

THE STATE OF NEW HAMPSHIRE

GRAFTON, SS

SUPERIOR COURT

Docket No. 08-E-0294

B.V. BROOKS, KENNETH F. CLARK, JR., MARISA DEANGELIS KANE,
JOHN H. PLUNKETT, DOUGLAS R. RAICHLE, ROBERT G. REED III, AND JOHN STEEL III

Petitioners

v.

TRUSTEES OF DARTMOUTH COLLEGE

Respondent

APPENDIX TO TODD J. ZYWICKI AMICUS CURIAE STATEMENT

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Democracy at Dartmouth

then

1891
Annual Meeting - June 24 1891
constitution of the Dartmouth
Assoc. Alumni

&

Alumni Trusteeships

now

www.VoteDartmouth.org

Fellow Dartmouth Graduates:

Like you, we recently received a letter from the Dartmouth Association of Alumni (AoA), the 68,000-member organization representing all alumni, warning of an effort to dismantle the 116-year-old democratic structure of Dartmouth's Board. We believe this threat is real. Dartmouth needs your help. Please write to the trustees and President Wright to convince them not to make this terrible mistake. You must act now, as we expect the Board to act at its September 7-8 meeting.

By now you know that the administration, with the approval of President Jim Wright and Chairman Ed Haldeman, attempted to prevent the mailing of a letter from The executive Committee of the AoA to you on this topic. The administration balked at letting our Association of Alumni use Dartmouth's alumni mailing list to communicate with its own members. The opposing view of the AoA was simply censored in an outright attack on free speech.

THE VERY BEST UNDERGRADUATE COLLEGE IN THE WORLD

Since 2004, alumni have exercised their right to become more active in Dartmouth's governance. Their message has been clear: To preserve and enhance the quality of education at Dartmouth.

To us, Dartmouth is the definition of academic perfection—dedicated professors teaching small classes of smart, motivated students in a magnificent setting. Dartmouth's academic model creates a better environment for undergraduate education than, for example, the Harvard model in which graduate students are allowed to teach undergraduates, often in large classes. This advantage over a great institution is one reason we believe, in the words of Angus King '66, a two-term Governor of Maine, "that Dartmouth's proper mission is to be the very best undergraduate college in the world"—a belief that sometimes puts us in conflict with the administration; for example, over the current situation in which students now endure waiting lists for many classes at the very same time the College is setting consecutive annual spending records.

Students at Dartmouth still come first because half the Board has always been elected by its former students—that is, by you. Alumni have made this priority clear in six elections since 2004. However, rather than internalizing this message, the administration now wants to do away with elections—either directly or by re-organization. After alumni voted to reject the new AoA constitution, President Wright said, "It is time to give the efforts at alumni governance reorganization a rest. Let us work with the existing structure."

We agree. So, why are we right back at it? After losing another trustee election in May, the administration appears ready to take by fiat what it cannot win by the ballot box.

THE FOUNDATIONS OF OUR DEMOCRACY

In 1891, the alumni and Board of Trustees struck a revolutionary bargain to share governance. This partnership is the foundation of modern Dartmouth. Below are excerpts of the minutes of the June 24, 1891 meeting of the AoA, which you can find in full at www.VoteDartmouth.org. In that meeting, our Association of Alumni, of which we are all members, adopted a new constitution to enact the right it had just won to share in the governance of the College.

000001

1891.

The meeting was held in the Old Chapel on June 24, 1891.

Annual Meeting - June 24 1891.

The Association was called to order in the Old Chapel at 2-45 P. M. by the President, John G. A. Marden, Esq. Prayer was offered by the Rev. Dr. Davis Foster. 49

Constitution of the Dartmouth College Alumni. } See page 131

- 1. This Association shall be called "The Association of Alumni of Dartmouth College."
- 2. All graduates of the College, the Thayer School of Civil Engineering and the Chandler School of Science and the Arts, shall be members. Others, who

Items 3-13 following this excerpt mention the words "Alumni Trustee" or "Alumni Trusteeship" five times to define the nomination process and to specify terms of office for Alumni Trustees "so arranged that one vacancy therein will regularly occur on the Monday following each Commencement."

Report of Committee

In the same meeting, an alumni association committee reported that it had been engaged with Dartmouth's Board with the goal of placing Alumni Trustees on it.

To the Association of Alumni of Dartmouth College. Gentlemen: The committee appointed at a meeting of the Association of the Alumni, held in Harvard on June 26, 1890 "to confer and cooperate with the committee of the Board of Trustees in devising some plan to secure to the Alumni an active participation in the management of the college" has the honor to report the results of their work.

1. To propose to the Board of Trustees...
2. To propose to the Board of Trustees...
3. To propose to the Board of Trustees...
4. To propose to the Board of Trustees...

Chairman Haldeman says that the alumni are in a state of "confusion" about the 1891 "agreement," a word that he puts in quotation marks to suggest that no agreement for permanent governance sharing ever existed.

We respectfully disagree. There is an 1891 Agreement to elect half the Board perpetually. It is valid today. And alumni are *not* confused about it. Trustee and Law Professor Todd Zywicki has studied the 1891 Agreement. His enclosed editorial from *The Dartmouth* explains clearly that the Board promised alumni to the right nominate half the Board of Trustees in perpetuity.

"I, however, feel that the 1891 Agreement is a binding contract between the Board and the Alumni. It is a contract that has been honored for over a century. To suggest that it is a mere suggestion or a non-binding agreement is to disrespect the history and tradition of Dartmouth. The Board has a duty to honor this agreement and to ensure that the Alumni have their rightful voice in the governance of the university. Any attempt to weaken or circumvent this agreement is a betrayal of the trust placed in the Board by the Alumni."

Although Chairman Haldeman asserts that the 1891 Agreement "only provided for the alumni to nominate the next five trustees," you can see the words "may so nominate for the election of his successors in such Trusteeship" in the following excerpt from the actual resolution.

The Board of Trustees itself has validated the 1891 Agreement twice in recent history by increasing the size of the board, each time adding equal numbers of Charter and Alumni Trustees. And just last year, alumni themselves endorsed Dartmouth's democratic system for electing trustees by voting down a proposal to weaken it.

Putting the legal analysis aside, Professor Zywicki makes a more profound point:

"The Board should honor the spirit and wisdom of this partnership and appreciate the benefits it has produced, rather than treating alumni as adversarial parties to an arms-length contractual negotiation governed by only the minimum of what may be legally mandated. To change this tradition would be to change Dartmouth itself."

BAD PRACTICES

And now, President Wright, Chairman Haldeman and the other members of the Board's Governance Committee are, in their words, "moving forward with a governance review," which they promise to do "with open minds." The Governance Committee is chartered to study and propose changes to the structure and procedures of our governing bodies. It tends to keep its deliberations secret until it presents an initiative—typically, only days before a yes-or-no vote. For example, after the May Trustee election, former Chairman Bill Neukom said that the Governance Committee had been studying trustee selection options for six months. His public pronouncement was the first we heard of such a study. The Governance committee is also far from an impartial body. We petition trustees now compose half of Alumni Trustees, yet our request for a seat on the Governance Committee is in abeyance and will not even be considered until September, conveniently after the issue at hand is behind us. Members of the Committee have also showed prejudice by publishing disparaging remarks about the Alumni Trustee process.

We are not at all "open minded" about the loss of democracy at Dartmouth. We will fight to preserve our democratic system.

The Governance Committee has significant problems of its own that it should fix before it opines on the fate of our alumni democracy. In addition to the problems of transparency and hurried deliberation described above, Dartmouth's Board does not have bylaws, a first order of business for any governance committee. Recently, the American Council of Trustees and Alumni (ACTA) reported that by sitting on his own Governance Committee, President Wright has a conflict of interest: He helps select the very Trustees who review his performance. ACTA stated that the "role currently afforded Dartmouth's President in governance does not comport with best practices in the non-profit or for-profit sectors..." When our Governance Committee has eliminated its own bad practices, it will better qualify to discuss best practices for Dartmouth.

ONE IF BY LAND, TWO IF BY SEA

A less obvious, but equally damaging attack on alumni rights would be to impose the Harvard model on Dartmouth. Harvard has a two-tiered Board comprised of a largely ceremonial Board of Overseers, elected by alumni, and the Harvard Corporation, which owns all Harvard assets and makes most key decisions. The Corporation is small, just seven members, who elect themselves by secret votes for life terms—and are accountable to no one. Under a Harvard model or a variant of it with a new, all-powerful "Executive Committee" dominating Dartmouth's Board, Alumni Trustees could still be elected to half the Board seats while a small, self-perpetuating Committee, not accountable to alumni, would run the College as it saw fit. The Harvard model might nominally honor the 1891 Agreement, while in effect nullifying it.

To summarize, the attack to be announced in September may be to end Alumni Trustee elections altogether. Or it may be to declare the Board "only provided for the alumni to nominate the next five Trustees," as Chairman Haldeman has asserted. Or it may be camouflaged in the form of a new Harvard-like Executive Committee that takes power and relegates all but a few of our current Trustees to "overseer" status. In the best case, there would be no attack because you would have succeeded in helping us convince the board to keep Dartmouth the way it is.

We prefer the Dartmouth model. It has served us well for over a century.

PROGRESS AND CHALLENGES

Since 2004, when meaningful trustee elections began, there has been significant progress at Dartmouth, yet there is more work to be done.

- We have accelerated faculty hiring since 2004. However, that recent hiring spurt is not enough. In the enclosed reprint from *The Dartmouth*, Freshman Jacob Baron '10 concluded his editorial this way, "On 'top priorities,' small gains are just not good enough. To brag about sluggish improvement is the definition of mediocrity. That's not Dartmouth."
- The administration has adopted a strong free-speech policy that made Dartmouth one of only nine colleges in the U.S. to receive the top ranking in free speech from the Foundation for Individual Rights in Education (FIRE), an organization dedicated to free speech on campus. Unfortunately, the administration's choice to censor a communication of our newly elected alumni leaders violates its own policy.
- Dartmouth alumni have become more involved in record numbers, with a 38% turnout for the recent constitutional referendum that reaffirmed our alumni democracy, as is.
- Finally, since 2004, the decade-plus downward trend in the percentage of alumni giving to the Dartmouth Fund has been reversed. However, even at the current 51% participation rate, we still

lag the phenomenal 65%-70% rate that Dartmouth once enjoyed consistently. Alumni can vote—or not—in other than elections.

