

MINUTES

Meeting of the Board of Visitors
The College of William and Mary in Virginia

December 5-7, 2007

The Board of Visitors of The College of William and Mary in Virginia met on the campus in Williamsburg on Wednesday, Thursday and Friday, December 5-7, 2007.

On Wednesday, December 5, the Executive Committee met in the Rector's Office and the full Board met at 119 Chandler Court.

Those present on Wednesday were:

Robert A. Blair	Jeffrey L. McWaters
Janet M. Brashear	Anita O. Poston
John W. Gerdelman	Michael K. Powell, Rector
Sarah I. Gore	John Charles Thomas
R. Philip Herget III	Jeffrey B. Trammell
Kathy Y. Hornsby	Barbara B. Ukrop
Suzann W. Matthews	

Absent:	Charles A. Banks III	Joseph J. Plumeri II
	Thomas E. Capps	Henry C. Wolf

At 8:55 p.m., the Rector convened the full Board in the Plumeri House at 119 Chandler Court, and moved that, pursuant to Section 2.2-3711.A.1., of the Code of Virginia, the meeting be closed in order to discuss personnel matters involving identifiable college employees. Motion was seconded by Mr. Gerdelman and approved by voice vote. The observers were asked to leave the room and the Committee went into closed session at 8:55 p.m.

The Committee reconvened in open session at 11:15 p.m. Mr. Powell reviewed the topics discussed during closed session for the benefit of the observers, then moved adoption of the **Resolution** certifying that the closed session was held in compliance with the Freedom of Information Act. Motion was seconded by Mr. Gerdelman and approved by roll call vote of the Committee members conducted by Secretary of the Board Suzann Matthews. (Certification **Resolution** is appended).

There being no further business, the Board adjourned at 11:15 p.m.

On Thursday, December 6, the Richard Bland College Committee, the Committees on Buildings and Grounds, Athletics, Public Affairs and Student Affairs, met in the Board Room, while the Committees on Administration and Academic Affairs met in the Board Conference Room.

Those present on Thursday were:

Robert A. Blair	Anita O. Poston
Janet M. Brashear	Michael K. Powell, Rector
John W. Gerdelman	John Charles Thomas
Sarah I. Gore	Jeffrey B. Trammell
R. Philip Herget III	Barbara B. Ukrop
Kathy Y. Hornsby	Henry C. Wolf
Suzann W. Matthews	Faculty representatives: Colleen Kennedy

Board of Visitors
MINUTES
Page 2

Jeffrey L. McWaters

Student representatives: Zachary B. Pilchen

Absent: Charles A. Banks III
Thomas E. Capps
Joseph J. Plumeri II

Others present were:

Gene R. Nichol
P. Geoffrey Feiss
Stewart H. Gamage
Samuel E. Jones
Anna B. Martin
Sean M. Pieri
W. Samuel Sadler
Kiersten L. Boyce
Michael J. Connolly

Karen R. Cottrell
Edward C. Driscoll, Jr.
Michael J. Fox
W. Fanchon Glover
Jackson N. Sasser
Michael L. Stump
Brian W. Whitson
Sandra J. Wilms

Also present were Assistant Attorney General Deborah Love, Dean of the School of Education Virginia McLaughlin, Virginia Institute of Marine Science Dean/Director John Wells, and members of the William and Mary Faculty and Student Liaison Committees.

At 10:30 a.m. the Rector convened the Board as a committee of the whole. Following brief welcoming remarks, the Rector called for a moment of silence in memory of fencing coach Pete Conomikes and freshman fencing team member Ben Gutenberg, who lost their lives as a result of an automobile accident on November 6.

The Rector advised that he was suspending the order of business so that the President could offer a welcome and discuss action taken by the College in response to the NCAA order disallowing the use of feathers in the William and Mary logo.

In his remarks, President Nichol commented on the moving memorial service held on November 16, and provided an update on the two other students who were injured in the automobile accident. The President noted that the budget situation remains challenging, and reported on recent national recognition of faculty and students.

President Nichol asked Vice President for Student Affairs Sam Sadler, who led the task force to develop a logo, to report on the Committee's work.

Mr. Sadler provided brief background regarding the work of the committee, which was formed in February 2007, and outlined how the process was conducted. Noting that over 200 suggestions were received, Mr. Sadler unveiled the four designs the Committee recommended to the President and the final design that was chosen. Following discussion, the President and Board expressed thanks to Mr. Sadler for his leadership on this effort. The President advised that the committee was now turning its attention to the development of a new mascot.

The **Committee on Athletics** convened at 11:16 a.m. Ms. Brashear presided as chair and called on Director of Athletics Terry Driscoll.

