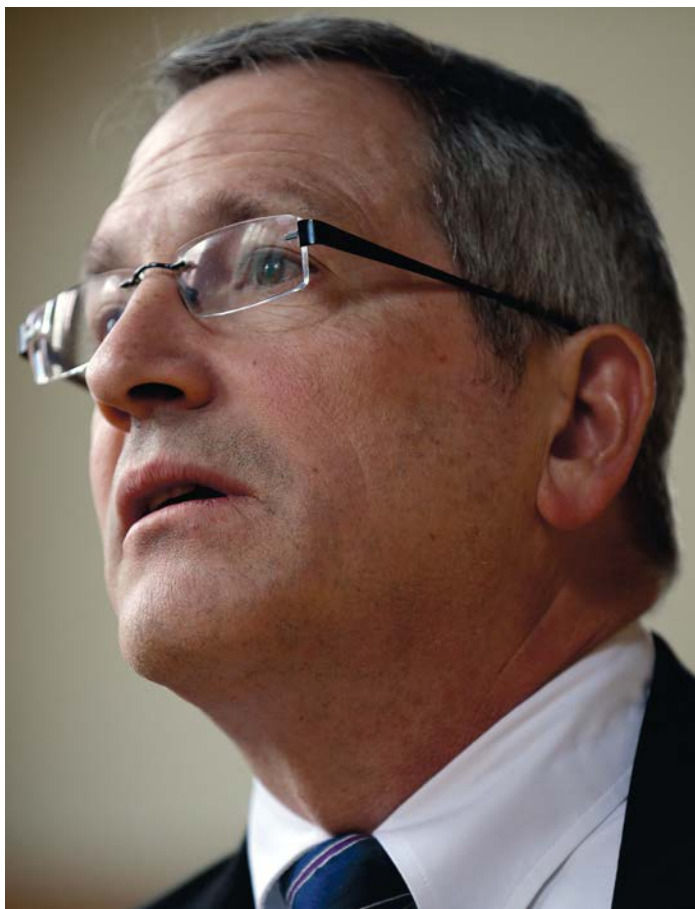
The controversy centers on Mr. Theobald's relationship with his provost, Hai-Lung Dai. Two weeks ago, Mr. Theobald fired Mr. Dai, blaming him for allowing the funds spent on merit scholarships at Temple to exceed the budgeted amount by \$22 million.

Stunned faculty members — the notice of Mr. Dai's dismissal did not offer much in the way of elaboration — started an online petition asking

the board to review Mr. Theobald's actions and saying the dismissal demanded further explanation. By Wednesday, the petition had drawn more than 4,000 signatures.

The petition's creator, Eric Borguet, a chemistry professor, said Mr. Dai's removal had triggered outrage from some faculty members.

"When you say somebody's relieved of their responsibilities, effective immediately, there is a sug-



AP PHOTO/MATT ROURKE

The leadership shake-up at Temple U., where the Board of Trustees is moving to dismiss the president, Neil D. Theobald (pictured), is a story of shifting blame and questions of financial mismanagement.

gestion that there is a clear and present danger,” Mr. Borguet said.

Michael Sachs, president of Temple’s Faculty Senate and a kinesiology professor, said that when the president fired Mr. Dai, the petition was the faculty’s only vehicle to express disapproval.

Mr. Theobald did not respond to *The Chronicle’s* request for comment.

REFLECTING BADLY

Faculty members were protective of Mr. Dai because he had largely led the university’s effort to attain its top-tier ranking as an R1 institution in the Carnegie Classification, with \$242 million in annual research expenditures, Mr. Sachs said.

“There was concern” that the abrupt dismissal of the provost “was going to reflect badly on Temple in general, but also on Hai-Lung Dai specifically,” Mr. Sachs said.

“The core thing here is that the provost serves at the pleasure of the president.”

The faculty wasn’t the only constituency that felt kept in the dark. The board knew Mr. Theobald and Mr. Dai were in talks, and believed the provost would be offered a settlement when he left his post, Mr. Feeley said.

It was only when Mr. Theobald announced that Mr. Dai had been fired, on June 28, that the trustees learned that the dismissal had stemmed from the deficit’s steep increase, he said.

In June 2015 there was a \$9-million deficit in merit aid, Mr. Feeley said. Though the number seemed manageable at the time, Mr. Theobald didn’t loop in the trustees about the shortfall or how administrators planned to close it, he said.

By March, when the board first heard of it, the deficit had grown to \$22 million, a more concerning figure, Mr. Feeley said.

Hillel J. Hoffmann, Temple’s director of national communications, said in an email that the merit-scholarship program had seen an unexpected increase in students who met the academic requirements, based on grade-point averages and SAT scores, to receive merit aid.

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For the coming semester, the number of students with eligible grades rose by 17 percent and with qualifying scores by 29 percent, Mr. Hoffmann said. And because the academic requirements are fixed, the university was on the hook to pay out more aid than it had budgeted. (The students will still get the aid.)

FALSE AND SLANDEROUS

Mr. Dai’s lawyer on Wednesday released a statement from the former provost saying he was not aware of the deficit until this past March.

“As the Board of Trustees said yesterday, the responsibility for managing budgetary matters rests with the president,” Mr. Dai said in the statement. “I was never, at any time prior to March 2016, asked by President Theobald to manage this issue.”

As Mr. Theobald continued to blame Mr. Dai for the financial problem, the board grew more concerned, Mr. Feeley said. “Ultimately the deficit is the president’s responsibility,” he said.

The board asked Mr. Theobald to resign on July 7, and negotiations for a settlement package ensued, Mr. Feeley said. When he refused to step down, the board took a vote of no confidence.

Unanswered questions about the administrative shake-up remain. Among them is an email from Mr. Theobald to the board chair and other administrators saying he was concerned about sexual-harassment allegations against Mr. Dai, Mr. Feeley said. The board, while saying there was no evidence to substantiate the allegations, has formed a committee to review them.

Mr. Dai told *The Philadelphia Inquirer* that the allegations are false and slanderous.

Amid the many questions about Mr. Theobald’s management, particularly of the university’s finances, one thing is clear among faculty members and the board: They were kept in the dark.

