Managing Dissent: How Swarthmore College’s Administration and Board of Managers Respond to Student Activists

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This turned into an acknowledgment for my entire time at Swarthmore! I only wish that one paper could contain all the perspectives and wisdom of the amazing people I have met here. Alas, no paper could do that, and this one certainly does not. It is just an attempt to do something different, something that excited me, and perhaps something useful. All of the flaws contained within are mine. Appropriately enough, there are many. I am proud nonetheless of the effort I put into this paper, and what it represents—the culmination of three years at Swarthmore, and five years since my last graduation. So much love to everybody that has been a part of my life in this remarkable time.
Introduction

The day after I submit this paper, May 4, 2013, I will stand before the Board of Managers of Swarthmore College, along with dozens of other students and alumni members of Swarthmore Mountain Justice, and pledge to “disrupt business as usual” if the Board does not divest from fossil fuels by September. We will be taking this action in an open meeting, with administrators, faculty and other students in attendance. I do not know what the managers will say, but I have an idea of what their tone will be—I expect them to be very angry. I know, though, that this action will bring Swarthmore closer to divestment, and advance the vision of a world where access to clean air, water, and food is not dependent on one’s identity or class. After five semesters of constant effort to convince the Board that divestment is a moral imperative, I believe more strongly than ever that radical change at Swarthmore cannot happen without “direct action”—taking steps outside of Swarthmore’s institutional channels for making change. This paper captures the ultimate futility of those five semesters, which makes it fitting that I should set it down the day before I stand up to pledge resistance.

This is not to say that the five semesters were wasted. They already give us legitimacy among many students, who are shocked to hear that administrators and managers have met with us twenty-five times and still not taken action on the issue. More importantly, we have learned a great deal in the process about how the administration and Board function, which will continue to serve us well as we enter a new phase of the divestment campaign. This paper is one, but by no means the only, contribution to that knowledge. I hope it proves to be a practical resource for current and future activists at Swarthmore, working on divestment and other issues.
How did I get here?

It is important to acknowledge the circumstances that give rise to research. John Michael Roberts and Teela Sanders advocate “an account of the ethnographic process that recognizes the structural context of the fieldwork setting and the academic environment” (2005:296). They continue, in quoting May (2004:183), to argue that this reflexivity is not only analytically useful for the researcher, but also enables better understanding of “knowledge reception and context and thus its capacity for action” (Roberts and Sanders 2005:296). That sociologists would be interested in the “capacity for action” of their research is a slyly subversive idea, one that is at the center of my project. It is only appropriate that the capacity for action of this paper should be best explained by an excavation of its roots in my educational history.

My personal process of coming to this thesis was a long and accidental one. When I entered Swarthmore in 2010, I planned to study intensely, keep my nose to the grindstone and acquire the credentials and references necessary to get me into graduate school and an eventual tenured professorship. Instead, while pursuing an occasional interest in environmental activism, I found a community of people dedicated to creating lasting, meaningful social change. I was immediately captivated, and have not turned back since. I have spent the majority of my Swarthmore career with academic learning as a second priority, dedicating myself instead to absorbing everything I could learn about anti-oppression, direct action strategy, movement building, and systemic analyses of power—and practicing the same. My biggest project in this arena has been participation in a student-led fossil fuel divestment campaign, encouraging Swarthmore to divest its endowment from the fossil fuel industry. This has been the best education I could have asked for. Nevertheless, senior year arrived and the institutionally-mandated thesis beckoned. Knowing that fulfillment of this requirement would be a
personal struggle, considering my mental preoccupation with various activist projects, I sought a thesis topic that would follow these interests. Unsurprisingly, my initial topic fell in the field of social movement studies. I planned to interview representatives of environmental movement organizations about their value systems and how they navigated the often-disappointing and always contradictory NGO world. It felt like an acceptable topic, but I wondered who it would be serving. Identifying flaws with NGOs or celebrating resistance to them might feel good, but I did not see how it would really enlighten any activists—we are already very aware of the contradictions within our movement. Nobody was asking for this paper to be written. Its benefits would be all mine, in the form of personal fulfillment (exorcising my own demons about entering the nonprofit workforce), and professional advancement (obtaining the diploma).

This is not to say that the entire field of social movement studies shares these flaws. There is a growing body of scholarship that is self-reflective, coming from a perspective sympathetic to social justice movements, and intended to facilitate more strategic and successful movements. Examples include David Graeber’s excellent *Direct Action: an Ethnography* (2009) and Francesca Poletta’s analyses of the civil rights movement (2006). In a best-case scenario, I hoped that my thesis would be all of these things, but anxieties lingered nonetheless. I could not get past the idea that my topic was framed first and foremost to further the “sociological understanding” of academia, with the potential benefit to movements tacked on as an afterthought, a justification to myself. I didn’t quite have the language to describe it, but I was feeling uneasy with the cultural focus of social movement studies. Caelie Frampton and colleagues (2006:14) argue that by emphasizing meaning and culture, social movement studies “displaces class relations and is therefore unable to map out the concrete conditions…in which activists find themselves engaged.”
I was mired in this unenthusiastic state when I first encountered the method of political activist ethnography. In the short time it took me to read George W. Smith’s “Political Activist as Ethnographer” (1990), I made plans to change my topic. Smith lays out a method for academic sociology that is uncompromisingly in the service of activist movements. To drive the point home, he even calls it “political activist ethnography.” Part of me is embarrassed to recount this story, because those who know me will attest that it was an entirely predictable development. But the truth is, I was hooked.

Goals of this study

Thus, this research project is an experiment to see if I can uncover practical knowledge for the benefit of the fossil fuel divestment campaign within the framework of the academic thesis degree requirement. Briefly put, this study uses the fossil fuel divestment campaign as a site of conflict through which the decision-making process of Swarthmore as an institution can be revealed. In undertaking this study, I sought to fulfill several overlapping commitments.

First, and most important, I committed to produce useful knowledge for the fossil fuel divestment campaign. This knowledge does not fit the profile of most activist research—which Caelie Frampton and colleagues (2006b:248) critique as limited, for better or worse, to “accounts of the abuses and dangers of the present state of affairs”—and instead is an account of social relations within the institution of Swarthmore College. To be clear, it is not a totalizing account of the College as a whole, but what Kinsman (2006:139) describes as “a mapping of the social struggles themselves, a relational sketch of the conflicts between ruling relations and social movements.” If the project is successful, this paper will resonate most deeply with current and future activists, who may see aspects of their experience reflected in mine, and use my conclusions to plot more effective interventions.
The second commitment was to produce this research in a way that aligns with the ethical standards set by Swarthmore’s Institutional Review Board (IRB). Other institutional ethnographers have written about the challenges that ethical review poses to their research. In his study of nursing homes, Timothy Diamond (2006:61) realized that seeking institutional permission would have inhibited his ability to collect useful data on institutional practices. To avoid this barrier, he conducted his research covertly, though he recognized that covert research is unlikely to pass ethical review at many North American colleges and universities. With this consideration in mind, I had to navigate how to deal with the data I have accumulated in the last two years working on the divestment campaign. It was clear that the private meetings I was part of are not legitimate sources of ethnographic data, because I was not an approved researcher at the time, more was I announcing myself as such. Yet, in applying Roberts and Sanders’ (2005:296) lens of “pragmatic realism,” it is obvious that my experience in these meetings will color my analysis. To work around this grey area, I did not use direct quotes or interactions I observed in these meetings. Instead, I interviewed other activists who were in those meetings about how they perceived the social relations in the room. Nevertheless, I had significant trouble with the IRB and would be remiss not to mention that the paper was significantly impacted by the fact that I did not receive approval to do interviews until only six weeks before the paper was due.

My third commitment was to limit myself, for the sake of capacity and focus, to knowledge useful for the fossil fuel divestment campaign, rather than stretching myself to uncover data irrelevant to divestment but perhaps relevant to other student struggles. This was a point that I struggled with considerably, especially when crafting interview questions. If I was getting access to decision-makers, I did not want to strictly limit myself to only what is relevant for the fossil fuel divestment campaign. As it happened, though, the project would have become unmanageable if I had tried to extend beyond investment issues, so I limited myself. This mirrored a move made by George W. Smith (1990:66) in
"Political Activist as Ethnographer": “At some juncture in the research, simply because it was a piece of research and the political fight had moved on, I had to determine that the state of my knowledge was adequate for the purpose of describing the limits of a regime. Acquisition of members' knowledge of a setting could go on forever.” In resisting the urge to acquire more knowledge than necessary for the activists’ understanding, Smith emphasizes that his first and only goal was to serve those activists—to map the struggle rather than the entire institution. Though this thesis limits itself to the divestment struggle, I nonetheless think elements of Chapters 4-6 and the conclusion will be useful to other Swarthmore activists.

Summary of Results

This process did not lead me to a singular conclusion, and I did not try to force it into one. Rather, there are many pieces of movement-useful knowledge distributed among the chapters. (For ease of access, I boiled down the key points into a short summary in the conclusion.) I have attempted to do research that will be immediately useful to activists at Swarthmore; whether I have succeeded will only be determined by the utility, or lack thereof, that activists find in it.

Although the activist ethnographic method freed me from beginning with a central analytical argument, a methodological argument runs through the paper. Institutional ethnography is a relatively obscure method, and activist ethnography even more so. As far as I can tell, serious practitioners of institutional ethnography are limited to a small circle of scholars in Ontario, all of whom have collaborated or studied together. Political activist ethnography is even less widespread. My research turned up one collection of essays (Frampton 2006) as the only secondary engagement with the methodology; JSTOR and ProQuest searches for the term “political activist ethnography” turned up one article each (Hussey 2012; Bisaillon 2013), also from Ontario. These methods have not drawn the
recognition they deserve, especially in the U.S. academy, and I hope that my thesis can spread awareness to Swarthmore. Thus, I attempt throughout the paper to demonstrate the ways in which activist ethnography empowered me to uncover elements of Swarthmore's ruling relations that otherwise would have remained hidden.

Chapter 1 provides much more detail on the genesis of institutional ethnography and political activist ethnography and how I applied elements of both in the research reported in this thesis. Because these methods initiate every study from a clearly defined “standpoint,” I define my standpoint and starting assumptions, and I articulate how my horizon of understanding expanded from that standpoint throughout the study, through interviews, and documentary and secondary-source research.

Chapter 2 provides a straight-forward account of the meetings that student divestment campaigners had with administrators and managers, what we students hoped to gain from them, and how our expectations and feelings regarding the process changed over time. The next chapter attempts to understand the ruling relations among managers, administrators, and formal regulations that conditioned their response to and understanding of the divestment campaign. This chapter is structured as a process of elimination, following the actual development of how my hypotheses about administrative responses were proven wrong, until one of them was proven right. Then, I demonstrate how the difference between student and Board/administrative understandings of the decision-making process caused us students to construct an imaginary barrier that forestalled us from speaking with all the necessary Board members that prevented movement toward a decision.

Following this account of a (heretofore) failed attempt to convince the Board of Managers to divest, Chapter 4 provides the counterpoint of the only successful divestment campaign in Swarthmore's history, the 1980s campaign for divestment from South African apartheid. The historical record and interviews with current Managers shed considerable light on how the Board's consensus
decision-making process resulted in a decision for divestment, and the controversial nature of that
decision informs a good deal of the opposition that the current movement for divestment has faced.

Chapter 5, “Captured by Dialogue,” borrows Susan Turner's concept of “institutional capture”
to explain how a preoccupation with dialogue, always popular at Swarthmore, obscured the fact that
things were not moving forward as we wanted. In doing so, it clarifies, retrospectively, some of the
naive decisions that I and others made during the middle stages of the fossil fuel divestment campaign.
I discuss one particular meeting that broke the mold as an exception that proves the rule of “capture by
dialogue,” and suggest “negotiation” as a more productive framework than dialogue for future
interactions between students and Managers. Finally, I offer a hypothesis that lack of student
institutional memory regarding how the Board works, and the particular composition of Mountain
Justice as a predominantly middle-class group, made us vulnerable to capture by dialogue..

“Echoes of Wall Street,” the last content chapter, draws extensively on Karen Ho's Liquidated:
An Ethnography of Wall Street to demonstrate how Swarthmore's endowment management linked
translocally to broader trends and discourses in investment. Understanding these larger economic
trends allows us to better understand Managers' moral arguments against divestment, and give context
to my informants' frequent invocations of “smartness” and “intergenerational equity” that were
previously inscrutable to me. I hypothesize that the “smartness” discourse interacts with the Board's
particular way of doing consensus to create differing understandings among Managers for how change
is made, and thereby generate stasis in investment policy.

Things this paper is not

This paper is primarily dedicated to understanding the functioning of Swarthmore's ruling
apparatus—the administration and Board of Managers—rather than to analyzing the strategic decisions
made my Mountain Justice. MJ's decision-making ends up in the picture quite a lot anyway, however, because the Board/administrative process only becomes visible through its interaction with students. Therefore, how we interpreted and understood Board/administrative actions throughout the campaign is of crucial relevance. Because I end up discussing MJ so much, I am aware that the reader may find themselves wondering about other aspects of our group process and decision-making. For example, what lenses can we use to understand disagreements within the group? How did our choices regarding which resources to mobilize affect our campaign, especially taking into account the overwhelming work load of a Swarthmore student? To what extent can we trace campaign decisions and outcomes to the political ideologies of individual group members? These are just a few of the questions that I would personally love to explore. I am sure readers will think of more. Unfortunately, I could not answer these questions within the scope of this paper.

I was also unable, due to the simple fact of limited time, to situate this story within a context of past campaigns at Swarthmore. If I were able to expand the project, this is what I would do, because one of my central conclusions is that better inherited memory of the Board of Managers process could help future students avoid some of the mistakes that MJ made. One story is helpful, but two could begin to change the culture of activism here, especially if the two stories show a pattern. Students interested in creating a document demystifying the Board of Managers should feel free to use the Conclusion as a starting point. The experience of the Swarthmore Labor Action Project (SLAP) in the 2007-2011 "hotel campaign" could provide a second story, as SLAP's interaction with the Social Responsibility Committee was very similar to that of MJ.
Chapter 1 – A New Method of Inquiry

Political activist ethnography (PAE) and its parent, institutional ethnography (IE) share many characteristics, and several key differences. This chapter will outline the fundamental characteristics of IE and PAE, before discussing how I apply them to this study.

Frustrated with the disconnect between her field of sociology and her life as a woman and single mother, Dorothy E. Smith (no relation to George W. Smith) developed institutional ethnography as a “sociology for women.” It has since been expanded, by Smith and others, to a sociology for any people on the outside of a ruling regime. Central to the project of institutional ethnography is the sociologist’s assumption of a particular “standpoint.” In *The Everyday World as Problematic* (1987:105-06), Smith defines sociology as “a systematically developed knowledge of society and social relations.” This is true of every sociology; Smith’s move is to acknowledge as much and then craft a sociology that positions itself to develop knowledge for actual subjects. She continues (ibid.): “The knower who is construed in the sociological texts of a sociology for women is she whose grasp of the world from where she stands is enlarged thereby. For actual subjects situated in the actualities of their everyday worlds, a sociology for women offers an understanding of how those worlds are organized.”

The advantages of this approach are best illustrated through an example. Smith and Alison Griffith’s study on schooling and motherhood (Griffith and D.E. Smith 2004) began with an awareness that their status as single parents was perceived as a defect by schoolteachers and administrators. Unsure why this was the case, they decided to launch an investigation, into the social relations among teachers, administrators, and parents. The central question, defined by a horizon in a subject’s understanding of the social forces determining their own life, is what Smith (1987:91,110) calls the
“problematic.” In Smith and Griffith’s study, their horizon of understanding extended to their interactions with teachers and administrators, but no further. Through interviews and participant-observation, they were able to expand the horizon of understanding to include the social relations between teachers and administrators, teachers and students, and fellow teachers. Based on these previously-unseen relationships, Smith and Griffith were able to determine that their lack of time to perform educational labor at home was the reason for judgment from the educational system. This conclusion demystified an element of the researchers’ own lives, and indeed all other single mothers in the region (Smith 2005:37).

In contrast, consider the standpoint of mainstream sociological studies. The typical problematic—the horizon of understanding—is located not in everyday experience, but in the world of sociological inquiry. Even when a researcher is inspired by a real-world problem, their first step is to review the body of literature on the topic, and then define their project in relation to it. By choosing a standpoint in ideology, traditional sociology ensures that its generated knowledge will also be primarily ideological as well. Ideology here is a top-down, Archimedian point of view (Hussey 2012:6) that intentionally or unintentionally reduces ruling relations to a set of laws rather than explain, from the ground level, how they relate to individual subjects. To further explain how this plays out in real studies, I’ll give the example of my own project. One possible ideological approach to my project would have been to review the discipline of elite studies, and then write about how the social networks and financial ties of Swarthmore’s Board members cause them to oppose divestment as a matter of class allegiance. As with much activist research, this would be a “valuable account of the abuses and dangers of the present state of affairs” (Frampton 2006b:248). It would be a prize horse in the stable of arguments for divestment. It could help rally more people to our cause. What it wouldn't do, though, is increase our understanding of how investment policies are determined, or how they can be changed.
George W Smith (2006:52) tells the story of how gay rights activists in Toronto explained police raids on bathhouses. Initially, the most common explanation was that the raids were the result of the homophobia of individual police officers, or perhaps a vaguely defined homophobia in the “system” itself. Realizing that these explanations were insufficient, Smith undertook an institutional ethnography of the police department and local government, eventually revealing that the “Bawdy House Laws” in the civil code allowed bathhouse raids to occur. Activists were then able to target and overturn these laws.  

This is not to say that the individual police officers weren’t homophobic, as many of them surely were. Smith simply shifted attention from the *individual* to the *social*, and found the specific text that allowed institutional discrimination to occur.

I want to be clear that I view traditional activist research—the type that details the horrors of the current state of affairs—as indispensable. A persuasive case for change cannot be made without it, but neither is it always sufficient to actually make that change happen. The project of making change can be greatly aided by a sophisticated understanding of how individuals, in institutions, make policy through a discernible set of actions. This is where political activist ethnography comes in.  

Another crucial piece of writing from a particular standpoint is to return the writer’s subject-position to the text. This is another departure from mainstream sociology, which D. Smith (1987:117) critiques as “preoccupied with suppressing the sociological subject.” Both the writing subject and the written-about subject are suppressed, and in their place we get the (would-be) objective. Institutional ethnography returns both subjects to the forefront in order to better grasp the totality of the material reality in question. This is not a simple celebration of differing perspectives, or that postmodern

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1. This seems obvious in retrospect—"Of course it was the law that allowed it to happen."—but it wasn’t obvious to the activists before the research was conducted.

