



# WILLIAM & MARY

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## **Faculty Assembly Minutes, October 31, 2023**

**3:30 – 5 pm**

**Location: Board Of Visitors Room, Blow Hall**

**Zoom: <https://cwm.zoom.us/j/91047315062>**

*Officers Present:* K. Scott Swan (Faculty Assembly President), David Feldman (Vice President), Nicholas Popper (Secretary)

*Other Members Present:* David Armstrong (Faculty Assembly Representative to the Board of Visitors), Mark Brush, Josh Burk, Christopher Del Negro, Jim Dwyer, John Gilmour, Aaron Griffith, Katherine Guthrie (zoom), Terry Meyers (Parliamentarian), Randi Rashkover (zoom); Marc Sher, Evgenia Smirni, Cristina Stancioiu, Betsy Talbott (Zoom)

*Members Absent:* Marjy Friedrichs, Erin Hendrickson

*Others in Attendance:* David Kranbuehl (on zoom: Tuska Benes, Bernadette Kulas, Abbie Schaefer)

The meeting was called to order at 3:33.

### I. Approval of minutes

After some small changes, the minutes are approved.

### II. Faculty Handbook revision process

James Dwyer introduced a motion concerning the Faculty Handbook revision process that had been pre-circulated to the Faculty Assembly (FA); David Armstrong moved the waiving of

reading the motion, seconded by John Gilmour. Armstrong then seconded the motion itself. Dwyer then waived his right to speak first.

John Gilmour expressed support for the principal message of the motion, which is that the revision process should adhere to the process in the existing handbook. President Scott Swan noted that he had been in contact with Alan Meese concerning the 2008 handbook revision and recapitulated that that revision process adhered to the process described in the handbook. Gilmour asks whether FA should point out how the process recently proposed by the president departs from the process as described in the handbook. Mark Brush suggests that it is expressed sufficiently in the final paragraph of the motion.

Vice President David Feldman asks whether the line “no objections to the Working Group if it is used to advise the president” aligns with his understanding that the Working Group would be the body that comes up with proposed changes to the handbook. President Swan clarifies that the Working Group is advising the President, not the FA or Personnel Policy Committee (PPC). Armstrong notes that anyone can initiate changes to handbook; the motion does not address this. The Working Group will collect and bring forward proposed changes and solicit other proposals for changes, but then the approval process would follow the handbook process.

Brett Wilson asks whether there needs to be a distinction made in the document between who suggests and who approves changes. General discussion and agreement that it is clear. Swan says that the strength of the proposal is that this affirms the normal process as enshrined in the existing handbook.

Wilson proposes small amendment from “with the Working group to “to the convening of a Working Group.” Amendment passes unanimously.

Brush suggests that the motion should insist on four weeks between the circulation of the final, revised handbook and an up/down vote. Dwyer agrees. Swan suggests that the current motion gives FA options on the basis of its own decision process; it has the possibility of waiving the four weeks and accelerating the process, or taking four weeks. Parliamentarian Terry Meyer confirms. Gilmour advises that it is important to avoid a situation where FA is told to approve changes on short notice.

Feldman suggests that the full document will probably require four weeks of review. President Swan confirms that FA can take four weeks on any proposed revision if it wants, but can also waive as appropriate. Feldman and Swan agree that the current motion makes clear that FA intends to go as fast as it can, but also that it needs to take appropriate time to support and represent our constituents. Dwyer asks whether the motion conveys the above sentiment.

Gilmour suggests, in response, an amendment removing sentence beginning “It is difficult to imagine.” Feldman seconds. After brief discussion the amendment is approved unanimously.

