

## BUILDING THE DREAM: GETTING NEW STRUCTURES FOR OLD FACULTIES

*Leon Trakman\**

### I. INTRODUCTION

IN this essay I present my experience in initiating a campaign for a new custom-designed law building directly after my appointment as Dean of the Faculty of Law. My purpose in writing this essay is to provide ideas and tips (and to warn of tricks and traps) for deans who are contemplating significant infrastructure programs. In order to serve as a “how to” guide for the new dean, I move through the process in chronological order. I start with making the case for a new law building to senior university authorities, through the series of processes required for successful completion, including the construction process and the ultimate building opening, in our case on 24 July 2006. My aim is to draw attention to the importance of teamwork in progressing through a major campaign, including ensuring that your supporters are suitably informed about the project so that they are able to work together in order to ensure the sustained commitment of various internal and external stakeholders.

Given that little happens without funds, I place particular emphasis on fundraising, since universities ordinarily will not sign off on major building projects without at least some prior financial commitments. Fundraising is often complex, requiring significant planning, coordination, and start-up costs. However, raising monies for a major building project can provide significant fringe benefits beyond the immediate horizon of the campaign.

There are many “how to” books on fundraising. Yet, in my search for advice, I found few sources to help me in how to approach a significant campaign for a new law building that cost \$63 million.<sup>1</sup> Much of what I learned was by word of mouth from wonderful colleagues at other universities who advised me on how they acquired their new structures, from buildings, to libraries and other facilities.<sup>2</sup> As a result of the help I received, I feel obligated to share what I

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1. For information and progress photos of the new law building, see UNSW Law: New UNSW Law Faculty Building, [http://www.law.unsw.edu.au/about\\_us/newbuilding/index.asp](http://www.law.unsw.edu.au/about_us/newbuilding/index.asp) (last visited Feb. 25, 2007).

2. Particular assistance was received from deans, professors, facility managers and a host of others at universities in the United States, United Kingdom, Canada and Australia. With the

learned from the experience in securing a new multi-million dollar custom-built law building at an internationally recognized public institution “down under.” While experiences differ according to their contexts, I believe that this story might help new deans, particularly when faced with the need to both conceptualize a large project and bring that project to a successful conclusion.

As a caution, I am not a builder, nor a professional fundraiser, but an academic lawyer and university administrator who happens to have some historical experience as a construction arbitrator and adjudicator. As a further caution, the essay comes from a native South African, now a Canadian citizen, trained in the United States, who has spent five years as a dean of a leading Australian law faculty. Thus, my experience is somewhat unique. Yet, I believe that, people being people, much of what is articulated here can be gainfully adapted elsewhere. In fact, as education becomes increasingly internationalized, I expect that our experiences will become more common over time.

As to the fundraising environment I encountered, it is fair to note that Australians are considered quite generous, as illustrated, for example, by the high proportion of donations Australians made to Tsunami relief efforts. Conversely, with a few exceptions, all Australian universities are public; and there is a widespread belief among most Australians that the responsibility for funding universities rests squarely with government, not the private sector. Having so stated, it is apparent that, as government funding of universities has declined in recent years, universities here have targeted the private sector for support, ranging from joint ventures to philanthropic drives. Donations to universities have increased by virtue of aggressive capital campaigns mounted by universities, the appreciation by many Australians of the dilemma faced by the public sector, and the sense that universities are often credible and prestige partners in joint ventures.

Unfortunately, declining support from the public sector is not unique to Australia. Public universities in the United States, Canada, and the United Kingdom have experienced significant funding constraints in recent years as a result of government cutbacks leading to forced increases in tuition fees. As funding programs move strikingly away from single-line budget allocations from

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considerable input of our Law Project Manager, Paul Turner, we secured invaluable information from the following: Faculty of Law, University of Melbourne (Dean Iain Ramsay, Faculty General Manager Penny Swain, Senior Technical Officer Nick Howard, and University Facilities Manager Jim Colebatch); University of Texas at Austin (Law School Curator John Michael Horn, Law Media Services Director Donald Dodson); the University of British Columbia (Dean Mary Anne Bobinski; Director of Facilities Geoff Atkins and Mike Goldberg); University of Oregon (Emeritus Dean Eugene Scholes and Professor Jim Mooney); St. Thomas School of Law, Minneapolis (Professor Patrick J. Schiltz); School of Law, University of Tennessee (Dean Thomas Galligan Jr., Mary Ann James and John Subienny, and Library Director, William Beintema); Virginia Law School (Director of Facilities “Sack” Johannesmeyer, classroom manager Wynne Stewart, senior project managers Mark Stanis and David Sweet); Tulane Law School (Assistant Dean Anne Salzer); Catholic University of America, Washington D.C. (Steve Margton of the Judge Kathryn J Dufour Law Library); Vermont Law School (Dean Kinvin Wroth). Law faculties examined in the United Kingdom included the Faculties of Law at Nottingham and Glasgow Universities. The School of Law at Murdoch University in Western Australia also provided valuable information on its impressive expansion.

