

On Trusting in Secrecy

On the afternoon of August 30 a subcommittee of the Cornell University presidential search committee, comprising three trustees, three faculty members, and an administrator, faced a throng of more than 200 members of the faculty. They had come in response to an invitation to tell the committee what qualifications they sought in Cornell's next president. However, of the more than two dozen who rose to make statements, nearly all rejected the announced topic, in favor of criticizing the trustees—often aggressively—for their unexplained decision to force President Jeffrey Lehman to resign in June, at the end of his second year in office. Many speakers denounced the veil of secrecy surrounding the dismissal. In their view, the trustees' silence about their rationale is breeding distrust, eroding faculty morale, feeding the campus rumor mill, making Cornell unattractive to potential candidates. Some characterized the trustees' posture as a form of paternalism that belittles and marginalizes the faculty: by withholding their knowledge of the problems that led to Lehman's dismissal, the board's leaders make it impossible for faculty to think pointedly about the skills and qualities Cornell's next president will need to have, thereby rendering a meaningful dialogue on the subject impossible. While expressing regret about this situation, the trustees on the subcommittee indicated that the reasons for the coup would eventually be shared with the few candidates who become finalists in the search, though not with the faculty.

The Cornell trustees acknowledged, in sum, that a practice of secrecy lies at the heart of their authority to select and appoint as well as to fire the president. By holding to this posture, they accentuated the meager role they had granted to the faculty (three members on a committee of 22) in the search.¹ Moreover, the committee chair reminded the faculty that procedures conventionally adopted in searches for university presidents require secret deliberations. According to the prevailing wisdom, we can persuade good prospects to become candidates only if we promise that their identity will not be disclosed. The guarantee protects them from being compromised in their home institutions. Thus members of the search committee must commit themselves formally to

¹ A few days after the meeting, the Dean of the Faculty announced that two more faculty would be selected for the committee from a group of nominees submitted by the University Faculty's nominating committee.

strict confidentiality. Since a search of this kind is very tightly closed (in contrast, for example, to Cornell's dean's searches, which are opened to the college faculties when finalists visit), it seems designed in a way that will prolong the lapse of trust that now casts a pall over the process .

How then should we understand and perhaps defend the function of secrecy and confidentiality in these circumstances? In the life of institutions, we have to reckon with two aspects of the secret, its double edge. On the one hand, some knowledge has to be reserved for privileged individuals because it is sensitive and would cause embarrassment or dissension if it were disseminated. On the other hand, when knowledge needed or coveted by many participants in an organization is known to be kept secret, the result is friction and resentment. In the academic world, where in theory making knowledge accessible is a cardinal obligation, historians and social scientists have become acutely interested in the use and abuse of information classified as secret. They have often criticized the government for refusing to release information that is not really vital for national security or for withholding too long what would be more valuable to scholars and policymakers if it were released in a timely fashion. They have understood that within organizations of all kinds, sharing information with those affected by the decisions it underlies fosters trust and commitment, whereas the recourse to secrecy does just the opposite: it constitutes a structure of deprivation in which individuals to whom access is denied tend to treat claims about the larger interests of the group with suspicion. To ward off a slide from solidarity into the privileging of individual self-interest, the institution needs to offer its members a convincing rationale for its practice of secrecy.

Against this general background, over the second half of the twentieth century the business world and the field of organizational behavior produced a massive body of work that analyzes the development of trust and emphasizes its value. Institutions function less well when trust wanes and have crises when it breaks down. The mechanisms of trust-building are those of democracy and accountability, which allow the members of an organization to see what is happening, to know their leaders, and to participate with them in making decisions for the common good. A relationship of trust makes it possible for a community to make its leaders trustees, i.e., to entrust them with responsibility for judgments that may need to be confidential and for information that

may need to be restricted. Clearly, then, the condition for maintaining a solid sense of confidence in institutional integrity is not absolute transparency; it is rather the belief that recourse to secrecy will be kept to a prudent minimum and that it will not be used to shield decision-makers from accountability or to spare them from the embarrassment or controversy occasioned by mistakes or questionable decisions. In this literature about trust, the overarching lesson is akin to the understanding of formal checks and balances that our forefathers built into the American Constitution: in a group or a society, the model for trust is not that of a personal relation between two individuals who respect each other's integrity and good intentions, it is rather—necessarily—that of a rule-governed system that requires cooperation and provides for critical and public scrutiny.

