The News-Gazette
November 18, 2010

POLICE TRAINING INSTITUTE

UI plans to drop program at end of 2011

Officials: Facility doesn't fit in with rest of campus, isn't affordable

By PAUL WOOD
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CHAMPAIGN — The Police Training Institute will close by December 2011 because the University of Illinois can no longer afford its $900,000 annual cost.

Interim Chancellor Robert Easter and interim Vice Chancellor Richard Wheeler wrote the PTI on Wednesday to say that they "will honor all of our obligations to the staff of PTI and will assist them in their career transitions."

UI Police Chief and interim PTI Director Barbara O'Connor will work on a transition plan.

Campus spokeswoman Robin Kaler said funding for the training "hasn't kept pace with the increases in costs, so the campus had to review where this kind of training falls within the missions and priorities of the campus as a whole."

Wheeler and Easter noted that the institute has worked to reduce costs.

"Since fiscal year 2008, PTI has reduced its expenses by 45 percent. PTI also renegotiated more favorable leases and continued to work with the Illinois Law Enforcement Training and Standards Board on its deficit reduction plan. In this fiscal year, PTI will improve its cost structure by eliminating $666,251 from its budget, including reductions in personnel."

Please see PTI, A-10

PTI

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The Stewarding Excellence team estimated that PTI would end the last fiscal year with a $262,000 deficit, though that figure could change depending on course enrollments.

Kaler said 14 employees are affected — 10 academic professionals and four civil service workers. The latter employees could move to other departments on campus, depending on seniority, she said.

Kaler said tuition dollars can't be diverted for funding PTI activities on a long-term basis.

"Campus administration and the current and former directors of PTI have worked very hard to secure alternative funding, but no reasonable funding solution has been identified," she said in an e-mail.

The institute had been under scrutiny as part of the Urbana campus' belt-tightening in the wake of reduced state funding.

A budget review report released in June said the unit has little connection to the UI's educational mission.

"There is not a strong, observable synergy between PTI and any academic unit on campus," said the report. "PTI does not serve a core mission of a land-grant university. There is no justification to provide $900,000 in annual university general revenue funding to train police officers. This high subsidy necessarily diverts money that is meant for more essential campus priorities."

The team also looked at cost savings, exploring the possibility of "staffing PTI with adjunct or similar-contingent staff members," the report said.

The full report from May is available online at http://bit.ly/PTIreport.

The General Assembly created PTI in 1955, "for the purpose of training police officers in the state in the methods of maintaining police services at a level consistent with the needs of the community."

Easter and Wheeler noted that a state law created the institute but has not provided sufficient funding for it.

"The state Legislature's creation and placement of PTI at Illinois was an acknowledgement of the importance of law enforcement training and the trust that the state Legislature had in our ability to provide the highest level of professional and cutting-edge training to the law enforcement officers of our state," they wrote.

"The establishment of the police academy came with a specific appropriation to help support its operations. The state currently does not support PTI at a level that avoids a subsidy from campus funds."

The News-Gazette
November 18, 2010

UNIVERSITY OF ILLINOIS

Admissions reforms 'effective'

One-year reviews notes 'firewall' put in place after 'Category I' scandal is preventing any meddling in decisions

By JULIE WURTH
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URBANA — Admissions reforms imposed after the "Category I" scandal at the University of Illinois proved "extremely effective" in eliminating improper influence on admissions decisions, a one-year faculty review has found.

In a report to be made public later this month, the faculty Senate Admissions Committee said the "firewall" created to prevent top UI officials, legislators, donors and other prominent figures from meddling in admissions decisions appears to have worked.

The university's Admissions Task Force called for the intensive one-year review in September 2009, when it recommended the firewall and other reforms, including a public appeals process for applicants who are denied admission.

"I think the admissions task force a year ago did an excellent job in placing this firewall immediately around the admission officials and individuals involved in admissions decisions. That's where it needed to be, and it very effectively insulated the admissions process from any undue influence,"

Please see UI, A-10

On the Web
Office of Undergraduate Admissions website: http://bit.ly/cSfSEC.
To see the September 2009 Admissions Task Force Report: http://bit.ly/9wS4pT.

UI worries about declining enrollment

The University of Illinois should address the declining percentage of applicants who accept offers of admission, a number that has dropped steadily for five years, a faculty admissions committee says.

