

**Minutes of the Faculty of Arts and Sciences  
The College of William and Mary  
February 14, 2008  
Millington 150**

**These are the minutes of the special meeting called to discuss the Board of Visitors' decision not to renew the contract of President Gene Nichol and the President's subsequent announcement of his resignation.**

*Dean Carl Strikwerda called the meeting to order at 3:35 p.m. The meeting was conducted by Margaret Saha (Biology), Chair of the Faculty Affairs Committee, with the assistance of Dean Strikwerda. It was an open meeting: the large number (100+) of faculty in attendance were joined by a handful of students and several representatives of the press.*

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

Saha began by introducing the other members of the FAC and reading from a letter drafted by the members of the FAC following their January 18, 2008 meeting to discuss the Board's ongoing review of the President's performance. The letter expressed the individual FAC members' unanimous support for the President's proactive efforts to increase diversity at the College, his active involvement in the intellectual life and extracurricular activities of the College community, and his good understanding of both the contributions and the needs of the faculty at a university that strives for excellence in research without compromising its liberal arts teaching mission.

Saha then summarized the three primary foci of the voluminous quantity of comments and questions she had received since the news of the Board's decision and the President's resignation became public:

- 1) There was a need for more information about the reasons for the Board's decision than what had been provided in BOV Rector Michael Powell's initial e-mail to the College community. The Board's use of a consulting firm and level of consultation with faculty and students were of particular concern.
- 2) There was broad agreement that the process used in the performance review and the way in which the Board made and announced its decision was flawed. This concern was shared, she said, by people with differing opinions regarding the actual decision itself.
- 3) There was great concern about what would happen next: namely, the future of the President's achievements (especially, the commitment to diversity and the Gateway Program), the prospects for further outside interference in College affairs and a further lack of BOV consultation with the faculty, and the need for an effective response on the part of the faculty and the entire College community.

Saha proposed that the meeting be divided into three equal parts: requests for more information about the process; a venting of different reactions to the Board's decision and Nichol's resignation; and a discussion of action to be taken by the Faculty of Arts and Sciences.

**II. Requests for Information**

**The Board's Use of a Consulting Firm in the Performance Review:**

There were many questions and comments about the Board's use of a consulting firm, which came as a surprise to most of those in attendance. The questions concerned the name of the firm and its representatives, how much it was paid and the source of the funds used to pay it, the methods of inquiry it used, who had an opportunity to talk to its representatives, and specifically how many faculty and students had been interviewed. It came out

that only 3 people present at the Faculty of Arts and Sciences meeting had been interviewed. It was suggested that one could file a Freedom of Information Act petition to obtain a copy of the firm's report if state money had been used to pay for it. While it was noted that the use of consultants for performance reviews was common practice for corporate boards, many people commented that corporate methods were not appropriate for a public university like ours.

#### Other Procedural Issues:

Several people asked how this performance and retention review compared to those of past presidents. A number of factors were considered unusual: the Board's decision to solicit public commentary, the General Assembly's involvement (e.g., questioning BOV members about the decision to allow the Sex Workers Art Show), and the role of the media in generating negative publicity for Nichol and the College. Others criticized the Board for the timing of its private announcement of its decision to Nichol just after Charter Day festivities, as well as its alleged attempt to control information regarding its decision through the offer of a generous severance package with the proviso that the President clear any public statements regarding the results of the review with the Board—designed, it was suggested, to delay a public announcement of the decision until the end of the spring term in order to minimize the controversy and protests likely to be stirred by the decision.