2. Of course, many activists still hold that it is unnecessary to understand the inner workings of “the system.” As Bertolt Brecht wrote, “You don’t need to understand something in order to destroy it.” For a well-cited account of this perspective, and a rebuttal in defense of political activist ethnography, see Frampton 2006b, 247-252.
dismissal of objectivity which Smith (1987: 121) characterizes as a resignation “to a dual vision in which either account is equally valid and neither has the power to supersede the other.” Instead, it is a recognition that the social relations that make up our world include, but are not limited to, each subject-position. Your and my relationship cannot be limited to how you or I perceive it—its totality includes both of our perspectives and everything that passes between us.

Bringing the writing subject into a sociological text has the added benefit of demystifying the process of inquiry. As an activist and fledgling academic, I very much appreciate the way that Dorothy E Smith, George W Smith and other institutional ethnographers communicate the process for conducting research, their activist and academic priorities, and their strategies for negotiating the boundaries of traditional academic practice.

Clearly, this shift in focus implies a particular understanding of social organization. Institutional ethnography holds that the “social”—the space between you and me, the relationships we create together, and the texts that mediate these relationships—is the stuff that causes material events. Most institutional ethnographers also avoid the word “structure,” for its implication of something rigid and beyond human agency, choosing instead to refer to the “social relations.” I follow in this convention. Social relations are neither rigidly structural nor amorphously individual—they are constantly recreated and renegotiated among us. Drawing on the linguistic theory of Volosinov, Mead and Luria, Dorothy E Smith’s (2005: 76-79) institutional ethnography looks to two main “interindividual territories” that constitute the social—shared experiences, and texts. Elsewhere, Smith defines “ruling relations” as “that familiar complex of management, government administration, professions, and intelligentsia, as well as the textually mediated discourses that coordinate and interpenetrate it” (1987: 108). I will sometimes refer to Swarthmore’s “ruling relations” in this paper, meaning the relationships among administrators
and managers, as well as students, staff and faculty in their roles on administrative committees, and the texts and shared experiences that coordinate these actors and hook them into a broader apparatus of ruling relations beyond Swarthmore.

These, then, are the defining characteristics of institutional ethnography—a standpoint in a real-world community, a problematic that is relevant to that standpoint, an ontological commitment to explore social relations, rather than ideas, as the determinants of history, and an emphasis on texts and shared experience as the sites where social relations are enacted within institutions. Political activist ethnography holds all of these characteristics, while placing the standpoint within an ongoing activist campaign.

Collecting data

I thought of my process as starting from my standpoint (my particular experience with the divestment campaign) and slowly growing my "horizon of understanding" outward from that point. George W Smith (2006:65) explains this process:

As I investigated this world...it was common to come upon gaps in the reflexive properties of my knowledge. This was a little like coming across a word in a sentence that did not make sense. Situations like this usually occurred when someone said something that failed to fit properly with my understanding of how things work. Needless to say, it involved an acquired ability to "see" organization in people's talk and in the text of institutional documents.

I ended up interviewing eight students, four managers and one administrator. My method for selecting potential informants was inspired by DeVault and McCoy (2006: 33):

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3 I do not consider the everyday interactions of students, faculty and staff to be part of the ruling relations. Yes, all of these parties' daily actions or inactions influence the enactment of policy at Swarthmore. By the term "ruling relations," though, I mean to delimit the individuals, texts and positions that can be demonstrated to have institutional authority in the matter of investment. For a different issue, the ruling relations would encompass a different set of actors—for example, if I were writing about curricular reform, all faculty would be included within the ruling relations.

4 I would have liked to contact more informants, and conduct second interviews with my existing informants, but this did not happen because my approval from the Swarthmore Institutional Review Board came only six weeks before the due date of this paper.
The selection of informants is more open-ended in institutional ethnographic investigations than it is in more conventional positivist studies, but the process is not haphazard. Rather, fieldwork and interviewing are driven by a faithfulness to the actual work processes that connect individuals and activities in the various parts of an institutional complex. Rigor comes not from technique—such as sampling or thematic analysis—but from the corrigibility of the developing map of social relations.

From my central problematic—“How do the social relations and embedded policies among Swarthmore’s administration, Board of Managers and contracted money managers generate resistance to proposals for socially responsible investment?”—I developed a more specific point of entry. This point of entry was the question of textuality. Prior to this study, I had remained willfully ignorant of the way that internal college investment protocols were applied. Once the study began, it occurred to me that this matter was of great importance. This became my first question: “What specific policy prohibits divestment and other socially responsible investment? Is it a formally encoded (textual) policy, or is it informal?” I chose my first non-student informants based on their likelihood of being able to answer this question. From there, I determined my next move by paying attention to incomprehensible concepts or trends that emerged.

Additional informants and other data sources were determined based on who or what I thought would best be able to fill the gaps and expand the horizon of my understanding. How that process actually unfolded is detailed in Figure 1 on page 24.

Initial Hypotheses

In the interest of transparency and bringing the reader along with me for the process, I would like to state the hypotheses I brought with me into the investigation. I wrote the following section at the beginning of the research process, and have not revised it. Upon reading further in the study, you will see that some of these threads turned out to be quite fruitful, while others were not developed, either for
lack of illuminating data or the simple fact that I could not answer every question that occurred to me within the scope of my research. This is what I wrote in November 2012:

重要特性包括其自我维持的性质，"共识型"决策过程，以及董事会成员之间的未言明权力差异，特别是在投资问题上。作为私立机构，斯沃茨摩尔的董事会是自我维持的，这意味着它选择其新成员。这与公立学院的选举董事会不同，后者可能拥有各种政治观点，而自我维持的机构可以避免政治分歧的引入。这种对争议的厌恶在某种程度上是由于斯沃茨摩尔的校园文化，该文化在政治参与方面以一种"共识型"方式保持。我们理解这意味着董事会几乎很少投票决定任何事情，而是遵循"房间气氛"。在没有正式的决策过程中，未明言的权力动态被放任不管。在投资问题上，决策流程是投资委员会提出建议，董事会几乎总是遵循这些建议。在2012年5月的董事会会议上，当我们就撤资问题提出提案时，四个人占了90%的发言。尽管只有两个人在投资委员会，所有人都声称对投资和金融有深入的了解。所有这些人都是年长的白人男性——除了其中一位是我们的引导者，我们的四位女发言人都没有发言。我们组中的许多人对这些特权动态有敏锐的洞察力，当几位女性在会议后与我们的演讲者交流时，我们并不感到惊讶。

In the absence of a formal consensus process, unnamed power dynamics play out unchecked. In matters of investment, the decision-making flow is for the Investment Committee to make recommendations to the full Board, which almost always follows the recommendations. At our May 2012 presentation to the Board, when we presented our proposal for divestment, four people did 90% of the speaking for the board. Though only two of them were on the Investment Committee, all of them claimed intimate knowledge of investment and finance. All of them were older white men—besides a woman who was one of the facilitators, and our four female presenters, not a single woman or person of color spoke during the meeting. Many members of our group have a keen eye for these privileged dynamics; we were scarcely surprised when several women came up to our presenters after the meeting.
to say that they had appreciated our proposal (something they wouldn’t say during the meeting itself).\(^5\)

Perhaps based on the board’s self-image as a consensus-based community, the historical event of the 1986 decision to divest from South Africa looms large in discussions about investment. That decision, which was spurred by a long and protracted student campaign (Jones 2010), was highly controversial within the board. They told us that they felt “coerced” into the decision, and one board member actually resigned over the decision. It is clear that the board remembers this as a sort of collective trauma—a rare rupture in the board’s convivial and consensual spirit.

The relationship between the president and the board is also worth exploring further. My hypotheses about this relationship are informed by previous conversations with faculty members. At the time of this study, the president is in her fourth year at the college. The prior president had held the position for eighteen years and, according to several faculty contacts, had monied connections that gave him great influence over the Board of Managers. This gave him the ability to push through initiatives that the board didn’t necessarily like. The same faculty contacts believe that the new president doesn’t have the same connections, and thus hasn’t found her power vis-a-vis the board. For this reason, she hasn’t voiced any substantive difference between herself and the board on any issue. At the same time, there are reasons to believe that the president might have unvoiced sympathies—she is a feminist liberation theologian, and has repeatedly emphasized sustainability as one of her priorities. A standing question for the divestment campaign is whether there is any hope of gaining the president as an ally, and if such support would be valuable.

A large unanswered question is the balance of informal agreement and formal textual processes in Swarthmore’s institutional decision-making. Much institutional ethnographic research focuses on the

\(^5\) Though noteworthy, the gendered dynamics at play in this Board meeting are less concretely necessary to explain the resistance to the divestment proposal. I point them out here because they were a strong signal in helping us identify the more concretely relevant dynamic—the unwillingness to challenge the investment gurus on their area of expertise.
analysis of institutional texts. However, the divestment campaign has yet to encounter any textually-mediated processes. Compared to larger institutions, decision-making at Swarthmore appears to operate more in the realm of shared experience than through texts. For example, after the May 2012 board meeting, senior board members told campaign members in private conversations that we should “not expect to receive another meeting with the board” on this topic. The president, when told of these conversations, was surprised and informed us that this was neither the general sentiment of the board, from her perspective, nor could they simply shut the campaign out in this manner. The frequent disjunction between different branches of the institution—especially the president’s office and the board—causes me to suspect that many processes operate through informal communication rather than agreed-upon decision-making structures. One aim of this study will be to look for formal textual processes that may be functioning behind the scenes of this apparent informality.

Some of these lines of inquiry were more fruitful than others. My inquiries into the Board’s consensus process, and the South Africa divestment decision, shaped the final paper to a great degree, especially Chapter 4. The answer to the question about texts was a simple one (yes, most things operate by informal precedent), but the simple fact that I had so ardently sought a clearly defined process proved interesting in itself, as Chapters 3 and 5 demonstrate. On the other hand, our observations of the gendered aspects of the meeting did not play a central role in the thesis, in part because it became clear that voice was also determined by individuals’ work experience and professional connections (which, of course, is also gendered, but it muddies the waters somewhat), but mostly because an analysis of gender politics on the Board does not prove very useful to student activists. And I also found that lines of inquiry about the President, and her relationship with the Board, were unproductive, largely because my Board and administrative informants were unwilling to divulge that information, for obvious
reasons. This is too bad, but demonstrates that political activist ethnography has very definite limits depending on what level of access and trust is available to the researcher.

My debts to Dorothy E Smith and George W Smith are obvious, based on the citations in this chapter. I hope that the present study can follow in their footsteps, not only as an example of institutional ethnography, but as a call for more space to talk about the way that sociology is produced, the type of knowledge it creates, and who has the authority to create and interpret that knowledge. I encourage the reader, who is likely associated with Swarthmore College, to consider the ways that your scholarship could also be responsive to the communities of which you are a part. As for this study, it is up to the communities for whom it is intended to decide whether it has accomplished its goal of enabling more strategic action for social change.
Figure 1: Paths of Ethnographic Inquiry

Starting Point: What specific policy prohibits divestment and other socially responsible investment? Is it a formally encoded (textual) policy, or is it informal?

Board of Managers investment protocol: Invest for return, not social causes

I was frustrated with myself and other students for not understanding this sooner. Why didn't we?

We students thought the Board had a clearly defined process. What are the ramifications of this misunderstanding?

Apartheid divestment precedent reveals slow, informal, many-faceted process of consensus-building

Managers remember divestment as a hard experience

Chapter 4 - Strained Consensus

Chapter 5 - Captured by Dialogue

Chapter 6 - Echoes of Wall Street

Repeated discourse of "smartness"

Repeated discourse of "civil dialogue"

Chapter 3 - Invisible Barrier

Identifying Similar Trends

Writing

Mgr/Admin Interviews

Literature on i.E.

Writing

Writing

Writing

Writing

Writing

Writing

Writing

Writing

Mgr/Admin and Student Interviews

Mgr/Admin Interviews

Archival Research

Questions

Data

Thesis Chapter

KEY

Questions

Data

Thesis Chapter

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Chapter 2 – Campaign Meeting History

The entire divestment campaign has been a research project of sorts. Each successive encounter with Swarthmore's bureaucracy has expanded the horizon of our understanding, even if that was not our explicit intent at the time. This thesis is only the latest, and most focused, iteration of that ongoing process of discovery. This chapter offers a straight-forward account of all the direct interactions between student divestment activists and Managers or administrators between May 2011 and February 2013. I briefly summarize the content of the meetings, what we students hoped to gain at the time, and what our feelings were at the time. Interviews with students, news articles, and meeting notes, some of which I already had access to, and some of which I was granted access to by other students, were my sources for this account. I would not characterize this retelling as an objective one, but a subjective one that carefully and honestly attempts to communicate how students perceived events on a strategic and emotional level. Many of the events are surely be remembered differently by the administrators or Managers who participated. Because I had limited time with my administrative and Board informants, I did not ask them about each meeting in the same detail as I did the students, but I did ask about particularly important events, and Chapter 3 addresses some of the key differences that were revealed between their understandings and those of students. Chapters 3 through 6 are dedicated to analyzing the events described in this chapter.

If, at times, students appear naïve, it is because we were navigating unknown territory. It is also important to note that student activity for divestment was not limited to the meetings recalled here. To the contrary, much of our energy has been spent rallying other students to the cause on-campus, and advising students working on divestment campaigns at other schools. In fact, as I will address, we
expected from the beginning that the Board would not divest out of respect for our arguments, but in response to unavoidable student and faculty pressure and media attention. Still, we felt compelled to engage the administration and Board on their terms, in order to demonstrate that we had first “followed the rules” before breaking them. Our strategic thinking rested on the idea that passive, pro-divestment students and faculty could be activated after observing that the “legitimate,” “institutional” administrative process had failed. They would then support and participate in “extra-institutional” actions, like rallies, sit-ins, or other like tactics. In other words, our eyes were wide open that we would not make much progress through administrative meetings. Our naïveté lay in our conception of how that lack of progress would be measured or demonstrated to the public.

And, before properly beginning the chronology of our interactions with the administration and Board, a disclaimer: If, at times, this account verges on snarkiness, it is because many of these experiences were very frustrating experiences to be a part of, and humor has helped us deal with frustration throughout the process.⁶

**May-December 2011: Parrish Hall Daze**

The first meetings between the fossil fuel divestment campaign and administrators were held in May 2011. Two Mountain Justice members met with President Chopp to ask her support for divestment, and three others did the same with Mark Amstutz and Carmen Duffy of the Investment Office. The President responded that she did not yet have enough information to support the campaign, and encouraged us to talk to the investment office. The investment officers said that divestment was very unlikely and encouraged us to do more research. We returned in the fall to the investment office, armed with more information, but heard the same arguments in response. At this meeting, the

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⁶ This is another way of saying, “Please excuse my tacky subheadings.”
investment officers also stressed that they didn't actually have any decision-making power, that they only enacted the decisions of the Investment Committee of the Board of Managers.

We also made sure to place group members on the relevant administrative committees through the Student Council Appointments process. Ramona was appointed to the Committee on Investor Responsibility (CIR), Joseph and Hazel were appointed to the Sustainability Committee (SusCom), and Casey was appointed to the Social Responsibility Committee of the Board. The CIR and SusCom processes turned out to be completely disengaged from our other negotiations with the administration, and I will address them later in this chapter. Having a student representative on the SRC, however, ended up having significant implications for the campaign, which I will address throughout the chapter.

Our next move was to publicly request, in a newspaper op-ed, transparency in all investments from the investment office. Treasurer Sue Welsh responded, also in an op-ed, by denying this request and encouraging students to pursue shareholder resolutions through the Committee on Investor Responsibility. Welsh again identified the Board of Managers' Investment Committee as the decision-making body for investment policy, and spoke, indirectly, that Board's negative opinion of divestment as a use of the endowment: "The Board of Managers believes the primary mission of the endowment is to support our vibrant academic program and the residential life on campus, including our admissions

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Shareholder resolutions are a form of participation in the governance of companies whose stock you own. Every shareholder with $2,000 or more in stock in a company is annually entitled to propose and vote on resolutions. Under law, resolutions must be justifiable on grounds of increased profitability or risk mitigation, rather than social grounds. Activists have won victories with shareholder resolutions, like when Swarthmore filed a resolution that led weapons manufacturer Lockheed Martin to give benefits to same-sex couples (Welsh 2011, Loviglio 2002). On the other hand, the SEC will throw out any resolution that threatens the company's "ordinary business practice (Waite 1995). This makes shareholder resolutions a poor tool to confront the fossil fuel industry, as leaving 80% of their existing reserves in the ground would certainly violate ordinary business practice. In late 2012, motivated by our campaign, Swarthmore filed its first shareholder resolution in many years, likely in response to our campaign, urging the utility FirstEnergy use less water in its operations, con the grounds that it would pose a risk to operations as water becomes more scarce. Sure enough, the SEC threw out the resolution, meaning that it never even reached a vote.
and financial aid policies that ensure access to qualified students from all economic backgrounds... The Board of Managers does not believe the endowment should be used in pursuing objectives other than to help the College meet its primary mission.” (Welsh 2011).

Our theory of change at this point was largely informed by the foundational experiences of our group—academic study of nonviolent social movements (including the apartheid divestment movement), meeting radical anti-mountaintop removal activists in West Virginia, a sit-in in a Washington, DC bank to protest mountaintop removal, and a campus visit from media activists, the Yes Men. These experiences combined to give us the sense that change would not occur without “direct action.” We had little faith that divestment would happen simply by asking administrators through the expected institutional channels such as committees. It would have to be publicly campaigned for through collective action. Because many people believe in the efficacy of institutional channels, however, we felt a need to demonstrate first that they would not work. Thus, we came up with the idea of asking nicely before we did much else. Then, when the college said “No”, as they surely would, we would have the legitimacy to take other actions to challenge the status quo. Karl told me,

It was possible that we could make the ask and we would have enough support that they would start the process of divesting. But I had very little hope—what I thought would happen was we make the ask, they would say definitely no, which would create a polarized situation where the college was not living up to its values. That's how we were framing it then: “We want the college to follow through with the commitments it's made.” I think me and others too anticipated that a direct action campaign would be necessary to both dramatize the tension between what the college is doing and what it says it wants to do, and also a way to build momentum and public support among students and faculty.

Embedded in this statement—which also encapsulates my opinion at that time—are two key assumptions. First, we assumed that the college would say “definitely no,” which turned out to have huge implications as our campaign developed, as I will discuss in Chapter 3. Second, we assumed that
students and faculty would be driven to action by the revelation of a contradiction between institutional policy and practice.