The "yield," as it's known, dropped from about 45 percent in 2007 and 2008 to 41 percent in 2009 and about 38 percent this year, according to UI figures.

"We're concerned about the quality of students we're getting. A large factor is probably increasing tuition," said Professor Michael Biehl, who chairs the Senate Admissions Committee, which just completed a one-year review of admissions reforms on campus.

UI spokeswoman Robin Kaler said the campus works constantly on how to increase yield, surveying students each year to find out why they choose not to attend the UI.

The top five reasons? All financial. Tuition is too high, or they get better scholarships or financial packages at other schools, Kaler said.

"We know that's the source of the problem," Kaler said. "That's why we have a major campaign to raise money for scholarships."

Competition for top students in the Chicago market increases every year, she said.

The academic credentials of each incoming UI class continue to rise, she said, but "we want to make sure we're not losing the best and brightest Illinois residents to other states."

JULIE WURTH

UI

Continued from A-1

said Professor Michael Biehl, chairman of the faculty admissions committee.

A 2009 investigation by the Illinois Admissions Review Commission, prompted by media reports of admissions abuses, found that scores of politically connected students over five years were admitted to the UI over more-qualified applicants, under pressure from trustees, legislators and others. The UI kept a "Category I" list to track applicants with powerful backers.

The commission suggested reforms to protect the integrity of admissions and make the process transparent to applicants and the public. The UI abolished the "Category I" system and appointed its own Admissions Task Force to draw up reforms.

As a result, the UI publicly posted its admissions criteria on the Office of Undergraduate Admissions website; formalized its appeals process and posted it on the website; and created an ethical code for every campus employee, prohibiting outside influence on admissions decisions.

It also created the "firewall" around admissions, allowing only the applicant or his parent, guardian, spouse or guidance counselor to communicate with admissions staff about the student's status. Third parties — including trustees, government officials and other UI employees — are banned from contact, and any inquiries must be logged for review by the Senate Admissions Committee.

An important measure of the firewall's success was the low number of entries — just 15 — on the "Third Party Inquiry Log," Biehl said.

Most were "innocuous," he said, and only two could be considered questionable — including one from a student's mother last February who "gave veiled threats about contacting her congressman if things didn't go the way she expected."

Several were letters of recommendation, which are not accepted for undergraduates.

In one case, an admissions staff member in the College of Education reported a phone message from a UI Foundation official who wanted to attend a meeting with her about an applicant.

"The staff member was under the impression that (he) was trying to influence the admission decision based on his connections with the U of I," wrote Elizabeth Kibler, director of graduate and professional admissions. "I informed her that if he continued to attempt to influence the decision, that she should inform me so that I may take any appropriate action."

There was no evidence that the inquiries had any beneficial effect, as the admission rate for those students was similar to the overall success rate for the fall 2010 admitted freshman class, Biehl said.

Before the firewall was established, third-party inquiries had numbered in the hundreds, Biehl said.

Biehl said his committee began its work after the UI's 10-day enrollment figures came out in September, when it was clear how many applicants from the 2009-2010 admissions cycle had enrolled this fall. A review of admissions statistics "did not reveal any areas of concern or evidence of trends regarding bias or improper admissions decisions," the report said.

The panel also examined a random sample of successful appeals to ensure the decision to overturn a denial was warranted, Biehl said.

Very few were successful, he noted. Of the nearly 8,900 students denied admission, 157 filed appeals, and 18 were admitted, said UI spokeswoman Robin Kaler.

The new procedures were thoroughly communicated to admissions staff, the campus and public through numerous employee training sessions, mass e-mails from the chancellor, and information posted on websites that is "easily accessed," Biehl said in a report to the Senate Executive Committee earlier this week.

The panel recommended continued training for new university employees and ongoing annual reviews of the admissions system "for the foreseeable future."

"Everyone should recognize what the rules are," Biehl said.

Keith Marshall, associate provost for enrollment management, could not be reached for comment Wednesday. But in a conversation last spring with The News-Gazette, Marshall said there's now a "hypervigilism" about admissions.

News-Gazette staff writer Paul Wood contributed to this report.