#### Board Justification for the Decision Not to Renew Nichol's Contract:

There were expressions of dissatisfaction with the seeming lack of specificity in the explanations of the Board's decision offered thus far. Comments focused on BOV member Janet Brashear's references to managerial style, a lack of consultation, and her suggestion that the Board also had to consider the 90% of the President's job that took place behind the scenes and not just the 10% that occurred in the public eye. Reference was also made to Rector Powell's e-mail, which contained praise for Nichol's energy and accomplishments and reiterated the Board's support for many of his initiatives including the Gateway Program and efforts to promote diversity and internationalization. Some faculty members said that this praise and support sounded more like good grounds for renewal and wondered what legitimate grounds for dismissal could possibly have outweighed such positive factors. Others suggested that in the absence of more detailed justifications for the Board's negative decision, it was only logical for people to conclude that the decision was driven by ideology and outside pressures. One person suggested that the faculty ask Nichol to voluntarily hand over his personnel file in order to measure Board statements against the documentary evidence. Others expressed concern that the criteria used in the decision not to renew Nichol's contract were quite different from those used to hire him; one person suggested that the Board provide a list of "sins" that the next president should avoid committing.

#### The Search for a New President:

There were many questions prompted by Rector Powell's reference to a rapid search for a new president, to begin immediately. People wanted to know if the search was already underway, how it would be conducted, and what plans were being made for faculty and student participation in it. Some people expressed concern that a quick and relatively closed search would lead to the selection of a "corporate" president. Others asked about rumors that Powell himself might be a candidate for the job. Bob Archibald (Economics) said that he had personally asked Powell about this and that Powell had responded that he was not interested in the presidency. Dean Strikwerda said that the deans and academic administrators had met with Interim President Taylor Reveley and had expressed to him their opinion that the College should wait before conducting a search.

### **III. Reactions**

The overwhelming majority of those who spoke at the meeting expressed support for President Nichol and criticism of the actions of the Board of Visitors. There were also a small number of people who saw the Board's decision as justified and who offered criticisms of Nichol's decisions and leadership style. Others offered more general observations on the affair's negative impact on the College and the need for constructive responses to it.

### Criticisms of President Nichol:

Two people concurred with the assertion that President Nichol did not adequately consult with the Board and other constituencies within the College community, and cited the examples of the Wren cross decision and the bias reporting system website. Concerning the cross, it was said that the President's action may have been driven by a desire to placate a manufactured sense of grievance over what was really a non-issue to the campus community. It was also said that a result quite like the compromise ultimately reached in committee could have been obtained with much less controversy and harm to the College's image if the President had adopted a more collaborative and consultative approach from the start. Regarding the bias reporting system, it was said that it was deplorable that the faculty and campus community should have to learn about the system and its potential problems from an article in the *Flat Hat*. It was also suggested that BOV members were upset that Nichol did not consult with them more regularly in between official meetings and that they may have felt that the President sometimes took credit for initiatives already in the works before he took office. One person asked if there was anyone in the President's inner circle who could frankly voice potential objections to risky proposals and prevent the President from making costly errors in judgment.

### Support for the Board of Visitors:

One person argued that one should take the Board's assertion that its decision was not ideologically motivated at face value on the basis of the fact the current Board, all whose members had been nominated by Democratic governors, was perhaps among the most politically liberal the College has had. It was also suggested that one should not fault the Rector for not providing more details in his first e-mail to the College community given that it was a hasty reply to Nichol's resignation e-mail. It was also suggested that the review process had been conducted in a very open manner and that there were ample opportunities for the faculty and students to offer their opinions even if they had not had an opportunity to speak to the outside consultants.

### Support for President Nichol:

Several people disputed the claim that President Nichol did not consult enough. They said that he met regularly with the FAC and both actively sought and genuinely respected faculty input on a broad range of issues. Others asserted that he had been no less consultative with the Board than his peers at other institutions and predecessors here. One speaker cited examples of one past William & Mary president who had done things that were possibly more politically detrimental to the College but had received far less scrutiny from the Board than Nichol. Many people stood to express support for President Nichol's character, policies, and leadership. Numerous people praised him for his commitment to diversity. One specifically mentioned his position on the Wren cross and argued that it was incredible that the president of a public university could lose his job for making the decision Nichol had made, which was fully justified under the law. Nichol was praised for his courageous stands on principle—including his resignation e-mail—and was called a “breath of fresh air” for the College. One person said that no president has ever paid as much attention to the non-teaching staff. There were also expressions of sympathy for the President and his family, who were reported to have suffered greatly because of the personal nature of the attacks against him. Several people argued that a weak response from the faculty and others who disagreed with the Board's actions would only embolden the enemies of liberal education. One person also said that only a small minority of the alumni were outspoken critics of Nichol and that any suggestion otherwise was a misstatement of fact.

