

## The College of William and Mary

### Minutes of the Board of Visitors Forum with the Faculty to Discuss the Evaluation, Non-Renewal, and Resignation of President Gene Nichol

Friday, February 22, 2008

The forum was moderated by Professor Tom White of the Mason School of Business, Vice-President of the Faculty Assembly. Participating members of the Board of Visitors: Philip Herget, Kathy Hornsby, Anita Poston, Suzann Matthews, Jeffrey McWaters, Rector Michael Powell, John Thomas, Barbara Ukrop. Also present: Interim President Taylor Reveley.

Prior to the questions and comments from the faculty, White summarized the turmoil and disruption caused by the Board's decision regarding the non-renewal of President Nichol's contract and Nichol's subsequent resignation, outlined the ground rules for the forum, and previewed the likely themes of discussion: the evaluation process, the criteria used to assess the President's performance, and the ideological implications of the controversy surrounding Nichol's tenure as President and the Board's decision against renewal.

Gul Ozyegin (Sociology/Women's Studies) asked for clarification of the widely reported notion that faculty and student opinions were only two of the eleven criteria used evaluate Nichol's performance.

*Rector Powell responded that there was no mathematical eleven-point set of criteria and that he did not know where this idea came from. He added that the Board looked at a wide range of criteria including visions, relationships, management style, donors, fundraising, and local communities.*

Maureen Fitzgerald (Religious Studies/American Studies) asked if the Board understood the turmoil and trauma caused by their decision and, if so, why they went ahead with it.

*Rector Powell responded that they did understand and that the likelihood of this trauma was the single greatest impediment to arriving at their decision; however, he explained that Board had worked, unsuccessfully, with the President over a nine month period on making improvements and that it did not make sense to continue in this manner for another three years.*

An unidentified faculty member asked Rector Powell if his public allusions to the unanimity of the Board's decision reflected the kind of integrity exemplified in the College's Honor Code.

*Rector Powell explained what his reference to unanimity meant in the context of the Board's deliberations. He said that no vote was required or had been taken; however, he noted that while three members clearly favored renewal at the onset of the discussion, there was a clear and lopsided consensus against renewal at the end. He then said that it was a Board tradition of speaking with one voice in cases of such lopsided consensus and that no Board member objected to this idea. He also said that he regretted that a Board member (Robert Blair) may have misunderstood this. John Thomas asserted that the transition package that was offered to Nichol was honorable and that the Board member (Blair) who later objected to it in an email supported it at the time of its discussion. Philip Herget spoke of his experience on corporate boards and commented that the evaluation process used for President Nichol was one of the most thorough and thoughtful he had ever seen. He added that the Board was well aware of the faculty's and students' love for the President but that it was the Board's job to make sure everything needing to be accomplished was done so successfully.*

Tamara Sonn (Religious Studies) prefaced a question about the transparency of the evaluation process by an analogy to the Middle East and the Muslim world, where insufficient transparency and pluralism leads to the proliferation of conspiracy theories, suggesting that a lack of transparency in the review encouraged the theory that Nichol was the victim of an attack on pluralism.

*Rector Powell first said that it was hard to respond adequately to such a question because personnel matters were sensitive and subject to Freedom of Information Act limitations and because offering more information about a negative personnel decision could easily be construed disparaging a good man. He went on to clarify a number of points. 1) He said the term “360° review” was perhaps a misnomer in that the process was not all that different from the annual performance appraisals of the President except that for this critical third-year review the Board followed recognized best practices in the field by collecting a sample of confidential stakeholder opinions through interviews. 2) He said that the Board letter soliciting comments from the broader community, sent out in September 2007, had produced over 1,000 responses, many from students and faculty, to a special email address and that two Board members were assigned to read each and every response. 3) He pointed out that the President had informed the Board over the summer that he wanted to know the results of the review as soon as possible. 4) He also said that given the fact that the review had been completed by early January and the President had been given an opportunity to respond by mid January, it was widely expected that something would happen at the February meeting of the BoV. 5) Finally, he said that while Nichol had made a choice (i.e. to resign) that many would not have made, he would still be understandably disconcerted if personnel and performance information about him were to be made public at a time when he could be candidate for another top-level position.*

Sonn followed up by saying that she was more interested in hearing about the criteria against which Nichol measured poorly rather than the mechanics and timing of the process.

