

The formal report of the Illinois Office of the Executive Investigative General, with some redactions, has [now been released](#). It shows, as previously reported, that Randy Dunn behaved unethically. But it is also a damning indictment of the way SIU does business.

I begin this analysis with a summary; then attempt to analyze Dunn's motives; then examine some troubling failures by people still working for SIUC; then close with some comments about SIUC's history of failing to require accountability for the ethical failures of our leaders.

## **Summary**

The report finds that Randy Dunn improperly negotiated the hiring of Melissa and Jeffrey Germain (daughter and son-in-law of Carlo Montemagno); violated hiring procedures for hiring of both; and violated hiring procedures when hiring Brad Colwell as system VP for academic affairs. It also finds that Randal Thomas (former BOT chair) failed to perform his duties properly, and that SIUC as a whole has been in violation of Civil Service rules for extra help appointments.

In my view this report doesn't just damn Randy Dunn. It's true that Dunn, as system president, wins first prize for malfeasance. Had he acted ethically, this mess would never have occurred. But any number of individuals could have stepped up and stopped the unethical hires. Each of them failed to do so, despite knowing better. They include:

- Randal Thomas, then chair of the BOT, who seems to have completely failed in his duties as chair of the BOT;
- The other members of the board, including current trustees Phil Gilbert and Amy Sholar, who looked the other way while Dunn conducted dubious negotiations with Montemagno and hired his buddy Colwell as system VP;
- System counsel Luke Crater, who let Dunn negotiate the family hires via a “gentlemen's agreement” rather than doing so transparently, in a contract;
- Three high officials on the SIUC campus who facilitated hires they knew were unethical:
  - SIUC chief of staff Matt Baughman;
  - SIUC VCR James Garvey; and
  - SIUC head of communications Rae Goldsmith.

Some of these individuals could invoke the “I was just following orders” defense. But Dunn's “orders” were vague—deliberately so. A bit of pushback would probably have sufficed. And it's not like any of these individuals would have faced a firing squad for doing the right thing.

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<sup>1</sup> My interest in and knowledge about these events stem from my role as FA President, but I am going to employ the first person throughout to make it clear that this document is my work and the views expressed in it are my own.

## *Failures of Leadership: The SIU OEIG Report*

Trustees plead ignorance about the details of the hiring process. But at a minimum they had reason to question Dunn's hiring of his buddy, Colwell, something they did explicitly approve.

People in positions of power are often asked to make decisions with ethical implications, and few of us make the right decision every time. When leaders fail, however, and particularly where they fail ethical tests, there must be some accountability.

The one person to come out of this mess looking good is the student trustee, Sam Beard, who questioned the hiring of Brad Colwell. (His name is redacted from the report, but it is almost certainly he who is the unnamed student trustee on page 29). So let the record reflect that Sam Beard acted ethically when those in high positions, with years of experience and six figure salaries, failed to do so.

### **Dunn's motives**

Randy Dunn determined, in consultation with the university's chief lawyer, Luke Crater, to manage the family hires for Montemagno on the down-low, as a "gentleman's agreement." Dunn then went on to bend (in his view) or break (OEIG) various rules and policies to make these hires. There was obviously some concern that hiring a daughter and son-in-law would look bad—as it eventually did. But it seems absolutely idiotic to think that said hires could be kept secret forever. They soon became an open secret, though it took some dogged reporting by the DE to uncover the hires and similar moves at Montemagno's Ingenuity Lab in Alberta.

Obviously Dunn acted unethically. He scores some points in his rebuttal (notably by saying that assistant coaches are routinely hired via bogus search waivers). But Dunn's fundamental defense is that he was told to do whatever he had to do to get Montemagno on board, and simply did whatever it took to hire him, within his own quite capacious sense of what counted as ethical. So we are to believe that the President of the SIU system was also just following orders. But Dunn made no effort to consult with the board about the family hires. Had he had qualms about breaking rules, he could have raised them at any time, thus inoculating himself against precisely this sort of investigation.

Doing so might have scuttled the hiring of Montemagno: it's possible that there was no ethical way for SIU to do what Montemagno was asking it to do (hire his daughter and son-in-law). But Dunn almost certainly did not want to hire Montemagno. We know that he fought hard to hire Colwell, despite his failure as interim chancellor, and that he soon enough began acting to undercut Montemagno. I suppose it's possible that he thought that Montemagno was the best bet once Colwell was ruled out, but I rather doubt it, given his clear antipathy to Montemagno later.

So what's the most plausible explanation? Dunn was clearly not unhappy when the news of the family hires broke. He held a long, rambling news conference to gin up interest in the stories, called for ethics investigations, and did nothing to defend Montemagno. He did this despite acknowledging, at the time, that said investigations could also damage him, given

## *Failures of Leadership: The SIU OEIG Report*

his role in securing the hires. This behavior is not only unjustifiable but all but inexplicable. My own best guess is that Dunn was already so unhinged at the time of Montemagno's hire that he managed the hires the way he did in order to set *Montemagno up*—even at the risk of also setting himself up. He would thus have been already indulging in the same self-destructive streak that led him to attack his enemies on the BOT (the Carbondale trustees Gilbert, Ryan, and Sambursky) by siding with those at SIUE who were eager to break up the system, even at the risk of leaving himself without a job as system president. Dunn's #1 motivation was harming his enemies—even if it meant not only dereliction of duty but harming himself.<sup>2</sup>

Speculation about Randy Dunn's motives is less important, however, than the plain fact that he did great damage to the SIU system and has left many individuals still working for SIU ethically compromised. Quite a legacy.

