

Open Statement to the York University Community on the Flawed Integrity of the Presidential Search Process

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Dear members of the community,

Concerns continue to grow about the integrity of the presidential search process and the deliberate disregard of the views expressed by many individuals and organizations representing the York community.

We have received information about a confidential communication package sent by Rick Waugh, Chair of the Board of Governors (BOG), to the BOG before its last meeting on November 29. Rick Waugh is also the Chair of the Presidential Search Committee (PSC), which was established by the BOG and Senate.

The contents and attachments of this communication shed a harsh light on the lack of integrity in this search process. Rather than providing the BOG with a fair and complete report of the search process and the views of the university community, the information package is selective, slanted and misleading. The continuing distortion of the selection process will be troublesome to anyone concerned about due process at York.

Since the holiday break is now upon us and the PSC will continue its process out of view, it is important to be cognizant of its process thus far, and to consider how best to respond to it. What follows is our analysis of the package sent to the BOG in the context of this larger process and why we think it is misleading and troubling.

The package contains a cover memo from the Chair of the BOG and three attachments. The cover memo mentions several crucial information items submitted to the PSC and the BOG from members of the community. These items are not attached for the Board members to see, nor is their content summarized. Missing items include the following:

- The November 10 statement by two faculty members about Provost Rhonda Lenton's candidacy. This statement is not attached and there is no summary of it, although a number of faculty wrote to the PSC in support of it, and one of the authors, a York Senator, distributed it to Senate.
- The November 21 results of a YUFA poll regarding the presidential search and the prospect of Provost Lenton becoming president. The memo indicates

that the PSC received the results of the poll from YUFA, including a breakdown of the poll results and written comments provided by hundreds of York faculty. Strikingly, none of this content is summarized or attached for the Board members to see! The voice of faculty has been silenced altogether.

- Letters to the PSC and the Board. The cover memo confirms that the Chair of the BOG received “several communications” that were “circulated in public, to the PSC directly and, more recently, to the Board of Governors;” some of these “focused on Provost Lenton as a candidate” while others referred to the “legitimacy of the process” and even to “the legitimacy of the Board itself”. There is no count or summary of these messages, and no reference to the spectrum of views expressed in regards to the candidacy of Provost Lenton.
- Other statements submitted to the PSC and the BOG. Letters from the York University Graduate Students’ Association (YUGSA) and from faculty members, including Prof. Agnes Whitfield, which had a large echo in the York community and the press, are not mentioned in this memo. The November 22 Globe and Mail article covering faculty opposition to this appointment is also not mentioned.

Two documents are mentioned and attached. One is the cross-campus alliance statement co-signed by CUPE 1356, CUPE 3903, YFS, YUFA, YUGSA, and YUSA, representing tens of thousands in the York community, opposing the appointment of Lenton (or of any candidate who shares the same approaches to governance and administration), calling to re-open the search process, and ensuring that the successful candidate more adequately meets the leadership challenges and collegial aspirations of our University.

The second attachment is a letter from a faculty member sent to the PSC. This letter, the only faculty statement Waugh shared with the BOG, strongly endorses Rhonda Lenton. This single letter is offered as an appropriate counterweight to the views expressed by a majority of full time faculty, contract faculty, staff, teaching assistants, and graduate and undergraduate students, with the apparent intent of disparaging their views:

The perspectives motivating the letters embody a culture that has been hampering York University and preventing it from realizing its full potential. It is a culture that builds on radical stances and approaches and promotes an unconstructive discourse on debatable matters; it is a culture of entitlement that advocates for accountability but is not accountable, speaks of social justice and respect but is neither socially just nor respectful, demands collegiality but is uncooperative, campaigns for fairness, inclusivity, and democracy but is unfair, narrow, and undemocratic... I

have struggled with this culture for many years..., but I have been hopeful, and still am, that those same activities the letters are critical of (e.g., AAPR) would set the stage for a serious conversation about how to move York forward in support of its academic priorities.

This letter is a frontal attack on York's mandate and on the critical and social justice scholarship produced by its faculty and students. York appears in the Times Higher Education World University Rankings Top 100 List, a fact widely publicized by the university, precisely because of its outstanding scholarship in this tradition. Trying to save the university's reputation by denying one of its major strengths is perverse; the appointment of the next president should be based, instead, on appreciating a major strength of the university.

