

MINUTES

Meeting of the Board of Visitors
The College of William and Mary in Virginia

February 9-10, 2006

The Board of Visitors of The College of William and Mary in Virginia met in the Board Room in Blow Memorial Hall on the campus in Williamsburg on Thursday and Friday, February 9-10, 2006.

On Thursday, February 9, the Richard Bland College Committee, the Committees on Financial Affairs, Public Affairs and Economic Development, and Students Affairs met in the Board Room, and the Committee on Academic Affairs met in the Board Conference Room.

Those present on Thursday morning were:

Alvin P. Anderson	Suzann W. Matthews
Robert A. Blair	Anita O. Poston
Janet M. Brashear	Michael K. Powell
James H. Dillard II	Jeffrey B. Trammell
John W. Gerdelman	Barbara B. Ukrop
Sarah I. Gore	Faculty representative: Robert B. Archibald
R. Philip Herget III	Student representative: Ryan M. Scofield
Susan Aheron Magill, Rector	

Absent: Thomas E. Capps
Lawrence S. Eagleburger
Jeffrey L. McWaters
Joseph J. Plumeri, II
Henry C. Wolf

Others present were:

Gene R. Nichol	Michael J. Fox
P. Geoffrey Feiss	W. Fanchon Glover
Stewart H. Gamage	Jackson N. Sasser
Anna B. Martin	Michael L. Stump
W. Samuel Sadler	William T. Walker, Jr.
Karen R. Cottrell	Richard A. Williamson
Edward C. Driscoll, Jr.	Sandra J. Wilms

Also present were Richard Bland College President James B. McNeer, Director of Institutional Advancement Richard M.B. Rennolds and Dean of Administration and Finance Russell E. Whitaker, Jr. and ACE Fellow Julie E. Williams.

Rector Susan Magill convened the Board in the Board Room as a committee of the whole at 10:35 a.m. and noted that this first session would be a discussion of the recent sexual assaults at the College to help the Board learn what is currently being done and what additional steps will be considered. The Rector cautioned that student discipline cannot be discussed in open session under both federal and state law.

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In his opening remarks, President Nichol expressed his appreciation for the efforts of Vice President Sadler and his staff to deal with this issue in an open manner, noting the hope was to change behaviors and encourage individual responsibility.

Vice President for Student Affairs W. Samuel Sadler discussed how the College responds to sexual assaults, noting that assault is a cultural issue which erodes the sense of trust in the community and the impact extends beyond the victim. Mr. Sadler introduced Director of the Counseling Center R. Kelly Crace and Senior Staff Counselor Donna Haygood-Jackson, who serves as the Sexual Assault Response Coordinator for the College. Mr. Crace discussed the psychological aspects of sexual assault. Ms. Haygood-Jackson discussed the protocols followed in the Sexual Assault Response Network and her role as coordinator. Mr. Sadler closed the presentation with an overview of specific plans approved by the President to address the issue.

Following discussion, the Rector asked for a motion that, pursuant to Section 2.2-3711.A.2. and 7., of the Code of Virginia, the meeting be closed in order to discuss matters pertaining to disciplinary matters concerning a student and to receive briefings by staff members pertaining to actual or probable litigation. Motion was seconded by Ms. Ukrop and approved by voice vote. The observers were asked to leave the room and the Board went into closed session at 11:47 a.m.

The Board reconvened in open session at 12:40 p.m. The Rector moved adoption of the **Resolution** certifying the closed session was held in compliance with the Freedom of Information Act. Motion was seconded by Mr. Anderson and approved by roll call vote of the Board members conducted by Secretary to the Board Michael Fox. (Certification **Resolution** is appended.) The Board moved to lunch and respective committees.