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government upon which university administrators relied in the past, universities throughout the English-speaking world increasingly view themselves as businesses with multi-line budgets.

## II. THE NEED TO DEMONSTRATE NEED

Few infrastructure campaigns evolve without solid evidence of pre-existing need. That need, apparent since my appointment as Dean, was the fact that, while the Faculty of Law is both internationally recognized and one of the most prestigious programs in the Asian and Pacific Rim, it had never occupied its own purpose-built facility.<sup>3</sup> Residing on four floors of a university library tower, the Faculty had grown only by occupying a series of buildings spread out across a large campus. Long before my arrival, it was apparent that the library tower was wholly inadequate for faculty needs. Indeed, the Tower was never intended to serve as other than a library. So the starting point to the infrastructure campaign was to identify the extent of this deficiency for the benefit of the university. I found that the best way to convince others of the Faculty's needs was by documenting problems arising from this deficiency, such as overcrowded classrooms and woefully dysfunctional services. The documentation included such evidence as the breakdown of elevators that, at times, was a daily occurrence, and the communication difficulties faced by staff and students, varying from the sounding of weekly safety alarms that forced building evacuations to lecturers having to address students who spilled out of crowded classes into passageways. The case also included evidence of the negative impact of our infrastructure limitations on teaching effectiveness, scholarly output, and public service. In our case, I was fortunate (or otherwise) in having ample evidence of these limitations to support our case.

## III. THE COMPETITIVE ENVIRONMENT

Simply identifying an infrastructure need within a university environment is usually not enough to justify a major building project because it is common for various faculties and schools to experience grave infrastructure deficiencies. Further, deans are often seen as advocates for their own faculty interests, seeking their own good garnished as the promotion of the common good.

As a result of so many infrastructure demands throughout any university campus, advocating for a new building ordinarily requires a well-developed case based on substantiated need. It also requires evidence of a wider context of risks arising from a failure to redress that need. Central among these risks is the competitive disadvantage that arises from not redressing infrastructure limitations that otherwise would negatively impact the reputation of the university and faculty. In our case, a leading competitor law faculty in another major commercial center in our region had secured a brand new physical space for its law faculty, including state-of-the-art classrooms, library, research, and IT

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3. The Faculty has been consistently ranked in such publications as *Asia Weekly* as one of the top law faculties in Asia.

facilities. In addition to our team members visiting new law buildings in the United States, United Kingdom, Canada, and Australia, we visited this competitor faculty and learned how it had developed its case and asked for any tips (as well as the tricks and traps) that its faculty encountered in moving forward with its building project. No matter how competitive universities might be, it is my experience that faculties that are successful in securing new facilities are happy to share their good news, to demonstrate how they succeeded and to warn of the difficulties they encountered on the way. We gleaned a great deal of very useful information from this supportive competitor and from a host of others, all of whom were most gracious throughout in sharing information on design, choice of international architects, securing building authorization, fundraising, and related matters.<sup>4</sup>

#### IV. MAKING THE CASE

Normally, a faculty cannot acquire a new law building without first securing approval from its central administration. This approval usually requires providing documentation clearly setting out the justification for a new building, the history giving rise to that need, and the value of the proposed new facility to the faculty *and* university. Further documentation should include:

- Early architectural representations,
- Tentative timelines for construction and cost estimates, and
- A comprehensive statement outlining the importance of proceeding along the chosen course.

In my experience, making the case is replicated many times over before a variety of audiences, each with different interests. We made our case to the university master planners, a building and grounds committee, a finance committee, and the University Council or Board of Governors, in addition to the municipal council and its various internal committees. In making our case to each, we adapted both what we presented and how we presented our information, while making sure that our representations were always forthright. Further, sign-offs were required from various university, non-university, and municipal sources, such as neighbors, environmentalists, labor groups, students, and staff, among others. We learned early on that virtuous building projects are sometimes scuttled when the interests of a particular municipal council, the campus architects, or neighbors' concerns about noise, disruption of their view, parking, and the like, are not addressed. The following are tips for securing the support of these constituent groups.

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4. The university concerned was the University of Melbourne. *See supra* note 2. On the considerable help received from a host of informed colleagues at other universities in the United States, United Kingdom, Canada, and Australia, see also *supra* note 2.

