

26 February 2021

The Generals Redoubt

P. O. Box 1097 Lexington, VA 24450-1097

Rector Michael McAlevey

Washington and Lee University

204 W. Washington Street Lexington, VA 24450-2116

Dear Rector McAlevey:

The members of The Generals Redoubt would like to thank the Board of Trustees for its reaffirmation of the principle of student self-governance through its recent modification of the University's Bylaws. The tradition of self-governance goes back to the administration of President Robert E. Lee, who initiated a student run Honor System.

As champions of the University's embrace of the Chicago Principles on Free Speech and Expression, we feel the faculty through its teaching role can have a significant impact on the intellectual and moral development of the student body. We are less sanguine about its role in seeking to influence or even dictate other aspects of student life. So we are pleased to see the Board of Trustees take a major step in the elimination of faculty influence in this regard.

As you well know, this past summer was filled with the expression of strong opinions on issues such as systemic racism, social justice and the continued role of its namesakes in the life of the University. Among the key reported events was an Executive Committee finding of the Student Body that strongly favored a name change contemporaneous with a recently adopted faculty resolution. Along with a number of students stunned by this news, members of our team have been looking into that action and have useful research to

share with the Trustees and some questions for the Board to consider. These findings are captured in the attached Appendix.

As you look these over, we believe many students felt cheated and surprised by the student Executive Committee action. The EC sought student feedback on June 30, 2020, then notified students by email on July 2, 2020 of the EC approval to remove R. E. Lee's name---a 3-day rush job.

Compare this to The Spectator's positive reaction to how the Board of Trustees was conducting its survey.

“In contrast to the horrific handling of this matter by the EC, we [The Spectator] think the Board handled it quite well. In fact, the Board's statement that not only had a committee been created to look into the matter of changing the name, but also that: “There will be opportunities for the community to express their opinions to the Board, including focus groups with students, faculty and staff and outreach to alumni. More information on these opportunities will be forthcoming soon. We have not established a timeline for completion of this process but know that it will be a primary focus of the Board in the coming months alongside our focus on the health and safety of our community in light of COVID-19.”

“We found that statement to be reassuring. It shows that unlike our own student representatives, Washington & Lee's Board of Trustees actually cares about what the community thinks, is committed to making a well thought out decision, and is in no rush to betray our namesakes. Perhaps our student representatives could learn a thing or two from that by reviewing the contrast in approach and learning some life-long lessons in the process.”

For the Trustees, we are hopeful this work will lead to some questions such as what and who were the driving forces to conduct the “Listening Group” session; were the results of this experiment a useful contribution to its process; and are there lessons to be learned that will make student participation in the evolving life of the university more measured, thoughtful and ultimately to the benefit of the Washington and Lee community.

Sincerely yours,

Thomas P. Rideout '63 & P'91 President

The Generals Redoubt

Cc: Board of Trustees

Appendix

Student reporting and testimony indicate a litany of abuses occurred during this process. No EC member or student vote counts were revealed. The W&L Spectator reported “Those statements were issued without the prior knowledge or consent of the student body. Additionally, they ...appear as unanimous. ...Our student body constitution [requires] an open business meeting announced to students,...[before closure] with a 2/3 vote of the EC... An EC member even admitted favoring those ‘oppressed’ voices over those choosing to keep the Lee as part of the university name.”

I-The Spectator

The Spectator article of July 14, 2020 called out the EC’s deceptive unconstitutional actions leading to the EC’s ‘unanimous’ support for changing the name of Washington and Lee.

a. “Those statements [the EC name change/diploma statement] were issued without the prior knowledge or consent of the student body. Additionally, they were made, as you can see from the text of the email, to appear as unanimous.”

b. “EC email was sent out stating that the EC would be meeting with the Board to discuss “recent developments across the country on the issue of race, including the focus on Confederate monuments and symbols, and the impact these events are having on Washington and Lee University.” A form was also included so that students could comment on those aforementioned

issues. Does that email make it sound like a few short days later the EC would be issuing a statement stating that it unambiguously and unanimously supports changing the name? No, because the name change issue wasn't mentioned a single time in this first EC email nor were students informed that the EC was considering crafting such a statement."