December 2011-May 2012: On the Yellow Board Road

Neither the Investment Committee nor the President's Office offered to set up a meeting with any members of the Board of Managers, but a conversation around divestment with the Board was begun anyway at the time through what we perceived to be a lucky opportunity. In December 2011, it was advertised to student environmental activists that two members of the Board and chairs of the Social Responsibility Committee (SRC), Susan Levine and David Gelber, would be available to talk to students at a meeting of Ecosphere, the loose coalition of campus environmental groups. Three students from Mountain Justice, myself included, attended the meeting and ended up talking extensively about divestment with Gelber and Levine. The two of them openly opposed the idea, offering many of the same critiques that we had heard from the President and Treasurer's staff. Nevertheless, the two of them expressed a willingness to continue conversation—Gelber for the purpose of arranging a large teach-in on issues of climate change, which we hoped might grow to include divestment, and Levine for more general purposes.

Ensuing communications via email and phone proved more fruitful with Levine than Gelber. While Gelber remained fixated on his idea of a teach-in and hesitant to stray far from his vision, Levine reached out personally in advance of the February Board meeting and offered to meet with Sam and me to continue the conversation we had started in December. It is important to emphasize that at this meeting, she continued to state repeatedly that she did not personally support our goal of divestment, but she did want to help us understand and navigate the process of the Board. She offered to put divestment on the agenda for the May meeting of the Social Responsibility Committee. When I asked
what the path forward from there would be, she ventured that she would invite one particular member of the Investment Committee, to the SRC meeting because he might be more sympathetic to divestment than the other Investment Committee members. He then would introduce the issue to the Investment Committee at a later date. Also of note is the fact that Levine herself is an investment manager, and a former employee of Christopher Niemczewski, the chair of the Investment Committee. She stated that Niemczewski “would never” support divestment, though another Investment Committee member might. Overall, her tone remained emphatic that in her view, our time would be better spent on other environmental endeavors rather than chase the improbable goal of divestment. In return, we stated that divestment was our goal and we would continue to pursue it.

I remember feeling very enthusiastic about the campaign's prospects at this point. In particular, I attached my hopes to Levine's suggestion that the one particular manager could serve as an intermediary between the SRC and the Investment Committee. In interviews, other students remembered thinking that the May Board meeting held the possibility of opening up a formal process to explore divestment. Casey said,

I don't think any of us were expecting that people would say, “Yes, let's divest” in that meeting. In my sense, what we were looking for was to open up a discussion. Divestment wasn't going to happen at this meeting, but was something that the Board was going to take seriously, and there was going to be some sort of critical engagement with it. What the meeting was going to do: One, it was going to make space for some debate...and was going to hopefully open up some fissures in the board that we could then use to insert ourselves and make divestment a salient reality.

Of course, there was diversity of opinion among members of Mountain Justice, and some members were less optimistic, as exemplified by this interview exchange with Naomi.

WL: In the meetings we had with [the SRC co-chair in Spring 2012, what was the path that she was giving us for how we might meet our goals?

C: She wasn't giving us a path for how we might meet our goal of divestment. She's been very adamant from the beginning that divestment wouldn't happen. So she wasn't being adamant about that. I think she thought those meetings were useful to us and to her. Is that the one where she said we could have a meeting with the Board? She said, “I will help you bring this to the SRC as one committee of the Board,
to get more members in the conversation.” that was the path, but it wasn't a path toward divestment. It was a path toward making a case to more people, I think with the assumption that nobody else would find it compelling.

WL: I'm remembering at one point she said that maybe she would invite [an Investment Committee] to the SRC meeting, he might be more favorable, and maybe he could serve as a conduit to introduce it to the Investments Committee. And that's what I was really grabbing onto. And in retrospect, it was probably something that she said like, “It could happen…” (laughs)

C: Yeah, I think you saw some of those lines more legitimate than me back then.

Meanwhile, we also held out hope that President Chopp might be persuaded to support us. We dedicated ourselves to convincing her to be our advocate at the May meeting. Our strategy was to argue, with a well-researched proposal, that Swarthmore’s “two Rs”—Reputation and Returns—would benefit, or at least not suffer, from divestment. Our formal proposal, laying out the moral, economic and political arguments for divestment in greater detail than we had before, was presented to her at a meeting in March (see Appendix A). We also collected and delivered signatures from nearly half of the student body encouraging her to support divestment. Casey describes how he experienced that meeting:

I had a meeting with President Chopp and Nancy Nicely and Sue Welch toward the end of my sophomore year, it was with three other students, and we presented them with our ask for divestment, and they gave us some pretty wishy-washy answers, and as my first intro to admin meeting space, I was really naïve, it was eye-opening to me. Even a simple thing like the fact that it wasn't just Chopp there. And me and the other students weren't prepared to bring materials for Nancy and Sue because we didn't know they were going to be there... I remember the response that came from it, where Chopp wrote this greenwashing letter explaining all the good green things that the College does as a way of indirectly saying, “We don't need to divest because we already do all this good stuff.”

The letter that Casey referenced focused on Swarthmore's existing efforts to make the campus more sustainable through carbon offsets, green architecture, and responsible consumption, before engaging with divestment by saying:

Students from Mountain Justice asked me to support their request of the Board of Managers that it divest from fossil fuel companies, and to do so in advance of the May meeting of its Committee on Social Responsibility, where the students will have the chance to present their proposal. As I indicated to the students in late March, I do not believe that the Board will act against its established policy, articulated within the endowment guidelines, stating that the Investment Committee should “manage the endowment to yield the best long-term financial results, rather than to pursue social objectives.” The Board is more likely to encourage Mountain Justice to join us in formulating different, more holistic
approaches in pursuit of a cleaner, healthier environment (Chopp 2012).

Then, she mentioned the possibility of filing a shareholder resolution. We found this response to be entirely inadequate, and felt that she had only engaged with the argument for divestment on a superficial level, especially after we had put significant time into developing a comprehensive proposal.

The next administrative actions were a pair of meetings to prepare for the formal May Board meeting. One long-time administrator reached out in private to give us “tips” on how to make our time with the Board productive. She expressed concern that she had seen student meetings with the SRC go poorly in the past, with the Board ultimately feeling that they had “wasted their time.” This administrator attributed this as a “failure” on the part of the students to present their arguments in a professional manner and respond to criticism with civility. She strongly encouraged us, more than anything else, to have a well-edited Powerpoint presentation. Powerpoint was the key to the kingdom, it seemed. We duly prepared our slides.

Next, we met with Levine and Gelber, the co-chairs of the SRC, to discuss the format of the meeting. The meeting included Naomi, me, and Casey, in his role as SRC student representative (Incidentally, this was his first task as student representative to the SRC, even though he had technically been appointed for the whole semester). The conversation was more monologic than dialogic. Our suggestions for modifications to the agenda were dismissed outright or simply passed over in the conversation. (This would become a trend in future “meetings to plan the meeting.”) It was dictated that members of the divestment campaign would give a 15-20 minute presentation, and then there would be time for questions. We wanted assurance that our representatives would be given time to speak, so we asked if Gelber and Levine would formally moderate the meeting. They agreed. In this meeting, the two of them presented themselves as people that wanted the best for us. Even if they didn't
agree with our goals, they believed in our good intentions and wanted to give us a fair chance to make our case. Gelber even suggested some questions that we ought to prepare for, because he thought they were holes in our argument that might be raised in the meeting.

The day of the much-anticipated SRC meeting, approximately ten members of the divestment campaign were in the room to support the four students giving the presentation and answering questions. We were surprised upon entering the medium-sized classroom that nearly the whole Board was in attendance, as well as the President and several other administrators—far more than the ten or so members of the SRC that we were expecting. All told, there were approximately thirty Board members and administrators in the room. The proposal we drafted for President Chopp and several op-eds pertaining to the campaign had been distributed to the Board members in advance. This was the doing of Nancy Nicely, the Vice President of Communications and Secretary of the Board. We had not been asked what materials we wanted the Board to see, nor had we attempted to influence the matter. As expected, the session began with a presentation on divestment, divided into four five-minute sections.

After the presentation ended, Gelber opened the discussion by asking the three questions he had advised us to prepare for, though he hadn't mentioned in advance that he would be the one bringing them up. Then, before the student presenters were able to address these questions, other Board members were given space to talk—and they did talk. Naomi remembers,

Sue and David were the moderators; they were the facilitators of the meeting. Immediately after we stopped talking, David posed three questions to us. One was “What were we willing to give up?” Another was, “How do you prevent the slippery slope of all students asking for divestment from anything?” The third I don't remember. Posed these very large questions to us and then didn't give us space to answer, and then asked for feedback from the rest of the board... One of the main things I remember about that meeting is we didn't have time to speak. I thought I could answer every one of their responses, but we were not given the space to do that.

Of the remaining forty minutes, I would estimate that thirty of them were occupied by Board members talking, and only ten were given to the presenters. Three Investment Committee members—Sam
Hayes, Chris Niemczewski, and Salem Schuchman—did the majority of the talking. They did not ask questions. They only repeated the standard arguments against divestment, sometimes rambling for over five minutes at a time. It was clear that they had not read our materials by the tone in which they explained basic concepts about endowment management that we had already addressed.

One interesting moment was when Hayes described his continuing regret over the decision to divest from South Africa by saying, “It's my biggest regret from my time on the Board...We didn't want to do it even then, but the students held us hostage for two hours so we decided to do it.” The other most outspoken Board member was a man named Jack Riggs, a senior fellow in the Energy and Environment Program at the Aspen Institute. He lectured the presenters for our decision to include natural gas companies, and said without any provocation that our materials were not up to the standard he expected of Swarthmore students. Throughout this process, though it was obvious from a student perspective that these individual Board members were taking up a disproportionate amount of time, and not making any space for the students to respond, Levine and Gelber did not make any attempt to allow significant space for the students to answer the objections.

The most active facilitation move of the entire meeting took place when one of the student presenters attempted to distribute a letter that had been written by an energy investment analyst explaining how divestment could work on a logistical and financial level (Appendix B) Levine interrupted, saying that the letter would not be taken seriously because the analyst “was not as smart” as the members of the Investment Committee. She went on to say that “no outside opinion could sway the Investment Committee, because they're the smartest in the business.”

Near the end of the meeting, there were two comments made that struck a different tone than the rest of the meeting. One was from Nate Erskine, the youngest member of the board, who stated that he would like to find ways to move forward toward the mutually-agreed-upon goal of addressing
climate change, without the divisive tactic of divestment. The other was from President Rebecca Chopp, who said she believed that all Board members needed to be caught up on the great sustainability initiatives that the college was already taking, and suggested that be on the agenda for the next Board meeting in September, along with a conversation on “if we need to be doing more, and what that could be.” Based on the phrasing of this statement, Mountain Justice members left with the impression that they would be a part of this meeting.

After Gelber and Levine ended the meeting, several other Board members—who hadn't spoken during the meeting, approached the speakers and congratulated the presenters on their work and research. They told them not to worry about the harsh words from Riggs and the Investment Committee. Several students I interviewed mentioned that most of these managers were women, whereas only two women (Sue Levine and Rebecca Chopp) had spoken during the meeting itself.

We students were frustrated following this meeting. In fact, that's an understatement. We were angry and humiliated. The impact of that meeting still resonates in the emotionally charged way we talked about it, as exemplified by this memory from Casey:

I'm not going to go into terrible detail about it, except that 4 students gave a presentation that was systematically undermined by [the moderator], followed by a discussion in which the only people who spoke were old, white, rich, presumably straight men. And the comment I viscerally remember most is somebody saying that based on the materials we had provided, that he didn't use the word ashamed, but he basically said that we weren't good Swatties, and we were lacking any kind of intellectual rigor in our analysis. As somebody who is committed to both the campaign and very much built an identity on being a Swat student and an intellectual, was really hurtful. And the whole space was set up in a way where it was like, Board members just going at it. And we were—I don't want to stretch this analogy too far, but we were an amusement for them. We were just there to provide some kind of intellectual fodder for them to laugh at and pick apart. It wasn't like we were real people who had something we wanted to do, but we were an activity, an exercise for them.

After the meeting, we walked together to our dining hall and spent a good two hours processing everything that had happened. The immediate reflections were as follows: (1) We hadn't expected them to support divestment, but we had expected them to engage in a respectful discussion with us. Instead,
they were very rude and frequently made *ad hominem* statements. (2) Based on their comments, the speakers clearly hadn't read our materials. (3) The gender divide in who spoke was striking. Mary remembers, “It became very clear who had a voice in the room and who didn't... Those who did were the old men, and those with industry or personal connections.”

At this point, we entertained the idea of publishing an op-ed or other communication to the student body about how the Board had disrespected us. However, there was little prior awareness that the meeting was taking place, and the student publications had adjourned for finals period. We also felt that, even if the campus publications were operating, only so much could be communicated through an op-ed. The silencing effect of the Board meeting had to be experienced to truly drive students to action. Frustrating as it was, we decided that our only option was to wait and pick up the torch after summer break. I discuss some of the factors that contributed to this decision in Chapter 5.

There was no communication with the Board or administration over the summer. The biggest news for the campaign was that Bill McKibben of 350.org published a widely-read article in *Rolling Stone* calling for fossil fuel divestment (McKibben 2012). 350.org began planning a national “Do The Math” tour to publicize the latest “terrifying math of climate change” and promote divestment as a solution. Swarthmore Mountain Justice also continued its work of strengthening relationships with communities in Appalachia through a road trip—the “Divest Coal Frontlines Listening Tour”—that connected students from Swarthmore and Earlham Colleges with anti-mountaintop removal activists.

When classes resumed in September, we inquired with the administration what the agenda for the September Board meeting would be. We were directed to the Vice President of Community Relations, Maurice Eldridge, who said that the September meeting would be limited to a discussion of existing sustainability initiatives, and would not be open to divestment activists. Thus, our communication with the Board at this meeting was limited to a one-on-one meeting between Susan
Levine and Casey, again in his role as Social Responsibility Committee student representative. Casey remembers that this meeting was convened to discuss all the SRC's business, not just the divestment campaign, but the divestment campaign did come up.

I had with Sue over breakfast at the September board meeting, 2012, at which the SRC did not meet, but we talked about the campaign. I was mostly wearing my SRC hat, not my MJ hat, and she asked about MJ and divestment, I said we're still going, the campaign is going really strong, and she said, in effect, “Cool! But, you had your audience with the Board once, and you're never going to get to see a full Board again. They thought about this once, and that's great, and they don't want to do it again, and they're done. You can maybe meet with a couple of us on the SRC, but nothing's ever going to happen because the full Board has made their decision.” She said there was a 0.0% chance that we were ever going to get a meeting with the full Board again.

This was the first instance of Casey, through his formal position on the SRC, serving as MJ's de facto representative to the Social Responsibility Committee, represented by David Gelber and/or Susan Levine. Casey then brought this message back to the rest of MJ.

Though this would seem to be the hard “No” that we were looking for, we didn't feel comfortable in our ability to organize the student body to take escalated action. As in the spring, we believed that administrative intransigence and rejection were only effective organizing tools if people know they have occurred. In our case, the vast majority of the student body didn't know what we had been through. We didn't feel it was enough to tell students what had happened. We wanted them to experience it along with us. With “show, don't tell” as a mantra, we set about re-opening the administrative process with the expectation that it would fail again, more publicly. Again, Chapter 5 discusses this decision at some length.

**Back into the Gauntlet**

The first step in this mission was to meet with President Chopp, who we hoped could serve as a wedge to open up the Board once again. In the past we had observed that she liked to have other members of her staff in these meetings, which made it difficult to connect with her on a personal level. In order to get an honest read on her perspectives, we negotiated extensively with her administrative
assistant to ensure that only the President would be in the meeting, as Karl remembers:

To see if she could be moved as an ally, it was important to make sure that it was not a big group of administrators meeting with us, but it took some work—I think it took some faculty involvement to secure the meeting, to assure her that we would have good will. A couple of understandings was that we would not be doing a direct action at the meeting, we wouldn't be making an ask for our campaign at the meeting, it was purely an exchange of info, a check-in, we want to let you know where we are, and once she was clear on those conditions she could be convinced to meet with us by herself.

This meeting turned out to be a success from our perspective. Casey remembers that the President reiterated her honest opposition to divestment as a strategy for social change, but expressed “shock” that the Board (through Susan) had given us the impression that future discussions were off the table. “She said that wasn't the Swarthmore way, and that she was confident that nobody had ever told us that.”

Out of this meeting emerged the notion, advanced by Chopp and accepted by us, that the Board process was not sufficiently transparent to students. To fix this problem, she suggested a private meeting in December, including MJ members, administrators, and select members of the Board, to better acquaint us with how the Board functions.8 Vice President Maurice Eldridge ended up being the person to set up this meeting. From this point forward, until the present, Eldridge has been the primary administrative liaison to MJ. This has involved setting the agenda and being present for all meetings involving the issue of divestment. In order to set the agenda for the December meeting, Eldridge met with several MJ members on at least two occasions. The main sticking point was whether or not divestment would be discussed at the meeting. Eldridge attempted to block divestment from the agenda altogether, but the ultimate understanding was that, considering that all the student participants were divestment campaigners, divestment would likely come up, but would be of secondary importance to discussing the structure of the Board.

8 Note that a private meeting with one student group does not at all solve the problem of institutional opacity.
The December meeting came, went, and resulted in a wonderful set of notes on Board process that would later inform the questions I asked of my Board informants. On the specific topic of the divestment campaign, the end result was that the Board members decided to address climate change on the Social Responsibility Committee. We learned that, previously, the SRC had only been reactive to student requests. Now, it would proactively take up the mandate to educate itself about climate change and then recommend action within “1-3 years.” Divestment would be treated not as the focus, but as one of many possible options to address the problem. The specifics of this plan were hashed out at the SRC meeting later that afternoon, where Casey was in attendance. Leaving that meeting, Casey felt that the committee had decided to make a recommendation in May:

The committee agreed that its one-to-three year plan would be addressing issues of climate change and sustainability on campus. One of the things I pressed was that the Board needed to take action and not just talk about it. And what I said was that in order for me to realistically go back to the students and say that the Board had set up an effective process there needed to be times on it. This happened near the end of the meeting and got lost a little bit, and in retrospect a lot, but the Board said that they needed to educate themselves first before they could make any decisions, so they said that education could happen at the February meeting so a decision could be made at the May meeting. That was the earliest that things could happen. I tried to get a concrete answer where the SRC would make a recommendation to the full Board at their May 2013 meeting, and they nominally agreed to that, I left the meeting feeling like we had an agreement. I’ve been told by members of the committee since then that I was making shit up. On the other hand, we recorded the decision in the Daily Gazette, and administrators who were in that meeting commented on that post and didn’t correct it.

Not until January, when the SRC had a phone call to determine a plan for their February meeting, did it become clear to Casey, and the rest of us, that they were not operating on a timeline to make a recommendation in May.

Throughout the Fall 2012 semester, there was a significant divide within MJ regarding our campaign trajectory. One group was mostly interested in building a case for escalation that the student body would accept, with the intent of escalating as soon as possible. This would be achieved by a series of strategic public demands to demonstrate that the administration was not seriously pursuing the issue. The other group was more interested in negotiating with the administration in good faith. They saw it
as crucial not to make demands or set conditions that would be perceived as unreasonable by the Board. For the most part, the second group won out. We often acquiesced to the conditions of Board members and administrators, rather than push defiantly for conditions, such as having open meetings that would suit us but potentially alienate them. See Chapter 5 for one interpretation of why we made these particular decisions.