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*A. Addressing Stakeholders' Interests*

Do not underestimate the importance of “painting the picture” in support of the project, albeit differently to different stakeholders. Painting the picture requires:

- Having a very good understanding of the nature of the project,
- Anticipating the likely concerns and questions that might arise, and
- Being prepared to respond with conviction and clarity to a host of disparate questions from dissimilar interest groups.

Stakeholders' questions reflect very different perspectives. For example, a committee responsible for compliance with the campus master plan might show interest in the proposed building's location, specifications, and general compliance with master plan requirements. A finance committee might require convincing that the proposal is economically feasible given alternative infrastructure needs, that the budget and costing information is reliable, and that fundraising can reasonably support some or all of the construction costs. A university board of governors might demand a sign-off from both its finance and master plan committees. A board of governors might also express concerns about the priority accorded to the building proposal in issue in light of competitive demands within the university as well as external concerns that might arise from a sign-off on the initiative.

Added to these groups are the stakeholder interests of representative groups across campus, from individual members of the University Council, to the Academic Senate and its committees, as well as a host of interested individuals. Like external neighbors, neighbors within the university may object (with varying degrees of conviction) to the value of the building, its location, and even its design. There are also many actual and would-be architects, engineers, and environmental experts within a large university whose views must be considered not only because they might be valid but also because ignoring them could lead to objections presented to influential stakeholders who might take notice.

Municipalities are of particular concern for any building project where off-campus municipal approval is required. Such municipalities may have concerns about the impact of the project on the neighborhood and environment and the need to comply with building codes and related regulations. Municipalities are also concerned about political fallout, such as resulting from widespread complaints from constituents about blocked traffic during construction, a deficient “green star” environmental rating, and the impact of the building on the character of the neighborhood, its skyline, population mobility, parking, and the like.

Similarly, individual interests, including faculty members and students concerned with the impact of construction on their campus activities, might result in a project being held up or even scuttled if not properly addressed.

*B. Picture Painting*

Painting a picture—both orally and in writing—of the building proposal at various stages is absolutely necessary. The dean, a faculty member, a consultant, a paid publicist, or some combination of this group can deliver that picture in various formulations, depending on the context, the knowledge and background of the audience, and the skill set of those advancing the claim. Typical renditions include artist sketches, with approximate specifications, diagrams showing the location of the building, information on excavation, building size, height, materials, number, size and dimension of classrooms, research facilities, library space, and the like.<sup>5</sup> Because a vague, hesitant, or insensitive response to a question about construction cost, environmental hazards, or other university priorities can have a ripple effect and undermine, or even stop, the project, it is essential that those engaged in selling the project be:

- Knowledgeable about the project and audience so as to convey information convincingly,
- Sensitive to the constituent interest groups, and
- Skilled in both leading and answering questions.

Selecting those to deliver the message is vital to the project. A person with strong advocacy skills is necessary in dealing with antagonists, while someone with mediation skills is necessary to engage skeptics and the undecided. An architect can illustrate design concepts; an engineer can discuss construction; a costing consultant can address cost concerns; and a project manager can speak to the staging and timing of construction, cost overruns, construction changes, and the like. It is important that no single person be all things to all people. Some stakeholders want facts from the most reliable source, the architect on design issues or a construction engineer on construction matters. Others wish to engage in an exchange of opinion with a project spokesperson. Yet others want to talk to someone, such as the dean of the faculty, who represents prospective users' interests. Then there are those who only want to express ideas, who do not want to engage in discussion, and who are intent on producing a negative result. The views of this last group should ordinarily be taken very seriously. Not only are they sometimes influential, they may well have valid opinions to contribute and ideas that can help further the building project.

*C. Preparedness for Fundraising*

Initial preparedness for fundraising is an essential aspect of any new building project. University authorities usually want set fundraising targets and evidence that these targets can be met within requisite timelines and sustained by credible fundraising practice. Central administrations require information on past and

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5. For scale diagrams and floor plans of our new faculty law building, see UNSW Law, Building Plans, [http://www.law.unsw.edu.au/about\\_us/newbuilding/buildingplans.asp](http://www.law.unsw.edu.au/about_us/newbuilding/buildingplans.asp) (last visited Feb. 25, 2007).

prospective giving to the faculty, as well as the likely prospect of funding continuing—indeed accelerating—in order to satisfy a large infrastructure campaign. Helpful indicators to advance to the university in support of the proposal include the existence of a strong alumni association with a history of giving, or a capacity to give in the future. Another useful indicator of fundraising momentum occurs when leading alumni or friends of the faculty participate in a pre-campaign by pledging funds in strategic areas.