“That’s what the ironic thing is here,” Mr. Borguet said. “The ostensible motive for this was the financial issue, yet it was an education-finance expert who was at the helm when all this happened.”

“The responsibility for managing budgetary matters rests with the president.”

‘Fundamental Failure’ on Sexual Assaults Brings Sweeping Change at Baylor

By ERIC KELDERMAN and ROBIN WILSON

BAYLOR UNIVERSITY’S Board of Regents on Thursday announced sweeping changes in how the Texas institution and its athletic program will be run, including the removal of Kenneth W. Starr as president and the firing of the head football coach, Art Briles.

The overhaul is the result of damning findings that acknowledged the Baptist university’s failures to respond properly to numerous reports of sexual assault over three academic years on the Waco campus, especially those involving its powerhouse football team. The board’s summary of findings by investigators from the law firm Pepper Hamilton LLC concluded that the university’s processes for dealing with such complaints were “wholly inadequate” and that high-level administrators and athletics-staff members had “directly discouraged” students from reporting assaults and, in one case, retaliated against a student who reported an incident.

“We were horrified by the extent of these acts of sexual violence on our campus,” Richard Willis, chair of the board, said in a written statement.

“This investigation revealed the university’s mishandling of reports in what should have been a supportive, responsive, and caring environment for students.”

In addition to the personnel changes, the regents enacted a number of new practices and policies meant not only to better respond to reports of sexual violence, but also to maintain more oversight of the athletics department.

But the upheaval presents serious challenges for the institution and its leadership.

“Any changes by Baylor optically look good, but the devil is in the details,” said B. David Ridpath, an associate professor of sports administration at Ohio University. “Things like this should have already been in place.”



ROD AYDELOTTE, WACO TRIBUNE HERALD, AP IMAGES

Kenneth W. Starr will no longer serve as Baylor’s president, though he will stay on as chancellor and remain a professor of law. His demotion was part of a series of personnel and policy changes announced by the regents in response to an outside firm’s scathing examination of the university’s handling of sexual-violence reports.

demotion was all the more surprising because he has been credited with significantly raising Baylor’s profile since taking office, in 2010, and he is held in high regard by many faculty members and

THE FALLOUT

It’s rare for a college’s president to be dismissed for the institution’s failures under the federal gender-equity law known as Title IX. Mr. Starr’s

alumni. His reputation has also been bolstered by his experience as a former federal judge, solicitor general of the United States, and the independent counsel who led a lengthy investigation of President Bill Clinton.

But the pressure on Baylor had been building for months, and Mr. Starr's demotion was foreshadowed by several news reports this week suggesting that he had been fired.

Under the terms of a proposed agreement, Mr. Starr will retain his title as chancellor of the university — a role that regents described as focused on fund raising. He is also expected to remain a tenured member of the law-school faculty and earn the full base salary that he is currently paid. Baylor's 2014 report to the IRS lists that amount as \$611,654.

Ian McCaw, the university's athletics director, has been put on probation and is being sanctioned, though the regents declined to provide further details of that action when they spoke with reporters during a conference call on Thursday.

Mr. Briles, the football coach, has been "suspended indefinitely with intent to terminate according to contractual procedures," according to a news release on Baylor's website, and "additional members of the administration and athletics department have also been dismissed." The university is not identifying those people or positions publicly.

Taking over as interim president will be David E. Garland, a former dean of the university's theological seminary. Mr. Garland also served as interim president of Baylor for two years before Mr. Starr's hiring. He did not respond to a request for comment.

The challenge for the new leader will be to "re-

focus the institution on its core purposes and values," said William E. (Brit) Kirwan, a former chancellor of the University System of Maryland. And that will have to include placing athletics in a proper context within the university, said Mr. Kirwan, who is now a co-chairman of the Knight Commission on Intercollegiate Athletics.

"Athletics will have to take a back seat and play a more appropriate role in the life of the institution," he said.

While the university's football team has risen from being a woeful underdog to a force in the Big 12 Conference and a fixture among the nation's top teams, a series of sexual-assault cases cast a cloud over the team and its head coach.

The investigation by Pepper Hamilton found: "In certain instances, including reports of a sexual assault by multiple football players, athletics and football personnel affirmatively chose not to report sexual violence and dating violence to an appropriate administrator outside of athletics."

Some measures enacted by the regents are aimed at putting the athletics department on a shorter leash. The business operations of the athletics department will now be overseen by the university's chief operating officer, and the university will seek to ensure that athletes are not given any preferential treatment in student-conduct proceedings.

Putting the athletics department under the control of the university's main administrators may be helpful, Mr. Ridpath said, or it may turn out to be a "paper drill."

A lot will depend on how much leverage alumni and donors to the athletics program exert on the new president, he said. "So many, including presi-

Baylor's head football coach, Art Briles, was suspended "with intent to terminate." Other athletics officials also face sanctions or termination, and the regents also adopted several new practices and policies meant not only to better respond to reports of sexual violence, but also to maintain more oversight of the athletics department.



TONY GUTIERREZ, AP IMAGES

dents, are not willing to take on that fight, and situations like this are allowed to happen and fester,” Mr. Ridpath said.

HIGH STAKES FOR COLLEGES

In all, however, the measures mark what some legal and higher-education experts described as an exceptional response to one of higher education’s most vexing issues.

In particular, it’s unusual for a university to publicly release findings regarding sexual assault that make it clear the institution violated federal law — particularly when the institution, like Baylor, was not under federal investigation. After all, the ultimate penalty for violating Title IX is the loss of all federal funds.

But Baylor’s actions represent an attempt to keep nothing hidden. In a 13-page document called “Findings of Fact,” the Board of Regents said the Pepper Hamilton investigation found that Baylor had failed in a multitude of ways, including a failure “to prioritize, recognize, implement, and resource Title IX.”

The language used in the Baylor release sounds very much like what the U.S. Education Department’s Office for Civil Rights uses in its own findings when investigating universities’ compliance with Title IX. In fact, a division of Pepper Hamilton specializes in helping universities both respond to investigations by the federal government and reform their policies surrounding Title IX in order to meet federal guidelines.

But while investigations by the federal office, known as OCR, frequently take years to complete, Pepper Hamilton’s review of Baylor took just around nine months.