The last significant meeting, as of the time that I finished this thesis, occurred on February 22, 2013. The Board of Managers gathering on that date coincided with the Power Up! Divest Fossil Fuels Student Convergence, when MJ hosted 200 students, national organizational staff and frontline anti-extraction activists to build a national strategy for the divestment movement. Four frontline activists from communities impacted by mountaintop removal coal mining, toxic power plants, and tar sands extraction joined five MJ members in a meeting with four Board members and two administrators. This meeting was marked by more open animosity than had been present in previous meetings. At the start of the meeting, an MJ member asked to video-record, and was denied. Then, after the frontlines activists shared their stories of being impacted by, and resisting, the fossil fuel industry, the conversation moved to the topic of divestment. Both sides reiterated their already-established positions, with Gelber and Levine voicing the strongest opposition. Naomi recalled in her interview that they seemed to be the only two Board members who had engaged substantively with the issue; the other managers had basic gaps in their understanding of the campaign history and demands.

Had everyone simply stated their position on the issue, the meeting may have followed the usual script, albeit more tense than usual. Things escalated further when the students and frontlines allies asked that the Board do a flyover of a mountaintop removal site (which we had arranged for free) to show their commitment to the issue. We requested an immediate answer, and stated that we had two press releases ready—one stating Board members would do a flyover, and the other stating they had
refused. All members of the Board responded negatively to the request. Bob, a student, remembers,

It's a little bit to difficult to distinguish where the explosion was coming from, partly because we were actually asking things of them at this meeting, as opposed to prior meetings, which were a lot less direct, whereas here we were like “do something.” There was definitely a lot of general aggression. There was a big accusation, the implication that “here is the pain in our lives and you're causing it.” They got defensive and they responded to it.

An administrator expressed his disapproval for bringing such a demand at what wasn't agreed to be a decision-making meeting. Several answered “No” outright, while others said that they'd have to think about it. One stated, “This isn't a yes or no decision.” Things escalated further when the students pressed for a firm decision from all present. When the administrator said he was “heartbroken” by the turn of events, one of the frontline guests said he was heartbroken by his family and friends dying of cancer from the coal industry, and stormed out. One of the managers left abruptly shortly thereafter.

After that meeting, students were emotionally stricken on a level deeper than after the May meeting. We came to the conclusion that the Board process had irrevocably broken down for us, and vowed that we would never win the campaign until we had organized mass support from students and alumni. We hadn't accomplished our goal of bringing more students along for the ride of rejection, but the February meeting left a critical mass of MJ members emotionally unwilling to step into another administrative meeting without dramatically shifting the balance of power first. Whereas previously, we felt shy about telling our own story, now we felt more willing to give legitimacy to our own experience. However, we still did not publish either press release, demonstrating that we were not yet fully certain of our license to escalate. See Chapter 5 for an analysis of this decision.

Interestingly, Eldridge did not share the impression of a broken negotiation. He viewed the tension of the February meeting as an anomaly, attributable to the presence of guests who we “couldn't control”, rather than a new normal. Bob recalled the conversation in our interview:
He said, “We thought about it and realized that you don't know what people are going to do when you bring them in from outside.” Which was kind of like, “It's okay, we're not going to blame you for those frontline activists doing disruptive things.” We [students], in turn, thought, “No, we actually endorse what they do.”

An administrator independently confirmed this sentiment in an interview for this thesis, saying, “We couldn't have predicted the dynamics of that meeting, because we had introduced people we didn't know.”

**Administrative Committees**

Meanwhile, throughout these semesters, Mountain Justice also had members on three other administrative committees—the Sustainability Committee (SusCom), Committee on Investor Responsibility (CIR), and Climate Action Plan Committee (CAPCom). Unlike the Board-level Social Responsibility Committee, however, we never expected much from these committees, and did not agonize over the outcomes of their meetings. Interviews with students who were around at the founding of our campaign remember that we inherited lots of institutional memory from prior student activists, who advised us that the CIR and SusCom were not very receptive to student voices. The CAPCom was a temporary, *ad hoc* committee, so there was no equivalent intelligence to be gained about it, but the general reputation of administrative committees among student activists left us with low hopes. I believe this institutional memory was hugely helpful for our campaign, because it prevented us from wasting undue time or mental energy on these bodies. Of course, we could have avoided them altogether, but, considering that we had members who did not mind serving, it seemed like a relatively harmless way to once again demonstrate that we had explored the necessary channels.

I will briefly relate Sandra's experience on the CIR to give a sense for what the administrative committee experience is like. When I asked her what her first CIR meeting was like, she said,
We had a meeting after the four of us were appointed to the committee. It was the four of us and Carmen Duffy and Sue Welsh. And we were invited to Sue's office, and they gave us these handouts of presentation slides. They explained the breakdown of the college's endowment, and a very general picture of how the college decides what to invest in. Like, "There's an investment committee, and a finance committee" and stuff like that. How much goes into the budget and all that general information. And then it moved onto, "So the committee is about being socially responsible with our investments, mostly in regard to deciding if there are any shareholder resolutions in companies that we own, that we would like to advise the investment committee to vote on, in a certain way. That is basically what the CIR does." So they oriented us to that, and "That's been mostly what we've done before. But this semester we're going to do something different. First, we're going to focus on sustainability, that's going to be our goal this semester. And two, we're going to be open to co-filing a shareholder resolution," which is like, a step above voting on it, you know, "we're going to be more proactive. So we're going to find somebody else who is filing a shareholder resolution and co-file with them." And then they also said, "In the past we've given out lists of what the college is invested in every quarter, but we've decided this is not necessary and misleading because the college changes its investments so quickly, that if you get a list it could be wrong the next day. So we decided not to do that anymore."

Students on the CIR are able to pursue their own initiatives, but within a very narrow framework—drafting or voting on shareholder resolutions. Sandra told me she had not even attempted to get a discussion of divestment on the agenda because another MJ representative had tried the previous year and been rebuffed.

The Sustainability Committee was only marginally more useful. Our biggest victory with that body was to convince the committee to issue the following statement in advance of the May 2012 Board meeting:

The college’s investment decisions are part of the overall sustainability of the college. As the college values sustainability, responsible investment should be part of the college’s sustainability plan. Shareholder engagement, active investment, and screening are all legitimate forms of investment responsibility. Context determines which form is most sustainable and responsible in a particular circumstance (Swarthmore Mountain Justice 2012).

When we publicized this statement, however, several staff and faculty committee members got nervous. They told us, as they had repeatedly, that SusCom already had very little power, and they did not want to lose what they had. The CAPCom was in a similar position. Student committee member Wilma said, "One of the conclusions we came to as a Climate Action Plan was that we didn't have a lot of power or resources. We didn't want anything to be a mandate, because then the Board would throw it out."

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CAPCom's most controversial position, which was almost rejected by the Board, was simply to state that natural gas was not a permanent solution for the College's physical plant. Taking on divestment was too risky for these committees, which were already walking on eggshells.

None of this is to say that Mountain Justice could not have devoted substantially more effort into lobbying or pressuring any of these administrative committees. We could have, and it might have resulted in more support. We decided, though, that to pressure these committees, especially knowing from past activists that it would be a tough task, would distract us from the ultimate decision-makers—the Board of Managers.

Conclusion

All told, at the time of writing, there have been over 25 meetings between students and administrators or managers to discuss divestment. From the high-profile Board meetings to the less glamorous but no less important “meetings to plan the meetings,” all can teach us about the power relations among students, managers and administrators. The ensuing chapters will repeatedly reference the events in this chapter to elaborate on several elements of those ruling relations.
Chapter 3 – An Invisible Barrier

Throughout the interview process, I was looking for Dorothy Smith's “ruling relations” that conditioned the Board and administrative response to the divestment campaign. What conversations were decision-makers having over email and in Parrish Hall? Had we become part of an established process, or were our administrative contacts making things up as they went along? Who had real influence over decision? Who was responsible for our lack of progress? Who made investment decisions? In short, how did the Board work? My answers to these questions, and the questions themselves, evolved throughout the process of exploration.

This chapter seeks to understand what relations conditioned Board/administrative behavior throughout the events described in Chapter 2. I decided to articulate my findings through a process of elimination—first describing a series of my own hypotheses that did not prove true. This works for two reasons. First, in the spirit of methodological transparency that I am striving for in this work, I believe describing my own process of discovery makes the process more relatable, and thus easier to replicate in a different context. Second, as I will demonstrate, in contrast to the strategic and analytical way that students aspired to plan the divestment campaign amongst each other, the Board/administrative response can be understood as an “absence.” Absence of anxiety, absence of a detailed plan, either to suppress students or alleviate their concerns. Neither organized through procedural texts, nor is it disorganized. The Board and administration perceived events as simply a series of conversations, with no expected future trajectory or outcome. One person told me their expectation for the meeting with frontline activists was, “We're just going to talk.” This attitude has been constant, in retrospect. I believe the difference between our understanding of events—a linear process leading toward a yes/no decision—and their understanding—a conversation—resulted in the co-construction of a “wall” that
prevented us from talking to the majority of Board members, ironically ensuring that conversations about divestment would remain just that.

Looking for documents

After reading primers on institutional ethnography, I was eager to discover the hidden texts mediating administrative relationships. George W. Smith (2006: 62) writes, “An essential ontological property of a politico-administrative regime is that it is a textually mediated form of social organization.” For me, this was a new and intriguing way of thinking about administrative relations, but I wasn’t fully convinced that I would find the same types of texts as other institutional ethnographies such as Susan Turner’s ethnography (2001) of municipal land-use planning. With such strong examples to follow, I was willing to accept that perhaps I knew even less about Swarthmore’s ruling relations than I had imagined, but I nevertheless suspected that something was different. I wrote in my research notes, “Not sure about this emphasis on documents. May be true for larger organizations, but how is it different at Swarthmore?”

Indeed, I did not discover a set of explicit protocols governing the behavior of administrators. For a time, I excitedly anticipated receiving the Board of Managers’ by-laws (Appendix C), but these proved to be entirely useless in explaining our experience, though they did contain a few useful tidbits for future reference, such as the fact that the Board is required to convene a special meeting at the request of any five Managers. Only during student interviews did I realize I was mistaken to look for an all-encompassing set of texts, or answer a question as grand as “How the Board works.” This breakthrough was an outcome of the institutional ethnographic method of interviewing, which is less interrogation than “coinvestigation.” As one researcher, Timothy Diamond, put it, “Describing interviews as a set of questions doesn’t get at the actual work involved. For me, analytic thinking begins
in the interview. It's like an analytic rehearsal. I'm checking my understanding as it develops; I offer it up to the informant for confirmation or correction” (De Vault and McCoy 2006:23). This method was particularly appropriate in my case, because I had experienced many of the same things that my informants were talking about.

During my interview with Naomi, the parameters of our collective experience, and the questions I could hope to answer, became far clearer:

WL: My project is just to map out the whole Board/administrative thing, with an eye towards how—I don't know. It's interesting, because it's about how decisions are made about investment, but really we don't have any information to speak—we don't have a huge amount of information to speak to that, because it feels like our campaign hasn't even triggered a decision-making process by the investment committee.

N: Because the investment committee has had one meeting with us.

WL: Right. What we're really speaking to is more how, what the administrative and Board response is to a student campaign that requires Board-level decision-making, more generally. I think we can abstract it to that level....We always know that [the campaign] would probably require outside pressure. What we've tried to do, which has distracted us to no end, is try to maintain inside presence while building the outside pressure. The goal of this thesis is to better understand the inside, just in the hope that other students might do one or two things right while building the outside pressure...Do you have any thoughts about that?

N: I think the Board is a very functional body for its day-to-day operation. I think they're very functional in terms of how they operate on the day-to-day. I think their resistance is to putting a wrench in that everyday practice. And that's why divestment is so hard for them. Because it's something that requires a real response to student demands. It doesn't just require a statement, it requires material commitment in support of student demands. I think a lot of the resistance has come from not wanting to disrupt normal operations, because most of the time they're successful, in 90% of what they do. There's a reason Swarthmore is as well-endowed and well-regarded as it is, because they help it to be that way.

The move from mapping “the whole Board/administrative thing” and “how decisions are made about investment” to “the administrative and Board response to a student campaign that requires Board-level
decision-making” was one of many saving moments of my project. In keeping with the institutional ethnographic method, it reoriented my inquiry in the standpoint of the divestment campaign, allowing me to explore our experience first before working outward on the horizon of understanding.

Figure 2 - Seeking a Decision-Maker

9 On the other hand, it was frustrating and humbling to realize that after two years of campaign, we hadn't even engaged the investment decision-making process. This realization was confirmed by a Board informant who said the potential costs of divestment had not been studied because the Board “is not seriously considering the issue.”
Disorganization

Recognizing, as Naomi said, that dealing with the divestment campaign fell outside of the ordinary procedures of the administration and Board, and having failed to uncover documents that directed the ruling responses to such campaigns, I began to explore the possibility that the ruling response was, simply, disorganized, improvisational, and without coordination. There was evidence to back up this hypothesis. In our early meetings with administrators, we received conflicting feedback about where power lay. President Chopp referred us to the Investment Office, insinuating that they could make the decision, only to hear from the Investment Office that the Board Investment Committee had the real power. They repeatedly encouraged us to pursue a shareholder resolution, the only course of action for which an established body existed. The Sustainability Committee offered a vague statement of support, only to give an even vaguer retraction when we publicized their position. Everybody told us to do more research, but few responded directly to the research we presented.

One approach would be to read these mixed messages as intentionally deceptive, but this didn't seem to fit with the personalities and the pro-communicative ethos of the institution (see Chapter 4). Casey had an interesting take on the Board/administrative response.

Part of me wants to ascribe intention. Another part of me wants to say that there's just a lot of administrative incompetence. One of the things that's frustrating about this is—we certainly haven't run a perfect campaign, but I do think we've done a pretty good job organizing. But they say that sometimes it's harder to play a game of chess against someone who doesn't know how to play than against someone who knows the rules of the game. Sometimes we're doing the same thing. We're playing a game against somebody who doesn't know the rules, and so all of the things we think we can do, we think are effective, they would be, except that the admin is flailing around and doesn't know what to do, so through luck and incompetence are outsmarting us.

This resonated with something I had heard from another administrator earlier in the spring, through a conversation not directly related to my research. After we encountered each other by chance and struck up a conversation, I expressed my frustration with the slow pace of the ongoing conversations around
divestment, and the lack of transparency in administrative plans to address climate change. I focused the frequent disconnect between our understanding of a meeting's outcome, and the eventual course of action, as demonstrated by Casey's divergent understanding from the rest of the SRC regarding the timeline for action (see page 39). This administrator stressed that there was no intentional deception, and that mixed messages could be attributed to a simple lack of leadership on the issue from within the administration. There was no public or private communication regarding a plan of action because there was no individual spearheading a plan of action. This particular administrator expressed this as an unfortunate statement of fact that, in her opinion, would need to be rectified. For my part, I believed her analysis (and still do), and attributed the lack of administrative leadership to “disorganization.”

In my interviews with administrators and Board members, though, I quickly realized that the phrase “disorganization” didn't adequately describe the situation. Disorganization implies a need for organization, a defect, something being done insufficiently. It makes sense we would perceive things that way, because the Board/administrative response has often been confusing and insufficient to us. To the decision-makers, though, things were as organized as they needed to be. It just wasn't a process that was leading toward a rapid decision or, necessarily, any decision at all.

**Lack of urgency**

Managers and administrators were under little external pressure to process our request for divestment. Nor did they have an institutional mandate to engage with us even as much as they did. Considering this and taking into account that no individual Manager or administrator was championing divestment, it makes perfect sense that the ruling apparatus as a whole would not respond as rapidly as possible. To us students, the temporal disjunction in our timeline and theirs gave the mistaken impression that they were disorganized. Above, I quoted Casey's chess analogy, but I find that checkers
is a more apt comparison. We imagined ourselves to be playing checkers with the ruling apparatus—
move, countermove, move, countermove—when in reality, our opponent only rarely moved a piece.
And when your checkers opponent never moves, you never have an opening to jump and capture their
pieces. This isn't the same as being disorganized, it's being uninterested in the game, which not
coincidentally ends up being an effective strategy to defang student activists, who thrive on
confrontation.

None of this is to say that the administration actively opposed our efforts. A genuine belief in
the seriousness of climate change and a cultural commitment to dialogue kept them talking, even if it
was us setting up the meetings and not them. When, after some time, we ended up in communication
with the Social Responsibility Committee, it seems that most of our administrative contacts considered
this to be a productive development. The remainder of this section will discuss these claims, and then
detail how gaps in student understanding of the Board's mindset impeded our ability to move toward a
clear decision.

My interviews with administrators and Board members revealed that the Board considered the
Social Responsibility Committee (SRC) to be the primary body for considering student requests. One
of my informants told me, “There was a time when we didn't have the SRC. That's the newest
committee on the Board, and a unique committee in that it has non-board members, by definition. Once
it was formed, there were a series of opportunities to test how best to use that committee. It is a place to
begin a Board consideration of issues like these, particularly related to social responsibility.” This
matched my understanding of the SRC's function from prior conversations.

My informants also confirmed the (self-evident) fact that administrators don't simply refer
every student inquiry to the SRC. As Figure 2 on page 48 reflects, we actually received a set of
conflicting referrals early in our campaign—the President referred us to the Investment Office multiple
times, even though we had already met with them. Regardless of intent, this had the effect of screening us for sincerity and commitment. By the time we met Gelber and Levine in December 2011, we had already spoken to all relevant administrators about the issue, and, according to an informant, Chopp and Welsh had “deemed [us] credible” in their representation of our efforts to the Board. If this had not been the case, it is very unlikely that Levine and Gelber would have given us a place on the SRC’s agenda.10

My implicit understanding from interviews is that administrators didn't immediately refer us to the SRC because to do so for every initiative would overload the committee. One informant stated, “Students should not just mount a concern about an action that should be taken without being informed about the matter;” and continued to say that the administration as a practice encourages students to do significant research before meeting with the Board for any issue. Unfortunately, if the purpose is to encourage well-researched proposals, the effect of what we experienced was to obscure the process altogether. We were not ever alerted to the existence of the SRC in personal administrative meetings, and we didn't become aware of the committee until SRC members made themselves available publicly. This raises the question—How many student inquiries lose momentum without ever reaching a Board level, and how many of those would reach the Board if the existence of the SRC were advertised, or at least mentioned in personal meetings with administrators? Anecdotal evidence suggests that most students, including activists, have little knowledge of the SRC’s existence. Karl, who has experience in several other activists groups at Swarthmore, offered one potential explanation:

My sense was they must get so many requests and demands from groups like this who actually aren't organized, that won't continue a demand beyond a semester or two, the student rollover phenomenon is so real for them that what they're really good at is accommodating and absorbing the asks without any intention of really following them through.