Mr. Driscoll reported on the teams and provided an update on facilities. Mr. Driscoll presented a comparison of 2007-2008 athletic fees at NCAA institutions and CAA institutions. A brief discussion ensued.

Mr. Driscoll presented a short quiz on athletics facts and discussed several upcoming special events. There being no further business, the committee adjourned at 11:35 a.m.

The **Committee on Public Affairs** convened 11:35 a.m. Mr. Trammell presided as chair.

Vice President for Public Affairs Stewart Gamage briefly reported on the change in the state political landscape due to the November election, commented briefly on the state budget and distributed news clippings from the past two months.

Mr. Trammell moved that, pursuant to Section 2.2-3711.A.8., of the Code of Virginia, the meeting be closed to discuss matters pertaining to contracts for services or work to be performed by the College. Motion was seconded by Mr. Herget and approved by voice vote. Observers were asked to leave the room and the Board went into closed session at 11:45 a.m.

The Board reconvened in open session at 12:10 p.m. Mr. Trammell moved adoption of the **Resolution** certifying the closed session was held in compliance with the Freedom of Information Act. Motion was seconded by Mr. Wolf and approved by roll call vote of the Board members by Secretary to the Board Michael Fox. (Certification **Resolution** is appended.)

The Committee recessed to lunch.

At 1:25 p.m. the Board reconvened as a committee of the whole for the meeting of the **Committee on Student Affairs**. Mr. Thomas presided as chair and called on Vice President for Student Affairs Sam Sadler. Noting that his report had been given earlier, Mr. Sadler introduced Kelly Crace, Director of the Counseling Center, who reported on the new on-line personal development program entitled the Praestare Project. Following brief discussion and there being no further business, the Committee adjourned at 1:50 p.m.

Chair of the Committee on Academic Affairs Anita Poston called on Provost P. Geoffrey Feiss, who introduced the new Equal Opportunity officer, Tammy Currie; retired Professor of Law John Donaldson, who will be helping with legal advice while Legal Affairs Coordinator Kiersten Boyce is on maternity leave; and Josh Wyner, Executive Vice President of the Jack Kent Cooke Foundation, who is the ACE Fellow on campus this academic year. The Provost commented on the significant work on revisions to the *Faculty Handbook*, noting the Colleen Kennedy, Alan Meese and Kiersten Boyce were very involved. Professor Kennedy provided a brief overview of the current status of the project and advised that following action by the Faculty Assembly, technical revisions would be brought to the Board in February. A brief discussion ensued.

Faculty Liaison Committee Chair, Professor of Accounting G. Thomas White, reported on the Faculty Survey process and provided an interim report, noting that the Faculty Assembly would receive the final report on December 10, and that survey results would be posted on the Faculty Assembly web page. A brief discussion ensued.

Professor White advised that the faculty would like more interaction with Board members and invited them to take time on campus to visit departments. A brief discussion ensued.

Board of Visitors
MINUTES
Page 4

There being no further business, the Committee recessed at 2:40 p.m. and traveled by bus to the Law School, where they participated in the dedication of the Wolf Law Library. Following the dedication and reception, the Board reconvened in the Dean's Conference Room at 5:20 p.m.

The Rector moved that, pursuant to Section 2.2-3711.A.1., of the Code of Virginia, the meeting will be closed to discuss personnel matters involving identifiable college employees. Motion was seconded by Mr. Wolf and approved by voice vote. All observers were asked to leave the room and the Board went into closed executive session at 5:20 p.m.

The Board reconvened in open session at 6:40 p.m. The Rector moved adoption of the **Resolution** certifying the closed session was held in compliance with the Freedom of Information Act. Motion was seconded by Mr. Wolf and approved by roll call vote of the Board members by Secretary to the Board Michael Fox. (Certification **Resolution** is appended.)

There being no further business, the Board recessed at 6:40 p.m.

On Friday, December 7, the Committee on Audit met in the Board Conference Room, while the Committees on Financial Affairs and Development and Alumni Affairs met in the Board Room, prior to the full Board meeting.

At 11:00 a.m. the Rector convened the Board in the Board Room.