Armstrong raises the issue that much of this work will likely occur during the summer. Points out that according to FA bylaws the Executive Committee can act on behalf of the assembly during the summer. Suggests that rather than do this, the Executive Committee might meet but also invite FA members who have been involved in the revision. Numerous members express concern about the Executive Committee exercising the full power articulated in the bylaws in this instance, but also concern about ability to achieve quorum over the summer. Gilmour stresses the need for whatever is done by the Executive Committee over the summer to be presented to the full FA. President Swan says that it’s imperative that FA comes up with a solution to this, so will open up the possibility that the Executive Committee will meet along with some invited members in order to meet the necessary deadlines. There is strong general assent for the idea that the bulk of the work would ideally be complete before the summer, and that everyone should be invited via zoom, at least. Christopher Del Negro notes concern, generally felt, about late-breaking amendments, but points out that FA also can also address these in the fall.

Katherine Guthrie asks whether FA will wait for amendments to come from the Working Group or whether it intends to suggest some. President Swan affirms that FA can bring as many as it wants. General agreement that FA members should meet with faculty in their areas and solicit ideas.

Wilson wonders whether the first sentence of the fourth paragraph could be modified to better align with FA’s sentiments. Proposes insertion of new paragraph after “adhered to.” Feldman seconds. The motion does not carry.

Armstrong calls the question on the full motion with amendment. Brush seconds, and it carries unanimously (Appendix A).

### III. Provost’s recommendation for new school

President Swan informs FA that while it had requested to receive the packet to be presented to the BOV concerning the “New School” prior to this meeting, he did not receive this. His perspective is that the process has moved from strategy to implementation. The expectation is that the FA will play a large role in the implementation process, both for the entities moving into the school and in support of those that are not.

Wilson reads an email from Bob Scolnick emphasizing that for such a procedure, consultation with FA is required, that consultation requires submission of a detailed document, that no document has been submitted, and therefore that no consultation can be given.

It is also noted that in a recent meeting between members of the FA and the Rector of the BOV, the rector informed members that the new school was inevitable once the vote to introduce a department of data science failed (in April 2021).

Feldman asked whether a committee devoted to implementation had been constituted yet. President Swan said not yet, but that he assumed that FA would be asked for input. Armstrong suggested that the FA should consider a motion for the administration to the effect that solicitations of membership should come from FA. Brush noted that this pre-emptive reminder should avoid the problem of not being asked. In response to Wilson's concern that FA does not want to again be put in the position of repeatedly hearing that consultation will happen in the future and then being told that the moment has passed, Feldman says that can be avoided if FA has some role in selecting who will be on the committee. Betsy Talbott asks whether it is certain that there will be an implementation committee. Sher says yes.

Armstrong proposes a motion that requests input on the implementation process. Popper suggests that some members proposed for the implementation committee should come from areas outside of Area III and from Area III departments that are not moving to the New School. Meyers asks whether it is a "long range planning committee" which would then be subject to certain bylaws. Armstrong answers that it's unclear.

Evgenia Smirni raises concern that this motion will be interpreted as obstruction of the New School. Popper responds that the proposed motion is the opposite of obstruction, as it is an effort towards forward motion by participating in crafting it. Dwyer agrees that the FA can provide helpful perspective. Feldman points out that this is the only way for the faculty as a whole to be participant and cognizant of implementation. Armstrong anticipates that the FA representatives on the committee will report developments to the FA as implementation is happening.

Motion passes unanimously.

#### IV. Other business

Armstrong asks if there are specific items the FA wants him to raise or report at the upcoming BOV meeting. Gilmour reminds that in a previous meeting Armstrong had offered to point out that FA did not feel that it received sufficient information to advise on the new school. Swan says FA did, arguably. Armstrong says he could write that FA did not feel that it was capable of

weighing in given the information it had received, but that it expected to be involved in implementation and is working expeditiously on the handbook.

Swan brings up the need to do a faculty survey, and suggests that it focus on academic affairs. Feldman says the first step is to collect previous survey, Armstrong suggests consulting Cathy Forestell. Also notes SACS/COC has a range of questions worth asking, that have also been in previous surveys which would in turn help W&M prepare for SACS/COC. Gilmour asks about the response rate to previous surveys; Swan notes variability between 20-60%. Gilmour suggests being judicious with demand on faculty time, all agree.

