

**Minutes of the Faculty of Arts and Sciences
The College of William and Mary
February 28, 2008
Millington 150**

These are the minutes of the special meeting called to follow up on the Board of Visitors' meetings with the faculty, staff, and students on Friday, February 22, 2008 to discuss its decision not to renew the contract of President Gene Nichol.

Dean Carl Strikwerda called the meeting to order at 3:35 p.m.

The meeting was chaired by Margaret Saha (Biology), Chair of the Faculty Affairs Committee, with the assistance of the other members of FAC. The working agenda for the meeting was established in an e-mail Saha sent through the "fas-d" mailing list on February 26, 2008. This e-mail included sections of the Faculty Bylaws relevant to voting rights at faculty meetings and the texts of two proposed resolutions: 1) the resolution of "no confidence" in the Board of Visitors first proposed by Brad Weiss (Anthropology) at the special meeting of February 14, 2008 (further debate and an eventual vote on this resolution was formally postponed until after the Board of Visitors meetings); 2) a possible alternative resolution crafted by the FAC (this resolution was subsequently not formally introduced at the February 28 meeting).

I. Preliminary Remarks by Margaret Saha, Chair of FAC.

Saha began by discussing the challenges involved in organizing the present meeting on such short notice but observed that it was the will of the faculty to hold this meeting as quickly as possible after the series of meetings held with representatives of the Board of Visitors on Friday, February 22. She explained that the FAC wanted to make sure that the voices of those not present would be heard and apologized for any rules that had been violated by the initial FAC proposals to allow absentee voting. Noting that she had received over one hundred e-mails from colleagues expressing the desire to speak and make motions at the present meeting, Saha said that a concerted effort would be made to follow the Faculty Bylaws and recognized rules of parliamentary procedure—in particular, to recognize people who haven't spoken yet before recognizing people who have already spoken twice.

II. Procedural Issues

Motion to close the meeting: A motion by John Delos (Physics) to close the meeting (i.e. limiting it to voting members of the Faculty of Arts and Sciences) failed by voice vote. Some who spoke against the motion argued that an open meeting would constitute a good model of transparency.

Absentee voting: FAC member Gene Tracy (Physics) introduced a motion to suspend Arts and Sciences rules and to allow for absentee voting on the motions proposed at the present meeting through 5:00 p.m. on Friday, February 29. People who spoke against the motion agreed with Alan Fuchs (Philosophy) that to allow absentee voting would constitute a fundamental departure from parliamentary procedure according to *Roberts Rules of Order*. Others argued that informed absentee voting on sequential motions and amendments would be difficult. People in favor of the motion suggested that the immediate posting of the Minutes would facilitate informed absentee voting and argued that it would be inappropriate to disallow absentee voting after the faculty had been led to believe that it would be possible and may have based their decision not to attend the meeting on this promise. The motion failed by a unanimous voice vote.

III. Resolution of “No Confidence” in the Board of Visitors

The next order of business was the resumption of the discussion of to the resolution originally proposed by Brad Weiss at the Arts and Sciences meeting of February 14, 2008:

Resolved: We, the Faculty of Arts and Sciences of the College of William and Mary, wish to express a vote of “no confidence” in the Board of Visitors.

Motion to add a preamble: In presenting his resolution, Weiss proposed that the following preamble be added to it: “*The actions taken by the Board of Visitors have harmed the College’s reputation and made it more difficult for the faculty to do its job. Therefore, we, the faculty*” Several people spoke against the proposed preamble by saying that a more general statement would be more forceful and that one shouldn’t highlight just a few of the many possible rationales for a vote of no confidence. The motion to amend the resolution failed by voice vote.

Motion to substitute the no confidence resolution with an alternative resolution: Before the discussion returned to the original version of the no confidence resolution, Terry Meyers (English) made a motion to substitute it with an alternative resolution:

Resolved, that the Faculty of Arts and Sciences of the College of William and Mary expresses its profound gratitude to Gene Nichol for his work and efforts on behalf of the College. It affirms its support for the central values of his administration, especially diversity, accessibility, and the First Amendment and academic freedom, and expresses its support for the Interim President and the Board of Visitors in seeing that those values are aggressively pursued.

The Faculty acknowledges the authority of the Board and its apparently conscientious efforts in fulfilling its responsibility to evaluate the President. It regrets, however, that the process did not take into more account the views of the Faculty. It is dismayed at the perception the Board has created that the College is susceptible to ideological and political pressure.

The Faculty calls on the Board to take actions that will dissipate that perception and it requests that the search for the next President (and future evaluation procedures) involve significant representation from the students, staff, and faculty of the College.

Summary of the debate on the motion to substitute: Several people said that the substitute resolution was eloquent, productive, and gave the Board of Visitors a chance to prove its good intentions. Others argued that the faculty should be allowed to vote up or down on the no confidence resolution, which did not necessarily preclude later consideration of a resolution like the one proposed by Myers or the similarly worded draft developed by FAC. Weiss spoke in favor his original resolution by explaining what an expression of “no confidence” meant to him: it was not just an expression of concern about the review process but a measure of dissent regarding its outcome, which did not reflect the priorities of the College. Weiss also said that his resolution would put responsibility back on the Board—namely, to prove that it would, as stated, continue to support Nichol’s policies even though it had, paradoxically, rejected Nichol. Before the debate on the motion to substitute was closed, it was explained that Meyers’ resolution could be reconsidered later in the meeting. Following an inconclusive voice vote, the motion to substitute was defeated by a show of hands: 82 opposed (no) to 59 in favor (yes). The discussion returned to the original version of the no confidence resolution.