Other traditional ways for a faculty to satisfy its university include showing that the new building itself will generate increased revenues. For example, the faculty might show that a new building will house more students, thereby generating more tuition dollars. Another argument is that an enhanced building increases the faculty's capacity to grow its partnerships with outside stakeholders, such as with professional associations, another source of increased revenues. A new building that boasts of innovative video and teleconferencing facilities, and larger lecture theatres and classrooms might affirm the prospect of future revenue generation. If the user faculty can demonstrate a demand for its facilities, such as through evidence of a growing student demand for places in its programs, or that private industry or government partners are interested in its services, such evidence further supports the initiation of a building project.

## V. MOUNTING A CAPITAL CAMPAIGN

Mounting a capital campaign is necessarily an important assignment, since it will determine whether the project goes ahead, and if so, how. A capital campaign that is poorly articulated will seldom survive scrutiny, and may cause the project to fail. A capital campaign that is well articulated but fails to deliver can lead to work slowdowns or stoppages, and often, a poor quality finish and fit out to save costs. Some tips on a development strategy include the following:

### *A. Decide on the Nature of the Campaign*

There are many different kinds of capital campaigns. As discussed above, there are “bricks and mortar” campaigns in which the faculty is required to raise the money for the building itself. There are also campaigns directed at raising large amounts of capital directed at a university or faculty endowment. There are hybrid campaigns, such as Major Gift Campaigns, which focus on securing donations for major gifts directed at funding centers, chairs, fellowships, and the like. These types of donations may be either sponsorships, such as five-year chairs, or endowments, such as chairs endowed in perpetuity. Other hybrids include naming rights campaigns that “sell” naming rights to the building, or parts of it, in which funds received may be used to support a bricks and mortar, a sponsorship, or an endowment campaign.

There is no one-size-fits-all campaign, and a single campaign may well have different components not limited to the above. Factors to consider in choosing among campaigns include, among others, the purpose of the campaign, the wishes of the University, the ongoing needs of the faculty, alternative sources of funding, the history of faculty and university fundraising, the nature and potential

giving among target group, the team mounting the campaign, and the resources available for the campaign.

*B. Defining the Campaign*

A campaign to advance a building project must necessarily be both ambitious and realistic. Depending on the economic and political climate in the university, it may well be worthwhile to consider a combination of bricks and mortar, an endowment, and a sponsorship campaign, particularly as donors often have different tastes and preferences. Some like the concept of endowing chairs in perpetuity; others are only willing or able to fund chairs for limited time terms, such as three years; yet others favor contributing to a naming rights campaign directed at bricks and mortar. Some want to donate anonymously. Some may seem uninterested in how their money is spent, but they are precious few.

A campaign also needs convincing campaign literature that outlines the goals of the campaign, the specific items for which funding is sought, the rationale for such funding, and the financial expectations relating to each item. It is useful to have available both online and hard copy brochures. These should provide clear illustrations in support of the campaign, such as visual and pictorial images of the proposed building, wing, classroom, etcetera, with charts, diagrams and columns illustrating how individual and collective donations will promote the stature of the faculty, its programs, learning and teaching, research, public service, and the like.<sup>6</sup> Depending on the nature and stage of the campaign, it might also be useful to include in such brochures, or in subsequent solicitations, illustrations of how individual donations can make a difference; for example, how a \$250 class gift from 500 students can provide the class with naming rights to a particular lecture room, or the opportunity to fund a high profile visiting professor program for three years.

It is also important that prospective donors are informed as to how the campaign will proceed and who is on the fundraising team. A team approach is particularly important, with one or more key contact persons identified at the outset in campaign literature as well as at meetings with prospective donors. It is invaluable for donors generally to know the names, faces, contact details, and the responsibilities of those with whom they are dealing. Personalizing relationships with donors can also help to build trust and confidence.

Another requirement is mobilizing existing organizations that have previously served other purposes, such as a faculty alumni association that was initially responsible for social interaction among alumni. Establishing links, through the president of the alumni association, as well as class presidents, can help enormously in encouraging class participation in fundraising. Having established an international law alumni chapter early on in my deanship has proved to be an

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6. For the document used to fundraise for the new faculty law building, see Building Great Minds, Building Partnerships, Building Law, [http://www.law.unsw.edu.au/about\\_us/newbuilding/docs/campaignoverview.pdf](http://www.law.unsw.edu.au/about_us/newbuilding/docs/campaignoverview.pdf) (last visited Feb. 25, 2007).



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important and ongoing support for our capital campaign.<sup>7</sup> A few financially successful or otherwise high profile members of a class are especially important in setting the tone for a fund drive. Anniversary-year celebrations, such as a twenty-fifth-year reunion, are key events with higher than normal fundraising targets.

*C. Be Realistic*

Capital campaigns usually don't succeed in the face of all odds. They succeed because of:

- Patterns of established giving by identified groups, usually alumni and other stakeholders,
- Well-tailored campaigns aimed at the right target groups,
- Clearly defined targets that are both practical and achievable, and
- Tenacious campaign teams.