At 2:20 p.m. the Rector convened the full Board in the Board Room as a committee of the whole. Those present on Thursday afternoon were:

Alvin P. Anderson	Jeffrey L. McWaters
Robert A. Blair	Anita O. Poston
Janet M. Brashear	Michael K. Powell
John W. Gerdelman	Jeffrey B. Trammell
Sarah I. Gore	Barbara B. Ukrop
R. Philip Herget III	Henry C. Wolf
Susan Aheron Magill, Rector	Faculty representative: Robert B. Archibald
Suzann W. Matthews	Student representative: Ryan M. Scofield

Absent: Thomas E. Capps
Lawrence S. Eagleburger
Joseph J. Plumeri, II

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Others present were:

Gene R. Nichol
P. Geoffrey Feiss
Stewart H. Gamage
Samuel E. Jones
Anna B. Martin
Dennis M. Manos
Susan H. Pettyjohn
W. Samuel Sadler

Carolyn R. Cook
Karen R. Cottrell
Edward C. Driscoll, Jr.
Michael J. Fox
W. Fanchon Glover
Michael L. Stump
William T. Walker, Jr.
Sandra J. Wilms

Also present were Dean Virginia McLaughlin, Dean of University Libraries Connie K. McCarthy, Dean John T. Wells, ACE Fellow Julie E. Williams and members of the William and Mary Faculty and Student Liaison Committees.

In her opening remarks, the Rector reported that the House of Delegates had not confirmed the appointment of James H. Dillard II to the Board of Visitors. She expressed her extreme disappointment in the loss of a valuable Board member, advised that she had asked Mr. Dillard to remain for the rest of the meetings and participate in Charter Day and led the Board in a round of applause for Mr. Dillard. Mr. Dillard thanked the Board and expressed his hope to continue to serve his alma mater in other capacities in the future. The Rector commented briefly on the joint ceremony for the formal inauguration of President Nichol and the investiture of Chancellor O'Connor planned for April 7.

In his opening remarks, President Nichol also expressed his high personal regard for Mr. Dillard's work on the Board and for his friendship and counsel to a new president. The President commented briefly on the groundbreaking for the new Integrated Science Center and plans for Charter Day. He recognized recent awards presented to several faculty members and the ranking of the MBA program at the Business School as 12th in the world among public universities by the *Financial Times* and *Kiplingers* magazine's ranking of the College as the fourth best value in the nation in terms of a combination of quality and cost. The President reported briefly on the Governor's budget proposals and the General Assembly.

At 4:05 p.m. the **Committee on Public Affairs and Economic Development** convened. Ms. Poston presided as chair.

Vice President for Public Affairs Stewart Gamage commented briefly on the events held on campus for the inauguration of Governor Kaine. She provided an update on the General Assembly and the restructuring initiative and commented on capital projects and research funding as well as legislative lobbying efforts of the students. Director of Government Relations Fran Bradford presented an update on some of the political issues faced by legislators. Ms. Gamage noted that economic outreach was one of the requirements of restructuring and introduced Director of Economic Development and Corporate Affairs James Golden, who discussed the economic impact of the College on surrounding communities. Mr. Golden reported on the Wessex Group Study completed in January 2006 which assessed the economic impact of both William and Mary and VIMS expenditures as well as student and visitor spending.

In closing remarks, Ms. Poston reported that President Nichol had recently delivered the commencement address for Tidewater Community College's December graduation and had received very positive comments.

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There being no further business, the committee adjourned at 4:40 p.m. and the Rector called on Mr. Powell for the Provost and Faculty Report.

Mr. Powell introduced Provost P. Geoffrey Feiss, who introduced Director of Admission Henry Broadus, who discussed the admission selection process. A brief discussion ensued.

The Provost introduced two faculty members: Assistant Professor of Applied Science Christopher Del Negro who discussed his research on the neural mechanisms of breathing in mammals and Professor Tamara Sonn, Kenan Professor of Humanities and Religious Studies and co-director of the College Scholars Program, who discussed the recent visit to campus of Nobel Peace Prize winner Dr. Shirin Ebadi.

