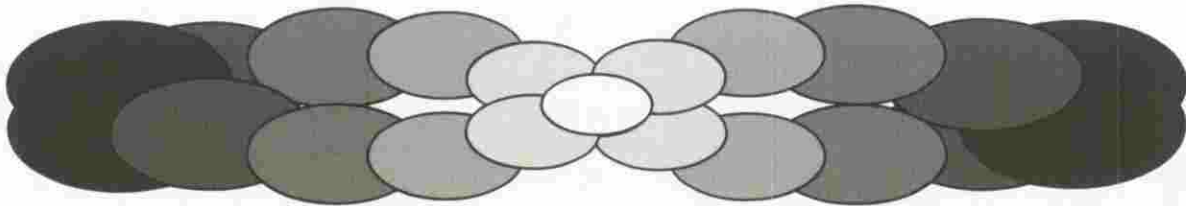


# Managing Confidentiality in an Academic Presidential Search

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## Introduction

A year-long university presidential search effort is bound to generate a number of ideas and suggestions for future search committees. Trying to share practical management lessons in a concise manner has proven to be yet another challenge. Many well-proven management theories and practices from the entire spectrum of the discipline were used in the course of the search. This paper, based on an actual search and augmented by a review of related literature, approaches just one of the myriad issues that must be dealt with by a search committee, namely confidentiality. Search procedures and policies with varying degrees of confidentiality are essential (McLaughlin and Riesman, 1985), yet a newly formed committee will likely find itself in unfamiliar territory with unanticipated, if not threatening, confidentiality issues at the forefront. The fledgling group is further confronted with serious legal issues (Davis, 1994). Although extensive guidelines and checklists do exist, e.g., Nason (1984), Unglaube (1983), McLaughlin (1985, A), and Poston (1997), time pressure can preclude their dissemination and utilization.

The paper presents the general background and management challenge of the illustrative case, then furnishes a brief overview of what transpired. Three confidentiality vantage points are proposed as a framework, followed by related management lessons or recommendations and conclusions.

## Background and Management Challenge Perspective

When his institution's president declared an intention to retire midway through a fall semester, the author, a professor of management, was tapped by the chancellor of the state university system to chair a presidential search committee.

The leadership challenge began with little warning: Selected committee members<sup>1</sup> received notification from the state university system chancellor with instructions to convene on campus in four days. The charge was given personally by the chancellor, with open press coverage, to develop an unranked list of qualified individuals, any of whom would be capable of taking over the top leadership position of the 9,000-student regional university. A four-month deadline was announced, although nine months to a year for presidential searches is considered normal (Unglaube, 1983). Some committee members were strangers to one another, none had experience in what turned out to be a clandestine world of executive head-hunting, and all were more than fully occupied with their own careers. Considerable responsibility for confidentiality rests on the shoulders of any search committee chairperson, who also may be charged with being the only one officially allowed by the governing board to answer questions or speak about the committee's workings and progress (McLaughlin, 1985, B). This was the situation in the case at hand. The paper will provide newly appointed chairpersons a glimpse into the unique and stressful role of being a quasi manager in a set of circumstances which will "require a thick skin, . . . enough to take a little battering while . . . guiding the committee through the morass of debate and discussion" (Holloway, 1997). The committee leader's handling of multiple issues including confidentiality may be viewed from a management theory and practice perspective.

## Overview of the Example Search Process

Upon receiving the charge, which included the requirement to use a professional search firm,<sup>2</sup> open forums were held to collaboratively develop and publish a position vacancy announce-

ment and a specification document. Representatives of the search firm fielded questions about the process. An administrative assistant was hired, a secure office was set up, and a Web site was designed for posting weekly progress reports. Distant off-campus interviews narrowed the candidate pool; remaining candidates were invited for closed on-campus interviews and confidential community visits. Within the deadline, finalists were interviewed at the state capital by the governing board's subcommittee but the picture suddenly blurred when the state chancellor announced his *own* pending retirement. Therefore, closure was not achieved, and the search committee was directed to repeat the process as quickly as possible to generate more finalists. Subsequently, several iterations of the off-campus interviewing procedure were completed along with brief, less obvious on-campus visits until the governing board's subcommittee was able to interview and choose finalists. These names were published. After a state-mandated waiting period, the governing board made its final decision and announced the appointment of the new institutional president on the *exact day* that their chancellor retired.