Campaigns may gain from the presence of kingpin fundraisers, such as energetic development managers, so long as expectations are realistic. There are few Harvard Law Schools around in which average alumni yearly income is well into the six and even seven figures, where there is a well-established history and culture of giving, and where the development approach is sophisticated, very well-funded, and leveraged against mainstay and high profile fund drives, such as that mounted by the Harvard Foundation.

None of this is intended to discourage first-time fund drives. Universities, faculties, alumni, friends, and other stakeholders are on a steep learning curve in most academic institutions today. The need for financial support is all the more pressing in public institutions as governments retreat from funding and the private sector is called upon to fill in the gaps, not only across the United States, but also in the United Kingdom, Canada, and Australia. Nevertheless, fundraisers today have some newly encountered allies.

One ally is the realization among alumni and friends that universities cannot produce top-quality graduates through public funding alone. Lawyers have children and grandchildren who tell the tale of rising tuition costs, receding services, larger classrooms, and reduced library holdings. Lawyers, banks, and corporate and governmental employers all want to employ well qualified graduates; and many within these revenue generating institutions appreciate that in order to obtain these well-qualified professionals, they increasingly need to build their own profiles among students contributing to university initiatives.

The move towards private philanthropy is gradual, but perceptible; it is also an important supporting beam in identifying leadership among alumni and friends—those who see the writing on the wall and are willing to lead in donations. Some will follow, but even at the best of times, success is hard work. Some wealthy alumni will simply not give; some have other charities they prefer, such as their

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7. For information on the UNSW Law Alumni Chapter, see UNSW Law, Alumni, <http://www.law.unsw.edu.au/alumni/> (last visited Feb. 25, 2007).

high schools, religious organizations, or social clubs. Yet others give far less than they can afford, but that is their business. Fundraisers are not there to insist that alumni give according to their net worth or income; such “demands” tend to come unstuck. At the same time, fundraisers need to have some idea about wealth factors, past patterns of giving by alumni, career and personal developments that might lead to changes in giving, as well as the psychology of approaching prospective donors in order to maximize giving while causing the least offence. What will be equally surprising is the number of alumni and friends who are happy to give beyond what is anticipated, many who will do so repeatedly once they become involved and feel valued. Fundraising also involves not taking offence at receiving “no” for an answer, even from the least expected quarter; but it also means being sensitive to the particular background, attitudes, and expectations of prospective donors.

#### VI. TIPS, TRICKS AND TRAPS

Five years after initiating a major building project, here are some tips, tricks, and traps to those contemplating a comparable course of conduct.

##### A. *Learn How to Best Envision and Articulate Your Goals*

It is easy to develop a passion for a mission, and an edifice complex can be quite catchy. But it is equally important to recognize that others may not share your passion. They may have plans of their own that collide with your plan; or they may simply not share your passion. As a result, it is important to recognize that your own mission is not self-evident and that others might not readily appreciate the inherent logic behind your plan, or be immediately persuaded.

Nevertheless, it is equally important to firmly believe that your project has value and to be willing and able to articulate that value *differently* depending on the audience. On occasions, your passion will be catchy and others will support your initiative right off the bat. On other occasions, opponents will decide that, while they do not support your plan, those who do are too formidable to be resisted. On yet other occasions, you will fail to persuade and opposition will remain from inception until completion.

Another important lesson is to harness the support of others in advancing your plan rather than trying to go it alone. As articulated above, different audiences require different skill sets, from the imagery of an architect’s presentation, to a briefing by an engineer with technical know-how, or an IT consultant with expertise in the design of classrooms and IT services. Another is to take advantage of celebration ceremonies at different stages of construction or at different stages of a fundraising campaign to present your shared achievements: these events represent important bonding exercises.<sup>8</sup>

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8. On our “Lighting of the Flame Ceremony,” marking the launch of the campaign for the new law building, see UNSW Law, New UNSW Law Faculty Building, [http://www.law.unsw.edu.au/about\\_us/newBuilding/lightingTheFlame.asp](http://www.law.unsw.edu.au/about_us/newBuilding/lightingTheFlame.asp) (last visited Feb. 25, 2007).

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*B. Be Honest and Straightforward But Tenacious*

I strongly advise against advancing your building case with false promises or misrepresentations because you will be found out and thus jeopardize, rather than advance, your project. Universities are ordinarily close knit communities; people talk; and falsities are held against the project and its proponents. Being forceful in advocating your cause is advised if you believe that a hard sell is both appropriate to the audience and strategic. You are not well advised to move from a hard sell to threats or intimidation; a university is an environment in which diverse opinion and freedom of expression are cherished.