In its lengthy defense of Lenton's record, the letter flatly rejects all statements made by the university community. It describes a "scapegoating predisposition, which the agendas behind the letters and YUFA's poll have exploited and exacerbated." The author condemns as "outrageous" the claim that "Rhonda is responsible for rocky labour relations as if relations only involved one side and the other side were not as militant and unreasonable as I have come to witness."

There is a third item attached to the package: a list of the PSC's consultations. The first person on the list is Lenton herself. Their list of consultations is heavily weighted toward administrators. It includes visits to faculty councils (which were more informational segments than consultations with faculty about the president we might want), open consultation sessions (with no detail about the number of participants or their messages), and meetings with student "leaders." How Senate has addressed its own role in this consultation process must also be a subject of strong concern, and has been raised at Senate. These consultations dealt with a general position profile, not with any specifics about possible individuals running for the position.

The last part of the cover memo from the PSC/ Board Chair is a detailed effort to defend the decision to conduct a closed presidential search. Even if the university faculty, students and staff were to concede that a closed search is "normal practice," the issues that this memorandum ignores are nonetheless compelling. A brief summary:

- The memo falsely claims "that no objections to the search process were received until after several interviews had been conducted." Serious concerns have been voiced in multiple fora since the 2005 Senate and BOG adoption of principles for a closed search process that assured a top down and tightly controlled process. In fact, YUFA's bargaining committee tried unsuccessfully to negotiate more open search procedures for senior administrators, with

strong support from the YUFA membership survey on bargaining priorities. These objections have been reiterated throughout the current search process.

- The committee selection process has nonetheless been shaped to guarantee not only lack of transparency but also that the narrow composition and orientation of York's top administration and BOG are reproduced in the PSC. Here the Board went beyond its own stated principles; it assigned the Chair of BOG to serve as Chair of the PSC, and nominated all of its allotted PSC members from within the BOG. Faculty, students and staff have been effectively shut out of the process.
- The memo mentions but does not explain widespread concern about reduced public and academic representation on the Board. According to the 2013 official document on *Protocol for the Composition of the Board of Governors*, "[T]he By-Laws specify that candidates for the Board of Governors shall be reflective of the Arts, Business, Industry, Labour, the Sciences, the Professions and the community at large." However, 95% of external membership in the Board represents corporate interests. This is in violation of the York Act and almost twice the norm established by the CAUT. This violation raises questions for many about the Board's compliance with its own legal mandate and its capability to select a university president.
- The profile of the president issued by the PSC was ostensibly written in response to public consultation. This glossy document is a poor guide to the actual selection process. For example, it states that the new president "reflects the principles of academic freedom, human rights, institutional autonomy and collegial governance" and fosters "a climate of positive, respectful, collegial relations among all members of the University". The memo to the BOG, like other statements from the PSC, mentions no obligation to ensure that the appointed president will fit this profile as understood by the York community. Such a disconnect calls into question whether the "consultation process" has been, in effect, a public relations exercise. Not surprisingly, Waugh's memo does not address the discrepancy between the university's advertised public profile and the reality of a leading candidate for president – apparently Provost Rhonda Lenton – that bears, for thousands in the university community, no relation to that profile.

Together these omissions are enough to create a widespread crisis of confidence in the current presidential search, regardless of whether this search was public or not. In a recent statement, the Department of History Graduate Student Association wrote as follows:

[Provost] Lenton has repeatedly shown disregard for the academic mission of our University, and disrespect for the students, workers, and teachers who are essential to our community. Along with President Mamdouh Shoukri, she has presided over a period of ongoing labour strife, increasing corporatization, and the expansion of administrative positions and salaries, all to the detriment of the teaching and research that make this university vital and reputable. Put simply, our members do not trust Rhonda Lenton with the future of our university. We call on the Board of Governors to reject this appointment if the recommendation is made by the search committee. We also call on the Board of Governors to commit to a search process that is open to the York community, and not dominated by corporate and financial interests.

The issue is not about singling out a particular candidate. It is about respecting the widely expressed opposition of the vast majority of students, staff and faculty to any candidate – whether Lenton or anyone else – whose history, experience and leadership qualities are so at odds with the values of the York community.

The decision before the BOG is whether to act, with eyes wide open, against the expressed will of the majority of the constituencies on campus. Acting in such a way would endanger the health and reputation of the institution. A president that does not meet the most minimal standards of support cannot be a successful president. More than one Canadian university has recently faced serious governance crises due to failed presidential choices and paid dearly at the cost of their reputations. Let us hope that York University is not the next to choose unwisely.

Signed:
Jody Berland
Ricardo Grinspun (York Senator)