### **Three Vantage Points for Viewing the Management Issue of Confidentiality**

Although the undercurrent of confidentiality ran continuously through the entire process of the illustrative case, three windows can be developed retrospectively to isolate aspects of the subject. These confidentiality vantage points single out (1) the pivotal policy decision to define the scope of the initial candidate pool, (2) operations, or day-to-day deliberations, duties, and activities of the search committee, and (3) closed on-campus interviews of candidates.

#### **• Vantage Point 1: Development of the Initial Candidate Pool**

To develop a top-quality list of candidates and eventual finalists, a search option is to include sitting presidents or others who are satisfied with their current positions and are not active in the job market. Ashworth (1982) states that "... piracy (stealing a new president from another school) is standard operating procedure." Those candidates and others usually identified by search firms, plus unsolicited applicants who respond to published position vacancy announcements, make up the basic pool. Add to that population assorted nominees and applicants

from the local institution itself, each with his or her unique confidentiality preferences. The dissimilarity of the individual privacy constraints in the candidate pool creates a confidentiality dilemma. For example, some candidates, even sitting presidents, may not mind an open process while others may be nearly paranoid about their names leaking out (Ashworth, 1982). In respect for the confidentiality demands of some, the professional search firm in this case advised the committee early on that an umbrella confidentiality policy would be best with sufficient secrecy to cover the entire population of applicants, candidates, and nominees. That step, agreed upon by the search committee as logical,<sup>3</sup> became a significant benchmark, affecting the entire process from the initial collecting of potential candidates' names all the way down to the publication of the governing board's choice of finalists' nearly a year later.

Incredulity reigned when representatives of the search firm explained in an open forum that eventual finalists might not even be seen by the campus community until the process was virtually completed. The average constituent, including search committee members themselves, had originally envisioned public meetings. The committee's confidentiality policy decision triggered a certain amount of unrest and some deliberate attempts to breach security. Some constituents agreed with the decision while others preferred, if not demanded, that the pool of applicants be drawn openly only from those willing to release their names up front. In retrospect, search committee naivete contributed to unrest. Proposed open search options, which were perceived by the committee to be the ideas of a few local people, could in fact be historically documented, pro and con. For instance, the American Association of University Professors (AAUP) with its cornerstone policy of shared governance, encourages more openness and strongly endorses the policy of electing faculty members to the search committees rather than having appointees. With electors, AAUP agrees on a certain degree of confidentiality particularly in the early stages of the search process (Clausen, 1997). The search committee, having its three appointed faculty members already in place (any consideration of elections now being moot), and not grasping the longstanding constituent interest and seriousness impinging on the issue, refused to even discuss changing its confidentiality policy. Pressed for time, the



committee proceeded at full speed, in effect running roughshod over any dissidents and adding to the discontent.

● *Vantage Point 2: Operations of the Search Committee*

The newly formed search committee realized that confidentiality was going to be an operational issue at their initial meeting when they found the press in attendance. Open records and sunshine laws vary from state to state; the illustrative case in point took place in a state that allows search committees to declare, with appropriate documentation, that they are going into closed executive session when they discuss qualifications of personnel. Other states, such as Florida, demand that the entire search process, including committee deliberations and interviews with candidates, be completely open, inviting searches not only to be seriously compromised but also contributing to committee ineffectuality (McLaughlin and Riesman, 1986). When meeting openly, there was discernable uneasiness during deliberations for fear that leaks could jeopardize the trust placed in the committee by certain candidates. For example, if dates and locations of off-campus interviews were published, overly aggressive reporters might show up and identify individuals. Documented cases of serious aftermaths exist (McLaughlin, 1985, B).

Formal meetings, as it turned out, were not as time consuming as other activities of individuals and small groups of committee members in and out of the designated secure search office complex. Office operations included conducting telephone referencing calls, reading files and making notes, preparing and mailing correspondence and information packets, shredding confidential papers, etc.

Confidentiality in that office became a constant constraint.<sup>4</sup> The search committee chairperson and the administrative assistant had to quickly set up all-encompassing office operational and confidentiality procedures to cover important present and future administrative activities. For example, telephone referencing by committee members can be extremely hazardous to confidentiality if it is not handled carefully (McLaughlin, 1985, B) The degree of confidentiality desired by each candidate had to be checked and double-checked before any calls were made. There were complex logistical operations outside of the secured office as well.