The Provost advised that the Faculty Assembly had asked Dean of the School of Education Virginia McLaughlin to discuss science education. Dean McLaughlin commented on the importance of science education and recent external funding success and introduced two faculty members who discussed their research. Professor Juanita Jo Matkins, whose research focuses on teaching the nature of science, and Professor Megan Tschannen-Moran, whose research area is school leadership.

At 6:00 p.m. the **Committee on Student Affairs** convened. Ms. Matthews presided as chair.

Vice President for Student Affairs Sam Sadler, noting that his report had been given earlier, yielded his time to Student Liaisons Allison Biggs and James Ambrose who reported on student activities, including the Road to Richmond lobbying effort at the General Assembly in January, the Student Environmental Action Coalition, spring break service trips, the Washington Program and the Yule Log ceremony.

The committee of the whole recessed at 6:15 p.m.

On Friday, February 10, the Executive Committee met in the Rector's Office and the Committees on Buildings and Grounds, Athletics and Development and Alumni Affairs met in the Board Room, prior to the full Board meeting.

At 9:40 a.m. the Rector convened the Board as a committee of the whole. Those present were:

Alvin P. Anderson	Jeffrey L. McWaters
Robert A. Blair	Anita O. Poston
Janet M. Brashear	Michael K. Powell
Thomas E. Capps	Jeffrey B. Trammell
John W. Gerdelman	Barbara B. Ukrop
Sarah I. Gore	Henry C. Wolf
R. Philip Herget III	Faculty representative: Robert B. Archibald
Susan Aheron Magill, Rector	Student representative: Ryan M. Scofield
Suzann W. Matthews	

Absent: Lawrence S. Eagleburger
Joseph J. Plumeri, II

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Others present were:

Gene R. Nichol
P. Geoffrey Feiss
Samuel E. Jones
Anna B. Martin
Susan Pettyjohn
W. Samuel Sadler

Karen R. Cottrell
Edward C. Driscoll, Jr.
Michael J. Fox
William T. Walker, Jr.
Sandra J. Wilms

Also present was ACE Fellow Julie E. Williams.

Mr. Gerdelman convened the **Committee on Athletics** at 9:40 a.m.

Director of Athletics Terry Driscoll reviewed the team results for winter and spring sports, the graduation success rate, provided an update on facilities and advised that the College would not hear from the NCAA regarding the use of Tribe until late in the spring. Mr. Driscoll briefly reviewed upcoming special events and presented a short athletics quiz.

Provost Feiss and Mr. Driscoll reviewed the findings of the Athletic Task Force. A brief discussion ensued.

There being no further business the committee adjourned at 10:20 a.m., and the **Committee on Development and Alumni Affairs** convened. Mr. Plumeri presided as chair.

Following a short break, the Rector called the meeting of the full Board to order in the Board Room at 11:15 a.m.

Those present were:

Alvin P. Anderson
Robert A. Blair
Janet M. Brashear
Thomas E. Capps
John W. Gerdelman
Sarah I. Gore
R. Philip Herget III
Susan Aheron Magill, Rector
Suzann W. Matthews

Jeffrey L. McWaters
Anita O. Poston
Michael K. Powell
Jeffrey B. Trammell
Barbara B. Ukrop
Henry C. Wolf
Faculty representative: Robert B. Archibald
Student representative: Ryan M. Scofield

Absent: Lawrence S. Eagleburger
Joseph J. Plumeri, II

Others present were:

Gene R. Nichol
P. Geoffrey Feiss
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Edward C. Driscoll, Jr.

Michael J. Fox
W. Fanchon Glover
Jackson N. Sasser
Michael L. Stump
William T. Walker, Jr.
Richard A. Williamson
Sandra J. Wilms

Also present were Assistant Attorney General Richard McGrath; Richard Bland College President James B. McNeer, Provost Vernon R. Lindquist and Dean of Administration and Finance Russell E. Whitaker, Jr.; College of William and Mary Dean of the School of Education Virginia L. McLaughlin, Dean of Arts and Sciences Carl Strikwerda, and ACE Fellow Julie E. Williams.