You, the alumni, have honored your end of the 1891 Agreement with generous support and legendary loyalty. Your active engagement has influenced the Board to focus on Dartmouth's quality of education. Now it is up to you to make sure that the Board lives up to its end of the bargain.

HOW TO HELP


The College needs your help—again. The surprise governance changes announced by former Chairman Bill Neukom in May probably would have been enacted in the June meeting if the AoA Executive Committee had not written a warning letter to the Board not to “*violate, restrict, abridge or dilute*” your current alumni rights.

Express your concerns over alumni disenfranchisement in writing to President Wright and the Trustees. Warn President Wright of the unfortunate mark this move would put on his 38-year record at Dartmouth. Remind the Alumni Trustees that you voted into office (Christine Bucklin, Michael Chu, John Donahoe, Jose Fernandez) that they should respect your rights. Finally, ask the Charter Trustees (Leon Black, Russell Carson, Brad Evans, Karen Francis, Pam Joyner, Stephen Mandel, Al Mulley)—all alumni, just like us—if they really want to be demoted to “overseer” status. **Please, this very day:**

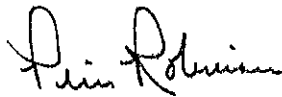
- **Send all of your letters** to President Wright and the Trustees to **P.O. Box 1891** in Hanover, NH 03755, where volunteers will count and hand-deliver them to Parkhurst daily.
- **Send your emails** to the President and Trustees to the www.VoteDartmouth.org website, where they will be automatically counted and forwarded. There is more information on the website.
- **Call Five Friends.** Despite being trustees, we are not allowed to use the official mailing list because of our opposing view. Our mailing list is incomplete. This letter will also be available at the website listed above.

We apologize for disturbing you again. We were elected to help govern the College, but we find ourselves again distracted from that task by another political stratagem too serious to ignore.

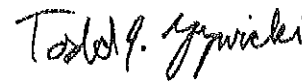
Dartmouth is the World's Best College in large part due to its alumni. Since 1891, the sons and daughters of Dartmouth have supported the College not only with donations, but with a sense of history that holds sacred Dartmouth's educational excellence. We oppose any form of a Harvard model, either one with the administration in control of a new super-committee or one with graduate students teaching undergraduates. Dartmouth's governance *has defined a best practice for 116 years, one that is even more effective in the age of instant communication.* Don't let them take away your right to vote.



T.J. Rodgers '70



Peter Robinson '79



Todd Zywicki '88

MEETING OF THE DARTMOUTH ASSOCIATION OF ALUMNI

JUNE 24 1891—Minutes & Adopted Documents

The Association was called to order in the Old Chapel at 2-45 p.m. by the President, Hon. G. A. Marden '61. Prayer was offered by the Rev. Dr. Davis Foster '49.

Records of the last meeting were read and approved.

Report of the Committee on Alumni Representation in the Board of Trustees was called for, and was made by J. B. Richardson Esq. 57 of Boston voted that the Report of the Committee be accepted, and that the Committee be discharged with the thanks of the Association.

This report of the Committee including the plan adopted by the Trustees, and also the new Constitution was unanimously accepted and adopted.

REPORT OF COMMITTEE

To the Association of Alumni of Dartmouth College:

Gentlemen. — The Committee appointed at a meeting of the Association of the Alumni held in Hanover on June 26, 1890, to confer and co-operate with a Committee of the Board of Trustees in devising some plan to secure to the Alumni an active participation in the management of the college beg leave to report the results of their work.

The Committee appointed by the Board of Trustees to confer with your Committee consisted of Dr. Alonzo H. Iuint, Hon. Isaac H. Smith, and Hon. William M. Chase: Mr. Chase's place on the Committee was subsequently taken by Prof. William J. Tucker. Your Committee during the autumn of 1890, had many meetings and several conferences with the said Committee of the Board of Trustees. The desirability of a more sympathetic and close relation between the Corporation and the Alumni, to be brought about by alumni representation in the Board of Government in some way was not questioned. It was, as it has been for many years, admitted, that a warmer interest and closer relation between the Board of Government and the Alumni would strengthen the college, and promote its welfare and usefulness.

The work of the Committee was devoted to devising the way in which this should be accomplished. At these conferences your Committee were met by the Committee of the Trustees in a friendly spirit: many different plans were brought forward and discussed; but no plan was suggested or view expressed which was not inspired by the desire to promote the best interests of the college.

It does not appear to be necessary here to describe all plans suggested. Your Committee were of the opinion that the most certain, if not the only, effectual way to create and preserve the live, constant, active interest of the Alumni in the college and their co-operation in its affairs, was to confer upon them a real

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substantial, personal responsibility therein; that a mere advisory board with no rights or the mere privilege of occasionally making a nomination of a possible trustee would be too uncertain, contingent and remove a right, to excite and keep up that clear, constant, active interest of the Alumni, which is needed, and which it was the duty of your Committee to secure if possible.

We believed that, by the plan to be adopted the Alumni should understand and feel that they were to have a constant, personal responsibility for the college, an annually recurring obligation to discharge for her which they could not throw off or leave to the Board of Trustees or any other persons; that every man from the college, as well as the men in it, should still be deemed to be a part of the college. They suggested to the Committee of the Trustees, a plan of adding five to the number of Trustees to be elected by the Alumni of five years standing for a term of five years with certain powers but not to interfere with the present power of the charter members of the board in the election and perpetuation of the twelve Trustees provided for in the charter.

Subsequently this plan was elaborated by said committees into a bill which was presented and became an act of the legislature of New Hampshire at its last session on February 18, 1891. This act provided for five additional Trustees to be chosen by the Alumni for a term of five years. The initial terms to be so arranged that a vacancy should occur each year to be filled by the Alumni.

Very soon thereafter your Committee forwarded a certified copy of this act to the Board of Trustees with a letter asking the Board to accept it without which according to its provisions it could not become operative, also with a request that they adopt a method for the election of such additional Trustees in accordance with the provisions of the act.

Without having taken any action in the premises, the Board through its President on the 19th instant invited your Committee to meet that body on the 23rd instant at Hanover, which invitation they accepted.

Several conferences followed and many serious doubts were suggested as to the legality of proceeding under the provisions of that act and a method of securing the desired end was sought which should be free from any doubt as to its legality.

Your Committee deem it just and proper to add that the Board of Trustees have given this subject their earnest and courteous consideration and by supplementing our efforts by wise suggestions have done much to bring about a harmonious result.

The result of these conferences has been the formulating of the plan embodied in the following resolves which were unanimously adopted by the Board and spread upon their records - and which your Committee under all the circumstances now recommend for adoption on the part of the Alumni as the best and most feasible.

RESOLUTION ADOPTED BY THE BOARD OF TRUSTEES OF DARTMOUTH COLLEGE

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"1. Resolved; That the graduates of the College, the Thayer School and the Chandler School of at least five years standing, may nominate a suitable person for election to each of the five Trusteeships next becoming vacant on the Board of Trustees of the College (excepting those held by the Governor and President) and may so nominate for the election of his successors in such Trusteeship.

2. And Resolved; That whenever any such vacancy shall occur in such Trusteeship or the succession thereto, the Trustees will take no action to fill the same until the expiration of three months after notice to the Secretary of the Alumni of the occurrence of such vacancy unless a nomination therefore shall be sooner presented by the Alumni to said Trustees.

3. And Resolved; That this plan of nomination shall be taken and held to supersede the plan heretofore adopted in 1876."

These resolves were adopted on the part of the Board with the clear understanding and assurance that three vacancies in the Board will be provided at once, and two more before the next commencement in 1892. All to be filled as above provided and that the persons so nominated by the Alumni will be elected by the Board to such Trusteeships, and that the term of service of such Trustees shall be so arranged that ultimately there shall be an annual election of a Trustee at each commencement; such annual elections to be secured by suitable provisions, under which the term of service fixed at five years shall be ended by the resignation of the incumbent.

Your Committee in recommending the adoption of this plan, congratulate the alumni upon the attainment of the object so long sought, and the beginning of what they believe to be a new era of prosperity for the College.

In as much as the existing Constitution does not provide methods needed for the nomination of Trustees pursuant to this plan and agreement. The Committee herewith submit a new Constitution, and recommend the abrogation of the existing Constitution and the adoption of the one herewith presented.

Committee:
James B. Richardson '57
Gilman H. Tucker '61
Wilder S. Burnap '63
Frank S. Streeter '74
Justin H. Smith '77

CONSTITUTION OF THE DARTMOUTH COLLEGE ALUMNI

1. This Association shall be called "The Association of Alumni of Dartmouth College."
2. All graduates of the College, the Thayer School of Civil Engineering, and the Chandler School of Science and the Arts, shall be members. Others who receive from the College an Honorary Degree or are elected at an annual meeting shall be honorary members but without the right of voting.
3. The annual meeting shall be held at the college on the day proceeding Commencement Day.

4. The officers of the Association shall be a President, two Vice Presidents, Secretary, Statistical Secretary, Treasurer, and an Executive Committee of five members, all to be elected at each annual meeting upon the nomination of a committee of three members to be known as the Committee on Nominations and appointed by the President.

5. The President or in his absence, the Senior Vice President present, shall preside at each annual meeting, shall appoint committees as herein provided, and shall in the name of the Association receive its guests and particularly the representatives present of the class graduated fifty years theretofore.

6. The Executive Committee shall have charge of the general interests of the Association, including the raising and expending of money to meet current expenses, shall appoint a presiding officer in the absence of the president and vice-presidents, and a secretary pro term. In the absence of the secretary, shall nominate all candidates for honorary membership, shall at its discretion secure an orator to address the Association at any annual meeting, shall act as a board of final decisions upon all questions arising in relation to the votes cast for the Alumni Trustee, and shall fill all vacancies in officers of the Association except that in case of a vacancy in the Presidency. The Senior Vice-President shall succeed to that position.

7. The Secretary shall keep all records and attend to the correspondence of the Association, He shall, at least two months prior to the annual meeting, mail to each graduate of the College, the Thayer School, and the Chandler School, eligible to vote at his last known address, a notice of the coming regular nomination of an Alumni Trustee, containing the name, class, and residence of each candidate with an envelope addressed to himself, within which, sealed each vote shall be forwarded; no alumnus of less than five years standing, however, shall be eligible to vote for the nomination of any Trustee. The Secretary shall open, count, and record all votes.