*Rector Powell again addressed several points. 1) He said that Nichol received a clear “A+” in terms of faculty and student support. 2) He added that any weaknesses in managerial style were magnified by the fact that the College has a relatively small administrative staff and therefore relies all the more heavily on its small cadre of senior executives for sound strategic and operational planning, responsibilities the President shares with the Board. 3) He said that problems with planning for the financial security of the College—particularly the need to start a new \$1 billion endowment campaign (a key criteria in the hiring process)—and disappointments in the area of donor relations weighed heavily on the Board given the dark financial clouds on the horizon. 4) On the issue of internal management, Powell said that Nichol rejected a staff restructuring proposal, made by the Board in April 2007, which would have created the position of Chief Operating Officer for key operational issues such as risk analysis, left the Provost in charge of academics, and made the President freer to do the things he did best. 5) Powell said that some of the tactics employed against Nichol in the General Assembly were deplorable, but added that a willingness and ability to anticipate and manage political ramifications was part and parcel of leading a public university. 6) Finally, Powell alluded to relations with the local community, which he characterized as especially important in the context of Colonial Williamsburg.*

David Aday (Sociology) wanted to know more about the stakeholder interviews that were such an important part of the formal review (who was interviewed, how many faculty and students, etc.) and how the rich but complex information received from the interviews was analyzed.

*Jeffrey McWaters suggested that the Board members were perhaps in a position to see things sooner than the rest of the College community and that over the course of a three-year period they saw that it just wasn't working out. Kathy Hornsby remarked that the process of interviewing stakeholders that formed the core of the 360° review was common in the reviews of college presidents. She said that Nichol's review was conducted by a well known consultant, Kenneth Shaw, former president of the University of Wisconsin system and president and chancellor of Syracuse University. She said that Shaw and Nichol hit it off well at a retreat held in July and that Nichol and the Board had to mutually agree on every aspect of the planned review including the composition of the list of stakeholders to be interviewed. She added that both the Board and Nichol submitted lists of names of potential interviewees by category and that there was no trouble coming up with a mutually agreeable final list of 41 people. Hornsby added that Nichol was given the chance to respond in writing to the interview results, compiled by Shaw, and that she believed that he did not find much that was either skewed or incorrect. She repeated that the stakeholder interviews were just one part of the evaluation process but that they confirmed the President's managerial weaknesses as well as his strengths. Rector Powell explained that the categories of stakeholders interviewed included all College Vice Presidents, students, faculty, alumni, donors, and legislators; and that the questions touched on subjects including leadership (goals and style), management issues, decision-making, internal and*

*external communication, personal style, the Wren cross controversy (the consultant concluded that this was not a significant issue), internal (faculty, staff, and students) and external relations (local, alumni, donors, and General Assembly), and issues to be addressed. He added that the Shaw made no recommendation on what the result of the review should be. He also reiterated that the so-called 360° review was just one part of the review procedure, which also included a yearly evaluation of the President's performance measured against the statement of mission goals and objectives submitted by the President each September. Suzann Matthews said that the 360° review process was created not just for Nichol but for all Presidents, and took into consideration restructuring and the greater public scrutiny of higher education. She also said that the Board, which had appointed the President and invested hundreds of hours in working with him, had the highest investment in his success but that each of the members present came to the conclusion that Nichol wasn't meeting the College's needs and became discouraged after trying unsuccessfully to help him address certain weaknesses.*

Barbara King (Anthropology) told the members of the Board that President Nichol was working for the faculty, staff, and students—on the issues of diversity and integrity and not just in terms of love—and she asked if they understood that the future of the College had been harmed by their decision.