It is equally important to be honest about the strengths *and weaknesses* in your arguments. If you know that the construction of a building to house larger classrooms will produce a higher income, you may need to admit to a loss of collegiality that arises from the loss of a small, group-teaching setting. Your new building cannot be a panacea. It may serve as a wonderful profit center in the future, with lots of students, teaching and research programs, academic and professional centers. But it may also be less personal than that ugly old building that, somehow, was warm and cozy, from the cracks in the walls to the holes in the carpets. That is not to say that you should try to emulate such a cozy but decrepit past, so long as you are aware that not everyone will appreciate your planning goals, whether to increase the size of your classrooms, design them for state-of-the-art learning, or construct them to be airy, spacious, and modern.

*C. It Is Not All About Money*

Building construction costs money, and yet the exercise is not all about money. Universities are about education and so the greatest value in the balance sheet is intellectual capital, expressed as academic reputation. As important as the profit generated through the use of a new building, is the reputation that the infrastructure and the activities that it houses can generate.

Yet there is no accurate measure of reputation. One can envisage reputation competitively, such as having a building as nice as the building of a competitor faculty. One can envisage reputation quantitatively, by demonstrating that, if a university supports the construction of a dedicated law building with 3,000 classroom seats at a cost of \$X, the building may be valued at \$X+, taking account of the revenue earned from the number of students occupying those seats. One can try to measure reputation qualitatively, by arguing that innovations in the design of learning or research centers will substantially enhance the faculty's reputation as a center of teaching and research excellence given the significant deficiencies in the previous accommodation. Whatever the measure of reputation and however arbitrary that measure may seem to be, reputation is—and ought to be—a key motivator in the design, construction, and use of a new facility, as well as in fundraising to support it. The money that can be raised in support of the venture is usually itself an indication of how donors value reputation, expressed through the economic support they are willing to provide to a building initiative, an endowment, or sponsorship campaign.

*D. Be Collaborative*

This need cannot be over-emphasized. A single (or a few) generous donors can provide funding to name a building; but arriving at that point of success is inevitably a collaborative effort. By its very nature, a building campaign is the amalgam of a number of related campaigns:

- A campaign to propose a building plan,
- A campaign to gain support for that building plan,
- A campaign to promote the plan through different university and external channels,
- A fundraising campaign, and
- A campaign to advance construction to its completion.

All of these campaigns require people of varied talents, with different kinds and degrees of commitment. The glue may well be a common bonding around a shared purpose: to support the funding and construction of a beautifully designed, functional, and lasting building in respect of which key stakeholders are involved from its inception. That glue may also engage different talents, varying from a combination of marketing, development, and alumni relation skills, and from fundraising to advocacy skills of those expected to present the case for the new building, its construction, or funding.

At the same time, collaboration does not displace visionary leadership. The team is important, but it needs to be led, ideally in a transparent and supportive manner.

Working with leadership but also as a team is particularly necessary in designing a new building. No matter how imaginative the architect, the design of a new building must reflect the communal spirit of its future occupants. No matter how education-minded the dean, the layout of classrooms and IT facilities requires input from a range of colleagues who are willing and eager to explore different classroom formats, from the location of the lectern, to the shape of the room, to the kind of desks and the spacing between them. The building is ultimately “owned” by all who participate in its creation as well as those who will use and enjoy it in the future. These stakeholders need to be consulted, however selectively, on such matters as interior design. These stakeholders can add enormously to the shared ownership of the building and fundraising campaign as well as to the ultimate and lasting success that follows.

*E. Coordination, Coordination, Coordination*

No building is ever constructed without significant coordination at different levels and stages of development. The campaign to make the case for a new law building requires coordination to ensure that proponents have compatible views on the value of the enterprise and understand the arguments, both pro and con. It may be that a front person, such as the dean, presents the case; but the dean needs to know that the vision behind the plan and the mode of achieving it are shared by a critical mass of key colleagues.

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The same can be said about fundraising. Developing a fundraising program engages the coordination of multiple talents: the design of the capital campaign itself, making the case for that campaign, and developing an action plan. It also requires identifying the campaign action plan and the manner and means for its presentation and advancement. Fundraising campaigns engage significant development and marketing skills, notably identifying prospective donors and multiple ways of approaching them. They require coordination by the team responsible for fundraising, but also with other sectors of the university, including the university development office.

Failure to appreciate that other faculties share alumni and also want to approach them for financial support can have a devastating effect on an otherwise well coordinated campaign. Donors may be offended at being approached twice or thrice, or may take advantage by playing one faculty against the other. Deans and marketing managers of other faculties may be offended at duplication in campaign activities, confusion in campaign initiatives, and the loss of reputation for all concerned, not least of all the university as a whole.