### Criticisms of the Board of Visitors:

Several people said that Board's handling of Nichol's performance review and ultimate decision not to renew his contract made both the College and the Board look ridiculous, particularly in light of the Board's enthusiasm in announcing the choice of Nichol as president 2½ years ago. One person said that Nichol's ouster would have a negative impact on the College's ability to recruit top faculty. Others pointed out that the Board had little basis for faulting Nichol for not have consulted more given that it had not properly consulted with faculty, staff, and students before reaching their decision about the renewal of his contract.

### Other Comments:

Many other views were expressed at the meeting. Several people reflected on the environment on campus leading up to and left in the wake of the Board's decision and President's resignation. One person said that Nichol's ouster left a hostile environment on campus for people of color and other minorities. Another person stressed that those disappointed or enraged by the public attacks on Nichol and the Board's decision not to renew his contract should not respond by withdrawing their contributions to the College and urged members of the College community not to make the interim administration its enemy. One speaker saluted Interim President W. Taylor Reveley III as a good person who now faced a difficult and thankless job. He said that Reveley shared Nichol's values and urged faculty to work with him in a constructive manner.

## **IV. Action**

A number of different courses of action were discussed at the meeting. There was a general sense that it was imperative that the faculty do more than simply request more information about the events leading up to the Board's decision and the President's resignation. Many felt the faculty, staff, and students should seize the opportunity of his ouster to make demands that would ensure that their voices would be heard more in the future, beginning with the search for a new president and subsequent deliberations on his or her retention. Ultimately, three resolutions were taken up by the faculty.

### Resolution 1:

Kate Slevin (Sociology) introduced a motion for a resolution asking that Rector Powell and other representatives of the BOV meet with the faculty to explain their decision and answer questions about the contract renewal process. Two friendly amendments resulted in the tabling of language about using the meeting to educate the Board about faculty values related to the mission and governance of the College and the inclusion of students and staff as well as faculty at the requested meeting.

In its final form the motion passed by a nearly unanimous voice vote:

*The Faculty of Arts and Sciences requests that the Rector and other members of the Board of Visitors meet as soon as possible with the faculty, staff, and students of the College to answer questions about the criteria used to evaluate the performance of the President and the decision not to renew his contract.*

### Resolution 2:

Brad Weiss (Anthropology) introduced a motion for a vote of no confidence in the Board of Visitors. Some agreed that a strong statement of protest on the part of the faculty was required. Others said that a vote of no-confidence at this time presumed an unsatisfactory result of the meeting with the Board that had just requested in the preceding resolution. Bill Cooke (Physics) moved that further discussion and a vote on the resolution should be postponed until after the meeting with Board. This motion, which passed, leaves the proposed no-confidence resolution on the agenda of the Faculty of Arts and Sciences, to be taken up at a future meeting.

### Resolution 3:

J. Timmons Roberts (Sociology) introduced a motion for a resolution that would ask the Board to spell out how faculty, staff, and student input will be incorporated into deliberations regarding the hiring and performance reviews of future presidents:

*The Faculty of Arts and Sciences demands that the Board of Visitors negotiate with the faculty, staff, and students the explicit procedures and criteria for the incorporation of their input on the hiring and retention of all Presidents of the College.*

There was a general sense that the resolution was a good idea; however, several people cautioned that it implied the establishment of procedures that we would then have to obey. Stressing that it was important to take the time to get the language of the resolution right, Suzanne Hagedorn (English) moved that it be referred to the FAC for further consideration, following which it would be brought back before the Faculty of Arts and Sciences. The motion to refer the resolution to the FAC passed.

*Dean Strikwerda adjourned the meeting at 5:12 p.m.*

**Respectfully submitted,**

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