

Minutes of the Meeting of the
Faculty of Arts and Sciences
February 2, 1993

The meeting was called to order by Dean Lutzer at 3:35 pm in Rogers 100. The Minutes of the December 1, 1992 meeting (circulated with the agenda for this meeting) were approved.

ANNOUNCEMENTS

Dean Lutzer reminded those present that only members of the Faculty of Arts and Sciences are allowed to vote in the meeting. He said that the members of the press would be present through the President's report and the question and answer session. He noted that he had never seen so many faculty members at an Arts and Sciences meeting. Those present were asked to identify themselves before speaking. A separate page of meeting announcements will be mailed to faculty members and will be attached to the archival copy of these minutes.

ELECTIONS

The first order of business was the elections. Ms. Walker, chair of the elections committee presented the nominees for election. There were no nominations from the floor and a motion was made and seconded to close the nominations. The ballot was taken. The following election results were announced later in the meeting:

Area I

Dale Cockrell (Music) 3 years
Thomas Finn (Religion) 1 year
Ron Hallett (MLL) 1 year

Area II

Jim McCord (History) 3 years

Area III

Martin Mathes (Biology) 3 years
Robert Orwoll (Chemistry) 3 years

REPORTS OF ADMINISTRATIVE OFFICERS

President Timothy Sullivan was welcomed by the Dean. President Sullivan said that he appreciated the invitation to speak to the Faculty of Arts and Sciences and was glad to see so many present.

He spoke on the matter of faculty salaries. He stated that they were a problem for all faculty and promised that he considered this his highest priority. Faculty salaries are also a high priority of SCHEV which continues to aim for faculty salaries to reach the 60th percentile of each university's peer group. However, he did not foresee much relief of the problem during this General Assembly but hoped that the next session would see a difference.

Sullivan reported that the College had submitted a budget amendment seeking to raise Law School salaries through a tuition increase that would apply only to Law students. This was one of fourteen amendments submitted by the College, and was not listed as our highest priority. He explained the rationale for his decision to include the Law School initiative among our budget initiatives as follows:

1) Salary studies reveal that the salary average in our Law School has slipped very seriously in the last few years, both in comparison to national averages and to averages of Law schools within our peer group. The President is convinced that unless something concrete is done about this problem, the College would not be able to attract a strong Law Dean. He reported that his meetings with the four Law Dean finalists had confirmed his suspicion on this point.

2) Our Law School is facing an accreditation review by the American Bar Association. Unless we can find a way to improve the level of Law School salaries now, this will become a serious issue in our accreditation review.

President Sullivan assured the faculty that the decision to include the Law School initiative among our budget amendments was not an easy one and that his decision was made from the perspective of a President and not the perspective of a former Law dean. Because the cost of the salary increase would be borne only by Law School students (a method which has precedent both at the College and more recently at UVA) the President is convinced that the budget initiative would help the Law School without drawing resources from any other part of the university.

QUESTIONS AND ANSWERS

Various Arts and Sciences faculty raised questions about the President's decision.

Mr. Champion was not convinced by the President's argument based on Law School accreditation since no Law School has ever lost accreditation over salary alone. As for the need to address Law's salary problems before a new dean could be found, Mr. Champion agreed that every new dean would like to enter his/her job with a faculty that is happy with its salary level. The President replied that he did not want to suggest that accreditation hangs on the salary decision, but that low salary averages would become a very negative point in our accreditation report and would damage our reputation in the national legal community.

Mr. Welsh expressed his concern about explaining the Law School salary initiative as necessary to facilitate the search for a Law dean. He pointed out that we are now searching for a Provost, an even more important position than that of dean, and candidates for the Provost position may be reluctant to accept a position, given the level of upset of the vast majority of the College's faculty about salaries.

Mr. Abdalla asked whether the President sought and received advice about this decision before making it. President Sullivan answered that the normal process of budget planning, including discussions with UPAC, had been followed. Nevertheless, the final decision was his, and he takes full responsibility for it.

Mr. Hoak reminded the President that the Faculty Affairs Committee of Arts and Sciences had sent a private message to the President, via the Dean, warning him about what FAC saw as the inappropriateness of this decision. The President replied that he had known about the opposition of parts of the faculty to this decision ever since the UPAC meeting in which it was first discussed.

Mr. Eckhause pointed out one likely and unfortunate consequence of this action, namely an increase in the level of fragmentation of the College's faculty. The President stated that he was aware of this possible consequence, but pointed to the fact that a president must take a very wide view of university needs and sometimes simply must do things which he knows will not receive universal approval.

Ms. Watkinson shared Mr. Eckhause's concern about the likely fragmentation of the faculty because of this decision. In her view it is particularly unfortunate that a move taking us away from our recent tradition of being one university faculty should occur on the eve of the Tercentennial. However it might be explained, it appears to show favoritism toward one part of the university over the rest.