While the university’s level of disclosure seems to put the institution at more risk, putting all of its problems on the table now could also help it mini-

mize the impact of any later federal investigation.

“This looks like a pre-emptive strike, which any good defense attorney would make,” said Djuna Perkins, a trial lawyer in Massachusetts who is hired by colleges to investigate sexual-assault cases. “This way they get more control.”

By announcing the university’s intentions to overhaul its response to sexual-assault reports — things the federal government no doubt would require following any investigation — Baylor gets to make those changes on its own terms, Ms. Perkins said.

Peter F. Lake, an expert on Title IX and a professor at the Stetson University College of Law, said universities gradually are realizing that transparency is important when it comes to how they’ve handled sexual-misconduct cases. “This is no time for wallpapering or whitewashing of any kind,” he said. “External investigators must be keenly aware of the reality that the stakes are rising, and institutions without sincere, voluntary compliance efforts are at risk.”

The Education Department’s Office for Civil Rights said Baylor’s actions were a positive step. “We are grateful when any school evaluates its civil-rights compliance and takes necessary corrective steps — those are key elements in ensuring all students’ civil rights are met,” Dorie Nolt, a department spokeswoman, said in a statement on Thursday evening.

But the measures don’t preclude a federal investigation, she continued. “The department will not hesitate to investigate if necessary,” she said, “and if we receive a complaint within our jurisdiction.”

Editor’s note: Within a week of being removed as president, Mr. Starr resigned as chancellor. On August 19, 2016, university officials announced that he had also given up his faculty position and was leaving Baylor.

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A President's Plan to Steer Out At-Risk Freshmen Incites a Campus Backlash

By KATHERINE MANGAN

FEW PEOPLE at Mount St. Mary's University of Maryland would disagree that too many students are dropping out in the first year, but the president's suggestion that faculty members stop treating them as "cuddly bunnies" and "drown the bunnies" instead has many fuming.

The president, Simon P. Newman, was referring to a plan to encourage students who are least likely to succeed to drop out in the first month.

He told *The Chronicle* that doing so, before students go into debt, is the most humane approach for students who have made it clear that they aren't ready for or interested in college.

"Maybe they want to join the Army or go to a community college first," said Mr. Newman, a private-equity chief executive officer and entrepreneur who became president of the Roman Catholic university last year. "It's immoral to have them take on debt doing something they don't want to do."

One way he hoped to identify students who would be better off leaving early was by having faculty members administer a survey, developed in his office, during freshman orientation. The survey includes questions about students' resilience and learning goals.

The idea, he told *The Chronicle*, was to steer struggling students to academic advisers quickly and to help spare those who are least likely to succeed from making an expensive mistake.

Faculty members who balked at the plan weren't convinced that that was the real goal.



Simon Newman, president of Mount St. Mary's U. of Maryland: "People focused on the idea that our goal was to get rid of people, and that was ridiculous. That's the last thing you want to do, but at the same time, for people who have made an error, the moral thing is to say it's OK to do something else. I'd rather you had your money back."

They cited statements in emails that were leaked to the student newspaper, *The Mountain Echo*, that indicate the president felt that the university would benefit if at-risk students left early.

"My short-term goal is to have 20-25 people leave by the 25th" of September, Mr. Newman wrote in an August 21 email to the provost, David B. Rehm. "This one thing will boost our retention 4-5%. A larger committee or group needs to work on the details, but I think you get the objective."

The university's retention rate, reported to the federal government, is based on the number of students enrolled on September 25. That is also the date by which students must withdraw if they want to get a

tuition refund.

The university's six-year graduation rate for full-time students is 66 percent. Seventy-eight percent of freshmen return after the first year, according to the U.S. Department of Education.

A 'COME TO JESUS' MEETING

In an interview on Tuesday, the president said the survey was part of a larger plan to identify struggling students early, steer them into counseling and tutoring, and then encourage professors to have a "come to Jesus" meeting with those least likely to complete the semester.

Mr. Newman said he was concerned that the university was losing more than 20 percent of its students after the first year and he wanted to know why. The plan also included keeping tabs on who

was attending campus events, eating in the cafeterias, and paying bills.

He said he was frustrated to learn that those “come to Jesus” meetings he wanted faculty members to have with the least-engaged students weren’t happening.

And he acknowledged using “an unfortunate metaphor” in a testy conversation with Gregory W. Murry, an assistant professor of history who oversees a freshman writing seminar that begins during orientation. The survey was conducted during that class, which is intended to help students adjust to college life.

Mr. Murry told the student newspaper that during their conversation, the president told him, “This is hard for you because you think of the students as cuddly bunnies, but you can’t. You just have to drown the bunnies ... put a Glock to their heads.”

Asked by *The Chronicle* about that conversation, Mr. Newman said his comments had been taken out of context (“and I might have said puppies, not bunnies,” he added).

“People focused on the idea that our goal was to get rid of people, and that was ridiculous,” Mr. Newman said. “That’s the last thing you want to do, but at the same time, for people who have made an error, the moral thing is to say it’s OK to do something else. I’d rather you had your money back.”

‘NOT A COMPELLING REASON’

Mr. Murry said his original understanding, when he agreed to incorporate the survey into the writing classes he oversees, was that it would help students understand their learning styles and how to improve their performance. He said that when it became clear that the president saw the survey as a way to determine who should be encouraged or even forced to leave, he and some of his faculty colleagues balked.

“Leaving aside (for the moment) the merits and practicality of the proposal to get 25 students to ‘leave’ before the end of September, I think that we have to insist that the results of this survey not be used for that purpose,” he wrote to a handful of colleagues in August.

For one thing, it wasn’t clear that the survey was a useful predictor of retention, Mr. Murry wrote. Secondly, “no parent is going to be persuaded that the results of this survey are a compelling reason to pull their child out of college after only three weeks. I’ve had parents insist that 8 F’s in the freshman year is not a compelling reason for their child not to return to college, so it’s hard to see where a parent would be persuaded by an experimental personality test.”

Students will probably assume the survey is confidential, he added, and could feel betrayed if ad-

ministrators used their scores without their permission to determine if they were fit for college.

In an interview Tuesday evening, Mr. Murry said the president asked him on September 21 for a list of students who weren’t likely to succeed.

“This was a Monday, and he basically wanted them gone by Friday,” Mr. Murry said.