8. Candidates for Alumni Trusteeships shall be nominated for a term of five years from the first Monday following Commencement and at the end of such term the incumbent will be expected to resign his Trusteeship, except that vacancies occurring within such term only, and that until the entire five Alumni Trusteeships shall have been filled and the terms of the incumbents so arranged that one vacancy therein will regularly occur on the Monday following each Commencement. The length of such terms may be so arranged by the Executive Committee as to produce such regularity at the earliest practicable day. The name of no candidate shall be sent to the Alumni until he shall have indicated in writing to the Secretary of this Association his acceptance of the provisions of this constitution including that part thereof relating to his term of office if elected and resignation at the conclusion thereof.

In case the candidate or candidates receiving the highest number of votes shall decline or be ineligible for any reason to serve the person or persons receiving the next highest number of votes shall be considered as nominated.

9. At each annual meeting a Committee of five members to be known as the Committee on Alumni Trustees shall be appointed by the President with the approval of the meeting. This Committee shall nominate five candidates for the vacancy in the office of Alumni Trustee which will regularly occur on the Monday after Commencement in the ensuing year. For the term of five years such candidates to be voted for in the manner hereinbefore prescribed; they shall make their report on candidates at the Alumni dinner when the Secretary shall also announce the result of the previous election. If any candidate shall fail or decline to signify his acceptance of this Constitution within thirty days after request of the Committee, or if for any other reason a vacancy shall occur in the list of candidates, the Committee shall have power to substitute a name or names in place of such original candidate or candidates.

No voting by proxy shall be allowed in the nomination of Alumni Trustees, a plurality of votes shall nominate, and in regular elections the voting shall close at six o'clock p.m. of the day of the annual meeting.

10. In case of a vacancy or vacancies occurring in any Alumni Trusteeship otherwise than by the expiration of a stated term of five years, the Committee on Alumni Trustees shall be forthwith informed thereof by the Secretary of the Association and shall thereupon meet upon the call of its Chairman, within twenty days thereafter and name five candidates if one vacancy is to be filled, ten if two are to be filled, and so on, which names shall be as soon as practicable transmitted to said Secretary who shall thereupon at once proceed to take a vote of the said Alumni of five years standing upon the candidates for such vacancy or vacancies in the same manner as upon nominations to fill a regularly occurring vacancy: Except that he shall upon his notice designate the day on which the voting will close, which shall not be more than seventy five days after notice to him from the Board of Trustees of the occurrence of such vacancy or vacancies: and upon the day following such closing he shall count the ballots.

11. Should the votes of the Alumni be requested at the same time upon nominations to fill more than one vacancy in such Alumni Trusteeships, the several candidates (equal in number to such vacancies) receiving the highest number of votes shall be considered as nominated for said vacancies - the person receiving the highest number for the next longest term and so on.

12. Upon evidence of a due nomination for any vacancy the Secretary of this Association shall at once transmit and certify the name of such nominee to the Board of Trustees.

All ballots shall be preserved by the Secretary and delivered by him to the Executive Committee for such disposition as they shall see fit to make: he shall in no case communicate the state of the ballot to any person before its final announcement and shall refer to the Executive Committee all matters respecting votes of doubtful validity.

13. Order of business at the annual meeting.

1. Prayer.
2. Secretary's Minutes.
3. Remarks by the President.

4. Appointment by the President of the Regular Committees.
5. Treasurer's report and any matter of business from the Executive Committee.
6. Communications, if any, from the President or Trustees of the College.
7. Election of Honorary Members.
8. Reception of the semi Centennial Class.
9. Report of the Committee on Nominations and Reports of Special Committees.
10. Miscellaneous Business.

14. This Constitution may be amended at any annual meeting by a three-fourths vote of the Alumni present and voting.

Voted that the old Constitution be annulled and abrogated, and that the new Constitution offered by the Committee be adopted.

The President then named as a Committee on nomination of officers for the ensuing year - Thomas H. Procter Esq. '79, H. S. Sherman Esq. '66, and A. F. Andrews Esq. '78.

The Treasurer, Prof. E. J. Bartlett '79 then made his annual report which was accepted and put on file.

The Committee on nominations of officers then made their report as followed:

For President: Hon. George A. Marden '61

For Vice Presidents: Hon. Redfield Proctor '51 and Hon. Asa W. Tenny '59

For Secretary: Prof. C. F. Emerson '68

For Statistical Secretary: J. M. Comstock, Esq. '77

For Treasurer: Charles Q. Tirrell '66

For Executive Committee: A. S. Batchelder Esq. '72, W. S. Burnap Esq. '63, I. F. Paul Esq. '63, W. S. Barrett Esq. '80, and E. N. Pearson Esq. '81

The report of the Committee was accepted and the above list of Officers was duly elected for the ensuing year.

The President then made his nominations of the Committee on Alumni Trustees as follows:

Hon. George Fred Williams '72

Hon. Jonathan Ross '51

Charles F. Mathewson Esq. '82

Rev. Luther Farnham '37

Henry M. Putney Esq. '61

The above Committee was approved and accepted by the Association.

The following resolution, offered by Eben Bruer Esq. '71. "That the Secretary be authorized to employ an assistant to aid in sending out ballots for Trustees, and in receiving and counting the vote, and that the expense of the said work when approved by the Ex. Com. Shall be paid by the Treasurer." was laid on the table by vote, after considerate discussion.

The necrology for the year, printed by the Statistical Secretary, was distributed and read by

names by the President: Remarks were made when the lives and characters of several of the more prominent by Rev. Suther Farnham, Rev. Dr. F. D. Aires, Dr. W. T. Smith, and others.

About 5 o'clock adjourned to 9 o'clock of the following morning.

As there was no business to be transacted, the Association was not formally called to order on Thursday morning.

At 10:30 a.m. Thursday the Alumni joined the procession of Trustees, Faculty, and Students to the Church to attend the graduating exercises of the class of '91, under the marshallship of Eben Bruer Esq. '71.

At the Alumni Dinner in Bissell Hall at 2 p.m., Hon. Geo. Fred Williams presided in the place of the President, Hon. Geo. A. Marden, who was necessarily absent from town.

Charles F. Emerson, Secretary



April 13, 2009

A Letter to the Men and Women of Dartmouth

Last week, a majority of the Board of Trustees of Dartmouth College denied me a second term as an Alumni Trustee. Needless to say, I am disappointed by their decision. But what is at stake here are matters of principle: the independence of Trustees and freedom of speech at Dartmouth.

The Trustees provided no explanation for their decision. Under rules adopted by the Board majority, the reelection of Trustees—even Trustees initially elected by the Alumni in open, democratic elections—is decided behind closed doors. I have been given no explanation for the Board's decision, no opportunity to respond to charges made against me, or even to know what those charges were.

But more important than my personal fate is the principle. From 1891 to 1990, Dartmouth's alumni held the right to *reelect* their Trustees based on their performance during their first term. A fair process. But in 1990 a small group of alumni insiders transferred that power from the alumni to the Board itself. The date is not a coincidence: the tenure of Dr. John Steel '54, the first petition trustee elected to the Board, expired that year. The new regime—that the Board sits in judgment of itself—was adopted precisely so that any future petition Trustees could be removed after one term.

Since then, the prospect of removal at the end of their elected term is held over Trustees' heads from their first day on the Board. Even those elected by the alumni specifically to provide an independent voice are aware that they must toe the party line or risk expulsion at the end of their first term.

The threat, previously hypothetical, is now real.

This threat encourages an unhealthy groupthink and a "go along to get along" boardroom mentality—the same mentality largely responsible for the Wall Street malfeasance that we read about every day. Culminating in the board-packing plan two years ago that relegated alumni-elected Trustees to permanent minority status, the Board's mounting disdain for reasoned student and alumni input has finally realized its end-point: although the alumni still retain the right to elect a fraction of the board, Alumni Trustees—and especially independent petition Trustees—serve at the pleasure of the majority of the Board, not the larger community.

I can only guess why the Board refused to reelect me. One factor might have been the remarks I made at an academic conference two years ago. Speaking off-the-cuff, I criticized the board-packing plan, which had just been put into effect, and expressed my opinions about the state of higher education in America. My harsh judgments and language offended some, for which I apologized publicly. *Everything* I said and did was entirely consistent with my fiduciary duties as a Dartmouth Trustee.

In the end, a majority of Dartmouth's Trustees proved unwilling to stand up for the right of free speech in an academic forum when the words challenge their sensitivities. Every Dartmouth professor, student, and parent should question whether the Board truly appreciates the importance of the free exchange of ideas

in the academic arena. The Board's larger message is clear—Trustees should shrink from leadership in the field of higher education when doing so would require addressing controversial issues. Dartmouth is ill-served by this parochial attitude. It destines the College to be a mere follower.

There you have it: I was denied reelection either because of the content of my speech or for some unnamed reason for which I received no notice or opportunity to respond.

Legally, Dartmouth's board is Dartmouth. It must uphold the College's highest ideals, including its professed commitment to freedom of speech and inquiry. It took one petition trustee for the College to abandon its restrictions on campus speech. I suppose it took *four* petition trustees in a row for it to regret that decision. Dartmouth should not fear free and open debate—even controversy on occasion—as a means for seeking the truth.

As we prepare to welcome Eleazer Wheelock's sixteenth successor, a man who will turn Dartmouth outward to engage the world, a majority of Dartmouth's Trustees insist on turning inward to consolidate power in a small coterie of insiders. Does the Board majority really think now is the time to reopen the controversies of recent years, to revisit the recriminations and hyperbole, just to settle old scores? Or is it time for a fresh start?

Across the nation, a new wave of openness is throwing open the doors of musty corporate boardrooms to greater transparency, accountability, and director independence. I urge our incoming president, Dr. Jim Kim, to align the College with these new norms, seeking more openness in the governance of the College, not less. Dr. Kim, I believe, should insist on the restoration of Board parity, alumni control of Alumni Trustee elections, and the right of the alumni to *re*elect Alumni Trustees in democratic elections. He should make certain the College restores the 1891 Agreement, the covenant between Dartmouth College and generations of alumni that has guided Dartmouth through good and bad. Throughout his career Dr. Kim has challenged entrenched financial and political interests. I urge him to devote the same energy to reforms in his new backyard.

By supporting principles of good governance, Dr. Kim can send a strong early signal to Dartmouth's old boys network—a club no longer defined by economic, social, or demographic status but by fealty to a particular state of mind—that he will stand up to business as usual and will be an agent of change and reform.

It is entirely possible to love Dartmouth and support our incoming president while insisting that the Board abide by Dartmouth's dearest principles and lead by example. That is what I did and I intend to keep doing.

For permitting me to serve you as Trustee—one of the signal honors of my life—I offer you my deepest thanks.