In the practice of managing a large organization, what the responsibility for trust implies, then, is by no means simple. It means not that there should be no secrets, not that all information should be available to everyone, but rather that a common, carefully reasoned understanding about what legitimately requires confidentiality, what should be accessible to whom, and what should be publicly disclosed needs to be in place. The understanding that ensures trust will include a commitment to maximal (not full) transparency, but also an agreement on how information will be restricted and what decisions will be exempt from broad scrutiny. Administering this critical understanding is a complex task that requires judgment, experience, and experimentation. In a research university, which is not a “flat” business but remains a densely layered organization, there are sure to be tensions between, on the one hand, our scholarly commitment to openness and to full and clear statements of the truth and, on the other hand, the countless compromises that a big bureaucracy and multi-faceted activity impose on us. No “information policy” will be sufficiently sagacious and capacious to make those responsible for the blend of secrecy and transparency immune from mistakes. However, through their practice of accountability and their openness to discussing decisions vital to the whole community, they can maintain for themselves the chance to acknowledge and learn from mistakes so as to be able to correct them or to avoid repeating them. If it is clear that the art of sustaining credibility and confidence is one of consultation and of sharing responsibility, it is just as clear that upholding relations of trust in a climate of enforced secrecy and stonewalling is difficult, if not impossible.

While I've carefully made these remarks abstract, I've also erected a context for talking about our present dilemma at Cornell. For faculty members, the confidentiality agreement that prevents our departed president, Jeffrey Lehman, and those who speak for the university from discussing, even in private, what happened during the weeks before June 11 is an object of intense frustration. Faculty are exercised because the silence short-circuits dialogue and debate in a community that regards them as fundamental. A further impediment to dialogue about the substance of the trustee decision is the policy evoked by Peter Meinig, chair of the Board of Trustees, according to which the university, constrained to protect the privacy of employees, does not comment publicly on *personnel decisions*. In light of my own experience, I would stress the importance of distinguishing the value of this policy for an employee seeking to avoid public exposure from its effect on one who incurs a highly visible act of executive fiat only to have it cloaked in secrecy.

In the summer of 2002, when I was forced—abruptly and without any face-to-face discussion—to resign as dean of Cornell's College of Arts and Sciences, this same policy was cited by the president and provost when they met with the college's department chairs. When I eventually met with the president, we agreed that it would be important for him or the provost to issue a public statement explaining why they had asked me to step down. I needed such an explanation for my own future in the profession; at the same time, the college faculty and the committee searching for a new dean needed to understand what could hardly be reduced to a "personnel" decision so that their work could go forward on a sound basis during the 2002-03 academic year. The president was to issue such a statement after returning from vacation. Three weeks later, after his return, he acknowledged this understanding in a meeting with me and the provost. However, the statement was never provided.

The explanation in question could hardly have been withheld out of a concern with my right to privacy, since I was pleading for a full and public explanation and was prepared to live with a truthful one, however disparaging it might turn out to be: the college community and I had the same basic need for a serious account of the decision. I could only surmise, then, that the university administration had other—secret—reasons for refusing to provide a substantive explanation of its action. Certainly that retreat into

secrecy was very harmful to me, personally and professionally; the refusal to explain intensifies the curiosity of those kept in the dark, who are left to speculate—sometimes wildly—about what is being suppressed and why. The secrecy also made the search for my successor more problematic than it would have been if the college faculty had received a straightforward account of the university’s rationale, rather than the speculative one I eventually took it upon myself to offer in hypothetical terms. Today, three years later, I have no interest in making my own case an issue: having decided not to pursue the matter then, I’ve moved ahead with a successful return to academic pursuits. On the other hand, I do think my experience with the institution offers our faculty an important insight into the present situation: it shows how secrecy can be used to avoid accountability and evade discussion of substantive issues, and it shows why—as several speakers at the August 30 meeting asserted—the crucial question of trust before us now, made glaring by the exercise of authority that the presidential search embodies, is also one of governance. In dealing with the faculty, the new president will have to face both of these questions.