10 Unless we had simply rallied a critical mass of students and demanded a spot on the agenda. (The eternal caveat.)
This becomes a self-fulfilling prophesy—when administrators avoid giving students explicit access to the Board of Managers, students are disempowered and lose energy, thus justifying the administrators' decision not to take them seriously. Again, there are multiple ways to read this—as intentional obfuscation by the administration, disorganized failure to publicize the committee, or a simple lack of urgency to make the committee visible. I believe the third explanation is the most apt.

Lack of urgency also explains the apparent lack of a public response to our campaign. Except when directly called by us to respond, the administration and Board never issued any public remark regarding divestment or its plans to address climate change in a political way. They didn't even bother refuting us. This frustrated us to no end, and is a major reason why we thought they were disorganized. In reality, they just didn't see the campaign, or climate change for that matter, as a problem to be solved in the short term, but as a situation to be monitored over the long-term. They were paying attention.

When I asked an administrator how the President's staff talked about our campaign behind closed doors, they gave a candid answer:

My inclination is to be trusting, and open, and honest, even when I don't agree. So I don't feel a need to create a scheme in anticipation of what may or may not come. Which is not to say that we can't and often do agree on some talking points that are consistent among us. So there is that... It's also not to say that I or anybody else is naïve or stupid, or that we won't in fact react to an issue, when it comes our way. Sometimes that means we'll respond, sometimes it means we won't respond. (Emphasis mine.)

In this case, the outcome was often a non-response. Another informant said, “Right now we're in a state of equilibrium. Nothing is forcing us to make a decision.”

**Brick wall theory**

As for us students, we were constantly looking for a way toward a culminating moment of decision, either yes or no. We were looking for signposts that would lead us toward that point. Once we
finally connected to Levine and Gelber, as representatives of the SRC, a path to a moment of decision became visible. Things settled into more of a routine, something that felt like a real “process.” A pattern emerged where our representatives met regularly with Susan Levine or Maurice Eldridge. Personal meetings with one of these two accounted for well over half of our total meetings with administrators and Board members. Early in that process, Susan stated that, if divestment were to happen (which she thought was extremely unlikely), it would happen in the following way: First, the SRC would introduce the idea to the Investment Committee. Then, the Investment Committee would make a recommendation to the full Board, which would likely follow the recommendation. This path—which I’ll call the Yellow Brick Road—was confirmed by the December meeting with some other Board members, where it was established that most, if not all, Board decisions come at the recommendation of a particular committee.

We thought, in a best-case scenario, that the process we were engaged in with Gelber and Levine was a yellow brick road to divestment Oz. In reality, we were staring at a brick wall that would lead us nowhere. By talking to them and calling it “Engagement With The Board,” we made the false assumption that the Board was a monolith, that there was only one way to approach it. Having heard one path to success—SRC, then IC, then the full Board—we thought it was the only path. So we continued our conversations with Gelber and Levine. Though these two reported back to the rest of the Board with some regularity, having no personal contact with the rest of the Board members limited their awareness of our arguments. Naomi said in our interview that she didn’t fully realize this fact until the February 2013 meeting:

This is the meeting where it became pretty clear that Susan and David were acting as shields to the rest of the Board. Gus didn’t know anything (about our campaign), Barbara didn’t know anything, and it also seemed like Susan and David were the only ones who had engaged with what we were talking about...Everybody had questions about what we were doing. So the sense I got was that Susan and
David have a monopoly on the information about divestment. Whereas everybody else was either uninformed or consciously uninformed.

Naomi used the metaphor of a shield, but I want to stick with my earlier metaphor of a brick wall, with a yellow brick road painted on it. We thought that we were walking the path toward divestment, when in reality talking to the wall—Levine and Gelber—was a dead end. In taking up this metaphor, I don't mean to ascribe a particular intent to Levine or Gelber, but merely to describe what we experienced. On the other side of the wall stood all the other Board members, many of whom would be willing to discuss divestment if approached. We could have contacted them directly easily enough, but instead we kept talking to two people, thinking that was "the process" to lead to a decision. Thus, after a full year of engagement with the Board, only a few Board members have actually heard the full case for divestment.

As my Board and administrative interviews progressed, I learned more about how mistaken we were in thinking that the Yellow Brick Road was the other way. For one, I learned that the process of committees making formal recommendations was not as cut-and-dried as we thought. One manager emphasized that no proposal would ever be brought by a committee to the full Board without prior approval of the administration. The process of gathering support for an initiative largely occurs through private communication, rather than in formal meetings. Next, none of my administrative or manager informants could name a time when the SRC had actually brought a student concern before the full Board. They both believed it *had* happened before, but in all the recent cases (within ~6 years), the SRC had disagreed with the student proposals.

Finally, my informants profoundly complicated my understanding of who had the most authority over this decision, anyway. I had been operating on the premise that the Investment Committee had the most influence. One of them problematized this by saying that administrative
approval was equally important. Two informants identified the Investment Committee as the most influential. Then, the Chair of the Investment Committee, the person who we thought to be more influential than anybody in making this decision, began our conversation by referring to himself as a "cog in the machine." He, and the other IC member I spoke with, emphasized that their role was merely to enact the investment policies set by the full Board, and though they had some influence, it wasn't much greater than any other Board member. And besides, they would never do something that the Treasurer or President thought was "improper." Every person I talked to, in the process of explaining that they really didn't have very much power, evoked the College's practice of consensus decision-making.

This type of buck-passing occurs in every bureaucracy, of course. When I asked a contact about why I kept getting conflicting reports about where power lay, they said, "People would rather say they don't have any power than they don't support your goals." But it is also true that the consensus process makes it particularly easy to pass the buck. Nobody has the authority to make divestment happen. Some people have more influence than others, sure. But everybody can safely say that the decision is not theirs—it's everybody's.

The application of consensus-based decision making within Swarthmore's ruling relations will be discussed more in Chapter 4. For now, I'll simply point out that the reality of consensus decision-making made it all the more unfortunate that we did not speak with more Board members earlier in the campaign. Though administrators and Board members were happy to talk to us about the issue, they were not moving toward definitive action on the topic, either positive or negative. Nor did they mentor us on the need to independently seek out other Managers to make our case. In other words, they were not operating on the presumption that a decision would be made, and didn't feel the need to engage with us as such. Without explicit advice to the contrary, our initial presumption that we would get
funneled into a time-specific process and then discharged remained intact, thus preventing us from accurately understanding how to influence or speed up the decision-making process.
Chapter 4 – Strained Consensus

This chapter addresses the Board's practice of consensus decision-making through the case study of the 1986 decision to completely divest from South African apartheid. Understanding how consensus was built for South Africa divestment illuminates two things. First, it allows us to envision how controversial decisions can be made through consensus. I have identified two minimum-level prerequisites to instigate a Board-level decision to divest: a “rising tide” of external pressure, from students, faculty, media coverage, and individual administrators (ideally all of these, but not necessarily), and at least one manager to advocate for divestment. Second, the Board's negative collective memory of South Africa divestment helps explain some of the managers' hostility to, and the absence of a manager advocate for, fossil fuel divestment at the present moment.

Based on my and others' conversations with Board members, the consensus process, both in 1986 and today, is a simple one. Each meeting is run by the Board chair (or committee chair, for committee meetings), who gauges the “sense of the room.” Any objections are heard before a decision moves forward. For the decision itself, managers may either agree, stand aside (a form of expressing disagreement while allowing the decision to move forward, or block. In extremely rare circumstances, the Board may vote on an issue, but this has only happened a few times in the history of the College, most recently on the decision to eliminate the football team (Bennett 2001).

While the formal process allows plenty of room for dissent, it seems that there is rarely need for it, as controversial issues don't reach the decision-making stage with the full Board. One Board

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11 At least compared with my reference point, the often-complex systems of hand signals, proposals and amendments that are common among activist groups and were made famous by Occupy Wall Street.
informant told me, "Ideas and proposals get hashed out in smaller settings. Most people have a good sense of the proposal and have bought in before the issue is brought to the full Board, because that creates consensus." Another emphasized that the need for consensus extends informally beyond the Board to include administrators: "[The Investment Committee] would never do something that Sue Welsh thought was improper, or that Rebecca Chopp thought was improper."

Conversation on controversial issues can extend across multiple Board meetings. They like to take their time; as an informant told me, "In consensus, you like to be able to go back and continue the conversation later if there's no agreement." Managers feel little urgency to make decisions because they see their role as long-term steering rather than day-to-day administration. One of my manager informants pushed back against my assertion that, in absence of consensus, the default was to "do nothing." He said, "The default is not doing nothing—it's letting the administration continue to do its work." With little urgency and only four meetings per year, the timeline for decision-making stretches out seemingly interminably, from the standpoint of a student. We learned this in our divestment campaign when, after two years of our advocacy, the Social Responsibility Committee finally agreed to explore and take action on climate change—on a vaguely defined "one to three year" timeframe.

When I asked managers how new issues for discussion, or policies for consideration, are brought to their attention, their universal answer was "it depends." Some are the initiative of administrators, some are pet faculty projects, and some arise through those student activists effective enough to grab the attention of the Board directly or through an administrator. Others are the pet issue of one or many Board members. The common thread through these accounts is that somebody must be a champion for the issue or policy in question and take on the task of building consensus among the managers.
As with all bureaucracies, times of crisis reveal much about the Board's decision-making process. This is George W. Smith's insight that informs my entire thesis—that activist campaigns can create an entry point through which to study ruling relations (G. Smith 2006). It made sense for me to study the South Africa divestment campaign, as it shared many goals with the fossil fuel divestment campaign and reached a state of crisis not (yet?) reached in the present campaign. Not surprisingly, this was a good decision. Understanding the Board's way of doing consensus, and its implications for fossil fuel divestment, is impossible without knowing the history of the 1986 decision to divest from South Africa.

First, a brief account of the events: When the Swarthmore Anti-Apartheid Committee (SAAC) first brought a proposal for divestment to the Board in the 1977-78 academic year, the Board formed a Subcommittee of the Investment Committee to discuss the issue and report back to the Board in December 1978. The subcommittee recommended a policy of positive engagement with companies doing business in South Africa, with the possibility of selective divestment from companies that did not move to comply with the Sullivan Principles (a set of ethical standards for foreign companies, doing business in South Africa). The Board followed this policy for the next seven years—asking companies to comply with the Sullivan Principles, and eventually divesting from approximately six that did not. Though activists were never happy with the decision to pursue selective rather than full divestment, on-campus for full divestment didn't gain steam until 1984, which also marked an uptick in nationwide divestment activity. The fall 1985 school year saw an escalated series of direct actions, beginning with a 3-week vigil and 500-person rally before the September Board meeting, continuing with a student and faculty walk-in to the December Board meeting, in response to which the Board “meditated in silence” for two hours and then adjourned, and culminating with an occupation of the President's office later in December. This all coincided with the establishment of a multi-stakeholder ad hoc committee to
discuss divestment, but it failed to come to consensus. A new committee was formed. Advocacy continued into the spring semester, as a series of events were held on campus to discuss apartheid and ponder whether civil disobedience was an appropriate response. The faculty voted 28 in favor of divestment, 13 opposed, and 9 abstaining. Finally, and seemingly out of the blue, the Board decided to fully divest at its March meeting. Significantly, the second ad hoc committee, which included the President of the College, had made a recommendation for selective divestment, going beyond the previous policy but not as far as the actual decision. Two Managers on the Investment Committee stood aside in protest, and one of those managers, J. Parker Hall, soon resigned from the Board as a result. At the instruction of the Board, the Investment Committee implemented divestment over the next four years.

As an outcome of the December 1985 walk-in, the March 1986 meeting was open to the student body and press, giving us the benefit of a Phoenix article in the public record (Engeman 1986). Many Managers, including Board Chair Eugene Lang, expressed their personal disagreement with divestment at this meeting. Others were very much in favor, and still others were ambivalent, but the “sense of the room” certainly does not seem to have been overwhelmingly pro-divestment on its merits. Nevertheless, all managers consented to divestment except for the two stand asides. The Phoenix article doesn't explain exactly how or why this transpired, but I hypothesize that it was in response to a feeling of historical inevitability and necessity. 1985-86 was the high tide of the national divestment movement; over 50 schools divested in this year alone and Bryn Mawr College did so on the same day as Swarthmore. Student and faculty activism at Swarthmore had reached a boiling point. Tellingly, one Manager, Elizabeth McCormack, was quoted saying, “Any decision less than this and we will be faced with a major disruption on this campus” (Engerman 1986).
I knew before doing this research that the South Africa decision had been contentious. At the May 2012 Social Responsibility Committee meeting to discuss fossil fuel divestment, an emeritus member of the Investment Committee spoke for a long time about how the Board had only divested from apartheid “because the students held us hostage.” In fact, the “hostage-taking” was in fact the peaceful, non-obstructive walk-in to the December 1985 Board meeting, but the feelings of coercion were real. My Board and administrative informants had strong words to describe the legacy of that decision on the Board, even though none of them were present for the decision itself. It was “traumatic,” “painful,” “visceral.” The decision “created a lot of tension, which the Board did not like because of consensus.”

There was a sense from all informants that the decision was in some way a failure of the consensus process. One said, “The form of consensus was maintained, but it wasn’t a consensus decision... The feeling I get is there was some sense of coercion.” Interestingly, there was disagreement regarding responsibility for this coercion. Some managers, as exemplified by the manager emeritus who told the story about being held hostage, clearly blamed student activists for the coercive dynamic. Others felt it was a problem internal to the Board. One informant said,

Even if that were true [that there was a feeling of coercion], the Board is still responsible for its decisions. Because to be honest, it's the job of the students and faculty to make the Board's job difficult. Of course they wanted them to make a decision then. If anyone did the wrong thing then, it was the Board. If it was a situation where people were feeling coerced, the Board should have had courage to wait a few months and make the decision the right way.

In any case, regardless of fault, the collective memory of the decision establishes that, for the Board, the “spirit of consensus” is for all members to truly feel good about a decision.

Nevertheless, because apartheid divestment “left a bad taste in the Board's mouth,” it steepens the hill that the fossil fuel divestment campaign must climb. Resistance to fossil fuel divestment has
been much greater than it was in the early days of the apartheid divestment campaign. Whereas the 
Board almost immediately tasked the Investment Committee to explore the issue in 1978, and soon was 
one of the first colleges to adopt a policy of selective divestment (Dickerson 1985), the current Board 
“is not seriously considering divestment,” according to my informants and our previous observations. 
They have not engaged any serious study of divestment's costs and benefits, relying instead on the 
Investment Committee's casual conjecture. Nor does the Social Responsibility Committee's 
commitment to examine climate change approach the level of study given to apartheid in the 1980s; whereas the previous effort built ad hoc committees encompassing many stakeholders and campus 
constituencies, the SRC has not invited any students, faculty, or administrators to formally join its 
process.

When I asked an informant about these differences, he said, “I can guess that that experience 
informns this one. Having come to a conclusion at some level that that decision was divisive for the 
Board, they wouldn't want to revisit it.” While this makes sense on a certain level, the historical 
example provides an opportunity for students to demonstrate the inadequacy not only of the current 
Board's response to divestment, but to climate change in general. If the Board wants to demonstrate 
that it is serious about the issue of climate change—as all my informants emphasized—students should 
hold up Swarthmore's response to apartheid as a process that reflects that kind of seriousness.

Finally, as a student activist campaigning for an unlikely demand, the take-away from the 
apartheid decision must not be that the students messed up and alienated certain Managers. Some 
Managers were so firmly opposed before direct action occurred that it is downright amazing that a 
consensus decision was reached. The take-away for Swarthmore activists is that consensus decisions 
are possible without the “spirit of consensus” being achieved. In the situation, a combination of
student, faculty, administrative pressure and national momentum overcame the strong objections of two managers, and the more measured objections of at least several others.

I hope the present campaign will take heart from the South Africa precedent. After all, with prominent Board members rumored to hold personal equity in natural gas companies, and another publicly advocating that environmentalists ally themselves with natural gas and oil companies (Riggs 2012), the prospect of all thirty-eight Board members genuinely supporting divestment on its merits is slim. However, if we are able to create a rising tide of pressure from faculty, students, alumni, staff and the media, victory is still possible. Applying that pressure will likely require that we overcome our fear of being seen as “uncivil”, which I will discuss in the following chapter.
Chapter 5 - Captured by Dialogue

This chapter deploys the notion of “institutional capture” to help explain how the discursively powerful, widely held value of “dialogue” obscured to us the fact that things with the administration were not moving forward toward a decision. I build upon Chapter 3, which established that our misconception of Board/administrative intentions forestalled us from effectively connecting with the majority of the Managers or imparting a sense of urgency, by exploring the way that the omnipresent discourse of “dialogue,” effectively blinded us to the fact the Board was not moving toward action. Then, using the February 22 meeting with Managers, administrators, and frontline activists as an example, I suggest “negotiation” as a more effective framework than “dialogue” for thinking about how formal interaction with the ruling apparatus of Swarthmore should work, if student activist goals are to be achieved. Next, I argue that the predominantly middle class backgrounds of Mountain Justice members may have left us particularly susceptible to capture by dialogue. Finally, I return to our interactions with administrative committees like the Sustainability Committee to demonstrate that the will to unstrategic dialogue is not all-consuming, and can be overcome through robust student institutional memory.

Searching for “No”

Throughout the campaign, we frequently asked Yes-or-No questions of individual administrators or committees. The goal of these questions was to get people on the record as supporting or opposed to divestment. We expected more No than Yes responses, but hoped that we might pick up a few administrative allies along the way. In actuality, the responses were never Yes, but never quite No
either. Take, for example, the first request we ever made of President Chopp: “Will you be our ally as we ask the Board for divestment.” Her response, in effect: “I don't know what your question means. Do more research and come back to me.” When we asked for investment transparency, Sue Welsh's public reply (Welsh 2011) referenced vague policies to explain why our request was impossible, took the opportunity to list some talking points against divestment, yet still ended on a note inviting student participation:

We invite members of the Swarthmore community to communicate their concerns about particular companies to the Committee on Investor Responsibility, to assist that committee in proposing recommendations on key issues, and to engage in dialogue with those companies directly. Please consult the committee’s web page here.

When I met with Susan Levine in February 2012, she told me that in her opinion “the Board [would] never agree to divestment.” And yet, she offered to arrange a Social Responsibility Committee meeting to discuss the matter. When I asked Mary about this dynamic, she said,

I think administrations, especially at progressive institutions, and Boards, have methods for dealing with student activism. They’re used to dispelling activism and some schools are better at it than others, but generally what they're going to do is make you feel appreciated enough that you think they're taking you seriously and then delay you as long as possible.