The Rector asked for any corrections to the minutes of the meeting on November 17-18, 2005. Hearing none, the Rector asked for a motion to approve the minutes. Motion was made by Mr. Wolf, seconded by Ms. Poston and approved by voice vote.

The Rector moved that, pursuant to Section 2.2-3711.A.1., 2., 7., 8. and 10., of the Code of Virginia, the meeting be closed in order to discuss matters pertaining to specific personnel, the consideration of contracts, promotions, tenure and leaves; disciplinary matters concerning a student; consultation with legal counsel and briefings by staff members pertaining to actual or probable litigation; matters pertaining to gifts, bequests and fund raising activities and contracts for services; and matters pertaining to the consideration of honorary degrees. Motion was seconded by Ms. Ukrop and approved by voice vote. The observers were asked to leave the room and the Board went into closed session at 11:16 a.m. Mr. Anderson and Ms. Poston recused themselves from the first portion of the closed session due to conflicts with parties in the litigation discussion. At 11:40 a.m. Mr. Anderson and Ms. Poston returned to the closed session.

The Board reconvened in open session at 12:10 p.m. The Rector moved adoption of the **Resolution** certifying the closed session was held in compliance with the Freedom of Information Act. Motion was seconded by Mr. Trammell and approved by roll call vote of the Board members conducted by Secretary to the Board Michael Fox. (Certification **Resolution** is appended.)

Ms. Ukrop reported for the Richard Bland College Committee, and asked President McNeer for a brief report.

President McNeer updated the Board on the plans for the capital campaign and expressed his appreciation for the assistance of the Rector as well as Susan Pettyjohn and her staff. He noted that the three honorary chairs – Ms. Ukrop, Mr. Powell, and former Board member and current President of the Richard Bland College Foundation Peter Clements – had all agreed to serve. The President invited all Board members to attend Richard Bland's Commencement on Friday, May 12, and advised that the speaker would be President Gene Nichol.

Ms. Ukrop moved adoption of **Resolution 1**, Confirmation of Academic Tenure; **Resolution 2**, Faculty Promotion and Tenure and **Resolution 3**, Faculty Promotion, as a block. Motion was seconded by Mr. Trammell and approved by voice vote of the Board.

Mr. Powell reported for the Committee on Academic Affairs, and moved adoption as a block of **Resolution 4**, Appointments to Fill Vacancies in the Instructional Faculty; **Resolution 5**, Appointments to Fill Vacancies in the Administrative and Professional Faculty; **Resolution 6**, Confirmation of Academic Tenure; **Resolution 7**, Faculty Promotions; **Resolution 8**, Designated Professorship; and **Resolution 9**, Faculty Leaves of Absence. Motion was seconded by Ms. Ukrop and approved by voice vote.

Mr. Wolf reported for the Committee on Financial Affairs, and moved adoption of **Resolution 14**, Appointment of Investment Managers, as discussed in committee. Motion was seconded by Mr. Plumeri and approved by voice vote. (**Resolution 14** is appended.)

Mr. McWaters reported for the Committee on Buildings and Grounds, noting that the Committee had received updates on William and Mary capital outlay projects, on Project MAST and on VIMS capital outlay projects.

Mr. McWaters asked for a motion to adopt **Resolution 10**, Temporary Naming of New Dormitories. Motion was made by Mr. Blair, seconded by Mr. Wolf and approved by voice vote.

Mr. Capps reported for the Committee on Audit, noting that the Committee had heard a report from the Director, reviewed the audit activities and noted no problems. He advised that the 2004-05 audit by the Auditor of Public Accounts would be received in April.

Mr. Plumeri reported for the Committee on Development and Alumni Affairs, and asked for a motion to adopt as a block of **Resolution 11**, Establishment of the Lottie Elizabeth Driver Swem Library Endowment; **Resolution 12**, Establishment of the Henry Clay Hofheimer II Endowed Fellowship; and **Resolution 13**, Establishment of the Robert Murphy "Pinky" Newton Class of 1940 Golf Endowment. Motion was made by Ms. Brashear, seconded by Mr. Gerdeman and approved by voice vote of the Board.