This reckoning that will take place in the future is obviously relevant to the selection of Cornell’s next president. At this juncture, however, the community’s interest is drawn to the immediate, short-term situation. The faculty is perplexed by the impenetrable secrecy that surrounds the Lehman dismissal: owing to the terms of the confidentiality agreement, we cannot even know who is responsible for initiating the negotiations that led to it. It is evident, in any case, that the lack of a substantive explanation (what has been said so far, in the president’s speech to alumni on June 11 and by university officials, is vague and evasive) is harmful to Jeff Lehman. It is equally evident that the lack of explanation and the resulting lack of discussion of the undefined issues that concern the faculty convey an unflattering image of the university to the world at large and to potential candidates in the presidential search. Insofar as the mystery generates speculation about conflicts going on inside the university, about the dynamics of an institution subject to being managed by a new breed of interventionist trustees in what appears to be a corporate style, about the constraints under which a president of Cornell will be forced to operate, it is plainly counter-productive..

In such circumstances, where the secrecy is detrimental to both parties, how do we justify maintaining it? From within the university, as we are launching a search already haunted by the unprecedented events of this summer, we should obviously be striving to address this problem in order to make Cornell an institution worthy of a strong candidate's interest. But how? Are there measures or adjustments we could enact, as an academic community, that would hold the institutional drift toward secrecy in check and demonstrate our resolve to rebuild a relationship of trust?

Pursuant to hearing the faculty's questions and concerns, I would urge the trustees to consider the following observations and suggestions:

1. A helpful first step that the leaders of the search can take in dealing with the faculty is to acknowledge that we now face an unusual and serious breakdown in trust, and along with it a problem of perception in the universe of higher education. The interests of the university dictate that we work cooperatively toward resolving our internal problem and thereby show the world that we are an academic community capable of pulling together behind our next president. Numerous faculty members have asked if the confidentiality agreement with Jeff Lehman cannot be loosened to some degree. No one is asking for unseemly details of disputes either about academic plans or about administrative practices. The need is for a general sense of the differences that prompted the trustees to terminate their support for the president, an account focused on the institutional options, policies and practices that faculty should be able to discuss with the trustees and administration in a constructive way. If the broad and strict confidentiality that now prevails because of the signed agreement cannot be relaxed for this purpose, the trustees can at least explain why this is impossible and commit themselves firmly to providing for the open discussion of institutional issues in the future.

2. As I suggested above, the problem of trust involves collective or organizational structure and behavior. Individuals and their opinions or intentions are not at issue, but rather the way we govern ourselves and make decisions. Members of the faculty understand that the trustees are men and women of integrity and beneficence who bring great intelligence, valuable experience, astute judgment, and the most laudable aims and aspirations to the work of the board. Whatever went wrong with the 2002-03 presidential search or, more plausibly, with the interaction between the board and the very impressive

appointee whom they chose, the misfire is not an occasion for pointing fingers at individuals; it is a collective, institutional failure that we need to understand by taking some historical distance from it and discussing seriously what, as an organization, we should have done differently and might decide to do differently from now on. By doing this honestly and openly, we could greatly enhance the conditions under which the recruitment of a new president will take place.

3. A critical issue raised by the rapid and astonishing dismissal of President Lehman concerns the nature of the relationship between the president and the trustees. Prior to this summer's unexpected reversal, the university appears to have regarded that relationship as one in which the president is entrusted with the responsibility for articulating the university's vision of itself and for setting programmatic priorities. The role of the trustees has been, fundamentally, to support the president, leaving to him the dialogue with the faculties of the various schools and colleges that nourishes the vision, reveals the means by which it can be put into academic practice, and inflects the institution's approach to seeking resources for its programs. The question raised by the events of June 2005 is whether the trustees have adopted a different posture toward the presidency, whether they have shifted the emphasis from support and consultation to supervision that can entail direct involvement in administration or even the imposition of their own agenda. Will the primary task of the next president be to satisfy the trustees? And if there is dissatisfaction on the part of the trustees, will the faculty have a voice in the matter and a role in determining what is to be done? In the current circumstances, a statement from the chair of the board describing how this crucial relationship will be defined and guaranteeing representatives of the faculty a role in the evaluation of presidential performance would be contribute constructively to a healthy balancing of institutional prerogatives.