The deadline was extended to October 2, but faculty members “ran out the clock” by refusing to turn over the names of struggling students by that date, Mr. Murry said.

“We saw it as a way to artificially inflate the retention figures,” he said. “I don’t think it’s ethical to tell someone they aren’t going to make it in college after four weeks.”

‘GROSSLY INACCURATE’

Among those who raised concerns about the president’s plan was Joshua P. Hochschild, then dean of the College of Liberal Arts.

“As you know, I share your concerns about the survey,” Leona A. Sevick, associate provost and an associate professor of English, wrote to Mr. Hochschild during the August email exchange. “I don’t know if dismissing students was part of the original plan for the survey, but you’re right — it’s become part of the broad rhetoric surrounding improving retention and identifying at-risk students quickly.”

She said she had explained to the president that “we can only dismiss students, according to our catalog, if they fail to attend classes or are creating a disturbance in this academic community. We cannot dismiss students because we think they won’t succeed.”

John E. Coyne III, chair of the university’s Board of Trustees, wrote a letter last month to the managing editor of the student newspaper, Ryan Golden, after the newspaper gave administrators a chance to comment on its draft article. In the letter, which the newspaper published on Tuesday, Mr. Coyne accused the paper of giving readers a “grossly inaccurate impression” of the university’s retention efforts.

He didn’t spell out what those inaccuracies were but blasted the newspaper for publishing “confidential emails,” which, he said, violated the university’s code of conduct.

“Beyond the issue of access is the fact that you propose to use those private, confidential emails to advance your journalistic interests and to do so without any concern for either the individual privacy interests of the faculty involved or the damage you will render to this university and to its brand,” he wrote.

The editor, in a response published the same day, defended the article and suggested that the board chair was “shooting the messenger.”

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Simon Newman Resigns as President of Mount St. Mary's

By KATHERINE MANGAN and NICK DESANTIS

MONTHS AFTER HE incited a bitter backlash by comparing struggling students to bunnies that needed to be drowned, Simon P. Newman resigned late Monday, effective immediately, as president of Mount St. Mary's University, in Maryland.

Mr. Newman, a former private-equity chief executive, had come under increasing pressure to step down after his decision to fire two professors — one with tenure — and to demote the provost. All had questioned his controversial freshman-retention plan, which called for encouraging at-risk freshmen who didn't respond well to advising to drop out during the first weeks of the semester. He presented it as a win-win for students, who could get a tuition refund, and the university, which wouldn't have those dropouts count against its retention rate.

Mr. Newman — who has since apologized for his blunt language — had said that professors who objected to his plan should stop treating students as cuddly bunnies and drown them instead. That conversation, which a faculty member leaked to the student newspaper, *The Mountain Echo*, brought a deluge of unwanted national attention to the Roman Catholic university in rural Emmitsburg, Md.

In a written statement released by the university on Monday evening, Mr. Newman said the publicity over his leadership had “become too great of a distraction to our mission of educating students. It was a difficult decision, but I believe it is the right course of action for the Mount at this time.”

The statement also announced that the Board of Trustees had named the university's business dean, Karl Einolf, as acting president.

Shortly after the announcement, the former provost, David B. Rehm, welcomed that choice.

“Dr. Einolf has the respect of a broad array of community members, and he brings deep understanding of the workings of the university to his new position,” Mr. Rehm wrote in an email to *The Chronicle*. “He will be a force for healing and reconciliation.”

Mr. Rehm retained his faculty position as a professor of philosophy after stepping down as provost.

It was unclear on Monday whether he and other administrators who were demoted during Mr. Newman's presidency would be reinstated to their administrative posts.

WIDESPREAD OUTRAGE

In the university's statement, Mr. Newman said he cared deeply about Mount St. Mary's.

“I am proud of what I have been able to achieve in a relatively short time, particularly in helping the university chart a clear course toward a bright future,” he said.

Many employees and alumni, however, expressed concern that, as the crisis deepened, the university was instead hurtling toward disaster.

Mr. Newman's actions attracted widespread condemnation, from the American Association of University Professors, the American Philosophical Association, and others, including thousands of academics who signed a statement protesting the firings of the two professors.

Last week the university received a more ominous threat when its accreditor, the Middle States Commission on Higher Education, sent a letter giving it until March 15 to answer questions about



THE MOUNTAIN ECHO

Simon P. Newman resigned on Monday night, effective immediately. His departure caps a weeks-long furor that drew national attention to the Roman Catholic institution in rural Maryland.

how recent developments might have affected its compliance with four of the commission's key standards and requirements.

The university's efforts to minimize the damage did little to appease critics.

Mr. Newman offered to reinstate the two professors who had been fired — Ed Egan, adviser to the campus newspaper, and Thane M. Naberhaus, a tenured associate professor of philosophy.

Nevertheless, faculty members voted 87 to 3 to ask Mr. Newman to resign by February 15. Still, he had plenty of supporters.

A few days after the faculty vote, the university's student government released the results of a poll that showed strong student support for Mr. Newman's leadership.

Interviewed later, students said they appreciated the president's introduction of degrees like cybersecurity that they considered marketable, changes he had suggested in the core curriculum, and the opening of a Starbucks on the campus.

Mr. Newman thanked them by handing out doughnuts at a rally they staged for him.

Some, however, questioned how comfortable students were in responding to a poll that required their student identification numbers, given the administration's history of monitoring employee emails and punishing those seen as disloyal.

In a video posted on YouTube last month, one student, Grace Wagler, said that despite the lopsided vote, many students, like herself, did not support the president. Some, she said, worried that honest answers could cost them their scholarships.

As the controversy deepened, Mr. Newman continued to make his case in a letter to the student newspaper. He responded to the faculty vote by declaring that he would stay on.

As the tension on the campus rose, the board apologized for "a breakdown in compassionate communication" and announced a review of the controversy.

Board members interviewed hundreds of students, faculty and staff members, and administrators over the past few weeks, and met all day on Monday to go over their findings.

TIME TO HEAL

In the statement released on Monday, the board's chairman, John E. Coyne III, said it was "grateful to President Newman for his many accomplishments over the past year, including strengthening the university's finances, developing a comprehensive strategic plan for our future, and bringing many new ideas to campus that have benefited the entire Mount community. We thank him for his service."