Title changes have 'decent' chance to get passing vote

Chad Thornburg News staff writer Contact me
Posted: November 17th, 2010 - 11:59 PM
Updated: November 17th, 2010 - 11:59 PM
Tagged with: Campus
Printer Friendly

The University administration could have a new look once the Board of Trustees adjourns Thursday on the Chicago campus.

The board is scheduled to vote on proposals that would establish a vice president of Health Affairs and add "vice president" to each of the campus chancellor's titles.

The board would also change the title of vice president for technology and economic development to vice president for research, a suggestion of the Springfield campus senate.

The original proposal would have created a vice president of research, technology and economic development if the draft went unamended.

Trustee Lawrence Oliver said the administrative restructuring has a "decent" chance of passing Thursday.

"I know in general there's a lot of support from the board to the president, and we've kind of been made aware of this restructuring for quite some time so I don't sense that it's going to be a problem passing," Oliver said.

He added that the advice of the campus senates is "vital" to the board's decision.

University spokesman Tom Hardy said the Springfield senate's vice president for research suggestion was the only change he was aware of that resulted from the consultation process.

According to the proposals, one of the main reasons for the changes is to increase the effectiveness of the president.

"The effectiveness of the president was diminished in large part because the institution lacked a clear line of administrative authority," Hardy said.

"In the past there was some confusion and lack of clarity that the chancellor reports to the president. This will make that clear by changing the titles and incorporating it in the University statutes and the general rules."

The Urbana-Champaign senate rejected the proposals in their original form, citing too many unanswered questions and diminished independence among the campuses as its reasoning.

Urbana student trustee Daniel Soso said he agreed "100 percent" with the Urbana senate's recommendation, but he would "be surprised if it doesn't pass."

Soso was selected by Gov. Pat Quinn in September to be the student trustee with a binding vote.

Although the vote is scheduled for tomorrow, the Chicago campus recommended that the board postpone its decision until March.

Oliver said he personally feels that enough time was allotted for review of the proposals and feels the board is ready to make a decision.

"I think enough time has been devoted to consideration of it," he said. "All the view points have been presented, have been weighed, and I personally think it's right for a decision."

If the proposals pass, the implementation process will begin immediately, Hardy said.

The administrative restructuring is part of the board's regular agenda, which will be addressed at about 3:20 p.m. at the University of Illinois-Chicago Student Center.

The meeting will begin with roll call at 8:00 a.m. and is scheduled to conclude at 4:30 p.m.

Give thanks to the University for getting the job done this year

The Daily Illini Editorial Board Contact me
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Tagged with: Editorials, faculty, Gregory Hall, Lincoln Hall, Michael Hogan, Robert Easter, salary, University of Illinois
Printer Friendly

The majority of undergraduate students at the University have experienced some tumultuous times during their college years. For many, telling family and friends where you went to school has sparked debate over nonacademic topics, such as an admissions scandal or a wildly large deficit in the school's budget. The bad news outweighed the good, and it was unfair for students to have to be the face of that bad news.

It does seem, however, that the University has made significant strides since a year ago, when our administrative structure was in shambles and our teachers refused to do their jobs because of stalled contract negotiations. We have a new president in Michael Hogan, who, despite his enormous salary, seems to be working tirelessly to turn this ship around. And our teaching assistants are marking the anniversary of their strike with a peaceful remembrance, not an angry stand-off.

The current climate of the University has indeed turned — in a refreshing, positive way. With Thanksgiving approaching, we'd like to give our thanks to the leaders, faculty, staff and students of this University who have worked to make our school one of the finest anywhere.

We're thankful that, despite our current dismal fiscal outlook, projects are still being green-lighted. Numerous campus buildings are undergoing much needed renovations, including Lincoln, Gregory and Huff Halls. Perhaps even more exciting, the University is finally moving forward on an enormous wind turbine project that would help power the University in the future, a move that would make the University one of the greenest around.

We're thankful for the administration who stepped into uncertain roles as interims so the governing body of the University could still function during turbulent times. People like Robert Easter and Richard Wheeler have performed their jobs with great professionalism and care.

Thanks must also be given to the faculty and staff, who have suffered wage freezes and furlough days to help keep the University financially afloat. They could have packed up and gone to other universities where paychecks may have been higher, and some did. But the willingness of most to stay on campus demonstrates their dedication to the work being done here. Their presence reinforces the notion that this University is a special place.