c. "Our student body constitution states that for an EC business meeting to be closed, which this one was, it should have started as an open business meeting that was open to and announced to students, and can then become closed with a 2/3 vote of the EC. Doing so creates some level of transparency and allows students to comment on relevant issues. We were not granted that opportunity, and, as far as I can tell, there never was an open EC business meeting that took place before the closed one. So, if the business meeting was closed, but students were not allowed to weigh in, how were the EC's procedures constitutional?"

d. "Those statements were issued without the prior knowledge or consent of the student body. Additionally, they were made, as you can see from the text of the email, to appear as unanimous."

e. "This entire operation was, in my opinion, suspicious and dishonorable. I feel that my trust in the EC to do its due diligence and respect and represent the views of all students was betrayed."

f. "This EC decision to unambiguously support changing the name and attacking W&L's culture in other ways was a dangerous grasp of power. No EC members ran on a platform of purging our university's namesakes. The EC had not brought this issue up beforehand. We weren't even granted the privilege of receiving the relevant EC minutes on the subject so we might understand how they reached and justified such a radical decision. Moreover, in the subsequent town hall to discuss changing the name, the EC refused to state which members voted for the statement and which voted against it. Such important and radical measures should not be cloaked in secrecy. This issue is one that calls for transparency and open conversations, not surprise announcements and top-secret meetings."

II-A Concerned Senior Student

Soon after the EC proclamation, a senior student, outraged at the EC's actions, examined the EC's practices and criticized the EC's gross manipulation of circumstances and disregard for their own procedures to force their prejudiced outcome.

a. "The EC notified us on June 30, 2020 at 2:03pm that they were invited by the Board of Trustees to participate in a "Listening Group" to investigate our vast and complex institutional history. At 11:37am on July 2, 2020, we received an email indicating that the EC finished their meeting with the Board of Trustees and had already presented their formal decision."

b. "The distinction of this meeting as Business or Emergency was not made. If it was a Business Meeting, the EC Constitution requires that the meeting must begin as an open meeting to receive comments and input from the Student Body. The Meeting should only have become closed after two-thirds vote of a present quorum or at the discretion of the President. The language of the Student Body Constitution does not authorize starting any EC meeting in closed session."

c. "Though the power to call a meeting of the EC when necessary, resides within the office of the President of the Student Body, no Standing Committee was appointed to investigate matters of student interest or concern regarding the items listed above."

d. "The form for feedback was sent by the EC at 2:03pm on June 30, 2020. We were notified at 11:37am on July 2, 2020 that the EC finished the meeting with the Board of Trustees and had already presented their formal decisions supposedly based on the feedback form. However, the form for comments closed at 5:00pm on July 2, 2020, which means any comments received after 11:37 were neither discussed with the Board nor discussed prior to the determination of the position of the EC. Although the claim has been made that all submissions through this form were thoroughly considered, it is difficult to believe that a period of less than forty-eight hours in the middle of summer would have been sufficient to do so in addition to having a formal meeting to determine a decision."

e. “The EC did indicate that minutes from the meeting with the Board of Trustees would not be released. The EC has no constitutional authority to vote without quorum and in an open business meeting or to then close it by EC member vote; further, it cannot vote in secret during a Trustee meeting. Unless the EC took their constitutional vote during this meeting, minutes of the meeting when the vote was taken should exist and are subject to release if not explicitly indicated otherwise.”

Conclusion

Plainly the EC either mishandled or deliberately disregarded its own rules and disregarded reasonable notice, rights of comment and full disclosure of the EC’s actions to its constituent body. The EC acted beyond its authority and scope of fiduciary duty, and its pronouncement lacked informed student participation and consent. In a corporate setting, these people would be fired for negligence. Formalities of group organizations universally recognized in business as best practices under Roberts Rules were flaunted with prejudicial intent.

By contrast, The Spectator commended the Board of Trustees for its measured, deliberate manner of conducting its survey and its open communications to the W&L community. The Generals Redoubt agrees with this sentiment.