Asked whether the president had received any kind of financial compensation as part of his res-

ignation agreement, a campus spokesman said he could not comment on personnel matters.

Faculty members and alumni interviewed on Monday said it would take time for the university to heal from the bruising battles of the past several months.

It's unclear what effect the turmoil might have had on applications to the university.

The announced departure of at least one high-level administrator is widely believed to be related to the turmoil.

Leona Sevick, the associate provost and an associate professor of English, announced last week that she would leave at the end of the semester to become provost of Bridgewater College, in Virginia.

Ms. Sevick had been among several professors who raised questions about Mr. Newman's retention plan in an email exchange last summer. She was not available to comment on Monday night.

Faculty members and students — who have declined to publicly comment on the president, saying they feared retribution or had been told not to speak to the news media — did not respond to numerous emails and phone calls on Monday.

Shortly before the two faculty members were fired, the board's chairman, Mr. Coyne, vowed to take action against anyone who was trying to undermine the president and force him out.

The only reaction from current faculty members on Monday night was a prepared statement that was released by the university's media-relations office and was attributed to "the deans and department chairs of Mount St. Mary's University." The statement thanked Mr. Newman, wished him well, and expressed gratitude to the trustees for their leadership.

Some former professors, however, welcomed the resignation. Among them was John Schwenkler, who was an assistant professor of philosophy at Mount St. Mary's from 2010 to 2013 and helped organize opposition to the president on social media.

Mr. Schwenkler, who is now at Florida State University, said the statements of protest had "helped to make a national story out of what otherwise could have been just another incident of administrative overreach at a small college." He added: "I hope this is a clear signal to other academics — and administrators at other institutions — of what can happen when scholars join together in solidarity for justice."

Brian G. Henning, another former assistant professor of philosophy who now teaches at Gonzaga University, said a change was also needed in the leadership of the Mount St. Mary's board, for having hired a president who "consistently demonstrates a failure to understand the values of American Catholic higher education" and who "treats students as mere numbers on a ledger."

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The Mount St. Mary's Presidency Was a Corporate Test Case. It Failed Miserably.

By JACK STRIPLING



AP PHOTO

Simon Newman, accompanied by his wife, Michelle, prepared to address a student rally last month at Mount St. Mary's U., in Maryland. Mr. Newman brought a corporate culture to a Catholic college with disastrous results.

WITH HIS RESIGNATION on Monday as president of Mount St. Mary's University of Maryland, Simon P. Newman closed out a tenure that had become synonymous with an emerging brand of corporate-style college leadership.

Mr. Newman's presidency reads as a failed experiment. Before he was hired, in late 2014, Mr. Newman had no experience in higher-education

administration. But his background as a financier made Mr. Newman a plausible candidate to reinvigorate a small, tuition-dependent Roman Catholic college struggling to stay relevant in a crowded marketplace.

It didn't work.

At a time when a good number of university trustees are looking for nontraditional leaders to shake things up, Mr. Newman's turbulent ride at Mount St. Mary's may well serve as a cautionary

tale. For all of the fresh thinking and clear-eyed business sense that he brought to the job, professors say that Mr. Newman simply failed to appreciate the profound cultural divide between Wall Street and academe.

It was Mr. Newman's blunt style, which played just fine in the high-octane investment world, that brought his university presidency to a point of crisis several weeks ago. Describing a novel retention plan that would encourage struggling students to drop out before they could be counted as failures under federal rules for measuring graduation rates, Mr. Newman purportedly used a graphic analogy that would come to define him.

"This is hard for you because you think of the students as cuddly bunnies, but you can't," Mr. Newman is alleged to have told a professor. "You just have to drown the bunnies ... put a Glock to their heads."

Colorful language aside, Mr. Newman has said he merely wanted to give students a chance to get their money back if they were unlikely to finish.

The comments shocked many, but such talk would not have been out of place in Mr. Newman's former life. And a fuller look at his corporate background shows that he was probably a poor fit from the start for the church-affiliated liberal-arts college.

An expatriate from England, Mr. Newman settled in Los Angeles in the 1990s and became a player in private equity. In that high-risk realm of investing, managers like Mr. Newman arrange buyouts of companies and try to make them more profitable, sometimes by laying off people and cutting benefits. At Mount St. Mary's, Mr. Newman employed the same tactics.

Dana N. Miyoshi, who worked with Mr. Newman at L.E.K. Consulting, says that their business requires an antiseptic view of the world. It would be paralyzing, Mr. Miyoshi says, to overthink how a single mother or an aging worker might be affected by a corporate restructuring.

"One of the partners at L.E.K. used to say it was like pruning a tree," says Mr. Miyoshi, who worked in the marketing department of the firm's Los Angeles office. "Sometimes you have to cut off part of the tree for the whole tree to survive. As devastating as it is to families, that's the way they justified it."

At L.E.K., Mr. Newman was known as a closer. After teams of consultants crunched numbers and analyzed a company's strengths and weaknesses, it was Mr. Newman's job to pitch clients on the firm's services.

"At that time, the big thing was increasing shareholder value," Mr. Miyoshi says. "That was the mantra on Wall Street: How do you maximize dividends? What do you do to cut the bottom line?"

And all of that had to happen quickly. Unlike

academe, which sets its watch by centuries, private-equity investors tend to think in terms of seven-year plans.

GET IN. GET OUT. GET PAID.

In his role as president of Mount St. Mary's, Mr. Newman showed impatience with the deliberative pace of academe. In November, for example, the president acknowledged that he had moved forward with a plan to cut employees' health-care and retirement benefits without first consulting the relevant faculty committees, an email obtained by *The Chronicle* shows. Besides, Mr. Newman said, the professors were sure to oppose the changes anyway.

"I have tried repeatedly to indicate that our financial situation is too precarious to allow that kind of time," Mr. Newman wrote to the leaders of the university's Faculty Governance Committee. "A decision had to be made."

Mr. Newman's résumé includes a stint at Bain & Company, a consulting firm that has taken some criticism for advising colleges to increase revenues in a manner that some professors have argued would erode educational quality.