Ms. Magill reported for the Executive Committee and moved the adoption of the report as given in closed session; namely to confer the following degrees at Commencement:

Desmond M. Tutu - Doctor of Humane Letters
Willard A. Van Engel - Doctor of Science

Motion was seconded by Mr. Powell and approved by voice vote.

Under old business, the Rector called on Professor David Aday, Director of the SACS Reaccreditation Project, to provide a status report on the reaccreditation review. Professor Aday reviewed the process and the comments received on the Focus Report which was submitted in March. A brief discussion ensued. Professor Aday reported that the on site review would be held on April 25-27 and invited members of the Board to participate. The Rector, the President and the Provost all offered thanks to Professor Aday and his committee for their work on the project.

Under new business, the Rector reported on technical changes proposed for the Board *Bylaws*, noting that one of the recommendations from the SACS review indicated a need to add language to the *Bylaws* relating to the evaluation of the presidents. In addition, there was a need to add language to formally permit the Vice President for Administration to sign contracts.

As provided in the *Bylaws* under Article VII, Section 4., Mr. Powell moved to suspend the *Bylaws* in order to consider amendments. Motion was seconded by Mr. Wolf and approved by roll call vote of the Board conducted by Secretary to the Board Michael Fox. All present voted in the affirmative.

Mr. Powell then moved, pursuant to Article VII, Section 3., to amend the *Bylaws* as outlined in **Resolution 16**, Amendments to the Bylaws of the Board of Visitors, effective immediately. Motion was seconded by Mr. Wolf and approved by roll call vote of the Board conducted by Secretary to the Board Michael Fox. All present voted in the affirmative. (**Resolution 16** is appended).

The Rector advised that inasmuch as her term expires on June 30, and in order to trigger the nomination process as provided in the Bylaws and hold an election at the April meeting to fill the remainder of her term as Rector, it was her intent to resign as Rector effective May 15 and to appoint a Nominating Committee to report at the April meeting. She asked those interested in

serving on the committee to let her know and those interested in running for office to not volunteer for the committee.

The Rector reported that a joint Board of Visitors/Endowment Association ad hoc Property Committee had been appointed and their first meeting would be held on Saturday afternoon, February 11. The members from the Board are: Janet Brashear, John Gerdelman, Phil Herget, Anita Poston, Bobbie Ukrop and Hank Wolf. The members from the Endowment Association are: Marshall Acuff, Howard Busbee, David Heenan, Gale Kohlhagen, Leanne Kurland and Randy Reynolds. This ad hoc committee will be considered a subcommittee of the Board of Visitors and will follow Freedom of Information requirements.

The Rector asked Secretary of the Board Suzann Matthews to read into the record **Resolution 15**, A Resolution in Honor of The Honorable James H. Dillard II '59. Ms. Matthews read the resolution and moved its adoption. Motion was seconded by Mr. Trammell and approved by voice vote. The Rector informed the Board that a copy of the resolution would be presented to Mr. Dillard. (**Resolution 15** is appended.)

The Rector moved that, pursuant to Section 2.2-3711.A.1., of the Code of Virginia, the meeting will be closed in order to discuss matters pertaining to specific personnel. Motion was seconded by Mr. Trammell and approved by voice vote. The observers were asked to leave the room and the Board went into Executive Session at 12:35 p.m.

The Board reconvened in open session at 12:48 p.m. The Rector moved adoption of the **Resolution** certifying the closed session was held in compliance with the Freedom of Information Act. Motion was seconded by Mr. Trammell and approved by roll call vote of the Board members conducted by Secretary to the Board Michael Fox. (Certification **Resolution** is appended.)

President Nichol expressed his appreciation to the Rector for her leadership.

There being no further business, the Board adjourned at 12:55 p.m. to attend the groundbreaking for the Integrated Science Center.