We're thankful that we have organizations like the Graduate Employees' Organization, the Graduate-Undergraduate Alliance and the various teacher unions who demonstrate their dissatisfaction with the University when they feel public protest is necessary. Their presence also reinforces that the people studying and working here care deeply about the place.

And despite the recent spike in crime this fall, it is apparent that University Police and Housing are taking proactive measures to make this campus a safer place.

In less concrete terms, the University has seemed to stabilize in just a year's time. There were moments last year where it felt like the entire institution was crumbling around us. For the aforementioned reasons and others left off this list, we are, once more, finding confidence in our school.

For that, we are ultimately grateful.

Chicago Sun-Times
November 18, 2010

State leaders must step up on budget

This game of chicken has got to stop.

While Illinois politicians stall — taking no steps forward and two steps back — the state's deficit grows. The hole is approaching a mind-boggling $15 billion.

And there's no plan to deal with it.

Gov. Quinn is again pushing an income tax increase, which we've long backed as one part of any realistic budget plan, but no one has his back.

Republicans refuse to consider an income tax increase until a laundry list of reforms — some essential, some not — are in place and then, and only then, will they consider a tax increase.

House Speaker Mike Madigan, who on Tuesday finally spoke on this issue publicly, said he would not muscle through a tax increase using only Democratic votes.

Illinois, again, is stuck in nowheresville.

The only glimmer of hope came when Madigan said any budget plan must include spending cuts and additional revenue.

We couldn't agree more.

We've long argued that a combination of a tax increase, along with more budget cuts, reforms to the Medicaid and pension systems and some pro-business reforms, such as adjustments to the workers-compensation system, are what Illinois needs to right itself.

So let's hear what Madigan has to offer. Simply sucking the air out of Quinn's tax increase doesn't cut it.

Madigan also said Tuesday that he doesn't "control" Democratic lawmakers, as the media like to say. Yes, some state reps are genuinely opposed to a tax increase and Madigan may not be able to sway them.

But to suggest that Madigan can't influence many of them — particularly if he offers up a budget plan that does more than raise taxes — is hogwash.

Madigan just came off a supremely successful election. He held on to his majority in the House because of shrewd planning, discipline and, yes, the tight control he exerts over Illinois Democrats.

But — and forgive our naivete here — what's the point of holding power if you do nothing with it?

There is no issue of greater importance to Illinois government than setting the state on a path toward fiscal health.

Madigan does not hold all the cards, we'll give him that.

But he sure holds a lot of them.

Chicago Tribune
November 18, 2010

Caution, Governor

Since Gov. Pat Quinn won the election, he feels he has a mandate to raise Illinois taxes. Does he need to be reminded that a recall referendum was also passed by the electorate? Does he really want to push that mandate idea?

—Bob Fitzgerald, Mount Prospect

Shrink government

I found it surprising Gov. Pat Quinn during post-election interviews proclaimed he received a "mandate" from voters to raise the state's income tax.

That sounds like good spin, but the governor may have a hard time convincing legislators of both parties, who will choose to focus on how their own constituents voted. Legislators are elected from districts, and throughout Illinois outside of Cook County, the candidate for governor who opposed higher taxes beat the candidate for governor who supported higher taxes.

The governor may find it tricky convincing suburban and downstate Democrats and Republicans that the people in their districts gave him a mandate to raise their taxes, when that is not how they voted.

I hope Quinn realizes the mandate most legislators will take from their voters is that they want smaller government, public pension reform and fewer taxes and less regulation. Now more than ever, both parties need to work with the governor to reduce the size of government, reduce spending and accept that the majority of people in Illinois want to shrink, not grow, and reform Illinois government.

—Kirk W. Dillard, Illinois state senator, R-Naperville

The right thing

I'm 66. Our adult generation spent us into a hole billions of dollars deep. Gov. Pat Quinn wants to raise taxes and pay this debt ourselves, rather than pass the bill on to our children and grandchildren. What a radical he is.

—Al Kirkland Jr., Elgin

No new taxes

Politicians say that a recession is a bad time to raise taxes. Do they mean that it's good to raise them when the economy is strong? It's always a bad time to raise taxes. We need a tax decrease.