Ferey Faridian, a financier who describes Mr. Newman as a good friend and a talented executive, says that those who thrive at companies like Bain tend to be highly analytical and reluctant to trust information without personally vetting the source.

"We are trained to figure out what people have had for breakfast before we talk to them," Mr. Faridian says. "That's the level of rigor. We have been trained to be skeptics."

A TEAM OF CONSULTANTS

Simon Newman was known as a grinder, comfortably pivoting from deal to deal among Los Angeles's show-business elite. He did work for clients like Disney and Sony. He dreamed of buying Universal Studios. He married a CBS executive who developed content for daytime shows, including *Let's Make a Deal* and *The Price Is Right*.

But the Newmans, who have two young children, saw in Mount St. Mary's a chance to settle down. Before they left, they gathered their L.A. friends together for a going-away party. Mingling in the couple's Cape Cod-style home in the San Fernando Valley, Mr. Newman's guests from the consulting world started to size up what their friend's surprising career shift might mean for their own bank accounts.

"A lot of people there were consultants, and they were licking their chops saying, 'Simon's going to have a lot of work for us,'" says Mr. Miyoshi, who was in attendance.

And they were right.

Early on, Mr. Newman brought in professionals

from out West to help him at Mount St. Mary's. That became a source of tension. Before long, it seemed that the president was relying on outsiders for advice more than the university's established administrators, several observers of his presidency say.

"He came in and almost immediately unpacked his suitcase with a handful of consultants that came with him," says a former administrator, who asked to remain anonymous because he feared that speaking candidly might jeopardize his career. "And they basically began operating the university as a shadow cabinet. The traditional way of doing business ceased." (Mr. Newman declined to be interviewed for this article.)

One consultant the president hired was Adam G. Button, a classmate of Mr. Newman's at Stanford University, where, in 1990, both men earned master's degrees in business administration.

Mr. Button met with the university's top admin-

"He came in and almost immediately unpacked his suitcase with a handful of consultants that came with him. And they basically began operating the university as a shadow cabinet."

istrators, and at least two of them say they met the consultant before ever speaking to the president. That was more efficient, Mr. Newman assured.

"It was put to us that he had a lot to learn, that he had a very limited time in which to learn it, and these were basically his trusted eyes and ears," says Joshua P. Hochschild, an associate professor of philosophy.

Another of the consultants hired by Mr. Newman is Simon Y. Blackwell, who has the title of "chief transformation officer" at Mount St. Mary's. Mr. Blackwell, who served as a Green Beret, worked with Mr. Newman at TradeYard Inc., an online auction site for used construction equipment.

Things did not end well at TradeYard, where Mr. Newman was chief executive. Like so many startups in the late 1990s, the company folded when the

dot-com bubble burst. When TradeYard started to run out of money, Mr. Blackwell had to lay off one of his own relatives. "It was probably the hardest thing I ever did," he says.

And yet, in Mr. Newman and Mr. Blackwell's line of work, painful management decisions are accepted as part of the job. "It wasn't personal," Mr. Blackwell says.

CORPORATE-STYLE FIRINGS

During Mr. Newman's relatively short tenure in academe, some at Mount St. Mary's say that the university began to feel more like the hard-charging business world whence Mr. Newman came, with a corporate chill to the president's handling of sensitive personnel issues.

The most visceral example of his boardroom efficiency came on a rainy October day when six people were fired in quick succession. One was James (Duffy) C. Ross III, director of communications.

Around midmorning, Mr. Ross says, he received a note instructing him to meet at 1 p.m. with the vice president for university affairs. When he arrived, Pauline A. Engelstätter, the vice president, was seated at a small table with an envelope in her hand.

"She took a deep breath and said, 'Duffy, the university is exercising its option in discontinuing your employment effective immediately,'" Mr. Ross recalls.

Ms. Engelstätter was "quivering," Mr. Ross says, and he tried to spare her the awkwardness of continuing to read from a script. "I reached across the table, and I grabbed her hand and squeezed it, and I said, 'Pauline, you don't have to do this.' And she said, 'Yes I do.'" (Ms. Engelstätter did not respond to an interview request.)

As the process unfolded, Mr. Ross's staff members were ushered into a conference room with Mr. Newman, who told them that their boss was being fired, Mr. Ross says. The communications director was then escorted to his office by public-safety officers who asked that, in their presence, he wipe his university email account from his cellphone.

"I had five minutes to gather as much as I could, grabbed my coat, and was escorted out by the public-safety officers," Mr. Ross says. "There was very little emotion involved in the process. It was very clinical. It was very straightforward, no time for reminiscing or, for that matter, tears. It felt completely corporate."

The president's handling of the firings in the fall

was a preview of things to come. When Mr. Newman's inflammatory comments about struggling students came to light, he forced the resignation of David B. Rehm, who as provost had expressed misgivings about the plan. Mr. Rehm retained his position as a philosophy professor. There were other casualties as well. Ed Egan, director of the university's prelaw program, was fired. So too was Thane M. Naberhaus, an associate professor of philosophy.

Under pressure, Mr. Newman reinstated the professors. But that action did little to change perceptions that the president viewed the university as a business where disloyal employees could and should be purged. In February, faculty members voted 87 to 3 to demand Mr. Newman's resignation.

Mr. Newman may stand out as a notable example of a businessman turned college president, but he is not alone. In recent years, the boards at Bowdoin and Muhlenberg Colleges have hired leaders with similar credentials.

In September, J. Bruce Harreld, a former vice president at IBM, was named president of the University of Iowa. The appointment at Iowa stirred outrage among professors, who have argued that

Mr. Harreld's academic résumé is too thin. Mr. Newman's resignation may validate professorial critics who question the rise of corporate college chiefs. But that is not how Mr. Newman's friends in the business world see it.

Bret D. Masterson Sr., a director at a private-equity firm in Los Angeles and a former colleague of Mr. Newman's, likened university professors to a labor group fighting the very changes that are required to save the company.

"You think about industries that have really entrenched, powerful labor groups, like airlines and auto companies," Mr. Masterson says. "They go bankrupt a lot because you have these powerful groups that frankly don't like change."

Mr. Newman will "land on his feet," Mr. Masterson says. He is less sure about Mount St. Mary's.

"They have got to adapt," he says. "It sounds like Simon may not have been as diplomatic as he could have been about it, but they are probably shooting the messenger."