Mr. Gary De Fotis, and later Mr. Johnston, asked a series of questions focussing on why a similar step could not be taken for Arts and Sciences faculty. They pointed out that the student-faculty ratio in Arts and Sciences was approximately the same as in Law, so that a similar size tuition increase in Arts and Sciences (roughly \$300 per year) could generate a similar raise for our faculty. Mr. Sullivan replied that the numbers that he had seen were not consistent with that analysis, and that a much larger undergraduate tuition increase would be needed in order to make a similar advance in Arts and Sciences salaries.

Another faculty member mentioned that at many times in the past, Arts and Sciences has seen Law receive special treatment, getting more from the university than it gave in return. The President disagreed, saying that such views were inaccurate.

Mr. Aday expressed his concern that the Law School salary situation was defined as being a crisis while Arts and Sciences' salary situation was being seen as something that could be put off to a later date. The President responded that he sees a serious salary problem across all faculties of the College, and that he is considering a wide spectrum of options to address the problem. He reaffirmed his belief that the Law School decision was an appropriate one.

Mr. Fuchs pointed out that in the past, the General Assembly has not been enthusiastic about allowing tuition increases. He pointed out that by asking for a tuition increase now, albeit for the Law School only, we are cashing in some of our political chips which could result in our not getting other things we need at a later date. The President responded that he did not foresee a reluctance on the part of the Legislature to raise Law School tuition.

Mr. Welsh returned to the issue of the Provost search, suggesting that a candidate's reaction to the proposed raises might become a divisive litmus test of the candidates among faculty. He also raised a question about future raises: Will future percentage raises be added on top of this Law School special raise? If so, the gap between highly paid Law faculty and the

rest of the faculty will only grow larger. If raises come to other areas of the university, will the Law School be held at the salary they have? What will be the effect of the proposed Law raise on our peer group standing? The President replied that he saw no need for litmus tests in the Provost search, particularly if future raises at the College are handled properly.

Referring to the President's comment about the national image of our Law School, Mr. Micken argued that national images are indeed very important. He asked what was likely to happen to our undergraduate program if the College gains a national image of ignoring Arts and Sciences. In other words, why single out the Law School's image problems? The President agreed that national image is important for all parts of the College and asserted that unless we are allowed to increase funding for higher education we will have trouble maintaining the College's standing at the undergraduate level, too.

Mr. Kiefer asked whether the Law School tuition increase is a permanent one. The President replied that the current budget initiative has a limited lifetime, and that the Law School tuition supplement levels would need to be re-authorized each biennium.

Mr. McGlennon said that he recognized that the President was convinced of the correctness of his decision. He added that faculty confidence would be built up if we could know that the President has developed a strategy to address the salary problems of the rest of us, e.g., through private fund raising. Evidence that such a plan exists is badly needed. The President responded that he understood the faculty's need to know that a salary plan exists. Given that we are entering an election year, the process of planning will not be complete until we see the attitude of soon-to-be-elected officials in Richmond. Furthermore, McGlennon's emphasis on private fund raising is entirely correct. Private money may be even more important in the future.

Mr. George Harris argued that the President needs to go beyond having an intention to address others' salary problems and formulate a specific strategy. President Sullivan replied that we are in the very early stages of developing strategies. Mr. Kreps pointed to the need for precise data about the standing of various units of the College with respect to their peer groups. These data should have preceded a decision to address salary problems in any one unit.

Mr. Palmer noted that the President's comments about keeping the Law School strong seemed to imply a clear link between salary levels and faculty quality in Law. The same, he asserted, applies in Arts and Sciences. Problems of faculty salaries at William and Mary should not be addressed piecemeal. The President assured Mr. Palmer that he does have the interests of the entire faculty in mind. However, he argued that salaries will never be equal across the board due to market factors.

Mr. von Baeyer pressed the issue of the needs of different faculties, asking why needs in the rest of the College are seen as less important than the needs of the Law School. He also warned about the consequences of the proposed Law School raise on the morale of other units.

Mr. Scholnick asked about the impact of the tuition increase upon Law students' ability to pay for their legal education. Scholnick asked, in particular, whether the President planned to increase the amount of student financial aid devoted to Law students. The President told the

faculty that he did not expect the proposed tuition increase to cause significant difficulty for Law students, and that he had no plans to increase financial aid to Law students.

Ms. Ventis pointed to another lesson that one can draw from this current crisis--the need for improved communications among administration and faculty. Members of the Faculty Assembly should have had a chance to voice their concerns about this issue before it was a fait accompli. Further, she argued that more time was needed between the announcement and submission of this initiative so that faculty who serve on UPAC could have shared their concerns with other Arts and Sciences faculty to allow more faculty input and response. The President told the meeting that the Law salary initiative had been discussed in UPAC and that he had planned to discuss it with the December meeting of Faculty Assembly, but that the December meeting was cancelled. Thus, the next opportunity was at the January meeting of UPAC where the Provost and Sam Jones presented the proposal for discussion.

Dean Lutzer thanked President Sullivan for his visit and members of the press were asked to leave.