Sincerely,



Todd J. Zywicki '88

Trustees of Dartmouth College
Statement on Governance and Trustee Responsibilities

Over the past three years, the Board of Trustees, particularly through the work of its Governance Committee, has considered how best to strengthen Board members' performance as stewards of the College. Having consulted knowledgeable advisers on best practices for non-profit organizations on governance and having considered governance policies of other colleges and universities, the Board concluded that it would be useful to develop a statement for Dartmouth on governance and trustee responsibilities. We intend the statement to inform prospective trustees of what is expected as a Board member, provide guidance concerning Trustee conduct, and serve as a basis for self-evaluation and evaluation of Trustees in the course of Board service. Accordingly, the Board adopts this Statement on Governance and Trustee Responsibilities.

* * * * *

The Board of Trustees develops and advances Dartmouth's mission and goals. It ensures the institution is well managed, provides for adequate resources, and maintains good relations with all constituencies, on campus and across the globe. It appoints and evaluates the President, approves and monitors the implementation of institutional strategy and policies, provides accountability and preserves the autonomy of the institution.

The Board assures that the Board as a whole has the requisite skills and experience to steward the institution and ensures that each Trustee carries out his or her responsibilities as specified herein.

The Dartmouth Board of Trustees is a small, working board that makes substantial demands of its members. Each Trustee assigns a high priority to a stewardship role with a commitment to the strengths, traditions and values of the institution and pledges to fulfill the following responsibilities:

Act as a responsible fiduciary

- Act in the best overall interest of Dartmouth.
- Make service to Dartmouth a high personal priority: participate constructively and consistently in the work of the Board and its committees and working groups; accept and discharge leadership positions and other assignments; work on behalf of Dartmouth between Board meetings; and attend as many Dartmouth functions as feasible.
- Prepare for meetings by reading the agenda and supporting material and by keeping informed about Dartmouth and trends and issues in higher education.
- Participate in rational, informed deliberations by considering reliable information, thinking critically, asking good questions and respecting diverse points of view, in order to reach decisions on the merits that are in the best interests of the institution.
- Use your own judgment in voting versus following the lead of others.
- Participate in self-evaluations and evaluations of Trustee performance.

Advance the mission of Dartmouth

- Represent Dartmouth positively in words and deeds, particularly and proactively to Dartmouth constituents.
- Serve Dartmouth as a whole, rather than the interests of any constituency.
- Help Dartmouth secure the financial, human and other resources necessary for the institution to achieve its mission.
- Contribute financially to the annual fund and to capital campaigns, within one's means, at a level that demonstrates Dartmouth is a high philanthropic interest.

Uphold the integrity of the Board

- Maintain strict confidentiality of Board and committee meetings and of all information proprietary to Dartmouth.
- Speak for the Board only when authorized to do so by the Board Chair or President.
- Refrain from directing the President or staff and from requesting special considerations or favors. The President reports to the Board as a whole, and the staff to the President.
- Avoid conflicts of interest or the appearance thereof, in accordance with the Board's Conflict of Interest Policy.
- Adhere to the highest standards of personal and professional behavior so as to reflect favorably on Dartmouth.

Adopted by the Board of Trustees, June 8, 2007

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THE DARTMOUTH.COM
OPINION

WEDNESDAY, APRIL 22, 2009

Hang One, Warn a Thousand

BY T. J. RODGERS, GUEST COLUMNIST AND A TRUSTEE OF THE COLLEGE
PUBLISHED ON WEDNESDAY, APRIL 22, 2009

"Hang one, warn a thousand" says the ancient Chinese proverb. In its April meeting, the Dartmouth Board of Trustees hanged Todd Zywicki '88, thus warning the petition trustees -- and any others tempted to express independent views -- not to cross the party line. The Board's action was coldly deliberate. The legal machinery by which it was achieved took two years to construct.

Every 20 years or so, when a majority of the alumni body decides that the College is ignoring a critical problem, it elects petition trustees to promote change. That tradition, a healthy method of governance that sets Dartmouth apart, goes back to 1891, when alumni were formally granted one-half of Dartmouth's Board seats in return for financing the College.

"Swim team" was the rallying cry behind my election in 2004. The alumni were angry because we all knew of administrative programs that should have been cut before the swim team (which has not won a single Ivy League meet since being devastated by the Board in 2002). After my election, I found that Dartmouth's teaching was also suffering from underfunding. A group of faculty members told me in a private meeting that Dartmouth relied too much on temporary teachers, and that there were so many closed-out classes that it disrupted the education plans of majors in popular departments like economics and government.

Subsequently, the alumni elected three more petition trustees with views similar to mine: Peter Robinson '79, Todd Zywicki '88 and Stephen Smith '88. It was no accident that each of them was a university professor or scholar. The Board Majority, predominantly composed of investment bankers, could have benefitted greatly from the new trustees' education-first viewpoint, but instead, we were treated as if we were attacking the College. We were actually called a "radical cabal" trying to "hijack" the College by the Board member whose seat I had taken. The petition trustees had successfully overcome the penny-ante counterattacks, such as denying us the ability to mail our petitions to alumni to request signatures, and raising the required number of petition signatures, so it came time for the Board Majority to fix the petition trustee "problem" permanently.

First, the Majority Board members simply declared the right to double their number from eight to 16 without adding an equivalent number of alumni trustees, despite an Association of Alumni poll of 4,000 alumni, who responded in favor of alumni trustee parity, 92 percent to eight percent. Then, the Majority threw its weight and College funds into a campaign to remove the Association leaders who had sued the College for breaking the 1891 Agreement.

In the boardroom, the Majority rewrote the 50 year-old Trustee Oath into an oath of loyalty, which was designed, in part, to limit trustees' ability to express dissenting viewpoints without the direct threat of being ejected from the Board. And finally -- fatally for Todd Zywicki -- the Majority installed a formal review process that judged trustees against the new oath on a line-by-line basis.

On the day of his trial, Zywicki was asked if he wanted to make a statement. He apologized again for his Pope Center speech and exited. In order to maintain the confidentiality of board proceedings, I cannot give details. However, I can say from personal knowledge that many of the statements made in that meeting about Todd Zywicki were factually incorrect, but Todd was not there to respond. In my opinion, all of the issues, including his speech, did not rise to the level of negating the votes of the alumni who elected Todd. Despite my objection, the vote -- for the only time in my five years on the Board -- was secret.

Later, as I watched, Todd was told in a hallway that he had been ejected. He was not given the vote count or even the reasons for his ejection. I walked him to his rental car and watched him leave Hanover, perhaps for the last time.

Todd was offered the option to save himself -- to resign before the vote and slink out of town. Todd Zywicki's greatest achievement as a Dartmouth trustee may well be having the personal courage to force the Board Majority to take responsibility for a political lynching.



REDACTED FOR PUBLIC RELEASE

May 11, 2007

VIA FEDEX

[REDACTED]

[REDACTED]

Dear [REDACTED] and [REDACTED]

This letter is a response to the question you raised with me over a beer after our last board meeting.

First, let me thank you for bringing your concerns to me in a respectful manner. I am getting tired—damn tired—of the self-righteous sermonettes delivered by the likes of [REDACTED] and [REDACTED] in our boardroom.

As I remember it, your question was, "Why do you continue to support new petition trustees when doing so hurts the College with bad PR?"

A synopsis of my answers to that question follows: I do not believe there is any data to show that the petition trustees have hurt Dartmouth. To the contrary, there is much more evidence that the actions of the Dartmouth administration have done, and are doing, much more damage to the relationship of the College with its alumni. Although I would support an inside candidate who met my standards, the fact is that petition candidates are more predisposed to evaluate the administration at arms length, a trait we need more of on a board that, in my opinion, does not ask enough tough questions, especially on the topics of finance and education quality. Finally, I support petition trustees because they end up becoming friends of mine in a boardroom environment hostile enough to me to cause me to value and even need one or two relationships in which I am considered to be a good guy who helps the College, not an unethical person who harms the College. Some additional detail on these positions follows.

The petition candidates are causing no damage to the College. Here I copy the language from a recent letter. If you remember the passage, skip over it.

Recently, insiders have been quite strident in condemning not only statements critical of Dartmouth, but also the integrity of those that said them. Despite my successful support of free speech and my tireless but unsuccessful quest to increase the percentage of the budget we spend on teachers' salaries (both noble causes, as I see them), I have been labeled the head of a "radical cabal" trying to "take over" the Dartmouth board—a mathematical impossibility. Two weeks ago, trustee Neukom publicly criticized two sitting trustees, Robinson and Zywicki, in print for making allegedly negative and untruthful statements about Dartmouth in a campaign now two years in the past. Last week, President Wright said that trustee candidate Smith was making it difficult for him to recruit teachers and top students.

Yet, the facts are these:

- In a College-run survey of alumni that specifically asked how the controversy over the trustee elections had changed their opinion, roughly [REDACTED] said

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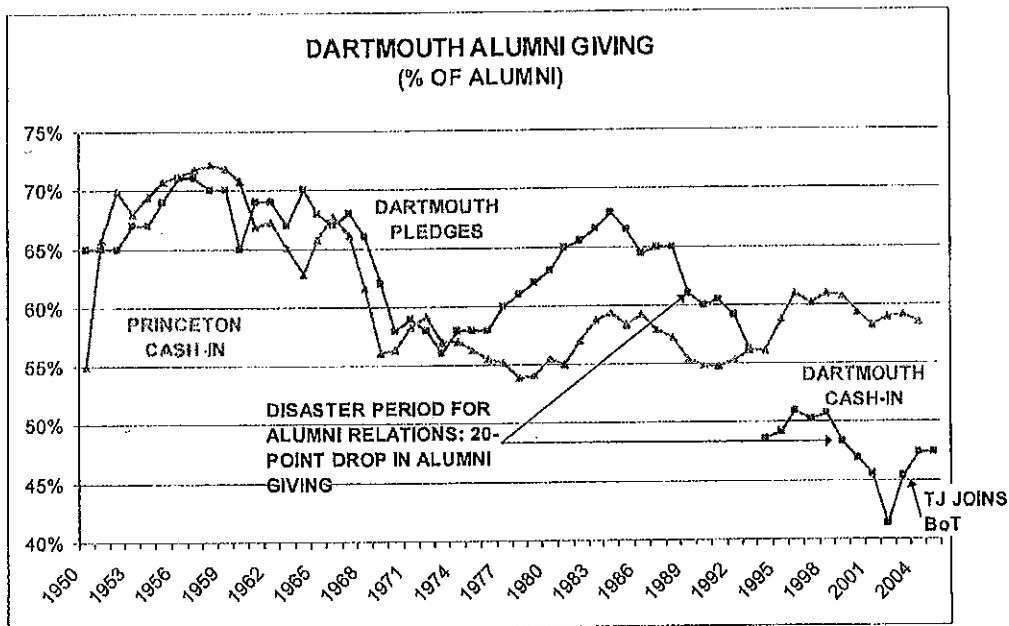
their opinion of the College had "improved," [REDACTED] said, "no change," and [REDACTED] said "declined." We don't need anecdotes; we've got data.