Those present were:

Robert A. Blair
Janet M. Brashear
Thomas E. Capps
John W. Gerdelman
Sarah I. Gore
R. Philip Herget III
Kathy Y. Hornsby
Suzann W. Matthews
Jeffrey L. McWaters

Anita O. Poston
Michael K. Powell, Rector
John Charles Thomas
Jeffrey B. Trammell
Henry C. Wolf

Faculty representatives: Colleen Kennedy
Roger E. Franklin, Jr.
Student representatives: Zachary B. Pilchen

Absent: Charles A. Banks III
Joseph J. Plumeri II
Barbara B. Ukrop

Others present were:

Gene R. Nichol
Stewart H. Gamage
Samuel E. Jones
Anna B. Martin
Sean M. Pieri
W. Samuel Sadler
Kiersten L. Boyce
Michael J. Connolly

Karen Cottrell
Edward C. Driscoll, Jr.
Michael J. Fox
W. Fanchon Glover
Jackson N. Sasser
Michael L. Stump
Brian W. Whitson
Sandra J. Wilms

Also present was Assistant Attorney General Deborah Love; Richard Bland College President James B. McNeer, Dean of Administration and Finance Russell E. Whitaker and Director of Institutional Advancement LeAnn Binger; Virginia Institute of Marine Science Dean/Director John Wells, and members of the William and Mary Faculty Liaison Committee.

The Rector asked for any corrections to the minutes of the meeting held on September 27-28, 2007. Hearing none, the Rector asked for a motion to approve the minutes as distributed. Motion was made by Ms. Poston, seconded by Mr. Herget and approved by voice vote.

The Rector moved that, pursuant to Section 2.2-3711.A.1., 3., 7., 8., and 10. of the Code of Virginia, the meeting be closed in order to discuss personnel matters involving identifiable college employees, the consideration of contracts and leaves; acquisition of real property for public purposes; consultation with legal counsel and briefings by staff members pertaining to actual or probable litigation or specific legal matters requiring legal advice; to discuss matters pertaining to gifts, bequests and fund raising activities and contracts for services or work to be performed by the College; and to discuss matters pertaining to the consideration of honorary degrees. Motion was seconded by Mr. Gerdelman and approved by voice vote. The observers were asked to leave the room and the Board went into closed session at 11:01 a.m. At 11:28 a.m. Mr. Gerdelman recused himself from the portion of the session relating to administrative appointments. At 11:31 am. Mr. Gerdelman returned to the closed session.

The Board reconvened in open session at 11:44 a.m. The Rector moved adoption of the **Resolution** certifying the closed session was held in compliance with the Freedom of Information Act. Motion was seconded by Mr. Wolf and approved by roll call vote of the Board members conducted by Secretary to the Board Michael Fox. (Certification **Resolution** is appended.)

In the absence of Ms. Ukrop, Mr. Herget reported for the Richard Bland College Committee. President McNeer noted that the campus was looking forward to Commencement on May 9, with Mr. Plumeri as the Commencement speaker. Mr. Herget reported that **Resolution 17**, Public Complaint Policy, was distributed and discussed by the Committee, noting it was a requirement of the SACS review. He stated that the Committee had reviewed **Resolution 10**, Receipt of the Consolidated Financial Report of the College of William and Mary in Virginia and Richard Bland College for the Fiscal Year Ended June 30, 2007, but inasmuch as this was a joint resolution with William and Mary, action was deferred to the Committee on Financial Affairs.

Mr. Herget moved as a block adoption of **Resolution 1**, Appointment of Director of Security, **Resolution 2**, Retirement of Williabel Jones Davis, Division of Humanities and Social Services, **Resolution 3**, Water Tank Agreement, **Resolution 4**, FY 2008-2010 Operating Budget Requests, and **Resolution 17**, Public Complaint Policy. Motion was seconded by the Rector and approved by voice vote. (**Resolution 17** is appended.)

Mr. Gerdelman reported for the Committee on Administration, noting that the committee had heard an update on Information Technology from Associate Provost for Information Technology Courtney Carpenter. Vice President for Administration Anna Martin had provided an update on restructuring, shared the results of the recent Employee Survey and also provided an update on emergency preparedness. There were no action items.

Ms. Poston reported for the Committee on Academic Affairs, noting that the committee had heard a report from Dean of the Faculty of Arts and Sciences Carl Strikwerda and Director of the Charles Center Joel Schwartz on student research.

Ms. Poston moved adoption of **Resolution 5**, Appointments to Fill Vacancies in the Instructional Faculty; **Resolution 6**, Appointments to Fill Vacancies in the Administrative and Professional Faculty; **Resolution 7**, Retirement of John A. Musick, School of Marine Science; and **Resolution 8**, Faculty Leaves of Absence. Motion was seconded by Mr. Blair and approved by voice vote. Mr. Gerdelman abstained from voting on Resolution 6.

Mr. Blair reported for the Committee on Buildings and Grounds, noting that the Committee had heard a report from the Building Official, an update on capital outlay projects at VIMS by the Director of Planning and Budget Carolyn Cook and an update on current construction at William and Mary from Vice President for Administration Anna Martin.

