



UNIVERSITY OF
MARYLAND
COLLEGE PARK
FOUNDATION

**From the Desk of
Stuart Levine
sltax@taxation-business.com**

November 1, 2018

Mr. James T. Brady
Chair
University System of Maryland Board of Regents
University System of Maryland
3300 Metzerott Road
Adelphi, MD 20783

Dear Chair Brady:

We are writing to the Board of Regents on behalf of the Executive Committee of the University of Maryland College Park Foundation who have unanimously endorsed the comments contained herein. It is worth acknowledging at the outset the tragic circumstances that led us down this path, in particular the unfortunate and senseless death of young Jordan McNair. All the rest, while important, pales in comparison to his death and the sense of loss felt by his family.

We are deeply disturbed with the actions of the Board of Regents in undermining the authority of the campus leadership at College Park and violating the integrity of shared governance principles, including campus autonomy and independence.

The University of Maryland College Park Foundation joins the calls by former President of the University of Maryland College Park and Chancellor of the University System of Maryland Brit Kirwan and former Board of Regents Chair Jim Shea demanding that the Regents publicly affirm their support for the basic principle, followed by all major academic institutions throughout the United States, that the governing body's role is limited to setting policy, appointing a president and holding her/him accountable, and that presidents have full authority to manage their institutions, including personnel decisions.

This is a fundamental principle underlying all academic institutions. Governing boards should not be hiring or firing football coaches on campus or any other personnel for that matter. The Board's flagrant violation of this principle has caused serious damage to the reputation of the Board of Regents and to all of Maryland higher education. The Board's actions will seriously harm the ability of all Maryland campuses to recruit future presidents and faculty if this is the governance climate they will face.

The damage by the Board's conduct is very real. Given the circumstances around Dr. Loh's evidently forced "retirement," what right-minded highly qualified candidate would choose to serve as the next President of the university? How confident can the faculty feel about their academic freedom? How many high-achieving students will think twice about College Park for fear of meddling by a Board with an uninformed perspective? If the Board is determined to undermine the leadership of the campus and weaken its legislative Flagship status, it has taken a very good first step.



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The Board's very public disregard of these basic higher education governance principles has wreaked havoc among every constituency of the University of Maryland at College Park. Over the last few days, our Executive Committee has fielded countless phone calls from our fellow Trustees, donors, administrators and faculty members, students, politicians at the city, county, state and national level and friends of the university who are overwhelmingly unhappy at the process followed by the Board of Regents. Let us remind you that we are in the middle of a \$1.5 billion campaign to raise funds for the Flagship of the System to bring the best and brightest students to College Park, hire and retain outstanding faculty, provide superb facilities, and to improve the surrounding community.

We are doing all we can to assist the legislature in helping to fuel the continued advancement of this Flagship university in Maryland. And we are deeply distressed that you have not only dented our momentum in having raised over \$900 million in this \$1.5 billion campaign and over \$3 billion including past campaigns, but you may have dealt our efforts a fatal blow. The Board's reckless conduct failed to consider any of these factors and occurred with virtually no consultation with any campus stakeholders.

We are also very concerned that that there has been a deliberate pattern of conduct by the Board to undermine the campus leadership. We are also concerned about those on and off the Board who have used the Jordan McNair tragedy to pursue other agendas.

After the tragic death of Jordan McNair, Dr. Loh immediately retained Dr. Rod Walters, the nation's leading expert on heat stroke. He immediately instituted reforms recommended in preliminary recommendations by Dr. Walters. Within 72 hours of publication of the ESPN article, Dr. Loh named prominent lawyer Charles Scheeler and retired Federal judges Benson Legg and Alexander Williams to investigate allegations of toxic culture. On August 14, 2018, Dr. Loh publicly apologized to the McNair family and accepted responsibility for the death of Jordan McNair, something the Board of Regents refused to do until this week. Dr. Loh received near universal praise for these actions.

Despite Dr. Loh's actions, on August 17, 2018, the Board announced that they were "taking control" of the both investigations and issues arising from the death of Jordan McNair. The Board made this decision even though the Walters report was nearly finished and the Scheeler investigation had started in earnest. As we expressed to you in our meeting earlier this month, these actions appear expressly designed to undermine Dr. Loh's authority, weaken the campus leadership, and create the impression – and the reality – that the chair of the Regents was now managing these issues instead of the campus. These actions were also designed to create the false impression that Dr. Loh had mismanaged the issues surrounding the death of Jordan McNair.

The Board's process after "taking over" the investigation only exacerbated this issue. To publicly declare the Board's expectations on personnel decisions regarding those subordinate to a university president is at best inappropriate. This over-reach of legislatively mandated authority not only threatens College Park as the System's Flagship campus, but all 11 other universities and colleges within the University System of Maryland. Moreover, to our knowledge, it has no precedent within any university system in the United States.



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We are very pleased that both Governor Hogan and General Assembly leaders have called for public hearings concerning these issues. Our Board will actively participate in these hearings expressing our disappointment and outrage. We call upon the Board of Regents and its leadership to carefully reflect on their conduct over the past few months and its proper role in Maryland's system of higher education.

Our campus and the Board of Regents must co-exist. Shared governance requires a transparent and respectful partnership and open communication. We look forward to an open, transparent, and frank discussion regarding these issues with the Board in the weeks and months to come.

Sincerely,

Geoff J. Gonella
Chair
University of Maryland College Park Foundation Board of Trustees

cc: University System of Maryland Board of Regents
Chancellor Robert Caret
University of Maryland College Park Foundation Board of Trustees
Governor Larry Hogan
Senate President Mike Miller
Speaker of the House Mike Busch