- The College's ambitious \$1.2 billion fund is on track with most of its \$600 million being committed during the supposedly destructive period of trustee turmoil. In a recent board meeting, when Carrie Peizel was asked—three times, consecutively—if she [REDACTED] she declined to deliver the sought-after answer.
- After three years of public controversy, the latest class at Dartmouth boasts the lowest acceptance rate from the biggest application pool ever.
- Alumni participation in the last election was also up significantly to 38% from 25% in prior elections. The trustee controversy has actually stimulated alumni interest, even though the balance of views seems not to have changed much.
- Alumni participation in the Dartmouth Alumni Fund is up from 47.4% when I joined the board and supposedly started the petition trustee controversy in 2004 to 50.8% in 2006. The alumni giving doldrums occurred from 1988 through 2002, when participation dropped by 20 percentage points, despite the fact that there were no petition trustees.

The data do not support the theory of damage to the College—quite the opposite.

The administration should address the issues, not attack those who raise them. The "petition trustees make my job harder" complaint from the administration not only does not square with the measurable indices above, it really is nothing more than an ad hominem attack used to question the motives of the petition trustees, thereby deflecting discussion of the issues they bring forward. Here are two examples: First, we either are or are not managing our finances properly—that's what should be debated, not whether the trustee oath needs to be tightened up to prevent trustees like me from causing problems. Second, we either do or do not have an overactive and punitive judicial system at the College—that's what should be debated, not whether Stephen Smith, a man of character, is a liar. I think you both know that organizations that operate on data and logic outperform organizations based on politics.

To be fair, the board should examine all sources of bad PR for the College. When Josey Harper foolishly criticized the mascot of a hockey team that the College had invited to a tournament, it was a PR disaster that [REDACTED]. I did not bring it up because I try to stay out of political issues, but this incident was much more harmful to Dartmouth's image than all of Stephen Smith's writings, which are unknown to most alumni. As detailed in the graph below, the school lost a catastrophic 20 percentage points in alumni participation in the Dartmouth fund—at a time when Princeton gained contributors—during a period when the administration was "ending the fraternity system as we know it" and driving other ideological objectives. In the interest of common fairness, the board should stop picking only on the petition trustees and discuss all negative PR for the College, regardless of its source—but that would mean we would sometimes criticize the administration, an act the majority of the board is currently unwilling to do.

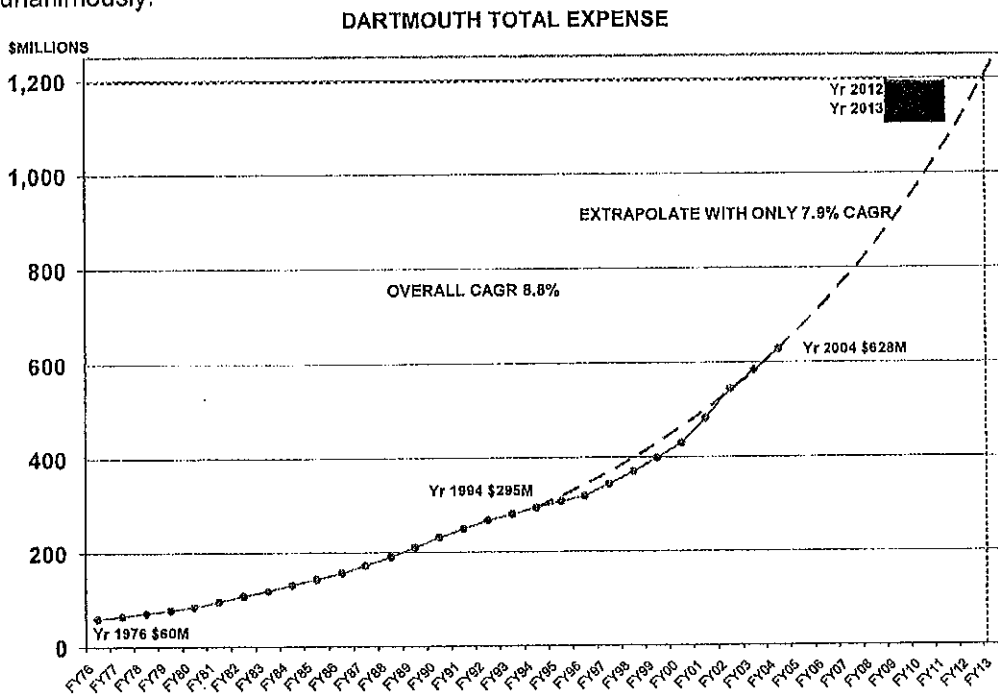


The College needs independent trustees to balance its management. In our last meeting, based on what I felt was a cursory discussion, we passed a "spending bill."

[REDACTED]

[REDACTED] draw down on the endowment [REDACTED]

When I made a motion that we limit spending [REDACTED] as a condition of the approval to [REDACTED] it was voted [REDACTED] by a [REDACTED] vote. In this case, the petition trustees served Dartmouth well by drawing attention to a controversial resolution that would have otherwise passed unanimously.



The trustees should worry more about spending an ever-increasing portion of our budget on the actual salaries of teachers.

"Other exempt" salaries faculty salaries.

Dartmouth Expenses (College Only)

	2002	2003	2004	2005	2006	CAGR
Faculty Salaries (\$K)						5.48%
Other Exempt Salaries (\$K)						6.14%
Total Expenses (\$K)						7.05%
Faculty/Total						
Faculty Salaries @7.05% (\$K)						7.05%

I have tried for two years to find out what the figure for faculty salary was before the Friedman administration, but I cannot get the information from finance. When I moved that we at least lock in the % expenditure for teachers as a minimum requirement of future budgets, that motion was, with joining the petition trustees.

We may think that because David Spalding generates PR that touts our faculty-student ratio, the alumni simply believe there is no problem with class availability. But just read the scathing article (attached) by a student recently printed in *The Dartmouth*. There are more like it. Everybody knows that we have a class availability problem, except the administration, which appears to most students to be in a state of denial. The petition trustees aren't "causing trouble," they are simply trying to solve a well-known problem. In this case, it appears that it really will take external public pressure to overcome the administration's intransigence and solve an important problem that hurts the College's image a lot more than the petition trustees.

I feel that the trustees should examine the merits of our budgets more critically and take an independent view of how we spend several hundred million dollars per year. This is another reason for bringing independent petition trustees onto the board.

Having independent petition trustees on the board makes it a less hostile place for me. When a trustee goes through the humiliating gauntlet created by the administration and alumni association, he or she sees the school in a different light. The personal attacks that Stephen Smith is enduring right now were also carried out against the other petition trustees, including me. We therefore tend to respect each other and do not accept at face value the personal and negative things that are said about us in public by members of the administration, such as David Spalding—and even members of the Board of Trustees, such as Michael Chu.

The day after I walked out of the Sun Valley meeting because I had reached my limit of personal insult, Peter Robinson told me that he stayed in his room that evening because, as he said, "I could no longer tolerate the hate." I feel the same way—literally hated—in many of our meetings. I support qualified, independent trustees partly to make my tenure on the board more bearable.

I'll make two final points to avoid any misunderstanding. First, I feel that you two have treated me professionally and respectfully. Second, although this letter contains criticisms of the administration's actions, you know that I have been a steadfast public supporter of Jim Wright—and I will continue to be, as long as he continues to work with me on the issues.

Sincerely,



T.J. Rodgers
President & CEO
Cypress Semiconductor Corp.

No cc

TJR/flm
doc

Dartmouth Association of Alumni

P.O. Box 525 | Hanover, New Hampshire 03755 | 603-727-8628
dartaoa@gmail.com | <http://www.dartmouthalum.org>

LEGAL ACTION TO MAINTAIN PARITY ON THE BOARD OF TRUSTEES REPORT TO ALUMNI

Dear fellow Dartmouth alumnus or alumna,

Some very good news: following a court order handed down last month, the Board of Trustees has delayed its board-packing plan indefinitely.

We write as officers of your Association of Alumni. Established in 1854, the Association is the only body consisting of all 70,000 Dartmouth alumni, and its Executive Committee represents your interests. Upon our election last spring, we confronted an effort to eliminate parity on the Board of Trustees between self-perpetuating “charter” trustees and democratically elected “alumni” trustees—a parity that has existed for well over a century. We want to tell you about the actions we felt forced to take, where matters now stand, and what the future might hold.

THE BOARD-PACKING PLAN AND OUR LAWSUIT

Let’s put this in perspective: In 1891, after years of negotiations, the Association and the Trustees concluded a compact awarding the College’s alumni—you—a voice in its governance. Half of all non-*ex officio* trustee seats were to be filled through election, conducted by the Association. This system of free and open elections, unlike a self-propagating and insular governance structure such as exists at Harvard, has ushered our College through its most prosperous period. More important, it has kept Dartmouth true to its purpose: world-class undergraduate education. Our College could never slip from this mission when its own graduates were enfranchised to elect its trustees.

We first wrote to you last summer, as you may recall, asking your opinion on an urgent matter. Unhappy with the results of recent trustee elections, a small committee within Dartmouth’s Board of Trustees was proposing, unilaterally, to change the structure of the Board, leaving unchanged the number of elected trustees while *doubling* the number of unelected trustees—in other words, reducing your representation on the Board from a state of balance, or parity, to one of permanent minority.

Like the proposed constitution two years ago, which alumni rejected, this Board-packing plan reflected the Administration’s tendency to change the rules when the debate isn’t going its way—indeed *whenever* the College’s substantive issues were being discussed honestly and openly. We could not imagine an attitude less suited to a college that considers itself America’s finest.

Immediately recognizing how damaging this plan, if enacted, would prove for Dartmouth, your newly elected Association leaders acted. Ten of the eleven members sent a letter to the Board stating that the Association would

use "all appropriate means" to protect the 1891 Agreement establishing equality between elected and unelected trustees. But we coupled firmness on that issue with an invitation to meet, to discuss any governance issues about which the Board was concerned, and to resolve our differences. We were rebuffed.