—Brad Pettit, West Dundee

The News-Gazette
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Eliminating aviation is not a good idea

I am concerned by the University of Illinois' plan to close its Institute of Aviation at Willard Airport.

As I understand it, students who want an aviation education will be expected to enter another college while the flight school may be closed down or privatized.

Savings are expected because students' tuition and fees do not cover the cost of their education. But don't colleges within the UI need tax money to subsidize the cost of education? Is there any evidence that the UI loses more money per student now than it would if changes are made?

If all 150 aviation students remain with the UI (but in another college), are there any savings?

If you were a prospective student interested in aviation and had the grades, ability and money for a Big Ten-level education, would you enroll at UI or in Purdue or Ohio State's aviation programs?

UI students in aviation pay more than $30,000 per year in tuition, flight fees and room/board. For 150 students, that's $4.5 million each year that could leave our community and possibly state. Secondary damage could include $900,000 in salaries paid to instructors and maintenance personnel.

The Federal Aviation Administration plans to move 10 federal jobs from Champaign to Elgin in three to four years. These are the radar approach controllers. I am involved in trying to reverse this decision .

If the UI flight program remains at risk, the odds of winning this argument are greatly reduced. I understand the Institute of Aviation has $1.25 million in research funding. Where will this money go if the aviation program is cancelled?

This is the time to improve or streamline our institutions. I am, however, unconvinced that eliminating the UI aviation program will leave us in a better position.

KARL JENSEN
Tolono

Chicago Sun-Times
November 18, 2010

Off-base on Ayers

In regard to Neil Steinberg's column, "Maimed firefighter reminds ex-radical prof of bombs' toll": I am sorry to hear about Chicago firefighter Daniel Cales' 1983 injury, when his fingers were blown off by a bomb at a Chinatown restaurant. But for the life of me, I cannot figure out the connection between this incident and Bill Ayers' rejected request for emeritus status at the University of Illinois at Chicago. Ayers and the Weathermen (which disbanded in the 1970s) had nothing at all to do with the Chinatown explosion, which apparently was not politically motivated.

What next? Blaming Ayers for World War I, on the grounds that the assassination of Archduke Ferdinand, which triggered the war, also involved a bomb?

Steinberg defends the denial of the emeritus honor on the grounds that "schools are businesses. Having a wingnut as a professor detracts from the school's hard-earned reputation." But universities are not supposed to operate like lock-step, top-down corporations; they are designed expressly for the protection of unpopular opinions and unfettered discussion. Does Steinberg wish for a return to the McCarthy era, when dissident faculty members were routinely fired, thanks in part to illogical and insinuating media attacks like this one?

Hugh Iglarsh, Skokie

News

Slimming Sports Spending

November 18, 2010

When college athletics programs cannot cover their expenses with generated revenue, they are forced to rely on funds allocated from their institution's wider budget. Since only 14 National Collegiate Athletic Association member institutions report positive net revenues from athletics, nearly all NCAA athletics programs rely on this practice. In a report it issued last summer, the Center for College Affordability and Productivity termed the growing subsidy of these programs with funds from institutional budgets and student fees an "athletics tax."

On Wednesday, as part of its larger "25 Ways to Reduce the Cost of College" series, the center released a set of recommendations on how to "end the athletics arms race," arguing that "mutual cooperation across institutions is necessary to reduce costs through methods such as limiting coaches' salaries, restricting excessive travel and shortening athletic seasons."

The center's primary recommendation for trimming athletics spending is to reduce salary expenses, especially those of football and basketball head coaches, whose salaries constitute the largest expense incurred by most athletics programs. In 2008-09, head football and basketball coaches made, on average, about $219,000 and $202,000, respectively, but many make much, much more. In the most extreme example, the center cites John Calipari, head basketball coach at the University of Kentucky, who was wooed away from the University of Memphis in 2009 for a record eight-year, $31.65 million contract.

The NCAA argues that it cannot simply institute a salary cap for coaches because doing so would likely violate antitrust laws. Some college athletics watchdogs, including the Women's Sports Foundation, have called upon Congress to grant the NCAA "a limited exemption that would permit salary caps for coaches."

In the absence of an external body like the NCAA instituting a salary cap, the center encourages campus-level administrators to exercise more oversight of spending and encourage more transparency in the hiring process.