In effect, the answer was always No, from the very beginning, but the door to future conversation always remained open, one way or another.

The future prospect of a “Hard No” was something we discussed often. The Hard No would come from the entire Board, after a formal deliberative process, and would be our signal to escalate into more public actions. Of crucial importance for my argument is that our idea of the Hard No had two parts—first, that the Swarthmore was not going to divest, and second, that they were no longer going to talk to us about it. I cannot speak for others (because this was not something that we discussed formally) but I imagined that the Hard No would come from the Board of Managers—the final arbiter, the Supreme Court of Swarthmore's investment decision-making.
The closest thing to this was when Levine told Casey in September 2012 that we had a 0.0% chance of getting another meeting. In retrospect, this was the moment we were waiting for, but it didn't fit the “Hard No” profile we were looking for. It came as an offhanded comment from an individual, months after an open-ended meeting, rather than as a formal statement from the whole Board shortly after a meeting. Nor did it carry the expected finality; the negotiation process was easily rebooted after appealing to President Chopp. The obvious question is why we didn't see the writing on the wall earlier. When our primary contact on the Board told us that divestment would “never” happen, or when she told us that there was a 0.0% chance of meeting with the full Board again, why did we not take that as license to escalate? Even though it proved possible to restart the dialogue (albeit with little hope of it working out), why did we bother?

The straight-forward answer, the easy one, is “We thought it was strategic.” As I describe in Chapter 2, we started out with the strongly-held belief that students would not support escalated action (e.g. sit-ins, marches, withdrawal of donations, confrontational rhetoric, etc) unless the administration or Board had delivered a Hard No, demonstrating that the institutional channels were not sufficient to make the change we need. (I still believe this to some extent, though I have grown more comfortable with the notion that many, perhaps even most, students will oppose escalated action no matter what the circumstance.) In practice, though, we found it difficult to get people to pay attention to our conversations with the administration. There's nothing terribly compelling about a group of students asking nicely for something. Conflict tends to focus people's attention. We also didn't believe that simply telling people about the futility of institutional channels would activate them in the same way as demonstrating it to them through our actions. We thought that, if people saw the administration being intransigent, they would be angry and moved to get involved. Thus, when we received something close to a Hard No, we decided to reignite dialogue, and “fail better,” more publicly, the second time
Institutional capture

In *Institutional Ethnography: A Sociology for People*, Dorothy Smith cites another institutional ethnographic study to introduce the concept of “institutional capture”:

Turner (2001) found that in the course of making the protest, 'the texts that came to hand immediately provided the frame for how to speak about the project and our concerns'. Though this discursive move was needed if the activists were to be effective within the institutional process, it was also consequential for what could be voiced, whether in text or talk. As they became competent as interveners in the processes of municipal government, they were also captured by the institutional discourse.

I see institutional capture as a significant factor throughout the divestment campaign. Specifically, we were captured by the notion of “dialogue.” A central value of modern liberalism is “civil and open dialogue;” this is especially valued at educational institutions because of the idea that these places are devoted to inquiry. This discourse is replicated by Swarthmore students, faculty and administrators on a regular basis. For every socio-political controversy on campus, as much ink is spilled debating the style in which points are being made as the points themselves. Then, we debate the way that the discussion around style is being had, and so forth. Inevitably, somebody is accused of being emotional, uncivil or illogical. I have never heard somebody accused of being too civil. Throughout the campaign, administrators and Board members have always been willing to “continue the conversation,” even if they exert substantial influence over what the content of that conversation is. On the one occasion when a Board member indicated that dialogue would not continue, the President intervened. Casey remembers, “She was shocked that people on the board had ever told us that they weren’t going to meet with us again. She said that wasn’t the Swarthmore way, and that she was confident that nobody had ever told us that...and if they had said it, they were wrong and she would make sure there was continued conversation.”

12 Swarthmore’s Quaker heritage is often cited as the fountain of our love for dialogue, but I find this a highly dubious explanation. Lucretia Mott was a radical Quaker. Swarthmore is a liberal institution. Try as we might to forget, these things are not the same. I think our liberalism and modern discourses of “tolerance” being transposed from identities to ideologies has more to do with the will to “dialogue” than Quakerism. An analysis of radical Quakers’ perspective toward rational, level-headed dialogue, compared with the way liberal institutions talk about this today, would be an interesting area for further study.
An invitation to “dialogue” with decision-makers is a hard trap to avoid. We fell right into it, thinking we were slowly moving toward a decision, when in reality, that was an entirely one-sided perception. One manager told me in our interview, “There hasn’t been a serious consideration of divestment.” Crucially, the notion of “dialogue” structured our conception of the “Hard No.” We defined the “Hard No” as the point when the administration cut off “dialogue;” thus, the continuing existence of conversation was the litmus test to determine if the process was “working” for us. Our desire to continue conversation was often discussed as a matter of strategy: “We have to continue engaging with the process so other students can witness its failure, and be radicalized by it.” In internalizing administrative willingness to “dialogue” as being an effective process, however, we ensured that our own standard for procedural failure would never be met.

Ironically, researching the Board process leading up to Apartheid divestment deepened my institutional capture. Whereas I had previously studied the public actions taken by student campaigners, now I was reading about the committee process detailed in Chapter 4. The two histories do not interact with each other. In flyers and other archived student activist communications from the 1980s, the activists rarely mentioned the committee process, except to denounce it as woefully inadequate, while public committee records ignore the existence of a grassroots direct action campaign altogether. In reading correspondence from administrators and Board members, I sought to place myself in their shoes in order to understand the process from a new perspective. Having removed my desire to demonize the process, I became fascinated with it. The multi-faceted detail of the Board slowly weaving toward divestment, committee after committee, became the whole story. I forgot about the student activism that was motivating the school to form committees in the first place. I talked a lot about empathy—understanding our opponents and their constraints on a personal level. It took a conversation with a sociology professor in December 2012 to move me back from this position.
“Empathy is good,” she said, “but don't forget about power. It's the outcomes that matter.”

From dialogue to negotiation

“Don't forget about power.” I define power, here, as \emph{the ability to achieve a desired outcome}. This is an essential factor that can move this campaign and others beyond the entrancing, easy, ultimately ineffectual focus on civil dialogue. Willful ignorance of power is central to the construction of “civil dialogue.” Civil dialogue involves coming to the table “as equals” and avoiding the fact that there are very real differentials of power between students and administrators. Mutually agreeable solutions are supposedly found through the dialogic process, which transforms ideas. What goes unacknowledged is that the less powerful participant is usually the one who must change their ideas in order to arrive at a “mutually agreeable” solution. By contrast, \emph{negotiation} is an interaction that explicitly acknowledges the relative balance of power. In a long-term process of negotiation, mutually agreeable solutions are found not through the transformation of ideas, but through shifting the current or potential balance of power until both parties want the same outcome.

To clarify, allow me to give a simplistic and crude example of a negotiation. Jamie has two apples, and Taylor has zero. Taylor asks for one apple, and Jamie says no. At this point, Jamie has more power, the ability to achieve their desired outcome. This is an agreeable outcome for Jamie, but not for Taylor. Then, something changes: Taylor threatens to punch Jamie in the face, unless Jamie hands over one apple. Jamie knows Taylor to be a person of their word, deems the threat credible, and decides to hand over the apple. Taylor does not punch Jamie. Under the new circumstances, this is a mutually agreeable outcome. Thus, we see that when the balance of power changed, a mutually agreeable outcome became possible, where previously it was not. For a more positive example, have Taylor offer
In the fossil fuel divestment campaign managers and administrators successfully created conditions for civil dialogue through their insistence on setting the terms of each meeting. Casey described an archetypical “meeting to plan a meeting:”

You go in there, and everybody's very nice, Maurice is a very sweet guy. Maurice talks about his life for a little bit, and then you get down to whatever the business is. And that usually involves pretty vague talk about whatever it is we're planning. Maurice will state his position, whatever his position is on how the meeting should be framed, although his position on the issue will get in there a little bit. And that'll sort of be that. And if you have different ideas, you need to be very forceful and aggressive with them. And Maurice is very good at being vague, at deflecting, at making you think that you got what you wanted out of the meeting, when actually nothing did. He's good at making sure that there's no accountability structure set up.

Thus, the Board/administration retain power over the content and form of the meeting. Attempts to obtain more favorable conditions, such as having friendly faculty present, or knowing in advance which administrators will be present, or having a third-party facilitator, are deflected. The Board takes other steps to make the space feel more conversational than negotiative, as first-year student Bob told me:

“They made a conscious and formal effort to make it seem informal. They had lunch there, and then they had us sit [in alternating order], Board member - student - Board member - student, which felt odd.”

When Casey uses the phrase “forceful and aggressive,” I read him to mean that one's effort to actualize an idea must be backed up by a threat—“This ought to happen or else we won't participate,” or something similar. Because the threat, if credible, shifts the balance of power, administrators and managers characterize it as “forceful and aggressive,” unbecoming of civil dialogue. As a Board informant told me, “The Board doesn’t respond well to threats.” Casey's use of the negatively charged term “aggressive” in this context demonstrates that how student campaigners are still captured by the

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13 I intentionally led with the “coercive” example, though, because the threat of disruption is usually a more available path for the disenfranchised than providing a positive incentive to the powerful. Disruption only requires bodies, whereas positive incentives usually require access to financial resources.
institutional value of civil dialogue, even though that value is contrary to creating conditions that could feasibly lead to divestment.

After two-and-a-half years of conversation with no marked progress, a meeting in February 2013 marked a departure that will hopefully lead to a more negotiation-based interaction with the ruling apparatus. Having seasoned frontline activists join students for the February 2013 meeting with managers and administrators led to a more confrontational, but arguably more productive engagement.

Two crucial things happened at that meeting. First, the students and activists presented all the decision-makers with an ultimatum by asking them to go on a fly-over tour of a mountaintop removal site in order to demonstrate their commitment to the issue, free and at a time of their convenience.¹⁴ The students had two press releases prepared, one which announced that people would be taking the flyover, and the other one stating that they had declined this educational experience and gesture. This attempt to shift the balance of power did not go over well with the Board, as Naomi remembers:

> We asked them to go on the Southwings fly-over...and they were giving all of these responses, saying it wasn't so simple, it wasn't a Yes or No question...So eventually I said, 'All I'm hearing is 'No.' And they blew up.

Eventually, when pressed, all managers and administrators refused to take the flyover. Unfortunately, the press release was never published, because we students were surprised and uncomfortable with how strongly the Board had reacted, indicating that there is still much internal work to be done to make ourselves comfortable with negotiation.

Even so, having frontline activists in the room reoriented our priorities in other ways; we cared so much more about building common ground with our allies than with the Board. Previously, we had built common ground with the Board through a shared commitment to dialogue. When our frontline allies were in the room, we established a common ground with our allies through stressing the morality

¹⁴ This tactic has been used by activists pressuring banks to stop funding mountaintop removal. In some cases, bank executives have actually gone on the fly-over.
and urgency of ending fossil fuel extraction. This allowed us to cut through a lot of layers of civility to an essential fact—the managers are the decision-makers, and so far they haven't done anything concrete to take political leadership for climate justice. Stating that simple fact, and indicating that we are prepared to shift the balance of power to push them to act, was a breakthrough. I hope we and other activists can replicate this mode of communication moving forward and avoid being captured by dialogue.

**Learning disobedience**

To some readers of this chapter, I realize that our decisions may seem incomprehensible in retrospect, no matter how I explain them. Why did we put ourselves through twenty-five administrative meetings before deciding to firmly escalate, especially considering that we knew from the beginning that we were unlikely to achieve our goals through the administrative process? If, as I argue, we were captured by the institutional discourse of dialogue, what particular characteristics of our group made us susceptible to capture? At first, I resisted answering these questions, because I felt it would not advance my goals of understanding Swarthmore's ruling relations. At the urging of my faculty advisers, I have ended up including my thoughts, not in the interest of analyzing Mountain Justice per se, but to better understand the social dynamics at work between us and the administration/Board. Though we are unique in the some ways (as is any group), we share many characteristics with other student groups at Swarthmore. Other students may be able to look for similar group dynamics playing out in their interactions with the ruling apparatus. In short, I believe that the middle and upper-class background of many MJ members helps explain our belief that we would get a fair hearing from the Board, and our consensus-oriented process meant that, when there was disagreement among the group regarding escalation, the “lowest common denominator” of consensus was to continue the conversation with the
Board. It took a long time—the process is continuing even now—for us to overcome our inclination to cooperate and “learn disobedience.”

If we unpack the idea of the “Hard No,” it is clear that we were expecting something that looked a lot like due process. A judicial system, almost. In order to illustrate our assumptions, I would like to include an extended interview excerpt, between me and Mary. In analyzing this exchange, which exemplifies the “coinvestigative” method of interviewing, I am equally interested Mary's and my statements:

M: I don't regret our decision to go through institutional channels at the beginning, but I do think we did it for too long. I do think it's necessary to do some institutional-channel going. I don't think that's true for any nonviolent direct action campaign, but I do think it's often true in campus organizing. If you're going to be building power and building a base, the base wants to see that you've done that.

WL: I think it depends on the prior legitimacy of your school, also.

M: Yeah, and what I wish we had done quicker, which we're still in the process of doing now—which is fine because it takes a long time—but I wish our top priority had just been to polarize. Go through institutional channels, then show they don't work as quickly as possible—but we were in a learning process and we weren't positive they wouldn't work. We were also going through that.

WL: We also found it really hard to get a no. We were waiting for a no and we never really got it and still haven't.

M: Right and so that's the other piece, a lesson learned. The lesson learned is that your strategy should explicitly address getting a no. That should be a specific goal early on. Our strategy didn't really address that. We knew we would get a no, but we didn't have a strategy for publicizing it.

WL: I guess—what I was saying is that we never did get a no.

M: We did, kind of.

WL: Yeah—it was just hard because all the meetings were behind closed doors. We were not doing a good enough job of publicizing them.

There are two key assumptions embedded in this exchange, relating directly to the Board/administrative process—that we expected a Hard No and were surprised not to get one, and that the closed-door nature of the administrative/Board meetings was a somewhat unexpected obstacle. By taking the opposite of these two things that surprised us, we can reconstruct what we implicitly expected—an open and transparent series of meetings, culminating with a clearly defined decision one way or another. In other
words, something that sounds a lot like judicial due process. Though we didn't expect that the College would decide to divest, we expected that the process of coming to that decision would actually live up to the College's values of collaboration and democracy. I want to make clear that these expectations were not explicitly stated, nor held unanimously. We did not claim to know exactly what the process would be like, except that it would likely not result in divestment. I argue, though, that the expectations of a clear decision and transparent communication imply something like due process.

The notion that, at a private institution, the response mechanism to student activist demands would resemble a judicial process is simply ridiculous, upon reflection. It gets stranger considering that we were a relatively radical group to begin with. As I mentioned earlier, we were forged in the crucible of multiple encounters with direct action activists, who we admired immensely and even named our group after. In the end, though, our experience supporting direct actions in West Virginia, participating in one in Washington, D.C., and learning about creative disruption from the Yes Men, could not overrule our upbringing as middle class people. We had to learn for ourselves that the process did not only result in unjust outcomes, but was in itself an unjust process.

George Lakey's weekly column in the online publication Waging Nonviolence frankly discusses the many hang-ups of middle class activists, many of which have been reflected in Mountain Justice's organizing. His definition of “middle class” encompasses approximately 47 percent of the population who have to work for a living (unlike the owning class) but whose work is the management and education of others (the working class) (Lakey 2012b). He writes,

Middle-class people...contribute to social change in many ways. They are usually socialized to believe that they as individuals can make a difference in their neighborhoods, cities and even the larger world. They often bring a sense of political optimism that helps a campaign get started. They bring other gifts, but like any class they also bring blind spots...

The middle class is socialized to remain confused about power. That's how middle-class people can create narratives that ignore class struggle and assign the primary responsibility to — in the case of energy policy — consumers. The amount of privilege and the appearance of power given to middle class individuals make them especially prone to versions of “blame the victims” (Lakey 2012c).
While Mountain Justice as a group, or our members as individuals, would not blame working-class “victims” for just about anything, I have seen us frequently blame *ourselves* for our failure to make change through Swarthmore’s ruling apparatus. For example, after the February 2013 meeting at which managers and administrators refused to bear witness to mountaintop removal by taking a fly-over, we did not issue the press release announcing their refusal, even though we had threatened to do so (pages 40-41, 72). Instead, there was second-guessing—maybe we had done something wrong by issuing this ultimatum—maybe our request to film the meeting set things off on a bad note—maybe if we had let them know in advance that we would be making a request, then we would have been more justified. To be clear, the members in the room expressed unanimously that the managers had been rude, disrespectful and generally horrible. Nonetheless, we interpreted the slightest “error” in our behavior as a reason *not* to hold the managers accountable for their callousness and inaction.

Similarly, after the May 2012 board meeting (pages 35-37), we felt incapable of telling our story—a story of being dismissed and insulted by the leaders of our college—to the rest of the community. We did not think the community would believe us. In order to deviate from our script of compliance with the institutional process, we wanted the *perfect* set of circumstances: mass support from students and faculty, the Board to have definitively shown everybody that they would never divest. We did not feel comfortable escalating without all of these things in place, and so we chose instead to spend another year in administrative meetings. This desire for control, and belief that control can be achieved—the idea that we could perfectly manipulate an unjust system, from the inside, to demonstrate its injustice—is characteristic of a middle or owning class mentality. Paolo Freire writes,  

> Certain members of the oppressor class join the oppressed in their struggle for liberation... Theirs is a fundamental role and has been so throughout the history of this struggle. It happens, however, that as they cease to be exploiters or indifferent spectators or simply the heirs of exploitation and move to the side of the exploited, they almost always bring with them the marks of their origin: their prejudices and their deformations, which include a lack of confidence in the people’s ability to think, to want, and to know.... Our converts...truly desire to transforms he unjust order; but because of their background they believe that they must be the executors of the transformation. They talk about the people, but they do not
trust them; and trusting the people is the indispensable precondition for revolutionary change. A real human can be identified more by his trust in the people, which engages him in their struggle, than by a thousand action in their favor without that trust (Freire 2009: 60).

This quote does not map perfectly onto the community of Swarthmore, which by-and-large educates the “oppressors” rather than the “oppressed.” However, if we are to think of Mountain Justice as Freire’s “converts,” it is interesting to note that we certainly did not put trust in the other students. We did not think they would believe us if we told them our story. We did not think the history of past student activism was enough to convince them that escalated action was necessary. We did not even engage in that conversation. It is interesting to imagine what would happen if a student group simply engaged in conversations with other students about how the ruling relations are not democratic, instead of seeking to demonstrate it. There is no guarantee that it would go well—after all, many Swarthmore students are “confused about power” in their middle or owning-class way. Telling stories about past campaigns may be a possible entry point, however. I address this possibility at the end of this chapter and in the conclusion.