More than 4,000 of you responded to our poll. Of those, an overwhelming 92% opposed any alteration or violation of parity. We therefore told the trustees that, whatever changes they might enact, parity was the one principle on which we could not compromise. Then as now, we believed we simply cannot give up our place at the table—or allow our role to be marginalized. Before and after the Board voted on its enlargement plan, we offered mediation; but to our dismay these invitations elicited no interest. On a split vote, the Board instead issued its plan *by fiat*, in violation of a clear understanding observed for more than a century. To defend the rights of the alumni we were elected to represent, we concluded, after extended deliberation, that we had no choice but to seek legal remedy. We therefore petitioned the Grafton County Superior Court to hear our case.

The Court has now issued its first ruling—in favor of the Association of Alumni.

On February 1, the Court denied the Trustees' motion to dismiss the Association's case, rejecting the Trustees' argument that the 1891 Agreement is not legally enforceable. In its order, the Court wrote that the "Association has...established sufficient evidence to go forward with its claim of breach of contract" and that "the Court considers the Association to have set forth sufficient evidence to avoid finding the contract invalid as a matter of law." The Court also rejected the Trustees' argument that the Association of Alumni lacked the legal capacity to enter into the 1891 Agreement.

In other words: The Trustees and the Administration attempted to argue that you, the alumni, lacked the legal capacity to contract with the College for the election of Trustees. But the College has already reaped the fruits of the 1891 Agreement—your dollars, your votes, and your reasoned input. How could the Trustees now argue that the Agreement they abided by for over a century simply never existed?

The Court wrote: "The College, having agreed with the Association such that the Association undertook to raise funds for the College, modified its constitution, lifted an embargo on alumni donations, and forbore to file suit, ought not to reap the benefit of its bargain and then deny that the Association has the capacity to make such an agreement. Such a notion offends the obligation of good faith and fair dealing implicit in any contract."

An offense against the obligation of good faith and fair dealing. The 1891 Agreement was *genuine*. And what is more, as the Court wrote, "it has been ratified by the actions of both parties for 116 years thereafter." For well over a century, and continuing profitably today, the "Association [of Alumni] and its members have sought out, vetted, and nominated trustees to fill one-half of the seats on the Board; the Board has seated every such nominee."

The Court, we want to emphasize, has yet to render its final judgment. We are confident, however, that the Association of Alumni can establish the facts pleaded in its petition with evidence gleaned from the College's rich historical archives. We fervently hope that this preliminary ruling by the Court will encourage the Board to open a genuine dialogue with the Association about maintaining the alumni democracy that has sustained Dartmouth for 117 years.

Last October, President Wright wrote that “[t]he College has been advised by its attorneys that the Board has full authority to enlarge the Board as it did and to make the other governance changes it authorized, and that there is no merit to the legal claims asserted by the [Association of Alumni].”

The Court has now ruled otherwise. The Court found *merit* not only in our suit but also judged valid the Association’s three causes of action.

We made the difficult decision to file suit in search of a single end: to maintain parity on Board of Trustees, a principle enshrined by over a century of practice. To abandon it for the sake of politics would shortchange Dartmouth students, today and tomorrow.

ON BEHALF OF ALUMNI, A SIMPLE REQUEST OF THE BOARD

The court’s ruling, we believe, represents a victory not just for the Association of Alumni but also for Dartmouth. Open and honest Trustee elections, inviting open and honest debate, have time and again redounded to the College’s benefit. From overcrowded classrooms and class waitlists, to speech codes, to more professors, to disciplinary reform, to the speech program, to the writing program, to the football team, to the swim team—debating about Dartmouth has not harmed the College but *strengthened* it.

As the search for a new president commences, the College stands at a crossroads. If the Board remains insular, if elected Trustees are reduced to a marginalized minority, if reasoned student and alumni input is met with resentment—then the next successor to Eleazar Wheelock will preside over a tragedy. Once legendary, alumni involvement in the life of the College will ebb away. The character of Dartmouth will change. The College will become less than its finest self.

Our one and only goal is to prevent this tragedy, preserving Dartmouth as an institution that embraces its alumni—and is embraced by its alumni in turn. We will therefore continue to pursue the withdrawal of the Board-packing plan, whether by Court judgment or by any reasonable mutual agreement. The Board spurned our offers of mediation last autumn. Nevertheless, we renew the invitation. The one condition we make is retention of parity. Parity lies at the heart of our relation to the College. Respect for that principle is all we ask.

Sincerely,

Frank Gado '58

Bert Boles '80

Tim Dreisbach '71

David Gale '00

Alex Mooney '93

Marji Grant Ross '81

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THE WALL STREET JOURNAL
WSJ.com

REVIEW & OUTLOOK | SEPTEMBER 11, 2007

Dartmouth Diminished

Given the bad habits of contemporary academia, it was probably an historical accident that the 1891 agreement allowing Dartmouth College alumni to elect half of the school's governing board of trustees lasted as long as it did. The decision this weekend by Dartmouth's board to bulldoze that arrangement is nonetheless breathtaking for its audacity.

Elections at Dartmouth were tolerated for 116 years, so long as the alumni were electing rubber stamps as trustees. In recent years, however, reform-minded candidates began to use a petition provision to get on the ballot. They bucked the status quo by focusing on issues like academic standards and free speech, and they were forthright in their views. Since 2004, there have been four open and fair trustee elections, and independent candidates won all of them. A year ago the college tried to rig the process to make it more difficult for petition trustees to be elected, and alumni rejected that effort in a referendum too.

And so, unable to convince through argument and persuasion, Dartmouth President James Wright and a band of trustee loyalists forced through a governance plan that will allow them to run the place as they please. T.J. Rodgers, the CEO of Cypress Semiconductor and one of the alumnus trustee dissenters, had predicted as much on these pages 10 days ago. The exercise went ahead as he had guessed -- behind closed doors, with minimal public debate or alumni consultation. It's safe to say the vote wasn't unanimous, but the college is even barring trustees from disclosing that detail. Your average banana republic is more transparent.

The plan will pack the 18-member board with eight more trustees selected by the board itself. With the influence of elected trustees thus diluted, power will be further consolidated in a small executive committee that will control the agenda. For good measure, the college also declared that it will run future trustee elections on its own terms.

The architects at least had the courtesy to acknowledge the real motivations behind this putsch. "We do not believe that having more elections is in the best interests of the College," they wrote, because of "divisiveness." In other words, the independent trustees were willing to dissent from the insular uniformity of modern higher education, so they had to be neutered before they might actually make a difference.

Elite academia loathes oversight or accountability. President Wright, a product and wholly owned subsidiary of the Dartmouth faculty, may have made himself the new mascot for this attitude. But we doubt Charles Haldeman, the chairman of the Dartmouth board and CEO of Putnam Investments, could ever run his own company this way, even if he wanted to.

At least this fracas strips bare the pretense that alumni have any college role beyond writing checks. Dartmouth's reigning lords no doubt believe they can ride out any lawsuits or alumni anger that arise from their power play, and they may be right. There are always rich alumni donors who care more about getting their name on a building or getting their kid admitted than they care about budget accountability or student access to tenured professors.

It's nonetheless a sad sign of the times that another institution of allegedly higher learning has exhibited such hostility to critical inquiry and debate.

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Vice Chairman

MEMORANDUM

DATE: July 30, 2007
FROM: Anne D. Neal, President
American Council of Trustees and Alumni
TO: Executive Committee, Dartmouth Association of Alumni
c/o Dr. Frank Gado, Second Vice President
RE: **Dartmouth's Governance and Best Practices**

We are pleased to respond to your request for an evaluation of the Governance Review process currently underway at Dartmouth, drawing upon ACTA's expertise in best practices in this area. Over the last decade, ACTA has been involved in numerous matters concerning higher education governance at both the state and federal levels.

Most recently, ACTA spoke out in favor of good governance and best practices at a 2006 Senate Finance Committee roundtable regarding American University, whose president was found to have used massive amounts of university funds for personal reasons with little or no board oversight. AU now has a new president and, following ACTA's recommendations, he no longer serves on the governance committee, is a non-voting member of the board, and receives regular, comprehensive performance reviews by the board, which must participate in regular orientation programs. We have advocated similar governance practices before the Commission on the Future of Higher Education and in other high-profile venues.

On the basis of our review of Dartmouth's current practices, we believe both trustees and alumni should be concerned by the President's deep involvement in the Governance Review—and, more generally, in his selecting those who are responsible for reviewing his performance. The role currently afforded Dartmouth's President in governance does not comport with best practices in the non-profit or for-profit sectors, especially in the wake of Sarbanes-Oxley, and it also raises questions under Dartmouth's own conflict of interest policies.

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Background

The Governance Committee of the Dartmouth Board of Trustees is currently reviewing the process by which Trustees are selected—a process in place with only minor changes since the 1890s. Currently, eight members of Dartmouth's 18-member Board are Alumni Trustees, nominated by the Alumni Council's Nominating and Trustee Search Committee or by petition and voted on by all Dartmouth alumni; eight are Charter Trustees, selected by the Governance Committee and ratified by the Board; and two are *ex officio* members: the President of Dartmouth and the Governor of New Hampshire. The members of the Governance Committee consist of one Charter Trustee (the Chairman of the Board), three Alumni Trustees (none of whom ran by petition) and the President.

On May 30, your Committee wrote the Board seeking assurance that “the agreement alumni have with the Board, established in 1891 and historically evolved since then, whereby alumni effectively elect half of the non-*ex-officio* members of the Board” would remain intact. While the Board has not responded formally, a “Q and A” document posted on the Dartmouth website regarding the Governance Review takes great pains to dispute the concept of “alumni parity” and argues, “If you read the [1891] resolution, you won't even find the word or concept of parity in it. It only provided for the alumni to nominate the next five trustees for the Board to then elect.” To our knowledge, the Committee has given no indication that it has ruled out the possibility of changing the procedures so that petition candidates—who, in Dartmouth's recent past, have been those most critical of the current administration—cannot be elected, or of eliminating alumni voting altogether.

Both Charter and Alumni Trustees are eligible to serve two consecutive four-year terms. Since 1990, the decision as to whether a Charter or Alumni Trustee will serve a second four-year term has been determined at the discretion of the Board. (Alumni Trustees had formerly faced all-alumni votes before both terms.) We understand that the Governance Committee performs an assessment of the Trustee's performance and contribution to the Board during his or her first term, after which a confidential evaluation process results in a recommendation by the Governance Committee to the entire Board for action.