"Is it truly the case that at a majority of [Football Bowl Subdivision] schools the institutions as a whole values the football coach more (or at least pays them more) than the university's president?" the center's report reads. "Does such a large allocation of resources to a single coach really fit into institutional priorities? A careful consideration of these questions is necessary before contracts are awarded. ... Ultimately, boards of trustees have the power to refuse such wild contracts and need to be bold in allocating funds to those programs that best fulfill the priorities of the university."

Since coaches' salaries are often driven up in bidding wars between institutions, the center recommends that institutions put provisions in coaches' contracts that "include strict financial penalties for coaches who opt out of contracts before their agreed-upon term is completed." By way of example, the center cites the contract of Frank Beamer, football coach at Virginia Tech, which includes an undisclosed fine for just such an action.

The center's secondary recommendation is to reduce the number of athletic scholarships, particularly in the sports where the most scholarships are offered. Football teams, for instance, may offer up to 85 scholarships. By contrast, there are only about 25 "unique positions" on a team; in the National Football League, teams are allowed an active squad of 45 players, along with 7 reserve players. In this context, the report encourages a reduction to the maximum number of scholarships per football team.

"Certainly there is some need for reserve players, especially considering the high incidence of injury," the center's report reads. "Yet, even if three scholarships per position were allowed, only 75 scholarships would be necessary, and a good case could be made that

even three per position is excessive. ... Athletic departments are unlikely to pursue this reform on their own for fear of losing a competitive edge with others; however, a uniform rule change by the NCAA would eliminate this problem and help schools save money."

The center provides a few other broad-based recommendations to trim athletics costs, including:

- "Rent existing facilities rather than building new ones." For example, the report cites college football teams that play in stadiums owned and maintained by nearby professional teams. If an institution does have its own facilities or wishes to build them, the report suggests "leasing them out when not in use" for concerts, conventions and similar events.
- "Reduce travel expenses." The center suggests teams play fewer non-conference games, which typically require more travel; cutting overall season length; and "eliminating the entrenched practice of booking hotel rooms for the football team the night before a home game." Of this last item, the report argues: "If players are not smart enough to make responsible decisions the night before a home game, then perhaps they do not belong in college in the first place."

In concluding its recommendations, the center acknowledges that the "major hurdle" for many of their proposed reforms is "fear among university leaders" that attempting them might hurt their institution's competitiveness. Therefore, the center singles out a group of influential institutions it would like to see take the first step.

"Perhaps reform must start as a movement of university presidents who lead schools of both nationally prominent athletics and academics," the center's report reads. "As leaders whose institutions carry much sway with both communities — schools such as the University of Michigan, the University of North Carolina, the University of Virginia, Northwestern University, the University of Notre Dame, Stanford University, Duke University, etc. — if they agree to a series of reforms, it would both bring athletics back within the mission of the university and reduce costs for all."

NCAA officials offered only reserved comment regarding the center's recommendations.

"The overall context should be considered here," wrote Stacey Osburn, NCAA spokeswoman, in an e-mail to *Inside Higher Ed.* "When looking at the median amount for FBS schools, approximately 1 percent of overall university budgets is allocated to athletics. For other Division I schools, the median was less than 4 percent of overall school budgets."

— **David Moltz**

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THE CHRONICLE
of Higher Education

Run Your Campus

November 15, 2010

Breaking Up Is Hard to Do

By Raymond D. Cotton

As a lawyer who specializes in presidential contracts, I get a lot of calls from sitting presidents, like the chief executive of a nonprofit group who came to me recently for assistance. She is in the final year of a three-year employment agreement that is scheduled to expire on June 30, 2011. She told me she had been successful in "cleaning up" a mess left by the prior, long-serving president, and in moving the organization's budget into the black. Nevertheless, her tenure was in trouble.

Her board chairman had informed her that some key administrators, unhappy with her leadership, were on the verge of resigning. Both the unhappy staff people and some trustees blamed the president for a "morale problem." The board chairman wanted to avoid a major confrontation between the president and the board, with the attendant bad publicity. He suggested that the president accept a six-month severance package so that there could be an "amicable parting."