Some committee members were asked to travel long distances on short notice to interview candidates. It should be noted that in office operations, a state's open record laws could hypothetically be overzealously enforced without warning. A search committee might violate confidentiality trust by having too much detail in writing or saved in e-mail messages that the courts might subpoena. Even in a state that allows closed executive session meetings while discussing personnel, it would be very difficult to sort out personnel and non-personnel-related paperwork or e-mail if faced with a court order.

● *Vantage Point 3: On-Campus Visiting and Interviewing*

When candidates arrive on campus, there is little doubt that confidentiality will be compromised to some degree. The approach taken in this case was to treat all candidates equally, based on the maximum degree of confidentiality requested by any individual. Incidentally, some candidates opted out of the process completely at this juncture, leaving the search committee wondering if the invitation to visit had been a tactical error (Dowdell, 2002). The governing board was consulted for advice and agreed that on-campus visits were appropriate. In retrospect, the extraordinary efforts to prevent candidates' names from getting into the press paid off for several individuals, who later reported that their visits were inconsequential to their current job positions. Other candidates would not have minded press coverage at all and considered being finalists as positive steps toward eventual academic presidencies. Since this highly intense and complex effort involving closed interviews with an expanded search committee<sup>5</sup> did not result in the hiring of a president, it was not repeated during further reiterations of the search.<sup>6</sup> Rather, candidates who visited met only with the current president and two vice presidents, with the candidates asking their own questions.

What can now be recognized as pent up demand for information by some key administrators dramatically materialized around the meet-and-greet receptions in the form of rumors, open banter about candidate rankings, and subsequent unofficial telephone calls to colleagues at candidates' institutions. Quite logically, those in the organization who normally exercised power over information become more than frustrated by being left out of the loop. Kreitner and Kinicki (2001) note that the traditional



organizational caste system is made up of information "haves" (managers) and "have-nots" (nonmanagers). Some administrators demonstrated obvious disdain for the confidentiality policies that had guided the planning of candidate on-campus visits. This behavior, explainable but not anticipated by the search committee, was unsettling and in one incident compromised confidentiality. A sitting-president candidate encountered considerable hostility from her institution's governing board based on an unofficial referencing telephone call.

### **Management Lessons: Recommendations for Future Searches**

#### • *Lesson 1: Need for Training*

Governing boards should have presidential search committee training programs in place. Expecting busy individuals to read selected literature, especially under time pressure, would not be adequate. Without appropriate training, the search committee is vulnerable on many fronts, including that of setting confidentiality policies. Furthermore, since there is a body of literature dealing with presidential candidate confidentiality, search committees need to have some knowledge of the various arguments that have been rehashed in the past. Otherwise, the search process could be blindsided to the point of serious disruption. Professional search firms most assuredly can help the search committees, but this should not be the sole source of understanding by the committee nor should it be so dependent on consultants as to lose management control. Training should include hypothetical confidentiality scenarios and actual cases. The committee also needs to fully understand the state sunshine or open record laws, which can drastically affect the broad issue of confidentiality.

#### • *Lesson 2: Once Trained, Hear Dissidents and Others Out*

Constituents, whether interest groups or individuals, should be allowed to express their view on how to deal with candidate pools and other aspects of confidentiality. The search committee would benefit by entertaining as many viewpoints as possible, with full understanding of state sunshine laws, prior to setting a confidentiality policy. There will always be complainers, but every effort should be made to respect differences of opinion and to communicate with some

degree of empathy. Although time was of the essence during the several open forums held during the case in point, opportunities to confront differing opinions were not taken. In other words, the search committee could have been more proactive in encouraging open debate rather than delaying beyond the point where the confidentiality policies were firmly in place. The training recommendation in Lesson 1 could contribute to more effective use of time by preparing the search committee to expect certain well-worn arguments. However, if the governing board delegates full authority to the search committee to set confidentiality policies (as was done in our case), the training must not unilaterally impose the board's will on the institution's search process. Open discussions should make it clear to all constituents that the search is, in fact, under the control of the local committee until the slate of finalists is sent to the governing board. Thus, aggressive proactive communication early in the process could help offset future conflicts stemming from misperceptions (Dowdell, 2002).

#### • *Lesson 3: Utilize Historical Search Committee Operations Experience*

The case in point required considerable reinventing of the wheel insofar as many office operations and outside activities were concerned. Although the governing board was helpful and contact with former chairpersons of search committees was valuable, many operational procedures were developed locally from scratch. Considering the normal duties and activities of these volunteers and appointees, too much time and energy was expended. Debriefings of members of recently completed search committees at the governing board level, with proper documentation, could prove invaluable to future search committees. More than simply speeding the process, knowledge of proven procedures could prevent serious confidentiality leaks and potential legal actions.