Discussion

The President's involvement in a governance committee is not uncommon at private colleges. Princeton, Cornell, Caltech, MIT, the University of Chicago, Johns Hopkins, and Vanderbilt all permit the president to serve on committees that oversee the selection of trustees. However, such involvement is at odds with the governance practices of public universities, which generally do not have presidents serving as voting board members. It also does not comport well with Dartmouth's own policies, or with best practices in both the corporate world and the non-profit sector writ large.

First, the President's service on the Governance Committee would appear to violate Dartmouth's existing standards regarding conflicts of interest and ethics. Those policies

make clear that “[i]f an individual’s personal interests might lead an independent observer reasonably to question whether the individual’s actions or decisions on behalf of the College are influenced by those personal interests, the individual should recuse himself or herself from the decision making process.” The President has a clear professional and personal interest in the manner by which Trustees are selected since they are the ones who ultimately hire, fire and evaluate him. A memorandum outlining existing ethics standards is attached.

Relevant guidelines and best practices—in both the corporate and nonprofit worlds—would lead to the same conclusion. In the corporate world, CEOs are usually barred from being on governance committees. In fact, the New York Stock Exchange requires that companies traded on its floor “have a nominating/corporate governance committee composed entirely of independent directors” so the president is not nominating and selecting directors who will end up evaluating him. NASDAQ likewise mandates that directors are nominated by either “a majority of the independent directors” or “a nominations committee comprised solely of independent directors.” These requirements, adopted in the wake of Sarbanes-Oxley, ensure more ethical governance.

Although Sarbanes-Oxley only applies to publicly-traded companies, its implications for nonprofits and higher education institutions are evident. In 2005—at the urging of the Senate Finance Committee—Independent Sector, a coalition of leading nonprofits and foundations, released a report recommending best practices for nonprofit organizations. The report advocated for strong governance, audit, conflict of interest, travel, and whistleblower policies. According to the report, “[f]ailures by boards of directors in fulfilling their fiduciary responsibilities may arise when a board leaves governing responsibility to a small number of people, some of whom may have conflicts of interest that mar their judgment.”

A just-released study by the Urban Institute on nonprofit governance, *Nonprofit Governance in the United States*, found that “having the CEO/executive director serve as a voting board member was negatively related to board activity level in financial oversight, setting policy, community relations, and trying to influence public policy, and [not] positively related to [any roles].” Similarly, an independent panel (including former Harvard president Derek Bok) advising the Nature Conservancy after adverse publicity regarding governance practices, recommended that the president/CEO not serve on the governance or any other committee. The Conservancy adopted the recommendation and its website notes that major strategic issues are now managed not by committees but by the full board.

Finally, the problems inherent in Dartmouth’s Governance Committee, as currently composed, do not simply affect the current Governance Review. They relate to the entire process of Trustee selection, given that (as discussed above) the Governance Committee is largely responsible for choosing all Charter Trustees and determining which Trustees serve a second term.

As noted, the President sits on the Governance Committee, and there is no evidence that he is anything other than a full participant in its votes, and those of the full Board, on the selection of Trustees. This process turns good governance on its head: Rather than the President owing his continued employment to the Trustees, they owe their continued service in large part to his vote. Such a practice is certain to affect the independence of Board members and to interfere with the performance of their duties.

Conclusion

The stated purpose of the Dartmouth Governance Review is to examine best practices in the field. However, the Dartmouth governance structure—and, particularly, the conduct of the review itself—would appear to constitute a case study in “worst practices.”

According to best practices, the President’s prominent role in the governance review process would be unacceptable at major corporations in America and most public universities. Moreover, the President’s substantial involvement in the Committee appears to be in clear violation of Dartmouth’s own conflict of interest policies.

The direction of the current Governance Committee “study” raises serious concerns. Already exerting *de facto* control over the appointment of Charter Trustees and the reappointment of all Trustees to a second term, the Governance Committee may now be considering eliminating the one source of independent oversight of the Board: the longstanding ability of the alumni to vote on half its membership. And far from being disinterested, the Governance Review is being sustained by the one person who stands to gain the most—the President—who will potentially hold the power to pick and choose every Trustee to whom he ostensibly reports.

Far from modeling best practices, Dartmouth’s possible interest in creating a self-perpetuating board runs counter to growing federal and regulatory calls for transparency and independence—not to mention the desires of the thousands of alumni who have voted for independent oversight in the last four elections.

Rather than focusing on how to select Trustees, the Board should initiate an extended and honest examination of its own governance practices. The following reforms would be in order—and can be undertaken, since Dartmouth recently gained the ability to amend its Charter without the permission of New Hampshire’s legislature:

- Removal of the President from the Governance Committee;
- Changing the President’s role on the Board to that of a non-voting member, as is the case at American University; and
- Issuance of a public statement that the historic role of alumni in selecting the Board will be preserved.

We note that many other non-profit organizations—including American University but also the American Red Cross and the Smithsonian Institution—have made headlines in recent years due to poor governance practices. Dartmouth's current governance model regrettably bears more resemblance to these cases than to the best practices to which it claims to aspire. Persisting in maintaining such a flawed governance structure will invite scrutiny and criticism of the board and risk doing damage to Dartmouth's reputation.

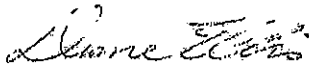
Dear Dartmouth alum,

On Tuesday, April 22, the attached letter was circulated throughout the Dartmouth undergraduate community in protest of the Board-packing plan. It quickly garnered hundreds of signatures, from fraternity and sorority presidents, class presidents, athletic captains, and academic leaders on campus.

With current Association of Alumni elections ending on June 5, we felt it imperative to emphasize the widespread belief that parity on the Board of Trustees is a unique feature that is crucial to the continued success of the Dartmouth governance system, and indeed the College itself.

We implore you to consider the voice of the undergraduates in making your decision as a voting member of the Dartmouth community. We want to thank the Dartmouth Parity slate for aiding us in mailing this letter, but we want to make clear that this initiative has been entirely student driven from beginning to end.

Sincerely,



Diane E. Ellis
Class of 2008



Joseph G. Braunreuther III
Class of 2008

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Today's Dartmouth Students SPEAK OUT FOR PARITY

"I think that the administration's efforts to silence Dartmouth alumni is both shameful and desperate. They would rather sweep dissent under the rug than deal with the underlying problems. Please add my name to the list of signatures." — *George Panos '09*

"My great-great-great grandfather, Dartmouth President Asa Dodge Smith (1863-1877, and Class of 1830) cast the tie-breaking vote in 1871 to allow the alumni to elect some of the Trustees to the Board...you need those people on the outside who can be innovative and suggest new ideas. That's what the petition candidates have done, and that is what needs to be protected."
— *Brooks H. Smith '08*

"I would like to be added. [Being supportive of] Board-packing? That's just like publically stating that you would enjoy living in a tyranny.. Maybe I'm unusual in that I always thought accountability was a good thing." — *Nisanth Reddy '11*

"Don't pack the Board, please." — *Scott Newbry '08*

"Dartmouth belongs more to students and alumni than whoever happens to be working for it." — *Haley Bolin '08*

"Please do add my name. When I first heard about this, I remember being quite disappointed. Obviously the board packing itself is bad, but I was really disappointed that at this supposedly high level of academia, the administration couldn't come up with a subtle plan for their strong-armed dealings." — *An '09*

"We, the students, define the current state of Dartmouth and we will embody the future of Dartmouth. By not recognizing our voice and our impact as democratic citizens, [they're] dismissing the future generation of global leaders." — *Frances Vernon '10*

"The Administration continues to shout vague accusations about how the lawsuit 'harms the College' and how the elections and issues of petition candidates are 'divisive'.

"I would like for my name to be added in support of this letter. Hopefully it helps remind both the administration and the alumni of their priorities and responsibilities towards the College and us, the (seemingly) voiceless undergrads." — *Case Hathaway-Zapeda '09*

"It is disgraceful the way the voices of our student body and alumni are being silenced." — *Nina Maja Bergmar '11*

"This is not a partisan issue, it is a Dartmouth issue. The College is not facing some horrible crisis that necessitates the changing of 117 years of governance. Only the current administration is." — *Phil Aubart '10*

"It is an unfortunate lesson in democracy and leadership when they can neither confront the issues (administrative bloat, freedom of speech, direction and soul of the College) nor resolve them fairly. The most decisive action that I've seen thus far from the Administration has been to undemocratically quell resistance; and unfortunately, not to solve the problems that face the College." — *An '11*

"As a current student who will be an alumna in only a matter of weeks, I am extremely disheartened by the administration's attempts to diminish the sphere of influence rightfully held by the alumni of the college. In my opinion, given the Court's initial finding that 'the Association has...established sufficient evidence to go forward with its claim of breach of contract,' it would seem that the Board should voluntarily give up the Board-packing plan now. If no one does anything to halt this plan, upon graduation my fellow students and I will lose our stake in what over the past four years has not only been our investment, but our home." — *Veronica de Zayas '08*

YES: WE WANT TO PRESERVE DEMOCRACY AT DARTMOUTH

Dear alumni,

We are current Dartmouth students from diverse corners of campus. Some of us are record-holding athletes; others presidents of Greek houses; still others of us are academic leaders. We have written and circulated this short letter in the hope of expressing our view that debate, dissent, and discussion at Dartmouth is *good*, and that the recent attempt, called "the Board-packing plan," to reduce the importance of democracy at Dartmouth is wrong.

We want to offer a simple quote. "*Such a notion offends the obligation of good faith and fair dealing implicit in any contract.*" This is a precise quote from a New Hampshire Superior Court in an order handed down this past February. (Page 13, Paragraph 2.) The Judge was reacting to one of the trustees' arguments in favor of the Board-packing plan, which would permit Dartmouth's Board to pack itself with appointees, diluting the influence of fairly elected trustees.

Now that the Board is being forced to rationalize its plan to a judge, it is finding that it simply cannot.

As the current generation of Dartmouth students, we are disappointed that our administration and trustees would embark upon any course of action that "offends the obligation of good faith and fair dealing," let alone one which substantially involves disenfranchising us.

So while our views on the issues facing Dartmouth differ widely, we all agree that the Board-packing plan is wrong. We advocate its reversal. Because changing the rules is never a fair way to win the game. Because depriving the Classes of 2008, 2009, 2010, and 2011 of the right to vote for half of Dartmouth's trustees is not just insulting to us: it is insulting to the tens of thousands of alumni who give generously to the College every year in the expectation that their *voices*, not just their dollars, count for something.

