

Faculty Assembly Meeting
Minutes for October 20, 2020
3:30-5:00 pm
Remotely via Zoom

Officers Present: David Armstrong (President), Chris Abelt (Secretary), and Tom Ward (Faculty Representative to the Board of Visitors)

Other Members Present: Tonya Boone, Josh Burk, Harmony Dalglish, Marjy Friedrichs, Adam Gershowitz, Natoya Haskins, Catherine Levesque, Michelle Lelièvre, Alan Meese, Jennifer Mellor, Jim Olver, Christy Porter, Molly Swetnam-Burland, Anne Rasmussen, Nicole Santiago, and Evgenia Smirni

Members Absent: Mark Brush (Vice President),

Others in Attendance (partial list, -60 total guests): Jeremy Martin (Interim Athletic Director), Terry Meyers (Parliamentarian), John Donahue, Sarah Stafford, David Feldman, Joe McCain, Rowan Lockwood, Suzanne Hagedorn, Tom McSweeney, Katherine Guthrie.

1. Call to order

Mr. Armstrong called the meeting to order at 3:33 pm.

2. Approval of the minutes

Minutes for the October 13^h meeting were approved without dissent.

3. Consideration of Tabled Motions from October 13th.

The tabled motions are appended to these minutes. The sponsor withdrew the first motion. A different motion (appendix) was proposed by Mr. Ward and seconded by Mr. Armstrong. It is narrower in scope than the first motion. The goal is to understand the decision and the process by which it was made. The faculty do not have the authority to develop a strategic plan for athletics. The report of the Task Force should offer guidance to the administration should they revisit the strategic plan for athletics. The current strategic plan does not specifically call for program eliminations. Community members are part of the task force because athletics impacts the local citizenry. The Task Force will operate independently from the administration. The five faculty that are part of the group formed by the administration to investigate the decision to cut the seven programs are likely to form the core of the Task Force.

The motion passed without dissent or abstention.

The second motion was considered. The wording applies to the Task Force in the motion passed above. None of the affected programs would have a special burden to justify their continuance. Data is lacking on the impact of immediately reinstating the programs or whether the decisions to cut were inappropriate. The fiscal crisis also has to be considered. A vote to reinstate would simply be advisory, but it would send a statement of support to student-athletes. There may be little cost to continuing the programs for a year. Because three programs were reinstated on October 19th to settle a Title IX suit, reinstating the remaining programs may put

us out of compliance. Faculty are supportive of the athletic program and student-athletes. The motion is to return to the status quo and to start the decision process over again. In the review, all sports would be considered equally. Mr. Martin noted that the decision was issued early in the semester so that student-athletes and coaches would have ample time for transition. Achieving the safe harbor and substantial proportionality tests will require tough decisions. There are also questions on the impact of the motion on opportunities for students of color. Reinstating women's swimming, gymnastics and volleyball will give sufficient capacity to reinstate some of the men's programs (within equity) in the future.

The second motion had seven in favor, nine against with two abstentions, and was not passed.

The third motion was considered. The athletics department is audited yearly by the state. When there is a transition in leadership, there is an internal audit, and it is reported to the BOV Committee on Audit. A separate audit is expensive. By unanimous vote, the third motion was tabled indefinitely until it is known how this information is made available to the Task Force.

The meeting was adjourned at 4:44 pm. Prepared by Chris Abelt

Appendix

Tabled motions from October 13, 2020

#1 Be It Resolved That

We, the Faculty Assembly of the College of William & Mary in Virginia, representing the faculties of the College of Arts & Sciences, the Mason School of Business, the School of Education, the Marshall-Wythe School of Law, and the School of Marine Science, hereby call upon W&M President Katherine Rowe and the W&M Board of Visitors, to appoint a new Athletics Task Force in consultation with Faculty Assembly with significant representation of W&M faculty, staff, students, and the local community to create a new strategic plan for W&M Athletics; we call upon the administration to suspend the 2019 strategic planning document, which was created without significant input from W&M faculty and students. We further recommend that this new planning process take place without the assistance or involvement of external consulting firms.

#2 Be It Further Resolved That

While this Athletics Task Force undertakes its work, we recommend that William & Mary immediately reinstate the seven varsity sports nominally eliminated on September 3, pending further review and consideration by the new Athletics Task Force. We also recommend that no sport, including any of these seven reinstated sports, shall bear any special or heightened burden of justifying its continued existence as a varsity sport at the university in connection with the work of the new Athletics Task Force.

#3 *Be it Further Resolved That*

We recommend that the Athletics Department be subject to an external audit by an accredited independent accounting firm and that an independent body review the Athletics Department's compliance with NCAA requirements and Title IX requirements.

Motion adopted

Whereas the Constitution of the Faculty Assembly, approved by the Board of Visitors, empowers the Assembly to advise the Administration on all matters "affecting the welfare of the University."

Whereas the same Constitution empowers the Assembly, through its standing committee on Academic Affairs, to review matters concerning "student affairs, including athletic policy."

Whereas the same Constitution empowers the Assembly to enact "resolutions on matters affecting the university as it deems appropriate."

Whereas the same Constitution and Bylaws adopted thereunder empower the Assembly to create standing or special committees "as the Assembly deems necessary."

The Faculty Assembly expresses its respect and admiration for the student-athletes and their families, coaches, administrators and staff of the William and Mary Department of Athletics, each of whom makes unique, important, and valuable contributions to the William and Mary community. The Assembly is proud of the myriad accomplishments, athletic, academic, and professional, of each current and former student-athlete and the teams of which they are or have been a part. Such accomplishments bring great credit to William and Mary.

The Faculty Assembly expresses its gratitude and appreciation to those innumerable fans and [boosters] of William and Mary Athletics, whose previous support has been vital to the success of William and Mary Athletics and will be equally vital in the future.

The Faculty Assembly hereby creates the Faculty Task Force on William and Mary Athletics, a special committee of the Assembly. The membership of the Task Force shall include faculty, students (including student-athletes), alumni, and members of the Administration (including the Board of Visitors) and members of the Williamsburg-James City County community. A member of the faculty shall chair the Task Force. The Task Force may recommend to the Assembly the creation of subcommittees of the Task Force, the members of which the Assembly would appoint. The Assembly directs the Executive Committee to propose to the Assembly forthwith a blueprint for the size and composition of the Task Force for possible approval by the Assembly at a subsequent meeting.

The Faculty Assembly charges the Task Force with examining the decision, announced on September 3, 2020, to eliminate seven varsity sports as well as the decision, announced on October 19, to reinstate three such sports. Such examination shall include an assessment of the stated rationales for these decisions and shall include consideration of alternate means of achieving the objectives of the Athletics program and advancing the welfare of the University. This examination shall give due consideration to the values and objectives articulated in the 2015 Report of the Committee on Competitive Excellence and the 2018 Tribe 2025 Strategic Plan as well as the data compiled and included in these reports and other sources of information. The Task Force shall in its discretion request information related to its charge from the Administration and seek the widest possible input from the William and Mary community by whatever means the Task Force

shall deem reasonably necessary. The Task Force shall prepare a written report containing the findings of its examination and resulting recommendations on or before March 1, 2021.