4. While the faculty is understandably reluctant to enter into discussions about the qualities of the president to be recruited, it is clear that faculty members can demonstrate their good faith and contribute to restoring trust by considering this question in the context established by the events of this summer and then trying to respond with ideas other than the usual laundry lists built around scholarly achievement, leadership

experience, and personal charisma². Although a single individual can hardly do justice to this task, I can suggest a few obvious lines of reflection.

The first is that we need to find a president to whom the trustees will guarantee their administrative backing, even (especially) at moments of crisis or dramatic change, and at the same time, an academic leader capable of joining with the faculty in developing a system of governance that is conducive to institutional trust. Another is that the next president needs to be clearly entitled to develop a design for the capital campaign in dialogue with the faculty and other relevant constituencies; he or she should be invited to anchor that design in an understanding of the university's essential mission in research, teaching, and service to society. This leaves room for granting that, while commitment to fundraising and attentiveness to feasibility in fundraising are essential, they are unmistakably subordinate to the academic mission for which the president is responsible. Still another answer is that such standard qualifications as leadership experience, breadth of understanding, and a deep well of vigor, initiative, and personal fortitude will be desirable traits in the next president precisely because the capital campaign has been on hold for some time already. The capacity to size up the needs and possibilities of a complex institution wisely and efficiently will thus be crucial, as will the stamina and determination required for a long and strenuous effort.

None of these general criteria dictates that the candidate must hold a Ph.D, must be a sitting president or provost, must belong to a given age cohort, must come from a particular disciplinary background, must be a woman or minority member, must be of a palatable political or religious persuasion, must somehow conform to a predictable profile

² In 2002, the Cornell presidential search committee developed both a five-point summary of challenges to be taken on by the next president and a list of qualities that the *Cornell Chronicle* summarized as follows: "an inspired and inspiring leader, with proven skills, including: A public persona ... Academic leadership experience ... A courageous leader ... Documented success as a fund-raiser ... An excellent recruiter of outstanding faculty and staff ... Significant personal intellectual achievement ... Commitment to the full range of student life and learning issues ... A broad interest in the academy ... Experience and success with diversity ... Experience with academic medical center, hospital and medical school management and strategy ... Commitment to outreach and extension commensurate with a land-grant university ... Experience in and comfort with political settings; ability to work well with community and elected officials ... Experience managing in a complex administrative and financial setting ... A commitment to staff development ... A track record as an entrepreneur ... Confidence in his/her own leadership style." Our documents of this sort resemble closely those produced by peer institutions when they engage in presidential searches. In order to reconstitute them when a new search is necessary, we resort, as do our peers, to a ritual of consultation via meetings with various constituencies. We can doubtless re-use in 2005 much of what was developed for the 2002 search.

so as to be a “safe” bet. On the contrary, the search committee should insist on prospecting broadly and feel free to make an adventurous choice. Since President Rawlings is willing to hold the fort for as long as the search may take, the temptation to choose by default or to make do with slim pickings should be disallowed.

5. My final point concerns the search itself. It may be unwelcome, not because it involves something radical (I shall cite practices in peer institutions to show that my view lies in the mainstream), but because the search process is already underway in conformity with what we have done in the recent past. The question, of course, is whether the difficult circumstances in which we have to launch the current search do not warrant a break with business as usual and a genuinely fresh strategy. I would answer in the affirmative.

With the addition of two faculty members, the Cornell presidential search committee is to have 24 members, of whom 2 are administrators and 5 are faculty (one of the 5 is a faculty trustee). Of the remaining 17, two are student trustees and one is a staff trustee. So 14 of the 24—a clear majority of 58%—are trustees who do not belong to a campus constituency, and a total of 18 belong to the board. Given this composition of the quite large committee, raising faculty representation from 3 to 5 is a welcome gesture of good will, but not a change that can make a significant difference in the conduct of the search. The same can be said of the move to allow a small group of faculty to meet with the final candidates and share their opinions of them with the full search committee: it is unobjectionable, yet unlikely to make a difference, both because the trustees’ control of the process remains preponderant and because the committee’s lengthy investment in the search gives it an informed purchase on the final selection that a previously uninvolved faculty group can’t pretend to match.