Mr. Blair moved adoption of **Resolution 9**, Resolution to Demolish Byrd, Brooke and Davis Halls. Motion was seconded by Mr. McWaters and approved by voice vote.

Mr. Capps reported for the Committee on Audit, noting the Committee had heard a report from the Director of Internal Audit. There were no action items.

Mr. Wolf reported for the Committee on Financial Affairs, noting the Committee had received an update from Vice President for Finance Sam Jones and VIMS Director of Planning and Budget Carolyn Cook in response to the budget cuts for current fiscal year as required by the Governor, reviewed the consolidated financial reports and the athletic financial report, reviewed background information on peer comparisons of tuition and fees and a report from Wachovia Securities on investment performance.

Mr. Wolf moved adoption of **Resolution 10**, Receipt of the Consolidated Financial Report of the College of William and Mary in Virginia and Richard Bland College for the Fiscal Year Ended June 30, 2007; and **Resolution 11**, Receipt of the Financial Report of the Intercollegiate Athletic Department for the Fiscal Year Ended June 30, 2007. Motion was seconded by Mr. Gerdelman and approved by voice vote.

In the absence of Mr. Plumeri, Mr. Herget reported for the Committee on Development and Alumni Affairs, noting that the Committee had heard a report on the Alumni Association from Alumni Board President Libba Galloway. Executive Vice President Karen Cottrell thanked Mr. Thomas for his efforts to design and produce a William and Mary scarf, which is now available for purchase through the Alumni Gift Shop. Mr. Herget reported that **Resolution 18**, Support for the Service Leaders Corps Endowment, was distributed and discussed by the Committee, and thanked Rector Powell for his generous gift to establish the Service Leaders Corps Endowment.

Mr. Herget moved adoption of **Resolution 12**, Establishment of the Ross L. and Marian Y. Goble Scholarship Endowment; **Resolution 13**, Establishment of the Service Leaders Corps Endowment; **Resolution 14**, Establishment of the Richard Waters Withington, Jr. Scholarship Endowment, **Resolution 15**, Establishment of the Richard Waters Withington, Jr. Law Scholarship Endowment; and **Resolution 16**, Establishment of the Jack W. Wolf Endowed Scholarship Account. Motion was second by Ms. Brashear and approved by voice vote. (**Resolution 18** is appended).

Mr. Powell reported for the Executive Committee, noting that the report had been given in closed session.

There was no old business.

Under new business, the Rector reported that work continues on development of a Board Policy Manual, which will contain the Bylaws and policies of the Board as well as history. It will be available in hard copy and on line to Board members and the public, and should provide a basis for better training and orientation of new members.

The Rector moved that, pursuant to Section 2.2-3711.A.1., and 7., of the Code of Virginia, the meeting will be closed to discuss personnel matters involving identifiable college employees, and to consult with legal counsel and staff members pertaining to actual or probable litigation or specific legal matters requiring legal advice. Motion was seconded by Ms. Brashear and approved by voice vote. All observers were asked to leave the room and the Board went into closed executive session at 12:02 p.m.

The Board reconvened in open session at 12:17 p.m. The Rector moved adoption of the **Resolution** certifying the closed session was held in compliance with the Freedom of Information Act. Motion was seconded by Mr. Thomas and approved by roll call vote of the Board members by Secretary to the Board Michael Fox. (Certification **Resolution** is appended.)

There being no further business, the Board adjourned at 12:18 p.m.

Board of Visitors

December 5, 2007

CERTIFICATION OF CLOSED SESSION

WHEREAS, the Board of Visitors of The College of William and Mary in Virginia has convened a closed session on this date pursuant to an affirmative recorded vote and in accordance with the provisions of The Virginia Freedom of Information Act; and

WHEREAS, §2.2-3712.D. of the Code of Virginia requires a certification by this Board of Visitors that such closed session was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED, That the Board of Visitors, reconvening in open session, hereby certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed session to which this certification applies, and (ii) only such public business matters as were identified in the motion convening the closed session were heard, discussed or considered by the Board of Visitors.

VOTE

AYES: **13**

NAYS: **0**

ABSENT DURING CLOSED SESSION:



Michael K. Powell
Rector of the College

Committee on Public Affairs

December 6, 2007

Resolution P-1

CERTIFICATION OF CLOSED SESSION

WHEREAS, the Board of Visitors' Committee on Public Affairs has convened a closed session on this date pursuant to an affirmative recorded vote and in accordance with the provisions of The Virginia Freedom of Information Act; and

WHEREAS, §2.2-3712.D. of the Code of Virginia requires a certification by this Committee that such closed session was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED, That the Committee on Public Affairs, reconvening in open session, hereby certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed session to which this certification applies, and (ii) only such public business matters as were identified in the motion convening the closed session were heard, discussed or considered by the Committee on Public Affairs.