Meantime, the board at Mount St. Mary's has named one of the university's deans as acting president.

He heads the business school.

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U. of North Carolina President's Ouster Comes Amid Political Shift



GERRY BROOME, AP IMAGES

The system's board, now occupied by Republican appointees, forced out Thomas W. Ross after less than five years.

By JACK STRIPLING

WHEN Thomas W. Ross was forced out of his job as president of the University of North Carolina system on Friday, there were few familiar faces remaining on the board that hired him less than five years ago. The university's Board of Governors has 32 voting members, 29 of whom have been appointed by the

legislature since Mr. Ross took office.

The transition of membership on the board has coincided with a political transformation in the state, where Republicans seized control of the legislature in 2010 for the first time in more than a century.

Mr. Ross, a former president of Davidson College, was a state judge who once served as chief

of staff for Robin Britt, a Democratic member of Congress.

Mr. Ross, 64, will continue to serve as the university's president until at least January 3, 2016, and beyond that if it takes longer to seat a successor, the board announced.

In a statement on Friday, the board conceded that it and Mr. Ross had differed on the timeline for his departure. Mr. Ross indicated that he had not expected to leave the job so soon.

The board provided little specific explanation for its decision, but said in a statement that it had "nothing to do with President Ross's performance or ability to continue in the office."

The vagueness of the board's rationale invited questions from reporters about whether the decision had been politically motivated. John C. Fennebresque, the board's chairman, said politics had "absolutely not" been a factor, the Raleigh News & Observer reported.

Burley B. Mitchell Jr., a former board member who had been appointed before the Republican takeover of the state legislature, said it was not surprising that a board with so many new members would want to make a change in leadership.

"It's fair to say it wasn't Tom's team," Mr. Mitchell said. "My impression was really, from the time they took the board over entirely, that they wanted someone different, which is not in my mind a criticism of Tom Ross at all. It's just that a new team came in."

W. Marty Kotis III, who was appointed to the board in 2013, was the lone member to vote against the decision to end Mr. Ross's tenure next year. He said he objected to the "process and timing" of the decision.

TREPIDATION ABOUT WHAT'S NEXT

At college campuses across North Carolina, professors may have some trepidation about what the new team will look for in the next system president. Pat McCrory, North Carolina's Republican governor, has publicly stated skepticism about liberal-arts programs that do not show a clear connection to job creation.

"If you want to take gender studies, that's fine,

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go to a private school and take it," Mr. McCrory said in a radio interview last year. "But I don't want to subsidize that if that's not going to get someone a job."

Most board members at public universities will say that they do not make decisions based on political considerations, but lawmakers tend to appoint people who share their fundamental beliefs about higher education. Ferrel Guillory, a professor of the practice of journalism at the University of North Carolina at Chapel Hill, said the system's board had become more conservative, just as the state has.

"It's fair to say that the Board of Governors is increasingly reflecting the priorities of the Republican legislature," said Mr. Guillory, a former editorial-page editor and columnist for the *News & Observer*.

Mr. Ross's tenure at North Carolina has coincided with one of the most trying periods in the history of the flagship campus. A scandal involving athletics and academics has dragged on for more than four years, and a damning report released in October demonstrated that the university had failed to previously investigate or acknowledge nearly two decades of widespread cheating at Chapel Hill.

There has been no indication that Mr. Ross's departure was in any way a fallout of the controversy. On the contrary, some of his supporters said the president had showed a steely resolve during the turmoil.

"Tom had a heck of a lot of things to deal with simultaneously," said Fred N. Eshelman, a former member of the board.

Mr. Eshelman, who described himself as a registered Republican, said he would be surprised if politics were at play in decisions surrounding Mr. Ross's future at the university.

"When I was on the board, it was my experience that people pretty much checked their political credentials at the door," he said.

Mr. Eshelman, who recently pledged \$100-million to Chapel Hill's Eshelman School of Pharmacy, said he was sorry to see Mr. Ross go.

"Tom did a good job navigating very difficult waters," Mr. Eshelman said. "It's a big loss."



MARK ABRAMSON FOR THE CHRONICLE

Peter Burnham, who spent 27 years as a college president and served two years in state prison: "I failed my own test, and I paid a huge price for it. I was convinced that I was better than anyone else and that I had all the answers."

This Former College President Spent 2 Years in Prison. Here's What He Learned.

By KATHERINE MANGAN

“ **T**HERE’S A FINE line between confidence and arrogance, and I crossed that line.”
With those words, Peter F. Burnham described his rapid descent from president of Brookdale Community College, in New Jersey, to convicted felon. He spent two years in prison paying for his financial misdeeds.

He was speaking this week to an overflow crowd of higher-education administrators at the annual meeting of the American Association of Community Colleges.

“This is not a plea for vindication or exoneration in any shape or form,” said the 71-year-old former president, who also spent two years as chair of the Middle States Commission on Higher Education, a regional accreditor.

He was sharing his story, he said, so that others could learn from his mistakes and avoid the pitfalls that sometimes come with power.

“Humility is a very difficult thing to maintain” when someone enjoys a position of leadership, he said. It’s tempting to think that “you’re totally Teflon and nothing can touch you.”

Mr. Burnham said he wanted to encourage community colleges to offer more education programs to help prisoners become productive citizens. And he was hoping someone would give him a second chance and offer him a job.

He’s ready, he said, “to get back in the game,” if someone would let him.

Mr. Burnham, who spent 27 years as a college president — 20 of them at Brookdale — served two years of a five-year sentence after pleading guilty in 2012 to official misconduct and theft.

He told his story without delving into the details of his crimes, saying only that he had made “serious errors” and that he “simply didn’t understand at the time how consequential” they would be.

Mr. Burnham didn’t dispute the details of his actions as described in news reports. He admitted to using college credit cards over an eight-year period to pay for more than \$24,000 worth of personal expenses, including hotel stays, electronics, and clothing. He also admitted in court to asking his son to apply for a federal student loan to pay

CHICAGO

his tuition, even though Brookdale had already covered the tuition as a perk of the president’s job.

Mr. Burnham took pains to point out that he wasn’t making excuses for his behavior. He said it was ironic that he once taught a graduate course in the ethics of higher education.

