



# WILLIAM & MARY

CHARTERED 1693

**Faculty Assembly Minutes, October 15, 2024**

**3:30 – 5 pm**

**Location: Chancellor's Hall Seminar Room**

**<https://cwm.zoom.us/j/4082245225>**

*Officers Present:* David Feldman (Faculty Assembly President), Katherine Guthrie (Vice President), Nicholas Popper (Secretary)

*Other Members Present:* Chris Del Negro, Jim Dwyer, Marjy Friedrichs, Aaron Griffiths, Brennan Harris, Rex Kincaid, Rob Latour, John Lombardini, Jessica Martin (zoom), Scott McCoy, Terry Meyers (Parliamentarian), Stephen Sheehi (zoom), Cristina Stancioiu, Scott Swan (Faculty Assembly Representative to the Board of Visitors), Betsy Talbott

*Members Absent:* Chuck Bailey, Anna Chason, Josh Puzey, Brett Wilson

*Others in Attendance:* David Armstrong (zoom), Pam Eddy, Adam Gershowitz (zoom)

Meeting began at 3:30

- I. Approval of Minutes
- II. Handbook revisions

Feldman explains that we thought we would have two items to deal with, but that only one has made it far enough for us to consider. This is a modest revision to the circumstances under which faculty can appeal a negative tenure or promotion judgment to the provost. There are currently three clear rationales (discrimination, academic freedom, process) that grant standing to appeal a negative decision in handbook as is. These are not being changed. There is another one in which faculty can appeal to provost directly, but its rationale is unclear—for example it is not clear if

the faculty member must use one of the other rationales if applicable. The committee considered getting rid of the possibility of direct appeal to the provost but recognized that it could be useful under certain circumstances and therefore came up with guidelines for when it would be applicable. For example, the revision proposes that the faculty should use one of the other rationales if applicable; direct appeal to the provost would be the process in the case of something like new/additional evidence.

Dwyer asked whether this revision has been modified since it was first drafted in September, Gershowitz says no. There is no further discussion, and the motion is seconded and approved unanimously.

The second item that the Handbook Working Group had intended to present concerns faculty leave. Pam Eddy explained that the PPC had not passed any revisions because of continuing questions concerning parental leave, which are currently being discussed with HR, who has their own understanding and language. Eddy reports that there is significant effort being made to ensure faculty consultation in this and similar HR questions as policies are being worked out.

John Lombardini asks whether the changes are on the HR website. Eddy replies that they are. Friedrichs asks about the applicability of parental leave changes to postdocs; Eddy replies that they are faculty, so the policies do apply; Friedrichs points out the complication in the case of one-year engagements.

Feldman asks whether, if PPC cannot come to agreement on this one remaining policy, can this issue be separated from the broader handbook revision and undertaken at a later point. Eddy says she does not think so.

David Armstrong suggests that we provide links to the current policies in the minutes.

<https://www.wm.edu/offices/uhr/policies/> (contains all personnel policies)  
[https://www.wm.edu/offices/uhr/documents/policies/sick\\_leave\\_disability\\_leave\\_and\\_family\\_leave.pdf](https://www.wm.edu/offices/uhr/documents/policies/sick_leave_disability_leave_and_family_leave.pdf) (parental leave)

Eddy notes that the BOV has changed their bylaws so that they do not have to approve hiring decisions. This requires a deletion of related language in the Handbook, which PPC passed, now here in front of FA. No discussion, motion seconded and passes unanimously.

### III. FA bylaws

Jim Dwyer, Cristina Stancioiu, and Brennan Harris have been working on this. The first issue is how to deal with representation of The New School (TNS). Dwyer outlines two approaches; either add new seats (two), or revise numbers within the current framework.

Feldman notes that A&S currently comprises 69% of WM faculty but 60% of FA. Adding two seats would lower these to 60%/55%, and notes that there is no way to juggle existing numbers without many antics.

Feldman continues that, with the departure of TNS faculty, the number of faculty in Areas, 1, 2, and 3, are not nearly equal. This, however, he sees as a problem to be resolved by A&S rather than FA. Lombardini notes that one solution would be to move the departments of Psychological Sciences and Kinesiology to Area 1 to roughly equalize. But he agrees with the consensus that this is an A&S problem.

Feldman notes that Article 2, Section 6 presents a problem as it mandates reconsideration of FA composition when certain ratios between A&S faculty/other Faculty are reached, and that the proposed addition of two seats for TNS would just about get there. Dwyer suggests simply deleting this section. There is general agreement to delete all of section 6.