VOTE

AYES: **14**

NAYS: **0**

ABSENT DURING CLOSED SESSION:

/s/ Jeffrey B. Trammell
Jeffrey B. Trammell
Chair, Committee on Public Affairs

Board of Visitors

December 6, 2007

CERTIFICATION OF CLOSED SESSION

WHEREAS, the Board of Visitors of The College of William and Mary in Virginia has convened a closed session on this date pursuant to an affirmative recorded vote and in accordance with the provisions of The Virginia Freedom of Information Act; and

WHEREAS, §2.2-3712.D. of the Code of Virginia requires a certification by this Board of Visitors that such closed session was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED, That the Board of Visitors, reconvening in open session, hereby certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed session to which this certification applies, and (ii) only such public business matters as were identified in the motion convening the closed session were heard, discussed or considered by the Board of Visitors.

VOTE

AYES: **14**

NAYS: **0**

ABSENT DURING CLOSED SESSION:



Michael K. Powell
Rector of the College

Board of Visitors

December 7, 2007

CERTIFICATION OF CLOSED SESSION

WHEREAS, the Board of Visitors of The College of William and Mary in Virginia has convened a closed session on this date pursuant to an affirmative recorded vote and in accordance with the provisions of The Virginia Freedom of Information Act; and

WHEREAS, §2.2-3712.D. of the Code of Virginia requires a certification by this Board of Visitors that such closed session was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED, That the Board of Visitors, reconvening in open session, hereby certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed session to which this certification applies, and (ii) only such public business matters as were identified in the motion convening the closed session were heard, discussed or considered by the Board of Visitors.

VOTE

AYES: **14**

NAYS: **0**

ABSENT DURING CLOSED SESSION:



Michael K. Powell
Rector of the College

**RICHARD BLAND COLLEGE
PUBLIC COMPLAINT POLICY**

There follows a proposed addition to policies at Richard Bland College of the College of William and Mary. The change results from Federal Regulation 4.5 of the accreditation standards for the Southern Association of Schools and Colleges (SACS) which calls for the College to have and make available a public complaint policy.

RESOLVED, That upon recommendation of the President, the Board of Visitors of the College of William and Mary approves the following Public Complaint Policy. This new policy shall be published in the College Catalog, the Faculty Handbook, the Student Handbook, and shall be posted on-line on the College web site:

“Formal public complaints must be submitted by means of a written, signed statement directed to the Office of the President, Richard Bland College. The President or his designee will respond to the complaint. Complaints submitted electronically will not be considered.”

COLLEGE OF WILLIAM AND MARY
SUPPORT FOR THE
SERVICE LEADERS CORPS
ENDOWMENT

Tom and Shelley Jennings, parents of Kathleen Jennings '08, made a most generous gift to the College of William and Mary to support the Service Leaders Corps Endowment, the income from which shall be used to fund a program that will train students for lives of service and leadership.

The Service Leaders Corps shall seek to prepare William and Mary students for a life in which they will have both the skills and the inclination to lead and the heart to serve the greater good in whatever profession they pursue after graduating. In so doing, these women and men will extend the College's proud tradition of service as better informed, more confident, more capable citizens of the world.

BE IT RESOLVED, That the Board of Visitors of the College of William and Mary hereby acknowledges this generous gift to support the Service Leaders Corps Endowment, the income from which shall be used at the discretion of the Director of Student Volunteer Services.

BE IT FURTHER RESOLVED, That the Board of Visitors expresses its appreciation for Mr. and Mrs. Jennings' thoughtful and generous gift.

Board of Visitors

December 7, 2007

CERTIFICATION OF CLOSED SESSION

WHEREAS, the Board of Visitors of The College of William and Mary in Virginia has convened a closed session on this date pursuant to an affirmative recorded vote and in accordance with the provisions of The Virginia Freedom of Information Act; and

WHEREAS, §2.2-3712.D. of the Code of Virginia requires a certification by this Board of Visitors that such closed session was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED, That the Board of Visitors, reconvening in open session, hereby certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed session to which this certification applies, and (ii) only such public business matters as were identified in the motion convening the closed session were heard, discussed or considered by the Board of Visitors.

VOTE

AYES: **13**

NAYS: **0**

ABSENT DURING CLOSED SESSION:



Michael K. Powell
Rector of the College