It is instructive to compare the Cornell search organizationally to those of two institutions ranked well above us by *U.S. News and World Report*, the University of Pennsylvania and Duke University. The search committee of 21 that selected Amy Gutmann (formerly provost at Princeton) to be the president of Penn early in February 2004 was led by the chair of the Penn Board of Trustees and included 8 other trustees (for a total of 9), 8 faculty members elected by the Penn faculty senate, and 4 students. According to the Penn website, the chair of the faculty senate reported to the search

committee a “consensus that the new administration’s priorities ought to be fixed on academics, with less emphasis on commercial development, facilities, and the like—and that Penn should avoid becoming ‘too corporate’ and too ‘intimately linked’ with business.” At Duke, a search committee composed of 18 voting members and 1 non-voting member chose Richard Brodhead (formerly Dean of the College at Yale) to be president in December 2003. The committee included the chair of the Board of Trustees as committee chair and 8 other trustees, 6 faculty members (one of whom served as vice-chair of the committee), 2 students, one administrator, and 1 alumni member. On neither the Penn nor the Duke committee did the trustees hold an outright majority; on both the relative strength of the faculty contingent was greater than it is on the Cornell committee.

A quite different model for the presidential search is used in at least three institutions with which we often compete for faculty: Brown University, the University of Chicago, and the University of Michigan. In each of these institutions, there is a trustee committee and a separate on-campus advisory committee that makes recommendations to the trustee group. At Chicago, the latter is made up of 7 distinguished faculty members who assume much of the responsibility for finding the candidates and present their advice to a relatively small committee of 10 trustees. At Michigan, where the 8 regents form a committee of the whole, the advisory committee of 16 members includes 9 faculty, 2 administrators, 1 staff representative, 2 students, 2 alumni representatives, and 1 member of the business school’s steering committee. At Brown the 15-member trustee group works with a 13-member advisory committee that includes 5 faculty members appointed by the Faculty Executive Committee; 1 medical faculty member appointed by the Medical Faculty Executive Committee; 2 administrators, 1 appointed by the president and the other by the Staff Advisory Committee; 1 graduate student appointed by the Graduate Student Council; 1 medical student appointed by the Medical Student Senate; and 3 undergraduate students appointed by the Undergraduate Council of Students. Brown and Michigan use a professional consultant, while Chicago does not. At Michigan, after the advisory committee presents its list of prospects to the regents, the regents choose finalists to be invited to campus for interviews *in public*. In all three cases, the independent on-campus group holds a very influential position and can orient the search toward the academic community’s concerns.

These approaches used in peer institutions not only show that there are viable options other than the one we have used in recent searches at Cornell, but also suggest that it would be perfectly prudent for Cornell's trustees to accord representatives of the institution's campus community a more prominent role in the search process and to accept a lesser role for themselves. It would obviously be easier for Cornell to move in the direction of the searches at Duke and Penn, where there is a different membership mix but a committee structure parallel to ours, than to the distinctly different structure used at Brown, Chicago, and Michigan. The advantage one observes in all these cases derives less, I believe, from enhanced protection for faculty interests than from the trustees' willingness to enter into a relationship of collegiality and relative parity that expresses real confidence in the judgment of those who represent on-campus constituencies.

Could Cornell be ready to follow a public university like Michigan³ and open its search to the campus community upon identifying finalists? At present, we are understandably preoccupied with the difficulty of convincing attractive candidates to consider us. Moving from a closed to some form of open search would thus seem to be a dubious risk to run this time around. At the same time, it seems important at least to recognize the flaw in the conventional wisdom. Do candidates who become publicly visible finalists for the presidency of a great university really harm themselves back home? The record of Michigan's recent searches suggests that they do not. At the same time it suggests that the candidate who is chosen benefits immeasurably from being the community's choice, and also that the institution itself is strengthened by the open process. With work on issues of governance clearly on our institutional agenda, we should surely be prepared to discuss the pros and cons of opening the final phase of a presidential search to broader participation.

--Philip Lewis, 9/9/05

³ An even more salient case, which has stirred some controversy in the circles of higher education, is that of the University of Tennessee. Embroiled in turmoil in 2002 after two presidential resignations occasioned by apparent improprieties, Tennessee responded to the concern and skepticism on its campus by holding wide-open interviews with six candidates, going so far as to provide its alumni live access on the Web. The president appointed, John D. Petersen, subsequently published a defense of this process in the *Chronicle of Higher Education*.