There is a brief general discussion about naming of the various units on page 2.

Feldman observes that there is a significant problem within the language as currently written in Article V, section 2, and Article VI, section 2. Both explain that ratification of amendments (or dissolution of the assembly) must be approved “by 5 out of the 7 of the constituencies of the Assembly (or by Arts & Sciences and two schools)” (NB: the proposed revision changed this to “6 out of the 8” and “three schools” to reflect the creation of TNS). Feldman points out that it is unclear whether an individual school can vote as a bloc. Meyers explains that this is in reference to constituencies, and that such changes would have to be conducted as majority-rules votes internal to each school; there would have to be a collective vote within each unit.

Lombardini points out that the suggestion in the language is that in A&S, Areas 1, 2 and 3 would vote independently; that seems unlikely. Meyers clarifies that that has happened in the past.

Feldman points out that amending the document – as FA is currently doing – requires going through this process. Meyers confirms. Feldman asks whether the FA thinks, given this, it would be better to have the constituencies vote on a single packet of changes or separate them into pieces. VP Katherine Guthrie expresses preference for a single.

Lombardini raises a question about how to interpret the parenthetical in the above language. Latour argues that it suggests that it does mean there are two different paths (“or”), and that means that though A&S units might vote separately, it is also possible to aggregate its votes. General discussion concerning how to interpret, landing on the conclusion that to amend constitution, a vote needs to be set up in which A&S Areas 1,2, and 3 vote separately but can be aggregated.

Dwyer turns attention to Article I, section 6, (“The Assembly shall recommend the faculty representatives to all university-wide appointed committees”). Notes that the administration has not followed this procedure consistently. Feldman states that FA can and should be making recommendations, but that the article does not give the power to compel. Guthrie says that this language suggests that the administration has decisive power. Dwyer explains that he interprets the article as providing FA the right of suggesting a pool from which members can be selected. Swan says the article does not suggest the recommendations would be binding. General support for giving recommendation; broad discussion of formation of Handbook Working Group, and

Swan notes that in that process FA made strong recommendations that resulted in two people being placed on the committee, chosen from a larger pool of suggestions.

Dwyer asks for clarity on whether a “working group” is a committee. Swan observes that the Handbook Working Group can pass things to committees (i.e. PPC, FA) but has no authority of its own. Dwyer notes that his concern is about the process rather than the current group and the easily abused carved-out if an administrator can simply declare that any committee-like group is “not a committee.” General agreement but also recognition that Article VIII, Section I gives administration latitude to maneuver. Guthrie offers the alternative of specifying distinctions between appointed committees with some authority and advisory committees. Latour asks about adding both standing and hoc committees.

General agreement that FA does not have language of enforcement available to it, but that it should emphasize that its increased participation would be preferable. Lombardini notes that Article I, Section 7 is significant because it gives FA oversight of University committees. Dwyer agrees but notes that it is not usually performed in its full scope, and that it would be worthwhile to bring its language into comportment with practice. Swan notes that FA has been reviewing committees through one pagers, meetings, etc. Feldman points out that this is true of the committees that report to FA, but not all university-wide committees as specified by the section, of which there are too many to perform the kind of oversight currently stipulated. He continues to propose that the language should be conditional (i.e. “may” instead of “required” and “as needed rather than every four years”). Lombardini notes the apparent difference between sections 6 and 7, in which section 7 does not concern only committees with faculty representation while section 6 does. Lombardini suggests bringing more limited language from section 6 into section 7. Latour notes that doing so might create an incentive for the administration to remove faculty representation from certain committees.

Dwyer notes that it has been impossible to have FA representatives elected by March 1, as is required. He proposes changing the date to April 1. Swan suggests not leaving the elections until too late so that potential representatives haven’t already been swallowed up into other committees. Dwyer notes that each school can have its election whenever it wants; the section refers to the “Annual Meeting” where things like election of FA president happens. Christopher Del Negro notes that the Nominations Committee will need to cooperate. Dwyer proposes changing this date to April 1, which meets with general approval.

Final discussion about how early to circulate public agendas for FA meetings, and how to manage agenda items that are raised after that circulation. Executive Committee meetings tend to be one week before full FA meetings but having them two weeks before would raise the likelihood of lots of new business arising between the formulation of the agenda at Executive Committee and circulation. General agreement that six days makes sense. Some suggest that incorporation of other items after this time should be at the chair’s discretion.

5:02 adjournment.