Another element of our reluctance to escalate was simple aversion to conflict. Lakey writes,

Middle and owning class people are more uncomfortable with conflict than working class people... Why does middle class conditioning include conflict aversion? The economic purpose of middle class people’s socialization is to prepare them for middle class jobs. Do you know a management or teaching job where the way to get ahead is to have a fair amount of turbulence going on among the people you supervise or within your classroom? Middle class jobs emphasize smoothness, rationality, calming the waters, linear progress, appearing “in charge.” That’s the goal of owning class socialization, too (Lakey 2013).

For their part, managers and administrators acted shocked whenever we did something verging on conflict. Even the idea that we had opposing interests was arduously combated. One manager has told us on multiple occasions, “The Board will never negotiate with students.” In my interviews, another manager lamented the “bizarre” tone of the February 2013 meeting with frontline activists. He said, “The tone from the beginning was us versus them.” He also attributed the antagonistic tone to the
presence of the frontline activists,\textsuperscript{15} implicitly creating another “us versus them”—we civil Swarthmoreans versus those loose-cannon activists. Then, he reinforced the shared identity between managers and students by telling me, “If I didn’t feel committed to you all because you are Swarthmore students, I would have said “no” to this interview, but I did not want to do that.” I believe that, in the view of most managers, all Swarthmore students and alumni are united by their class position, and future status, as managers and owners of society. The introduction of conflict, whether in the form of non-student working-class activists, working-class activist students, or “convert” middle-class student activists, is contrary to their vision of a shared project of control.

One more way that our middle-class consciousness manifested was through our commitment to consensus process. Personally, I think consensus process, done well, is a great leadership development and empowerment tool. Rather than extensively analyzing Mountain Justice’s consensus process, I simply want to offer a quote from Karl that touches on how our commitment to individual empowerment and voice within our group may have led us to expect more from the Board and administration:

\textit{In MJ, half of our work is about putting mirrors on ourselves and looking at our internal process, how power is shared, that people are genuinely participating, and that people’s contributions are becoming part of a collective discussion. It’s part of us as a group, as much as our instrumental goals, is being part of a collective, being part of a social body that is inclusive, democratic..., empowering of individuals and can also get things done at the end of the day... We’ve put so much work into figuring out what it is, and we understand that that’s a project in and of itself, and we’re also combating a lot of negative practices that we inherit from cultures and institutions around us, about leadership, about decision-making, about hierarchy, about the ways that ideas are generated, that consensus is agreed upon.}

\textit{I think in administrative meetings and Board spaces that I’ve heard about and been in, the attention there is miniscule compared to MJ spaces. And I remember—I think it was the last meeting with these allies, [an administrator] said we don’t even need a facilitator. And to anyone in MJ that’s just preposterous. To understand the amount of energy and emotions and conflict that is in the meeting, you need some facilitation plan, facilitating conflict is really what these meetings should be about... I don’t think that's...}

\textsuperscript{15} This is likely true, but only because our group had struggled to express our true emotions in meetings without outsiders there.
the view of [the administrators] coming in at all. To them it's about denying conflict, about trying to
assuage and unify, really trying to reintegrate the group when really that's not what we want out of the
situation and it's not what creates bold change in the college historically or in the world.

If MJ's values and understandings of consensus were mapped onto this process, then it would look
completely different. The information-sharing would look completely different.

I like this quote because it captures much of the positive and transformative energy in Mountain
Justice's approach to organizing. It is impossible to imagine the history of the group, or its successes,
without this approach. This section has attempted to touch on the flip-side of that coin—the blind spots,
instilled by middle-class upbringing, that left us susceptible to capture by the never-ending civil
dialogue of the Board and administration.

Conclusion

Finally, I want to emphasize that it need not be necessary for future Swarthmore student
activists, no matter their class background, to fall victim to institutional capture as we did. In fact, our
own campaign is also a testament to the power of inherited activist institutional memory to aid in
navigating the ruling relations of the College and avoiding traps. When our campaign began, we
engaged lightly with the Sustainability Committee and Committee on Investor Responsibility.
Individuals on both of these committees encouraged us to engage in further dialogue with these bodies,
even though they were unable to fully support us immediately. We did not do so, and instead bounced
over to the Social Responsibility Committee, because we knew that this decision was the Board's to
make, and we were very unlikely to win concessions or support from SusCom or the CIR. How did we
know the inefficacy of SusCom and CIR? Because older student activists shared stories of time wasted
on these committees that ultimately went nowhere. Once we got up to the level of the SRC, though, we
did not have as much inherited experience to learn from. There was nobody to tell us that the SRC
would never recommend our efforts, that it has not endorsed anything in at least two generations of
students, or that our best bet would be to connect with as many individual Board members as possible while building external pressure. If we had heard this, we would be in better shape now. On the other hand, if we hadn't heard not to waste our energy on SusCom or the CIR, we likely would be mired in dialogue with these bodies, or just emerging from it. I hope this thesis can contribute to the collective institutional memory of student activists and help future efforts about capture by dialogue at every level of the ruling apparatus.
Chapter 6 - Echoes of Wall Street

One goal of institutional ethnography is to demonstrate how local ruling relations are situated within larger systems. Practitioners of IE look for regulatory texts (Smith 2006: 86), either material or discursive, that are enacted in multiple contexts to “allow for nearly identical forms of organization to be achieved through activation in multiple local settings” (Dobson 2001:149). I found several ways in which Swarthmore’s investment practices are influenced by wider ruling relations. First, though I was unable to explore this in detail, the College is a member of several consortia that advise and create resources for college and university business officers. Second, recurring patterns in my interviews with administrators and Board members led me to suspect that there was a broader ideology, previously unknown to me, that was influencing the way they thought about and made policy around investment. Upon some investigation, I found that Karen Ho’s *Liquidated: An Ethnography of Wall Street* directly addresses the same discursive patterns that I observed in my informants. My informants’ use of the concepts of “smartness” and “return on investment” are likely influenced by their exposure, either directly or indirectly, to the culture of investment banking detailed in Ho’s work.

**Smartness**

During meetings with Board members throughout the campaign, I was struck by the overwhelming words of praise directed toward the Investment Committee. Our main contact on the Board, the co-chair of the Social Responsibility Committee, was and still is very insistent on how smart they were. At first, I didn’t find anything unusual in this talk. After all, one simply is not entrusted with $1.6 billion and the future welfare of an elite educational institution without a high level of intelligence and experience. The SRC co-chair also had the credentials to speak to their talents, as she had served on the Investment Committee previously and worked for several investment firms, including Goldman
Sachs. It was the May 2012 SRC meeting when I first noticed that there was something else going on.

In advance of that meeting, an energy sector analyst Tom Sanzillo, had written a 6-page report addressed to the Board (Appendix B), giving his candid opinions on the future profitability of oil, gas, and coal stocks and laying out some of the logistical considerations that the Board would have to consider in pursuing divestment. Sanzillo’s advice on negotiating with fund managers and other implementation matters was informed by his prior experience as the Deputy Comptroller of New York State, where he had helped manage a $150 billion pension fund. The language of the letter was clearly directed at the Board members with less intimate knowledge of investment issues.

When a student attempted to distribute the letter during the meeting, the SRC co-chair reacted viscerally. She stood up from her seat and raised her voice in opposition. She said, “Sanzillo is not half as smart as the people we have in this room,” and “We have the smartest people in the world here. You’re not going to find an opinion from him or anybody else that is going change their minds.” This seemed extreme to me. The smartest people in the world? This type of language came up more times in conversation with Board members between May 2012 and now.

One benefit of basing my research from a standpoint in the divestment campaign is that I didn't have to commit myself to a body of secondary scholarship early on, as I would have if my literature review had been the first chapter I wrote. Instead, the data collected in interviews and historical research informed the secondary scholarship that would be useful. I looked through a number of theoretical works throughout my writing process, including Mary Douglas's *How Organizations Work*, C. Wright Mills' *The Power Elite*, and several texts on responses to social movements, hoping to find a theoretical hook that could illuminate some of what I was discovering about the Board. While I could have engaged any of these texts with my findings, none of them felt relevant to my institutional ethnographic goal of *locating Board/administrative practices in social relations*. As soon as I opened
Karen Ho's ethnography of Wall Street investment banks and saw the phrase “culture of smartness” in a chapter title, I knew I had found what I was looking for.

Ho's account of the “culture of smartness” on Wall Street echoed much of what I had heard the SRC co-chair say about the Investment Committee. Ho (2009) writes,

> When I began to conduct fieldwork in 1998 and 1999, delving into the network of contacts, coworkers, and friends I developed at Stanford, Princeton, and Bankers Trust, it struck me how often my informants ranked and distinguished themselves according to their "smartness." The term seemed fundamental to the Wall Street lexicon. My informants proclaimed that the smartest people in the world came to work there; Wall Street, in their view, had created probably the most elite work-society ever to be assembled on the globe. Almost all the front-office workers that I encountered emphasized how smart their coworkers were, how "deep the talent" was at their particular bank, how if one just hired "the smartest people," then everything else fell into place (p. 39).

I listened for similar language in my interviews with members. The strongest language came when I asked one of my informants a question about recent studies showing that fossil fuel companies may be dramatically overvalued.

> WL: What do you think about the reports that have been issued by HSBC and the International Energy Agency on “stranded carbon,” the idea that if we are expecting to get climate legislation eventually, these companies could be overvalued by up to 40 to 60 percent?

> Informant: You know, that may be true. And I would presume therefore that our investment managers are reading those same reports. That's just one report, and they're reading all of them. We hire people who are smart, they read the world, and then make a decision. [Emphasis mine.]

Other Board members expressed the smartness of the Investment Committee through deference. One told me, “Because I don't have a background in finance, I have faith in their expertise.” Even the Chair of the Investment Committee told me that he will not question to other committee members in their specialty areas: “I know enough to defer to the people who know what they're doing. I'm never going to go against what they're saying.”

Near-omniscient, owners of secret knowledge and expertise, already versed in any financial argument we might bring them, the Investment Committee was constructed by my informants as almost
super-human. Brainpower was the sole metric justifying investment authority. As Ho (2009) notes, though, these seemingly meritocratic claims to intelligence are laden with an entire value system learned in the world of investment banking: “To be considered "smart" on Wall Street is to be implicated in a web of situated practices and ideologies, coproduced through the interaction of multiple institutions, processes, and American culture at large, which confer authority and legitimacy on high finance and contribute to the sector's vast influence” (p. 40). The focus on “smartness” as the sole metric justifying investment authority ignored all this and reduced Swarthmore's investment policy-making to a computational matter, focused solely on generating high returns.

The sole focus on high returns should not be read as an amoral policy, however. In fact, we found throughout our campaign that making as much money as possible is considered to be the highest good by many administrators and Board members. I will discuss this next, again with help from Karen Ho.

**Intergenerational Equity**

Along with the “smartness” dialogue, the concept of “intergenerational equity” was invoked repeatedly throughout the campaign and my interviews. The term itself is simple enough to understand—we should act in a way today that ensures our decedents will live equitably with us. When Swarthmore's managers and administrators use the term, it goes like this: The endowment is given by donors to ensure that Swarthmore will exist for all of perpetuity. Thus, it must be prudently managed to support at least the same, and ideally an ever-rising, quality of education for all future students. Because of inflation and the rising costs of services, this requires perpetual growth for the endowment. President Chopp, in her April 2012 statement on divestment, revealed the Board's “established policy, articulated within the endowment guidelines, stating that the Investment Committee should 'manage the endowment to yield the best long-term financial results, rather than to pursue social objectives.'” In
other words, “intergenerational equity” is interpreted as a mandate to always grow *as much as possible*, which means excluding all other investment priorities.

Though critiques of the high-risk, high-return endowment model exist (Humphrys 2010), the fossil fuel divestment has never adopted them. We accepted that the endowment should be managed to support future students and—critically—maintain Swarthmore’s policy of (supposedly)\(^{16}\) full financial aid. Two things have always seemed strange, though. First, the obvious irony of using a term like “intergenerational equity” to justify *inaction* on climate change, a civilizational crisis that, unchecked, will negatively affect future Swarthmore students in profound ways. Second is the insistence that divestment from sixteen companies would threaten intergenerational equity. Surely, “maintaining sufficient endowment growth for future students” doesn’t need to equal “make as much money as we possibly can, always.”

There are a number of ways that intergenerational equity could be interpreted. On the other end of the spectrum from “make as much money as possible,” Swarthmore could discard the obviously false distinction between “financial” and “social” aims, and adopt a comprehensive social investment policy of pro-active investment in socially responsible enterprises, doing shareholder activism to change corporate policy when possible, and divesting from multiple industries that threaten current and future students. Hampshire College is the most prominent college to take this route. Hampshire President Jonathan Lash (2012) wrote last year in the *Huffington Post* that the school’s policy avoids fossil fuel companies:

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\(^{16}\) Though the college is rightfully proud of its stated policy that meets all students’ “demonstrated financial need” with grants, this masks the fact that many students still take out thousands of dollars in loans to cover the $56,000+ annual expense.
Among other changes, our policy has led us to invest in developers of renewable energy technologies rather than the producers of fossil fuels. Our donors gave money to create our endowment as an investment in the future. Our business as an educational institution is to invest in the future. In a rapidly warming world the future of our students will depend on quickly expanding the use of wind, solar power and other carbon-free sources of energy, and deep reductions in the use of fossil fuels.  

I quote Lash to demonstrate that the concept of intergenerational equity can be applied in many ways. Swarthmore and Hampshire have deeply different philosophies of investment, but both justify the policies with appeals to future generations. Intergenerational equity's opposition to divestment is not inevitable; rather, it is open to multiple interpretations, which are contingent on power relations and the personal backgrounds of the individual interpreters. Our task, then, is to understand why Swarthmore's managers and administrators interpret the concept to mean, “Profit is the only consideration.”

Having already been clued into Karen Ho’s work through my investigation of the “smartness” discourse, I began to see further parallels between my informants’ statements and Ho’s analysis of “shareholder value” narratives. I believe that, on some level, hegemonic understandings of shareholder value as the ultimate “good” are being reflected in the Board's particular interpretation of intergenerational equity.

For Ho’s informants, “Shareholder value was the most important concept with which [they] made sense of the world and their place in it: it shaped how they used their "smartness" and explained the purpose of their hard work” (2009: 123). Companies exist, in this worldview, not to produce goods or provide employment, but to make profit and increase stock prices for shareholders. Ho details how, over the last 30 years, narratives of shareholder value triumphed over all other conceptions of corporate mission, and owners became the only constituency worth answering to (ibid: 128). Far from a cynical

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17 In writing, “Our business as an educational institution is to invest in the future,” Lash characterizes Hampshire's investment policy as mission-driven. The college’s Board of Trustees does the same in its policy statement (Hampshire 2011), but they also take care to justify the policy as a prudent financial decision, saying, for example, “Poor business practices related to human rights, the workplace and the environment pose reputational, financial, operational and legal risks to the College’s investments and therefore the future financial security of the College.”
enterprise, the pursuit of shareholder value is a "mission-driven cause," bolstered by "narratives of shareholder oppression" (ibid: 151).

The words of Ho's informants echo in the attitudes I observed throughout the divestment campaign and in my interviews. One of my informants who had previously worked for a large Wall Street firm made the connection explicit. I asked him what the similarities and differences were in managing a for-profit fund and an endowment, and he said, "Well, the similarity is that the overarching objective is to maximize returns. In private equity, the goal is to create and capture value for your—you have what we call limited partners. With an endowment, the objective is to maximize returns, and the beneficiary of these returns is current and future students." The single-minded pursuit of high returns, and the impossibility of imagining other purposes for the endowment, were quite incomprehensible to the student campaigners (none of us, remember, are Economics majors). When I asked Naomi what she learned from the May 2012 Board meeting, she said,

Mostly that the IC are pretty hard people to deal with. They are a pretty stalwart bunch of guys... They're not the same as the rest of the Board. People who think about investments are not the same as other people. They're so ground into this mindset of returns that it's going to be a different fight and we're never going to convince them with our arguments.

Naomi remembered the emphasis on returns, with no regard given to other considerations, as distinctly unusual and different from a philosophy, like Hampshire's, that takes into account a full range of factors and consequences. What she doesn't say in this quote, but was felt by her and a number of MJ activists that I talked to off-the-record, is that the Investment Committee's insistence on the primacy of returns actually felt like a moral argument. Making as much money as possible is more than an amoral policy—it is an active good, because it allows Swarthmore to fulfill its educational mission as well as possible. This echoes Ho's observation that shareholder value is a "mission-driven cause." Based on the similarities between the way Swarthmore's managers talk about returns and Ho's informants' single-minded focus on shareholder value, and the simple fact that many managers worked for the same firms
detailed in Ho's study, I find it highly likely that this is another example of Wall Street practices trickling down into policy-making at Swarthmore.

Policy Loop

Once established, the single-focus endowment policy is actualized through a phenomenon I call a “policy loop.” The policy loop is part self-rationalization of power, part misplaced accountability, and best described through example, so I'm going to give one that I observed in my interviews. I want to offer this idea as a hypothesis rather than a declaration, because I feel that more interview data and access to Board meetings would be necessary in order to confirm, even to myself, that I am accurately describing the dynamic.

The policy loop emerged as I questioned my informants about the idea of “fiduciary responsibility.” Our preliminary research on divestment established fiduciary responsibility as a key priority of endowment management that we ought to understand. Broadly defined, fiduciary responsibility is the legal obligation of trustees to their institutions, but detailed understanding is elusive, however. The Investment Officers raised the issue of fiduciary responsibility in our early meetings with them, with the message being, as with intergenerational equity, “Fiduciary responsibility means make as much money as possible, always.” In my interview with one administrator, they said, “Many [managers] have accepted that in principle, fiduciary responsibility trumps these kinds of decisions [for divestment].” In other words, divestment and fiduciary responsibility are incompatible. This is confusing, because though one can find numerous sources corroborating this position, many other sources state that divestment is not incompatible with fiduciary responsibility.

For a long time, we divestment campaigners sidestepped this conversation. It was sufficient to know that Swarthmore had divested once previously and many other schools had done so on multiple
occasions. Clearly, divestment was a legitimate and widespread investment choice, even if our administration didn't seem to think so.

My interviews with Investment Committee members for this thesis cleared things up. When I asked my two informants for their definitions of “fiduciary responsibility,” their responses were surprisingly simple, and not what I expected. They both said something to the effect that fiduciary responsibility means to make the greatest returns within the parameters set by your employer, in this case the entire Board of Managers.

WL: What is your definition of fiduciary responsibility?

Informant: Well, it depends. Who are you working for? You owe a professional duty to that partner. In the College, the duty is to current and future students.