FACULTY AFFAIRS COMMITTEE

The FAC report was presented by John Oakley, chair of the committee. Professor Oakley wanted to put it into the record that FAC had advised the President that the Law School salary initiative was not a good idea. This began in the January meeting of UPAC during which Professors Oakley and Welsh, and the Dean, spoke against the idea. Later FAC sent a private message to the President via the dean, warning that the proposed Law salary increase was not in the best interests of the university. On January 26, members of FAC participated at great length in the UPAC debate with the President, and FAC met on January 27 and 28 to formulate the sense of the faculty resolution which was mailed to faculty for considerations and possible endorsement at this meeting. The resolution is as follows:

SENSE OF THE FACULTY OF ARTS AND SCIENCES

- 1) The Faculty of Arts and Sciences expresses its strong dissatisfaction and disappointment with President Sullivan's decision to recommend a special 10-12% salary increase for the Law Faculty as a priority item in the College's 1993 budget amendments.
- 2) While being sensitive to the need to have all faculties of the College be in positions of recognized strength with respect to their peers, we strongly recommend that no faculty be singled out for special salary increases until a systematic comparison of peer-group positions has been made for each. To do otherwise is to invite serious and undesirable fragmentation of this University.

On behalf of the committee, Professor Oakley moved acceptance of the resolution.

Mr. Funigiello asked what FAC intended to do with the proposed resolution, assuming that it passes. Mr. Oakley responded that FAC planned to send the resolution to the President and to the press. Mr. Funigiello continued, commenting upon the President's rationale for the raises. He argued that it is no surprise that a dean candidate would press for salary improvements, and that the American Bar Association does not deny reaccreditation on the basis of salary problems. He concluded by asking for much wider distribution of our resolution, assuming that it passes.

Ms. Ventis asked what we hoped to accomplish by a public statement to the President. Mr. Tiefel urged the meeting to approve the resolution but not to distribute it beyond the campus.

The resolution was approved by voice vote, but a show of hands was requested. For the record, the vote was 103 in favor, three opposed, and one abstaining.

Mr. Funigiello then moved that the resolution should be forwarded to the President, Board of Visitors, Secretary of Education, and Governor. The motion was seconded. In the ensuing debate, Ms. Slevin argued against sending the resolution off campus, particularly in today's political climate where certain legislators believe that we do not deserve our current salaries. Mr. Eckhause agreed with Slevin and proposed an amendment to send the resolution only to the President and Board of Visitors. Mr. Smith seconded Eckhause's amendment, and the amendment was approved. Then the Funigiello motion, as amended, was passed. The Dean agreed to forward the resolution to the President and, through him, to the Board of Visitors.

FAC next turned to proposed special rules of order for faculty consideration of the proposed curriculum. FAC proposed the following special procedures for the debate concerning the curriculum review:

1) All amendments and new motions must be presented in writing with sufficient copies for distribution to faculty attending the meeting, except for those amendments that merely refine or clarify an original motion.

2) If faculty members want the Dean's office to reproduce and distribute proposed amendments and motions, they should submit originals at least four days in advance of the scheduled meeting.

The faculty then voted overwhelmingly to approve the special debate rules proposed by FAC.

Dean Haulman announced that the Dean was calling three special faculty meetings (February 17 and 25, and March 3) devoted to the curriculum review, and asked for a straw vote of the faculty about the preferred times of the meetings. The results were mixed and did not show strong faculty preference for one option over the others.

Mr. Oakley then reported that FAC had made recommendations to the dean about procedures for appointing internal candidates to named chairs. FAC concurred in the administration's right to decide which department would receive a named professorship. FAC

recommended that once it has been decided to award a named professorship in a given department with an internal search, procedures should be as follows:

- 1) The Dean should ask department members for nominations of colleagues.
- 2) The Dean should seek agreement to be considered from the persons nominated.
- 3) The Dean should ask candidates and their chairs to make candidates' records and supporting materials available to members of department for review and inspection.
- 4) The Dean should request thoughtful letters from department members, commenting upon and comparing the qualifications of each candidate.
- 5) If the Dean needs further information, the Dean may request further responses from the department or seek outside letters on the candidates.
- 6) Once all of the above information is in hand, the Dean is responsible for making a recommendation to the Provost about who should be appointed to the named professorship.

Educational Policy Committee Report

Given the lateness of the hour, Mr. Prosl (chair of EPC) agreed to postpone his committee report until the March meeting. However, so that the Dean could proceed to notify SCHEV of a departmental name change, Mr. Prosl reported to the faculty that EPC had approved a name change for the Fine Arts department. The new name to be proposed to the administration and to SCHEV is the "Department of Art and Art History".

Athletic Policy Committee Report

Given the lateness of the hour, Mr. Conlee (chair of the Athletic Policy Committee) agreed to postpone his report until the March meeting.

The meeting was adjourned at 5:40 p.m.

Respectfully submitted



Barbara Moore
Secretary Pro-tem