There is also need for the faculty to liaise with the construction team to ensure both that construction is moving along as planned and that the faculty is able to meet its obligations to support that construction. Deans do not ordinarily have to maintain visits to the building site, or watch over the delicate process of approval before the relevant municipality—although as a construction arbitrator I tended to do more than most. Nevertheless, deans do need to feel assured that the building project manager is suitably supported in coordinating the project, and that such coordination coincides with other initiatives, such as fundraising. It can be extremely awkward as the building nears completion for the construction project manager to discover that faculty-supported fundraising intended to build or fit out a state-of-the-art moot court room is not forthcoming. Both the project manager and the faculty need to know when such funds are needed and how they will be expended.

*F. Practice Makes Almost Perfect*

There is no such thing as the perfect building, fundraising, or construction campaign. There are always obstacles on the way. No building is erected without pitfalls. Permissions can be held up at the university or municipal level. Fundraising initiatives may fall short. Materials intended for building construction may not arrive on time and bad weather has its way of slowing up construction. Practice can help to lessen the impact of these intrusions and obstacles, but practice does not make perfect. Tips to address expected—and unexpected—intrusions include: documenting specific problems before or as they arise, discussing them, and establishing strategies to cope with them currently and in the future.

Typically, support at the first stages of mounting a campaign for a new building is shaky. Other faculties may have competing agendas, and university officials may be reluctant to commit to one over others without careful thought. In such cases, it is useful to identify the kinds of objections that impinge upon the campaign, the arguments in issue, the quarters from which they originate, the

persons from whom they emanate, and the persons at whom (or issues about which) they are directed.

It is also important to be willing and able to gauge the reactions that various arguments invoke. While there may be many different objections, there may also be common threads running through them, such as objections to the location of the building, or to the size of the budget, or, very often, an objection that the project is seen as jumping the queue. Working out realistic and coordinated responses to such objections may help to redress them; a practice of sharing strategies may also strengthen resolve in pressing ahead with the building campaign.

Practice does not deal with the wildcard objection, such as an independent architect who points out an allegedly serious flaw in the building design by the project architect. The existence of strong communication practices among the design team, including the project consultant, the faculty, and the university, go a long way to redress such objections.

Professional pride is inherent in all construction projects and architects are no different. Establishing good practice in addressing objections tactfully is useful in maintaining healthy and enduring relationships. The same argument applies to other participants in what sometimes is a protracted and strained campaign.

#### *G. Rehearse Before Making Presentations*

Lawyers are notorious for delivering presentations extemporaneously. It sometimes works, but it can also fail abysmally. If you plan on marketing your building for fundraising purposes, such as by presenting a case for naming rights to the building, an auditorium, or lecture theatre, be well prepared. You will need to be armed with information about the specific features of the building, including shape, size, and fit out; you will need to know about the nature and intensity of its use. You will also need to anticipate questions about the benefits of naming rights, such as the minimum amount of money that will secure naming rights to a lecture theatre and the nature, location, and type of acknowledgement. It will often be necessary to be ready to identify fringe benefits provided to donors, such as recognition of donations in university publications, providing the opportunity to use the new building for their professional events, and the like. To be comfortable with your assignment, you may need to have expert collaborators with you at such meetings, varying from an informed architect to answer design questions, a project manager to advise on construction and fit out, and a marketing officer to help with the sell. If you don't have an answer to a question, be truthful—you will find out and come back with the answer.

Much of what you will do throughout the campaign is about marketing, and not only marketing to prospective donors. You will necessarily be called upon to market to university personnel, municipal councils, and neighbors. In mounting a building campaign in its multiple dimensions, you will need to be prepared if you are to convince others that the project is worthwhile, that you and your team are up to the task and that you will deliver a quality product at an affordable price. You will also want to impress upon your audiences that the enterprise will

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produce significant shared benefits in reputation, in the efficient delivery of quality teaching, learning, and research, and in cost savings.

#### *H. Be Prepared for the Unexpected*

All too often we make erroneous assumptions. We assume that we will get a building permit approval; that we will raise funds for the building auditorium within six months of mounting a capital campaign; or that the class of 1976 will meet its target class gift of \$500,000. We might be right; we might be wrong. We might also get something quite different from what we initially expected. A proposal for a new wing for a building might be rejected, but a new idea for adding expansion space to an existing one might become a viable alternative. A donor who was considered a “sure thing” for a \$10,000 gift might decline but then indicate a strong desire to associate with a particular teaching program that leads to a long-term relationship. Far from being failures or rejections, these differences in results may serve as great opportunities. Building a relationship with a 30-year-old alumnus who declines to give but wants to re-establish a relationship with the faculty may open the door to a far more lasting relationship than a one-time \$10,000 gift. Similarly, a seemingly well-meaning alumnus, far from being willing to give, may insist on dressing you down, stating that the faculty has failed in its mission on some particular respect or generally. Listen to such criticism seriously. There may be virtue to some of the comments; and the alumnus may be venting what other alumni feel as well. You may learn a great deal from this experience. It may also help you to form relationships in the future.