Summary of arguments in favor of the no confidence resolution: Several people spoke in favor of the no confidence resolution by criticizing the style and the substance of the February 22 meeting with members of the Board of Visitors and the explanations of the Board’s actions provided at the meeting. They expressed their dissatisfaction with what they considered to be vague references to managerial style, which did not rise to the level of malfeasance or negligence and contradicted the Board members’ own rather profuse praise

for Nichol's energetic leadership and key policy initiatives, which included the suggestion that he might be in the running for another prestigious university chief executive's position and that they wouldn't want to ruin his chances by saying too much that was negative about him. One person said that the Board's criticism of Nichol for not consulting with them more often even as they did not adequately consult with the faculty and the students during their review of his performance, its apparent insistence that the grand vision for the College should come from the Board rather than the President, and their suggestion that a new capital campaign could begin under new leadership—whereas the Vice President for Development does not believe that the time and current climate are right for a major campaign—all amount to an arrogant Board-knows-best attitude reminiscent of the paternalism of thirty years ago. Others maintained that the Board's procedures and decision demonstrated that it did not understand how a university worked and were naïve about the damage to the College's reputation that their action would cause. Others rose to defend Nichol's leadership by praising him for his willingness to meet with faculty and other constituencies face to face and by arguing that while some might consider his creation of the Gateway program before long-term funding for it had been secured to be reckless, others could justifiably consider it a shrewd strategic move designed to break with years of mere lip service in favor of diversity. Several people disputed the notion that a vote of no confidence would be unproductive and strain relations with a Board that was not hostile to the faculty and had shown good faith by answering the faculty's questions about the Nichol decision. They said that the faculty shouldn't be embarrassed to vote in favor of an expression of "no confidence" and that the Board wouldn't try to punish us for such a vote if it were really sincere about its promises to listen to us. Others said that it was the Board's lack of consultation with the faculty and its decision about Nichol that had compromised what had been a good working relationship. Others said that a vote of no confidence was not simply addressed to the Board but to a broader audience that included the academic community, state officials in Richmond, and the general public. Some also suggested that a strong statement would give us more leverage in our future dealings with the Board.

Summary of arguments in opposition to the no confidence resolution: A number of people said that the vote of no confidence was irresponsible and would unnecessarily compromise good communication with the Board of Visitors—particularly in light of its quick and unsparing compliance with our earlier request to meet with it and ask questions about its decision regarding the President. It was also argued that the no confidence resolution offered no plan to help the College take positive steps in future and would undermine the administration of Interim President Reveley. Others deemed the resolution either too weak without of an explanation of its justifications, or too strong if interpreted, as custom would have it, as a call for the resignation of all members of the Board. It was also argued that the faculty's understandable support for both President Nichol and his policies need not prevent us from recognizing the legitimacy of the Board and its right to make the decision that it made, the validity of some of its concerns about his performance in contrast to its strong support for him at the time of his hiring, or the good faith with which the Board comported itself both during the conduct of its review and after the announcement of its decision, which included their willingness to listen to the faculty. One person chided the faculty for seeming to suggest that nothing else counted in the review other than its own and the students' affection for Nichol. He said that the faculty should recognize that a president's poor performance in even 3 or 4 out of 10 performance criteria was sufficient grounds for non-renewal and cited the civil liberties implications of the first version of the new bias reporting system supported by the President as the example of a various serious mistake made by Nichol. It was also suggested that the present climate of anger and disappointment perhaps made some faculty afraid to speak against Nichol or in favor of the Board.

Voting on the no confidence resolution: The first attempt to close the debate on the resolution failed. Eventually, a motion to call the question passed and a vote was conducted by secret ballot. Members of the Nominations and Elections Committee collected the ballots and tabulated the results. The motion for a resolution of no confidence in the Board of Visitors failed by a vote of 93 opposed (no) to 76 in favor (yes).

IV. Alternative Resolutions

Bob Archibald (Economics) made a motion to adopt a resolution which he crafted with Heather Macdonald (Geology) and Clyde Haulman (Economics):

Be it resolved that the Faculty of Arts and Sciences expresses its deep sadness at the departure of Gene Nichol as President of the College of William and Mary. President Nichol was a supporter of the faculty and of many important initiatives that have made the College a better institution.

Be it resolved that the Faculty of Arts and Sciences will do everything in its power to see that the legacy of President Nichol lasts. We supported and will continue to support his initiatives to make the College of William and Mary a more diverse learning community, to bring down economic barriers that make college attendance so difficult for some, and to create an environment on campus that is welcoming to those of all faith communities. As the College moves forward, we will continue to strive to make progress in all these areas.

Finally, the Faculty of Arts and Sciences looks forward to playing an active role in the selection of the new president as we did in the selection of Gene Nichol. In addition, we urge the Board of Visitors to find a way to include more direct faculty input in future evaluations of presidents.

Suzanne Hagedorn (English) made a motion to substitute the Archibald resolution with the one proposed earlier by Terry Myers (see above). Archibald suggested that the word “apparently” be stricken from the first sentence of the second paragraph of the Meyers resolution. This proposed amendment was rejected by a show of hands: 62 opposed (no) to 36 in favor (yes). In the subsequent discussion of the Meyers substitute resolution, it was suggested that a specific reference to the Gateway program could be added as a friendly amendment but this was ultimately not considered necessary. A suggestion that a reference to Interim President Taylor Reveley by name be added was accepted as a friendly amendment. The Meyers substitute resolution was then approved by a voice vote. The final text of the resolution, as approved, is given below:

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Dean Strikwerda adjourned the meeting at 5:15 p.m.

Respectfully submitted,

**Michael Leruth
Associate Professor of Modern Languages and Literatures**