Feldman asks whether FA wants to be part of the construction of KPI for the BOV. Swan notes that the BOV has not explicitly consulted FA about financial matters; Feldman agrees as he is on the committee and so is open to ideas especially in a consultative role.

Brush asks about the status of the President's draft motions at the end of her powerpoint on the proposed handbook revision process (from our October meeting); after discussion it's generally agreed that the president has put the handbook revision significantly in FA's hands and the approved motion supplants her proposal.

Smirni asks whether it is good politically to make these kinds of ripostes at this stage. Gilmour replies that FA's attempts to fulfill its consultative role for the New School have not slowed down the process at all. Armstrong agrees and points out that A&S might be breaking down into several schools and that the preferred precedent would surely be that FA has some say in that. Popper notes that while happy for his colleagues going to the New School, perhaps the perceived delay could have been avoided had there been some reciprocal attention to the challenges faced by other units.

Gilmour moved to adjourn, Del Negro seconds, meeting ended at 4:55 pm.

(See appendices below)

## Appendix A

### Faculty Assembly Motion 10/31/23

That the Faculty Assembly direct its Secretary to transmit the following to the university President's office by email, within twenty-four hours of a vote in favor of this motion:

Dear President Rowe,

I am writing as Secretary of the Faculty Assembly to convey the following message from the Faculty Assembly regarding the Faculty Handbook revision process:

The Faculty Assembly (FA) met on October 31, 2023 to discuss the administration's draft sketch of a proposed process for revising the Faculty Handbook, as set forth in the set of presentation slides the administration has provided, which FA members received by email on the evening of October 18. We wanted to share our conclusions at the earliest opportunity, so as to facilitate the soonest possible commencement of the revision process.

FA is eager to play a constructive, integral role in successful completion of this undertaking, as it most directly concerns the people whom FA serves, the William & Mary faculty. FA members appreciate the administration's avowed respect for what FA members "affirm as acceptable process," and in particular President Rowe's statement at our October 17 meeting that she would welcome an alternative process that we offer.

FA has concluded that the process for Handbook revision set forth on pp. 83-84 of the current Handbook should be adhered to, but pledges with the utmost good faith to make that process work quite expeditiously, so that it is completed well within the time frame the Board of Visitors has requested. Indeed, the process might be able to begin at once if the Working Group does not need to continue devising a new process or seek approval from the BOV for changes to a currently workable process. We have no objections to the convening of a Working Group if it is used to advise the President, and we appreciate the inclusion of some of our faculty nominations in the group.

As an example of how FA might expedite the revision process: Suppose on Day X, the President announces to the entire William & Mary faculty a proposed revision, and at the same time she transmits it to PPC for consideration. FA would immediately send out a request to all faculty that they review the proposal and send any feedback to an FA member within five days, and of course FA members would be reviewing the proposal at

the same time. The FA President would also ask PPC to inform him when PPC has set a date to discuss and potentially vote on the proposal, which might be within X + 10 days, and the FA President could schedule a meeting of the FA for a day or two after that, to have its separate and independent discussion and vote. If FA anticipates any concerns, it could meet before the PPC does, to discuss the concerns and arrive at a conclusion that might be transmitted immediately to PPC, so that PPC can take it into account before acting. If, after PPC votes to approve an amendment and sends it to FA, FA approves that amendment, by the prescribed two-thirds vote, it would be transmitted immediately to the President. Thus, an amendment could be finalized within just two weeks, or even less, after President Rowe proposes it.

Thank you again for the trust you have placed in the Faculty Assembly.

## **Appendix B**

### Faculty Assembly Motion 10/31/23

Faculty Assembly requests that the implementation committee for the New School include faculty representatives chosen from names put forward by Faculty Assembly.