*Rector Powell said that he knew that the College would suffer as the result of their decision and that this prospect frightened the Board; however, he said that the Board was convinced that the problems identified mattered and that it might be even more harmful to continue along the same path. He added that time would tell if the cost was necessary, as he believes it is.*

Bob Archibald (Economics) observed that while it was important to make a distinction between the messenger and the message, President Nichol's last email message to the College community made many question whether it was not really the message that got him fired

*Rector Powell responded by reading passages from the Search Committee criteria used to hire Nichol stipulating that the next President of William and Mary must "encourage diversity in all its forms, ... be prepared to forcefully lead this effort at William and Mary, ... and above all must deliver results with this most important priority." He said that, in this respect, the Committee had found the right person. He said that Gateway was the best thing to have come to the school in a long time but warned that it needed \$80 million in order to be secure. He said that the Board would strive to prove that its commitment to diversity was not just window dressing and would do so by actively supporting Gateway.*

John Finn (Physics) asked if the problem was not with Nichol but with the Board, which couldn't work with Nichol, or perhaps with right-wing donors who were attempting to blackmail the Board and the College by threatening to withhold contributions.

*Describing herself as a liberal democrat who had lobbied the Governor for a seat on the Board in order to fight back against the nastiness of the religious right's campaign against Gene Nichol and his family, Kathy Hornsby stated that it was ludicrous to say that she could have been blackmailed by a bunch of nuts representing a fringe element. John Thomas vigorously stressed that no one on the Board ever trashed President Nichol and suggested that it was the Board that has been trashed for trying to provide a framework for a gentle parting of ways and a smooth transition.*

Todd Averett (Physics) expressed concern that undue influence from the State and wealthy alumni may have contributed to the non-renewal decision given that the Administration was behind the President.

*Philip Herget responded the Board had never been pressured and that he took offense at the suggestion that it somehow was. Rector Powell commented that it was an old political trick for groups to take credit for something they did not do. He observed that some of the people involved in the anti-Nichol campaign were despicable to both Nichol and the Board and that an email channel was opened to them in part so that he and the other members of the Board could tell them to "go to hell." He also said that what the General Assembly did at the end by summoning Board members to Richmond was hideous. He stated that he had personally objected to this and praised Senator Tommy Norment for his efforts first to stop and later to limit the scope of the proceedings. He concluded by underscoring his belief that no university was great*

*without free speech and academic freedom. John Thomas added that the members of the Board were not shrinking violets and would push back if pushed by anyone trying to pressure them.*

An unidentified faculty member asked why the transitional package came with strings attached requiring the President to check with the Board before making any public comments about his non-renewal.

*Anita Poston responded that the Board's intent was to set up a framework for continued discussion about a mutually agreeable statement regarding the President's departure, designed in large part to make it clear that ideology had nothing to do with the Board's decision. She noted that the stipulation was also meant to shield Nichol from having to answer publicly about what he did wrong and to make sure that what the Board said was also agreeable to him. She expressed regret that Nichol read the stipulation otherwise but added that work toward mutual agreeable statements was the norm in both the private and the public sectors. Poston added that she was stunned by Nichol's statement suggesting that the Board was trying to buy his silence. Stressing that the Board never criticized him for his public statements or the controversies surrounding the Wren Cross and the Sex Workers Art Show, she nonetheless noted that his management of these public relations crises was indicative of some of the managerial issues previously discussed. Rector Powell added that Board never suggested that Nichol would lose the money in the transition package if he didn't say what he was told to say and he read from a private email he sent to Nichol the morning after the Board informed him of its decision that said that he and the Board wanted to be flexible and could modify the transition proposal to accommodate his ideas and concerns.*

J. C. Poutsma (Chemistry) asserted that the Wren cross controversy was all about diversity and asked why the Board didn't publicly applaud President Nichol for his position on religious diversity.

*Anita Poston said that the Board did make statements in favor of religious diversity and pledged it would support whatever compromise the special committee later set up would arrive at. Jeffrey McWaters added that the Board might have been able to support the President's position more forcefully if it hadn't been taken by surprise and had been presented with some sort of plan or report worked out in consultation with different constituencies. He added that this element of surprise was present in the case of other programs as well. Rector Powell echoed the same points, adding that there were arguments of some validity on all sides of the issue, that it would have been better to start with a committee, and that the Board was not very wise about how long the controversy would last.*

An unidentified faculty member asked if the Board had considered other options aside from outright non-renewal, such as a three-year extension with a clear list of things needing to change.