#### • *Lesson 4: Request an Executive Order Directing Administrators to Honor Confidentiality Policies*

In the case at hand, the search committee never thought to ask the current president to formally direct administrators to honor candidate confidentiality. Is it any wonder that the secrecy-inspired demeanor of the search committee members during on-campus interviews was often met with light-hearted indifference by



some constituents? Few understood the potentially serious ethical and legal issues involved, even if for only one or two of the total candidate pool. Once the overall confidentiality policies have been established and promulgated by a search committee, confidentiality goals would best be served if the governing board is top executive *and* the outgoing president jointly issued a strong executive order (or, for extreme situations, a gag order) reinforcing the policy. To drive home the seriousness of the issue, a presentation by a governing board representative to key administrators would be very beneficial. Legal counsel should be present, and the audience should hear about actual cases with legal repercussions to academic administrators. After that step, any on-campus candidate visits should be easier to orchestrate, allowing more interaction with administrators while reducing exposure to confidentiality leaks.

### Conclusions

Having set a rather high candidate confidentiality policy, there were two major surprises in the search process of our case that negatively affected the search committee's intent: The unexpected animosity of some constituents upon learning of the candidacy secrecy policy, and the unexpected dysfunctional behavior of some key administrators during on-campus interviews. The search committee would have benefited by governing board training and tighter control of confidentiality among key institutional administrators. Access to proven operational procedures would have facilitated the entire process. We recommend that governing boards methodically address confidentiality issues, develop appropriate training, and establish operational guidelines and procedures for future search committees. Formal debriefings of committees that have concluded their tasks could contribute to the knowledge and training base.

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### FOOTNOTES

<sup>1</sup>The state governing board of regents' chancellor solicited multiple nominees from the institution's faculty senate, council on staff affairs (COSA), student government association (SGA), foundation, and alumni association. The chancellor narrowed the group to seven participants, according to a pre-existing university system policy. Search committee nomination and selection also included diversity balance in academic discipline, age, gender, and ethnicity. Committee composition was three faculty members and one person each from COSA, SGA, the foundation board, and the alumni association. A governing board subcommittee, chaired by the state regent located closest to the institution, oversaw the process and made the final selection.

<sup>2</sup>Although expensive, this requirement significantly helped to offset the phenomenon of "busy amateurs with neither the necessary knowledge nor established procedures" trying to handle the complex and accelerated process of a presidential search (Rent, 1990, p.15).

<sup>3</sup>The search committee's unanimity was influenced by the particular very positive circumstances facing the university at that moment in history. Comparison was also made to that of a hypothetical Fortune 500 company looking to fill the vacant chief executive officer position. The goal was to find the best possible finalists for the job and not allow the candidate pool to be limited by confidentiality issues. According to McLaughlin and Riesman (1985), who in turn cite five other scholarly sources, "All search consultants and scholars of the search (process) with whose work we are familiar, agree that the most desirable candidates can be brought forward only under a guarantee of confidentiality."

<sup>4</sup>In another search, an administrative assistant momentarily stepped out of her office and upon returning found a professor reading the list of candidates (McLaughlin, 1985, B). In the sample case, a local citizen spotted a committee member in the search office, barged in, picked up some candidates' files and announced that he wanted to find out what was going on.

<sup>5</sup>State governing board policy allows search committees to temporarily expand for on-campus interviews based on a formula. Plans had not been made in advance, however, and more constituent discontent was experienced when appointments to the open slots were quickly made by the search committee rather than by holding elections.

<sup>6</sup>The on-campus agenda included closed interview sessions with the expanded search committee, tours of the campus, courtesy calls on the current president, and brief, closed, meet-and-greet receptions with key administrators. Candidates' resumes were provided to the current president, the academic vice president, and the vice president for business and finance on the day of the visit rather than in advance. Search committee members handled transportation and hosted candidates at meals, accompanied by key civic leaders. Spouses were welcomed and provided with their own itineraries, joining the candidates at the reception, campus tour and at meals. Pledges of confidentiality were signed by institutional personnel. Opportunities were afforded candidates to view housing options with realtors, tour the community, and/or investigate schools.

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