### **Compromised leaders**

In his response, Dunn throws SIU General Counsel Luke Crater under the bus for his responsibility in leaving the family hires out of Montemagno's contract. Dunn is likely being disingenuous, but Crater belongs under the bus. He surely must have foreseen that the "gentlemen's agreement" would be but the first in series of ethically and legally questionable steps. I don't see how he can continue to serve as SIU's lead lawyer.

The slightly camouflaged head of communications Rae Goldsmith ("Official 1") and VCR James Garvey ("Official 2") were put in difficult positions by Dunn, who informally requested/leaned on them to hire the Germans. Given the opportunity to show themselves people of character, however, they declined to do so. They instead went along with what they clearly knew were dubious family hires. Garvey is retiring from his VCR post, so I'll spare him any more commentary on his role.

Goldsmith took the lead in securing a job for Melissa Germain. SIUC had previously eliminated the position of the person responsible for marketing in theater, which had resulted in a well-regarded incumbent losing his job. Goldsmith then brought the position back to life and reconfigured it to meet Germain's (limited, familial) qualifications. Goldsmith told the OEIG that she "did not feel good" (p. 16) about doing this, but she also had the gall to partially defend Melissa Germain by saying that she had to work with "difficult faculty" (16). Germain then both showed herself unqualified and repeatedly failed to put in a full day's work.

Matt Baughman, longtime SIUC chief of staff, is repeatedly named in the report (I'm not sure why he didn't qualify for camouflage). He too was put in a hard spot, and in his interview (page 15) he noted that he recognized that Dunn's plan to hire Melissa Germain was

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<sup>2</sup> It's not really my place to judge leaders of SIUE. But those leaders, including SIUE Chancellor Randy Pembroke, were only too happy to plot with Dunn to break up the SIU system. This raises a real question of whether Pembroke et al should have any place now that the system is (supposedly) trying to heal those wounds.

## *Failures of Leadership: The SIU OEIG Report*

“unethical.” But he said nothing to Dunn about this; he kept his qualms to himself. He then worked with Goldsmith to create a position they deemed suitable for Germain. Baughman was also involved in the hiring of Scott Germain to work as a sort of special assistant for Garvey. That hire was even more clearly in violation of relevant rules, in this case civil service rules, as even Randy Dunn admits in his response.

Thus both Goldsmith and Baughman admit that they knew they were doing something wrong. They did it anyway. Yet they continue in positions of high authority at this university.

### **Then and now**

I am reminded of an earlier unethical administration, that of Rita Cheng. Cheng, as was [found by an administrative judge](#) and later upheld by the full IELRB, broke Illinois Labor Law by failing to bargain with the IEA unions in good faith and illegally imposing furloughs. Yet the individuals who bargained on her behalf (or, rather, pretended to bargain) continued to be employed by SIU, with no public accountability for their illegal activity.

At least SIUC turned on Cheng after she left—opening up the possibility for a new chapter. The last time this campus was optimistic was when Paul Sarvela, as chancellor, repudiated many of Cheng’s foolish decisions.

Carlo Montemagno was not implicated in the OEIG findings, but surely he was every bit as aware as Dunn, Thomas, Crater, Baughman, Goldsmith, and Garvey that jobs were found for his daughter and son-in-law via less than transparent means. But Montemagno has not faced anything like the *damnatio memoriae* inflicted on Cheng, because SIU leaders exploited his untimely death to transform him from a center of controversy into a secular saint, whose legacy, restructuring, they seem determined to implement despite faculty and student resistance, and the lack of any evidence that it will address the enrollment crisis.

The circumstances are different, but we seem primed to again fail to any lessons from the mistakes by our leaders, or to hold them accountable. I will admit to some complicity in this. I, like some others, knew of the Germain hires months before those hires became public. Yet I was content to let that knowledge remain an open secret. I also knew, as did everyone who was paying any attention, that Brad Colwell had been given the cushy system VP job as a reward for his friendship with Randy Dunn, and despite his failures as chancellor. Par for the course for SIUC, I figured. Well, that shouldn’t be good enough anymore. This is why I’m not willing to keep silent about the ethical failures of those other than Randy Dunn and Randal Thomas.

I have nothing against any of the individuals named above, all of who have worked hard for SIU for years. Leaders in organizations often face difficult choices, and no leader always makes the best choice. But when leaders fail ethical tests, there must be some accountability. If these individuals are to continue in service at SIU there must, at a minimum, be some public reckoning for their failures to prevent the wrongdoing instigated by Randy Dunn.