As Neil Sedaka suggested back in the early 60's, breaking up can be hard to do, and not just in the world of romance. Indeed, the situation I just described is one of several recent cases in which I have drafted and negotiated separation agreements between college presidents and governing boards. While such agreements have always had a place in higher education, it seems that more and more leaders are leaving as part of written agreements.

Most of the departures are relatively friendly. But in all such cases, both the president and the trustees have an interest in putting their understandings about the departure into a document to be agreed upon and signed by both parties.

The president is always the more vulnerable party in such circumstances. Presidents have both economic and reputational issues to be concerned about that will affect them, and their families, directly for quite a while.

The trustees are also concerned about economics—from the college's point of view. But whatever is agreed upon will not affect their personal finances. While boards never want to waste the resources of their institutions, in my experience they often are even more concerned about its reputation, and rightly so.

Savvy boards understand that a public confrontation with the president can affect the institution's fund raising and accreditation,

as well as the board's ability to attract a top-flight successor to the presidency.

Many candidates for presidencies have shared with me their hesitancy about moving to an institution where the board fired the last leader. They appropriately wonder, "Will the board fire me, too?" Both experienced and up-and-coming administrators often choose not to risk their careers by accepting a job offer from a board that fired its last president.

It's always in the best interest of both the president and the institution to keep confidential the process of negotiating a separation agreement as well as the contract itself.

What are the major issues that ought to be dealt with in a well-crafted agreement? First, the parties need to decide on how long the incumbent president will remain in office. Sometimes it's best for everyone if the president serves until the end of the academic year, since that's the norm for presidential departures and retirements. Lots of questions are raised, both on and off the campus, when a president leaves before then. Such questions—never mind the responses—can injure the reputation of the institution, the president, or both.

Once the timing of the departure is decided, the parties must agree upon what institutional matters (such as academic, athletic, or fund-raising issues) will be handled before the president's departure, and what will be left for the successor.

Then a host of economic matters must be considered. If the president has a contract, will he or she be paid to the end of the contract term? If so, will the payout be in a lump sum, or will the payments be made over some agreed-upon period of time? Will health insurance be continued? What happens if the president obtains other full-time employment during the payout period? Will that income be deducted from the university's obligation under the contract?

What happens to the presidential house and car? Normally, once a person ceases to be president, he or she moves out, and the university-owned home reverts to institutional control. The same should be the case with the university-owned or -leased car. Exceptions will have to be negotiated.

There also may be issues concerning the president's deferred-compensation account and various insurance plans. If a presidency is terminated without "cause" earlier than originally agreed upon for the convenience of the board, the amount of money in the deferred-compensation account, as of the termination date, usually is paid out to the president. As for insurance, the key concern of departing presidents is generally health coverage. Under Cobra, the employee has the right to buy into the employer's plan for 18 months after his or her termination date. The passage of new healthcare legislation this year has not changed that.

The parties should also agree on a confidentiality provision and a mutual nondisparagement clause to be incorporated into the contract. The latter is a commitment by each party—the board and the president—to refrain from making negative statements about the other. Both sides generally waive any claims about remarks made up to the time they actually sign the separation agreement. However, everyone should take care not to defame or otherwise engage in bad behavior after the agreement is signed, because that could give rise to a new legal claim.

Presidents should not only understand what to do in the negotiation process; they should also know what *not* to do. One of the most important pieces of advice I give to presidents is: Don't talk to the news media. It is particularly important not to publicize that negotiations are under way, as that may derail the contract talks or cause problems for presidents later on, when they start searching for other positions.

Another no-no: Do not attempt to enlist the support of other administrators, faculty members, or university lawyers. Those people are employees of the institution and thus are required to put theinstitution's best interest foremost, even if they happen to be close friends with the departing president.

Finally, most presidents are not lawyers. It is unwise for people to attempt to negotiate on their own behalf.

Most presidencies end as scheduled, after a president has made significant contributions to the university. But even those who are leaving as planned would be wise to consult a lawyer about their departure and about how to best protect themselves financially.

Is it in my own interest as a lawyer to make that point? Of course. But let me remind every president: Colleges and universities always have one or more lawyers available to them. So it is important for you, as the soon-to-be-ex-president, to also have experienced legal advice regarding matters that can and will affect you for years to come.

Raymond D. Cotton, a member of the Mintz Levin law firm, specializes in presidential contracts and compensation matters.

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