“I failed my own test, and I paid a huge price for it,” he said. “I was convinced that I was better than anyone else and that I had all the answers.”

In 2011, after an investigation into his spending resulted in his being put on administrative leave, he resigned his \$216,000-a-year post, and all of his assets and his pension were frozen.

STAYING SANE

Prison was the farthest thing from his mind. Surely, he thought, all the years he had spent building Brookdale’s infrastructure and reputation would balance out the mistakes he had made.

He was wrong. A judge sentenced him to a five-year prison term with a minimum of two years without parole. “I was told I’d end up in a country-club prison,” he said. “I ended up in maximum security” — first, in the intake prison in Trenton, N.J., where all the state’s convicted felons go, and then at South Woods State Prison, in Bridgeton, where the maximum-security unit was the only one with an opening.

Mr. Burnham recalled the early days at the intake prison as “dehumanizing” — being taken from the courtroom in chains and handcuffs, having to change from his business suit to a prison jumpsuit that was three sizes too large. At night, he lay awake on a bed he described

as “a thin slab of metal with no cover or pillow,” listening to the wailing of young men and the scratching of mice in the walls.

He recorded those impressions in essays he wrote “to stay sane.”

About 90 percent of the inmates were African-American or Hispanic, and most were young men. No one could figure him out.

“I was white. I was old. I had a Ph.D.,” he said. No one knew what that was, so he told them he had a doctoral degree.

“They all thought I was a medical doctor, so they

“You say these men didn’t have math literacy, but they could take an ounce of cocaine and figure out seven ways to cut it.”

started to come to me with every ailment,” he said. “After a while, I gave in. I’d tell them to take two aspirins and if it persists, go see the nurse.”

Being a “healer” gave the man they called “Doc” a special status. So did the tough-guy delivery he developed. As a linguist, he appreciated the impact that delivering an expletive with just the right tone had on his fellow inmates.

What he really wanted to do was teach in the prison’s GED program, but that had been cut for budget reasons. When he saw the animated reactions among many of the inmates to shows like *Shark Tank*, where people pitch their ideas to investors, he realized he was surrounded by budding entrepreneurs.

He boned up on patent law and helped them write business plans. He also helped them write appeals.

“It was an opportunity for me to use what skills I had to work with these young men,” Mr. Burnham said. “It struck me how sad it was that there

were no further opportunities for them to learn and grow.”

They were capable of more than people gave them credit for, he said. “You say these men didn’t have math literacy, but they could take an ounce of cocaine and figure out seven ways to cut it.” Many of the violent prisoners he encountered deserved to be there, but most deserved a fresh start, through education programs he’d like to see community colleges expand.

COMING FULL CIRCLE

Blending into the crowd at the Chicago conference in a charcoal-gray suit and black glasses, Mr. Burnham could have been any community-college president easing into retirement. He was soft-spoken, but his words were tinged with bitterness when he talked about the racist attitudes that he said determine who gets paroled and who doesn’t.

“Prison does not rehabilitate,” he said. “Prison



MARK ABRAMSON FOR THE CHRONICLE

After his release from prison, Mr. Burnham received a “termination certificate” that he plans to mount alongside his Ph.D. diploma. Reflecting on his fellow inmates, he says: “It was an opportunity for me to use what skills I had to work with these young men. It struck me how sad it was that there were no further opportunities for them to learn and grow.”

helps criminals become better criminals.”

His break, and his chance to get out on parole, occurred in 2014, when Raymond A. Yannuzzi, president of Camden County College, agreed to let him teach in Camden’s “Gateway to College” program while living in a halfway house across the street from the New Jersey campus.

The program, which began at Oregon’s Portland Community College, is now offered in 41 colleges nationwide, giving high-school dropouts a chance to complete high school while earning college credits.

Mr. Burnham, who had started his career teaching remedial classes and later headed the developmental-education department at Prince George’s Community College, in Maryland, felt he “had come full circle.”

“What happened to me was a rebirth,” he said, “a chance to work with youngsters who were getting a second chance.”

The euphoria was short-lived. While he was appealing to get the freeze on his pension lifted, officials at the state pension office noticed that his job — working at a public college — could violate the terms of his plea agreement, which stipulated that he would not hold public office in New Jersey.

Tutoring dropouts seemed a far cry from public office, but Mr. Burnham said he didn’t want to risk getting sent back to jail, so he quit.

“Just when I felt I was re-emerging into the light,” he said, “the door slammed shut.”

A GRADUATE OF HELL

Mr. Yannuzzi, who introduced Mr. Burnham at the conference session, said the former president had developed a rapport with the mostly poor, minority dropouts who could easily end up in prison themselves. “While there are people who like that work and can connect well with students, no one can do it as well as someone who’s lived it,” Mr. Yannuzzi said.

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Asked by an audience member what effect the scandal had had on his family, Mr. Burnham said it was “devastating” — both financially and emotionally. He also said he regretted the impact of the scandal on the college’s image.

“What happened to me was a rebirth, a chance to work with youngsters who were getting a second chance.”

“The perception was the place was a hotbed of corruption, which wasn’t true,” he said.

Mr. Burnham has been banned from Brookdale, whose main campus is just over a mile from his home. When he runs into former colleagues at the grocery store, “some embrace me and others turn around and walk the other way.”

Some college presidents who now face much more stringent accountability rules resent him for tarnishing their profession, he said.

As humbling as the experience has been, he told the audience he had enjoyed being at a conference among community-college presidents he used to call his peers.

“This is my profession. I want to be part of it, even in a small way,” he said. Still, he realizes, “I’ll always have a scarlet letter. I’ll never be a college president.”

He asked audience members to let him know if they come across any opportunities, and distributed copies of some of the 25 essays he has written since 2012 that he’s trying to get published.

After the session, several people approached him and asked for his business card. It’s a plain, pale-yellow card that says, simply, “Dr. Peter F. Burnham, Higher Education Solutions,” with a generic-looking email address and phone number.

On February 5, Mr. Burnham was released from parole. Two weeks later, he received a “termination certificate” that he plans to frame and mount alongside his Ph.D. diploma.

“I served two years of hell and graduated with honors,” he said, “a better person, stronger, and more committed to our mission of access and opportunity.”

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