*Rector Powell said that other options had occurred to the Board and that a one-year extension had been proposed over the summer. He added that he understood why the President turned down the offer because a limited extension would have been seen as a statement and would have left Nichol in limbo for another year. Jeffrey McWaters observed that Nichol perhaps had a different view of his job and relationship with the Board but added that he saw more distracting surprises as inevitable if his contract been renewed or extended.*

Bob Welsh (Physics) observed an academically oriented candidate for the presidency might be frightened off by the current climate at the College and urged the Board to persuade Taylor Reveley to stay on for another 2½ years so as to allow the search to proceed quietly and thereby maximize the chances of finding a President up to William and Mary standards, without interference from Richmond.

*Suzann Matthews said that the Board had no intention of rushing the search and that all members of the Board agreed that faculty involvement was the best part of the last search. Rector Powell added that a period of time was needed to allow things to settle down and that the search would begin after the summer at the earliest; however, he did remark that the College should be open to a target of opportunity in the event that an outstanding person came to be identified.*

Kate Slevin (Sociology) called upon the Rector to resign, saying that he had compromised his legitimacy and that the College would not heal and be in a position to move on without an acknowledgment of the failures in his leadership.

*All of the members of the Board present spoke in defense and praise of Rector Powell. Kathy Hornsby said that a change in leadership on the Board made no sense and that calling for Powell to leave amounted to an immature tit-for-tat. Suzann Matthews said that all of the members of the Board took responsibility for its decision regarding Nichol and that no human being could have done more to make the President a success than Michael Powell. Philip Herget said that being Rector had become Powell's full-time job and praised Powell for being incredibly thoughtful, fair, passionate, and giving. John Thomas said that Powell was incredibly open-minded and even-handed. Barbara Ukrop said that the process has been tough for every member of the Board and stressed that Powell was only the messenger of the Board's position. Kathy Hornsby added that Powell never tried to influence the Board and that she didn't even know how he felt about Nichol's renewal.*

Larry Ventis (Psychology) argued that the Board's relative silence over the period of months during which a scurrilous and vicious campaign of lies was being waged against President Nichol reinforced the illusion that if a President displeases you and you are loud enough, the Board will get rid of him. He urged the Board to speak out earlier if another President suffered such an attack and suggested that its decision not to renew might have been easier to accept had it done so in Nichol's case.

*Anita Poston answered that the Board felt that many of the criticisms didn't dignify a response. She admitted that the Board could perhaps have done more and said that it was committed to moving forward in a way that avoids the perception that the loudest voice prevails. She also added that she has heard some thoughtful criticisms of President Nichol from students and faculty. Suzann Matthews said that the William and Mary community needed to come together to attract a great new president.*

George Grayson (Government) told the Board members that they had made the right decision and that the students were not traumatized. He added that while the Gateway program was remarkable, there were serious problems with its funding on the horizon.

Bill Cooke (Physics) said that he understood that there may have been problems with managing finances and government relations but that they should not have outweighed Nichol's achievements in the area of diversity, which the Board itself admitted he was best at, or his ability to inspire, so rare in a university chief executive. He hinted that Board may have been blackmailed after all—albeit perhaps not by the loud people—if it thought that money was more important than these other qualities. He argued that the Board's decision was a big disaster—particularly in its timing just after Charter Day festivities—that would make it even harder than before to get a big endowment campaign started and urged the out-of-touch Board of Visitors members to spend more time on campus.

Bob Scholnick (English/American Studies) said that he supported Gene Nichol's program and also respected the Board and appreciated its hard work and courage. Scholnick concluded the forum by saying that he was satisfied by the Rector's answer to allegations that the Board was trying to buy Nichol's silence, which he called his main concern coming to the meeting.

**Respectfully submitted,**

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**Secretary of the Faculty of Arts and Sciences**