#### *I. Appreciating When “No” Means “No,” “Maybe,” or “Later”*

It is important to appreciate when to retreat temporarily, or even permanently, and when to stay the course in fundraising initiatives. “No” may be decisive for all time, or only initially. “Yes” may mean, “I will think about it.” Pledge forms may be sent to seemingly willing contributors only to find that they remain uncompleted. Memories about verbal undertakings can evaporate or take on new form. Financial conditions for donors may change for better or for worse. This is in the nature of fundraising. After all, you are asking someone to give you something when it is ordinarily not owed. There are few tithe systems that support academic institutions; and most alumni retreat from the conception of a mandatory obligation to give. It is important in each case to read reactions, to recognize the limitations of persistence, to be willing to reframe proposals to suit distinct interests, and not to take the exercise of fundraising personally.

## VII. CONCLUSION

Even the most successful proponents of building and supporting fundraising initiatives will fail, not once but many times, to achieve their objectives. Competition for approval or start-up funding may be too great. Resistance may be formidable; alliances may fail to overcome obstacles. The vast majority of

costly proposals that enter the university system, destined for approval by the board of governors or regents, do not lead to successful conclusions.

Universities are businesses, but they are businesses with a difference. A divisional head of a motor vehicle manufacturer may present the case to the board of directors that, with a refurbished plant, the number of cars produced per dollar would rise by a specified amount, as would profit margins. Most governing bodies of universities are not used to thinking in this way. They certainly know that they are part businesses; universities do “sell” their research; they “sell” places in their classroom and they compete in a market to secure contracts for service with both the private and public sector. However, the mentality in most universities, certainly public ones, is that university programs should be valued according to their contributions to the faculty and university’s public standing. The value of a new purpose-built law building ought to be seen in the similar light: its costs and revenues are important; but its greatest value lies in the contribution it makes to the standing of the faculty as a center of academic and professional excellence.

While this sentiment is gradually changing—and universities are increasingly single-minded in profit seeking—many members of boards of governors, faculties, and alumni organizations are likely to continue to see new infrastructure initiatives more in terms of their capacity to build reputation than to fill coffers with tuition fees and the like. It is important, then, to appreciate that making a case for a new building, wing, or other capital expenditure will ordinarily need to be pitched only partly as a corporate business plan. While a business plan is necessary to demonstrate the economies of construction, including prospective costs and revenues, it is usually also important to demonstrate that infrastructure development will enhance reputation. This is not to say that each new plant built by Toyota or Coke is not reputation enhancing, or conversely, that university governors are blind to costs and losses associated with building projects. It is only to suggest that the delicate balance between qualitative and quantitative factors in supporting building initiatives are usually slightly skewed in favor of qualitative ones in universities. That skewing is likely receding as universities’ activities are necessarily privatized; but it remains so in many cases.

Fundraising initiatives are likely to be particularly challenging in public universities that are in the transition between public and private funding of their programs. Their success in fundraising will depend, in significant measure, on the nature of the fundraising campaign adopted, its purposes, and the realism of those who are involved with it. While there is no single formula for success in such ventures, there are increasing indications that prospective donors are rational beings, whatever their personal attachments to the faculty in issue may be. More often than not, they respond to the rationale behind the fundraising initiative, the educational goals, the economic needs of the faculty and the way in which the faculty intends to put the funds raised to work. Some, notably law firms, tend to make distinctly business decisions as to whether and how to support law faculties, with their primary goal being to attract law students to their firms and to link the name of the law firm to prestigious university programs. While the attitudes and practices of individual donors tend to vary more, in my



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experience, the vast majority base their gifts also significantly on their identification with the donation plan presented to them.

Grand fundraising schemes aside, flexibility in fundraising itself is especially important, particularly in accommodating the wishes of donors, in attempting to provide them with their preferred forms of recognition, and in modifying payment plans to meet their particular circumstances. “No, I won’t give” may be a first reaction in a campaign; some will maintain that posture throughout; a number are likely to recant as they acquire greater recognition of and familiarity with the purposes of the campaign. Competition among prospective donors should not be underestimated, especially among contemporary graduates. However, it should not be relied upon as the fulcrum of a campaign directed at specific classes of alumni.

In the end, as a dean, you are left with a great sense of accomplishment. You have served your faculty, university, and community and you have a beautiful structure besides. As you walk down the halls of your new building, you can be proud of your service and what that service will mean to generations to come.