Most of all, the idea of packing Dartmouth's Board with appointees violates the principles Dartmouth has taught us. Among them is democratic rule. If the trustees' plan goes forward, oversight of our College will be transferred—transferred from the whole body of 69,000 alumni, who know and love our College, to a "Governance Committee" made up of five self-appointed people. That may be how the Harvard Corporation runs things. But it is not right for the Dartmouth Community.

We therefore respectfully ask that, since we cannot yet vote, you consider our plea: **please do not allow the Class of 2008 to be the first in 117 years deprived of the power to elect half of Dartmouth's trustees.** Please oppose the Board-packing plan. With open and civil debate inspired by open and fair elections, the Dartmouth Community can come together to work toward an even better College.

Please turn over for a list of signatures

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Adam Levine, Class of 2008
 Alexander Felix, Class of 2008
 Alexandra Lippman, Class of 2008
 Alexandra Mesa, Class of 2008
 Andrew B.L. Berry, Class of 2008
 Andrew Blanco, Class of 2008
 Angela Libby, Class of 2008
 Arjun Chandrasekaran, Class of 2008
 Brenna A. O'Neill, Class of 2008
 Brett Lowe, Class of 2008
 Brian Lloyd, Class of 2008
 Brooks Smith, Class of 2008
 Caleb D. Ballou, Class of 2008
 CJ Ryan, Class of 2008
 Cullen Roberts, Class of 2008
 Daniel L. Duray, Class of 2008
 David Lindenbaum, Class of 2008
 Diane Ellis, Class of 2008
 Dominik Kolodziejczyk, Class of 2008
 Drew Weizel, Class of 2008
 Elijah Rosen, Class of 2008
 Elise F. Krieger, Class of 2008
 Eric Crawford, Class of 2008
 Geoffrey B. Colman, Class of 2008
 Gregory Haines, Class of 2008
 Haley Bolin, Class of 2008
 Harrison Sonntag, Class of 2008
 Hissa Samplin, Class of 2008
 Jack D'Angelo, Class of 2008
 Jennifer A. Heinen, Class of 2008
 John Manning, Class of 2008
 John Mitchell, Class of 2008
 Jordana Kier, Class of 2008
 Joseph G. Braunreuther III, Class of 2008
 Joseph Malechow, Class of 2008
 Joshua Green, Class of 2008
 Katherine Gorman, Class of 2008
 Ken Wells, Class of 2008
 Kristen Craft, Class of 2008
 Laura Reyes, Class of 2008
 Lauren Orr, Class of 2008
 Li-Ou Gong, Class of 2008
 Marc Lajoie, Class of 2008
 Mark Heller, Class of 2008
 Mary Beth Westerman, Class of 2008
 Mary E. Vaughan, Class of 2008
 Megan Crapster, Class of 2008
 Michaela Corwell, Class of 2008
 Michael F. Knapp, Class of 2008
 Nicholas M. Ware, Class of 2008
 Ren Chen, Class of 2008
 Robert Kasel, Class of 2008
 Robert Lim, Class of 2008
 Robert Shames, Class of 2008
 Samuel F. Fisher, Class of 2008
 Sarah Brown, Class of 2008
 Sarah Rathman, Class of 2008
 Sarah Wilson, Class of 2008
 Scott K. Y. Wong, Class of 2008
 Scott Newbry, Class of 2008
 Sean F. Nicholson, Class of 2008
 Sophie Quinonez, Class of 2008
 Taylor Layman, Class of 2008
 Trudy Hong, Class of 2008
 Ty Moddelmog, Class of 2008
 Veronica de Zayas, Class of 2008
 Will Ryan, Class of 2008
 Alan Hess, Class of 2009
 Alex Abate, Class of 2009
 Alex Nemitch, Class of 2009
 Amanda Dunville, Class of 2009
 Andrew Ballentine, Class of 2009
 Andrew Bounford, Class of 2009
 Andrew D. Kaminski, Class of 2009
 Ann C. E. Rittgers, Class of 2009
 Anne Megurgel, Class of 2009
 Arran C. Forbes, Class of 2009
 Asafu Suzuki, Class of 2009
 Boris Vabson, Class of 2009
 Brondun Anderson, Class of 2009
 Breanna Jenny, Class of 2009
 Brian Chao, Class of 2009
 Brian E. McGinty, Class of 2009
 Carol A. Szurkowski, Class of 2009
 Case Hathaway-Zupeda, Class of 2009
 Casey Diehl, Class of 2009
 Christian Kiely, Class of 2009
 Christopher Blankenship, Class of 2009
 Christopher Brouwer, Class of 2009
 Christopher Johnson, Class of 2009
 Colin Simonds, Class of 2009
 David Hollenberg, Class of 2009
 David Short, Class of 2009
 Derek Weiss, Class of 2009
 Eleanor B. Smith, Class of 2009
 Emily Estabani-Smith, Class of 2009
 Emily Trentacoste, Class of 2009
 George Panos, Class of 2009
 Gregory Boguslavsky, Class of 2009
 Jamal Sabky, Class of 2009
 Jeff Willsoy, Class of 2009
 Jennifer Bandy, Class of 2009
 Jessica Klaric, Class of 2009
 John P. Smith, Class of 2009
 Joseph Friedman, Class of 2009
 Justine Modica, Class of 2009
 Katherine M. Schmidt, Class of 2009
 Kaytlin Suslavich, Class of 2009
 Kevin Hills, Class of 2009
 Kevin Fischer, Class of 2009
 Kristin Bonello, Class of 2009
 Kyle Cavanaugh, Class of 2009
 Laura Christin Saylor, Class of 2009
 Lauren Caracciolo, Class of 2009
 Lisul A. Murdock, Class of 2009
 Lynman Woo, Class of 2009
 Malcolm S. Preberg, Class of 2009
 Maria L. Castilla, Class of 2009
 Maxwell L. Copello, Class of 2009
 Meghan E. Lavrio, Class of 2009
 Michael C. Russell, Class of 2009
 Nathan J. Niparko, Class of 2009
 Nathan S. Empsall, Class of 2009
 Nathaniel Wells, Class of 2009
 Richard Cummings, Class of 2009
 Sander Duncan, Class of 2009
 Sharon C. Dauson, Class of 2009
 Stephen M. Ubnoske, Class of 2009
 Tara K. Wohlgenuth, Class of 2009
 Taylor Holl, Class of 2009
 Tina Harrison, Class of 2009
 Wendell Smith, Class of 2009
 William Hanson, Class of 2009
 Yiran Gu, Class of 2009
 Yuriy Novodvorskiy, Class of 2009
 Zachary J. Moore, Class of 2009
 Akosun S. Osei-Bobie, Class of 2010
 Anfin S. Briekson, Class of 2010
 Benjamin J. Meigs, Class of 2010
 Brenton N. Rayner, Class of 2010
 Brian R. Dumno, Class of 2010
 Christian Stewart, Class of 2010
 Christopher Martin, Class of 2010
 David Gusella, Class of 2010
 David Leimbach, Class of 2010
 Dorikka K. Mobley, Class of 2010
 Dmitriy Gutkovich, Class of 2010
 Doug Nelson, Class of 2010
 Doug Zarbock, Class of 2010
 Emily B. Bangtson, Class of 2010
 Frances Verion, Class of 2010
 Francis Fortin-Houle, Class of 2010
 Harsh Gupta, Class of 2010
 Jacob Baron, Class of 2010
 James J. Kordahl, Class of 2010
 Jean Luo, Class of 2010
 Jeffrey Smith, Class of 2010
 Jennifer Montminy, Class of 2010
 Jessica Wheeler, Class of 2010
 Jocelyn Krauss, Class of 2010
 Kaitlin Carey, Class of 2010
 Karli Beitel, Class of 2010
 Kassie Archambault, Class of 2010
 Katherine B. Crowe, Class of 2010
 Kathryn Lindquist, Class of 2010
 Kevin Miller, Class of 2010
 Kristen Torres-Lockhart, Class of 2010
 Laura Dolorenzo, Class of 2010
 Lauren Alpeyrie, Class of 2010
 Lily Eom, Class of 2010
 Louisa Pollard, Class of 2010
 Lucretia A. Witte, Class of 2010
 Margaret Bell, Class of 2010
 Matthew Broccoli, Class of 2010
 Michael Adelman, Class of 2010
 Michelle Liu, Class of 2010
 Nathan Brygchi, Class of 2010
 Nathan McNamara, Class of 2010
 Ned Kenney, Class of 2010
 Phillip Aubart, Class of 2010
 Remi L. Gottlieb, Class of 2010
 Robert P. Higdon, Class of 2010
 Robert Zbeda, Class of 2010
 Stefani Ruper, Class of 2010
 Sumiran Das, Class of 2010
 Ahra Cho, Class of 2011
 Alexandria Heywood, Class of 2011
 Angelo Garino Jr., Class of 2011
 Brandon T. Aiome, Class of 2011
 Bruce Jobs, Class of 2011
 Christina Miles, Class of 2011
 Darren L. Cheng, Class of 2011
 David Nachman, Class of 2011
 Derek Su, Class of 2011
 Eleanor Killian, Class of 2011
 Elizabeth L. Howland, Class of 2011
 Evelyn Fisher, Class of 2011
 Galen U. Pizzagno, Class of 2011
 Grey Guseck, Class of 2011
 Isalah J. Berg, Class of 2011
 Jennifer Robinson, Class of 2011
 Jillian Teltrick, Class of 2011
 Jinhee K. Oh, Class of 2011
 John Bowman, Class of 2011
 John Burdon, Class of 2011
 Kevin Estrada, Class of 2011
 Lars Woldo, Class of 2011
 Madeline Steiner, Class of 2011
 Mark Antal, Class of 2011
 Mayuka Kawaguchi, Class of 2011
 Michael Brown, Class of 2011
 Michael G. Marcusa, Class of 2011
 Minhae Shim, Class of 2011
 Mostafa A. Heddaya, Class of 2011
 Nina Maja Bergman, Class of 2011
 Nisamth Reddy, Class of 2011
 Preston McBride, Class of 2011
 Rebecca Harrington, Class of 2011
 Reid D. Duke, Class of 2011
 Sarah Spangenberg, Class of 2011
 Stephanie Riedler, Class of 2011
 Tyler Brace, Class of 2011
 Waheed Zarif, Class of 2011
 Zachary Lim, Class of 2011
 Zoe J. C. Williams, Class of 2011