WL: Is fiduciary responsibility compatible with divestment or other forms of socially responsible investment? I've been reading about this and there are conflicting opinions.

Informant: It depends on the policies and objectives of the institution. If you go into a situation where you're joining a Board that has an established policy of investing, making these decisions for social purposes, then that's what you do...At Swarthmore, a promise has been made to our donors, the established policy is that our money will be invested for maximum return for a certain level of risk.

In other words, if the Investment Committee independently decided to divest, it would be a violation of fiduciary responsibility, but only because it would contravene the policy established by the full Board. The full Board could decide to divest without abdicating fiduciary duty.

It is interesting that fiduciary responsibility was so frequently invoked by our contacts, when to do so is simply to say that divestment would require an official policy change. In some cases, I interpret this as a simple self-justification, such as when President Chopp wrote in April 2012, “I do not believe the Board will act against its established policy.” In other cases, though, I read actual confusion in my informants' understanding of fiduciary responsibility, such as the administrator quoted on the last page who posed fiduciary responsibility and divestment against each other.
I also learned in my interviews that every year, the chair of the Investment Committee delivers, to the full Board, a “state of the endowment” report, where he reports on the performance of the endowment and its purpose. Without witnessing the report personally, there is only so much I can say about what is contained in the report, but I have a hunch based on the interviews. My informants mentioned that the chair introduces the concepts of intergenerational equity and fiduciary responsibility in the report. Remember, however, that overarching investment priorities determining how to apply these principles are technically the jurisdiction of the full Board, not the investment committee or its chair, who called himself a “cog” in the bigger machine. Therefore, in explaining to the Board the purpose of the endowment, he is essentially reading the Board’s own policy back to them. Because of the smartness discourse, one can imagine that, if not carefully phrased, this might be misinterpreted by some members of the Board, especially those less familiar with finance. Coming from the mouth of the “smartest” investor in the room, the notion that the purpose of the endowment is to maximize return, above all else, can be interpreted as a statement of financial law, rather than a institutionally specific policy that could be changed. Thus, managers are not instilled with any sense of the authority to change investment priorities.

Conclusion

In locating possible social links to Swarthmore’s investment policies in Wall Street institutions and discourses, this chapter takes a wider view than the others. This helps locate the source of otherwise incomprehensible data like informants’ repeated emphasis on smartness, and also has the benefit of linking Swarthmore’s policies into wider power relations. Locating Wall Street as a source of institutional policy suggests that other institutions may have similar links, and a cursory look at the rhetoric deployed by other schools in response to divestment campaigns shows that the emphasis on returns is similar. This is an example of “translocal” coordination of outcomes through a regulatory discourse, imparted at elite institutions. It also presents an interesting data-point on how Wall Street’s
“resignification of the business landscape” (Ho 2009: 30) through direct and discursive interventions into corporate priorities extends beyond the business world and into the non-profit sphere.

The flip side of these benefits is that the chapter, due to its broader focus, has fewer takeaways for Swarthmore student activists. The primary one I identify comes from the hypothesized policy loop—ask as many administrator/manager contacts as possible, as early as possible, who is ultimately responsible for the decision you want made. Remind that individual or group of people knows they are responsible, they are able to make a decision, and they will be held accountable if they do not act.
Conclusion

This study was conducted as an experiment, to see if it would be possible for a senior thesis to be whole-heartedly in service of an activist campaign at Swarthmore. For my part, I believe it to have been successful in expanding my understanding of the social field of which I am a part; only time will tell if it is useful for other activists, within or outside of the fossil fuel divestment campaign.

The methods of institutional ethnography and political activist ethnography allowed me to research the subjects that were most interesting to me and relevant to my own life while still operating within the realm of institutionally sanctioned, “legitimate” sociological inquiry. Practicing activist ethnography was an extremely rewarding and empowering experience, one that has made me deeply reconsider my previously cynical thoughts about academia, and caused me to imagine what other social movements could benefit from academic research dedicated to systematically mapping the terrain of their struggles. Throughout this paper, I have tried to write in a way that demonstrated how I applied the method of activist ethnography to arrive at rich and useful results, in order to further legitimate this little-known method and encourage other interested scholars and activists to experiment with it as well.

As for the specifics of this study, though there were many findings relevant to Swarthmore student activists. I will state them plainly here, as advice, for the convenience of those who have not read the entire paper. This advice is intended for people asking for serious, progressive change—the type of change that does not come after asking just once or twice.

**Cause Trouble.** Many of the progressive changes in Swarthmore’s history—the establishment of the Black Cultural Center and other support for Black students, apartheid divestment, a living wage for
staff, and others—have been won through creative disruption. Do not be afraid to follow in the legacy of those amazing students! You are always justified in causing trouble for a just cause, whether you have explored the “institutional channels” or not. It is up to you to decide the most strategic time to do so.

**Educate and organize!** It will be easier to make serious trouble if students, alumni and faculty care about your issue and are ready to act with you. The more people, the better. Do educational work early and often. On the flip side of this, do not let perfect be the enemy of the good. You are probably not going to get fifteen hundred, five hundred, or even one hundred students marching with you right off the bat. Do not let that aspiration prevent you from taking action.

**Share Your Stories.** Most student activists do not waste too much time with administrative committees, because we know from past students that they are just that—a waste of time. We do not know as much about the Board, however, which makes it really easy to waste time doing the wrong thing. If you have interactions with the Board (or the administration), find a way to share that information so other students can learn from your experience.

**Negotiate, Don’t Converse.** It is possible that administrators or managers will support your cause. But if they do not after two meetings, they are not going to change their mind. The only thing that will change their mind is if you change the balance of power by providing an incentive for them to act, or a threat if they do not act. If you plan to cause trouble if they do not act, tell them so! This will strengthen your position. See pages 70-73 for more on this.
Demand Action, Not Dialogue. At Swarthmore, we are taught that an “open dialogue” is the cure to every ailment. Dialogue is good, but only if it leads to real changes. We constantly asked for dialogue about divestment, and administrators kept talking to us. Eventually, when we realized the dialogues were not going anywhere, we realized that we had to cut off conversation. This felt awkward, because we had been the ones asking to talk the whole time. You can avoid this by emphasizing the need for action, from the very beginning.

Contact As Many Managers As Possible. We spent way too much time talking to the two co-chairs of the SRC, and almost no time talking to any of the other managers. Whether or not you are working with the SRC, but also contact as many managers as possible, as early as possible. The most important thing is not to persuade them yourself, but to get them any information that they will need in order to make an informed decision.

Always Be Gathering Information. Every meeting you have with an administrator or manager is an opportunity to learn more about who they answer to, what their priorities are, and what will make them move on the issue. If they do not agree with you on the issue, do not fall into a cycle of just arguing about the facts every time you see them. Instead, take the opportunity to learn something. This is an acquired skill, and it may not come naturally. It has not come naturally for me—for example, when President Chopp wrote a letter to the community on divestment in spring 2012, I was so frustrated by her argument that I did not notice the following sentence: “I do not believe that the Board will act against its established policy, articulated within the endowment guidelines” (Chopp 2012, emphasis mine). In fact, throughout my entire research process, I never noticed this sentence and thought to ask for the “endowment guidelines,” until two days before the paper was due. Look for these clues, and don’t be afraid to ask for documents. The worst that can happen is they say no.
Find Out Who the Decision-Maker(s) Are. Every chance you get, ask, “Who can make this happen?” You may get contradictory answers. It may be a large number of people. But as you keep asking this question, you will get a better sense for who has formal decision-making power, and who has actual decision-making power. They may not always be the same person or people.

The Social Responsibility Committee Will Not Support You. The SRC is the Board’s “official” body for receiving student campaigns, but it has not endorsed any student initiative in the memory of the managers I talked to. You can work with the SRC if you want to, but treat it like an administrative committee—it can be useful for forming relationships and gaining access, but not for explicit support. Just like the administrative committees, there is a long track record of students being disempowered, dismissed, and generally feeling crappy after encounters with the SRC.

No Means No. If, as I did, you hear from a decision-maker that what you want is “impossible,” “unrealistic,” or “never going to happen,” that’s your clue that the institutional process is not going to work without pressure. Commence trouble-making.
Appendices

Appendix A: Formal divestment proposal, spring 2012 (formatting not preserved)

I. Introduction

Through this campaign we have thought a great deal about what we think Swarthmore’s values are. As students, we are representatives of this institution. We are active members of the community, who contribute to and help to make Swarthmore what it is today. For these reasons, Mountain Justice feels justified in outlining the most important values of this institution. Swarthmore has long been upheld for its commitment to social justice. Not only is its student body considered to be among the most socially active, but the institution itself has worked diligently to address issues of inequality by integrating said initiatives into the foundation of the administration. In the most recent published Strategic Directions, a document produced by the collaboration of faculty, students, alumni and administrators, it is stated that concern for the community extends beyond the edges of campus and that “For generations, committed individuals have come together on this campus to create and sustain an institution that is fundamentally aimed at educating the best to make a better world. Throughout our history, we have consistently engaged in self-study, planning, and imagining—and then taking action to make our vision a reality.” We believe that in this campaign we are perpetuating this ideology, and continuing this legacy.

Swarthmore holds non-discrimination and anti-oppression as high values. We believe that no one should be forced to live with poor treatment and injustice because of their race, gender, class, sexuality or religion. That is why we believe that Swarthmore needs to take our monetary and ideological support away from companies that negatively impact predominantly poor communities and communities of color. We cannot stay silent and allow Swarthmore to champion struggles for social justice while pouring money into the same companies that are destroying communities all over the country.

II. Proposal


The listed companies practice a variety of extractive methods, including mountaintop removal coal mining, hydraulic fracturing and off-shore drilling, among others. All of these 16 companies are engaged in the socially and environmentally untenable business of fossil fuel extraction. This is by no means a complete list of destructive companies; it is one which balances financial feasibility with symbolic and material impact. Divestment from these companies calls into question not just their actions, but the actions of all companies that derive profit from fossil fuels. See Appendix A for specific research on each company.

III. Divestment is Financially Realistic for Swarthmore

Divestment from fossil fuels would be a commitment to remove college money from those companies outlined above, and to refuse to invest in them in the future. Swarthmore is not currently invested in all of these companies. Divestment ensures that Swarthmore never will be invested in any of these sixteen companies, so long as they continue dirty energy extraction, which currently accounts for the vast majority of their profits.

A number of institutional investors currently use socially screened funds. Negative or avoidance screening—used as far back as the 1920s—works by avoiding investment in companies whose practices are inconsistent with the personal values of the
investor. These include investments in tobacco, firearms, and gambling, military contractors and nuclear weapons manufacturers. Divestment from fossil fuels would work in essentially the same way: Swarthmore's investment managers would screen out the sixteen domestically owned, publicly traded companies when making investment decisions. For more information on Socially Responsible Investment, please see "The New SRI: Socially Responsive Indexing," a report by the Aperio Group, a well-respected investment management firm whose thoughts on SRI have provided considerable guidance for our own research.

We know that Swarthmore is invested in a few of the sixteen companies. Divestment will involve removing Swarthmore's money from these companies. Recognizing the complexities of modern finance, we are not requesting that every dollar of the endowment be removed; our ask only extends to domestic equity holdings. This category, which includes both the college's direct holdings and those in commingled mutual funds, accounts for 20.4% of the college's $1.5 billion endowment.

To demonstrate the financial feasibility of divestment, it is instructive to consider a worst-case scenario. The energy sector is 4-8% of the U.S. economy. If we divest 8% of domestic equity holdings, this represents just 1.6% of the endowment, or $24 million. In a worst case scenario, these $24 million—once reinvested—would make 0% returns. If the alternative is a business-as-usual 1.5% growth, the college's relative losses would be $3.6 million, 0.24% of the endowment. To reiterate, this is the worst case scenario. It is also entirely a thought experiment and is in no way intended as financial fact; the volatile nature of financial markets makes any prediction of this sort difficult.

IV. Divestment is an Effective Strategy for Social Change

Divestment is a sophisticated strategy that has been successful in transforming entrenched crises. In the 1980s, a divestment movement on over 150 college campuses drew significant attention to South African apartheid, led the United States government to impose sanctions on the apartheid regime, and caused over $1 billion in capital flight from South Africa. All of these factors contributed to the ultimate end of apartheid in South Africa. In the early 2000s, college and university divestment helped draw worldwide attention to the genocide in Darfur.

Divestment, however, is also a decision that does not exist in a vacuum. It allows colleges and universities to act in concert with organizations, institutions and individuals worldwide who are already speaking and acting out against injustice. As in the case of apartheid divestment, fossil fuel divestment works with existing campaigns to end global dependence on dirty energy. As mentioned above, dirty energy is dirty energy, no matter how "cleanly" extracted, and is not sustainable. By withdrawing both ideological and financial support from these companies through divestment, we are sending a clear message that we will not be complicit in irresponsible extractive practices OR the continuation of a destructive dependency on fossil fuels.

Recent data from the National Association of College and University Business Officers (NACUBO) indicate that college and university endowments total over $400 billion in the United States alone. These institutions' sizeable capital pools provide incentive for socially irresponsible companies to change their practices, either to maintain current large-scale investors or attract new ones.

Divestment movements also have significant impacts on political discourse and priorities. Colleges and universities hold a position of moral authority in our society; divestment sends the unequivocal message that an unjust practice will no longer be tolerated. In the past, this has translated into concrete legislative action on local and national levels.

Divestment is most effective when multiple institutions do it. This is why we are undertaking this campaign in coalition with nearly a dozen other colleges. Additionally, we are continuing to work with and be supported by a number of partner organizations, who have committed to helping make divestment a reality, as well as potential expansion of support to other organizations such as 350.org. For more information on this coalition and supporting organizations, see Appendix B.

V. Swarthmore Mountain Justice's Campaign at Present (Spring 2012)
Our organization continues to raise awareness and activism around the fossil fuel industries and its institutional connections. We have brought multiple speakers from communities most impacted by extraction, including mountaintop removal activist Larry Gibson and Colombian activist Rudy Amanda Hurtado Garces. We look forward to award-winning journalist and activist Bill McKibben’s visit later this spring. We are also planning a panel discussion to discuss the feasibility of divestment and its historical precedents. Along with these events, we have received upwards of a dozen press hits in the Phoenix and Daily Gazette, including op-eds and news articles. This outreach and publicity work has paid off with widespread visibility and support among the student body; we have collected 700 student petition signatures (and counting) in favor of divestment.

In addition to this on-campus outreach, we have also extended ourselves to communities impacted by fossil fuel extraction. Through trips to Appalachia and northeastern Pennsylvania, we have met community groups and activists fighting mountaintop removal and hydraulic fracturing. We continue to strengthen our organizational connections to these communities, so we can publicize their struggles and make clear the human cost of fossil fuels.

While we do all this work, we are also keeping in mind our own organizational longevity. Our group is majority sophomores and first-years, and we take leadership development very seriously—for its own sake and for the sake of our campaign.

VI. Divestment and Swarthmore’s Reputation

In the near future, fossil fuels will cease to make returns because these already finite resources will have been exhausted. Collapse of the fossil fuel industry is inevitable, but by the time these extractive industries’ malefactions undermine their reputation and bottom line, it will be too late. It is in our best interest to take on the small risk of divestment now in order to avoid potentially disastrous costs in the future.

By being the first college to divest from fossil fuels, Swarthmore can serve as a guidepost for both peer institutions and large institutional investors more generally to begin making truly sustainable investment decisions. As stated above, the college’s position of moral authority as a premier educational institution will bring national media attention to the fossil fuel industry, and shed new and much-needed light on these 16 companies’ egregious practices. Additionally, divesting from fossil fuels will bring positive national media attention to Swarthmore, which will help the college recruit the best students from across the world and continue to secure generous alumni donations.

Mountain Justice has already begun the outreach process to high net worth individual donors who are alumni of the college. There is a large community of alumni who do not donate to the college due to its lack of a socially responsible investment program. We are mobilizing these alumni in support of our campaign; divestment from fossil fuels will bring these individuals back into the fold of donors to the college. We look forward to demonstrating the will of our alumni community’s support for this campaign through strategies such as a symbolic pledge fund held in escrow, to be released once the college divests.

Swarthmore can either act as a leader in higher education, or as a follower. By lagging behind other institutions’ decisions to divest from fossil fuels, a delayed decision on the matter represents a direct contradiction with the college’s claims to a reputation of social justice and support for progressive causes. It is not beyond reason to assume that such a move, or lack thereof, will be noticed by prospective students in light of the inevitably increased publicity of the college’s investments.

In the course of our campaign we have had the opportunity to study and draw inspiration from a wide variety of campaigns. We are well aware of the history of divestment campaigns that have come before us, including the successful campaign for Swarthmore College’s divestment from South African apartheid. We have learned much from their successes and mistakes. We look forward to the day when, like our predecessors, we will be successful in having Swarthmore College join the ranks of moral leaders who reject activities and practices that do not live up to our values.

[Original proposal contained two Appendices, one on the national divestment movement and the other on the Sordid Sixteen. The Sordid Sixteen information can be found here: http://swatmountainjustice.wordpress.com/the-sordid-sixteen-of-fossil-fuels/]
Thank you for considering these comments as part of your Board deliberations on the topic of fund divestment from fossil fuels.

My name is Tom Sanzillo. I am President of TR Rose Associates a small financial and policy consulting firm located in New York. For the past four years I have been working with organizations across the country as they try to fashion a new energy paradigm for the United States, one that moves away from fossil fuels and toward a more diverse set of energy resources. I spent the prior 17 years in senior financial management positions in New York City and New York State. A substantial portion of that time I was involved with the New York City pension funds and ultimately as First Deputy Comptroller for New York State was responsible for the state pension system (including a $156 billion fund). During this time I became very familiar with the management of those funds and particularly with the spectrum of responses used by pension funds to address the social and political consequences of fund investment.

Your board has before it an extraordinary request. The idea that the fund should disengage with companies reliant on fossil fuels for its share value challenges existing investment philosophy and practice. The positive news is the Board has at its disposal a long history of pension funds that have considered and adopted thoughtful responses to timely issues.

As Mountain Justice has explained, this case is similar in some respects to investment issues facing institutional funds during the campaign to end South African apartheid. Like the apartheid issue, the Swarthmore board and community face a federal government that has offered insufficient leadership on an issue of great importance. Also, like the apartheid issue American citizens decided that their local and state governments and institutional investors should respond to fill the void.

Recent national and international debates on climate have stalled. Most companies that were bullish on fossil fuels before the climate debate remain staunchly committed to that position. Those, particularly in the utility sector who have moved away from fossil fuels, have done so after markets and public policy moved ahead of
I have been directly involved with shareholder resolutions before utilities on the coal issue and have firsthand knowledge. The extractive industries have not moved at all. Shareholders who have brought shareholder resolutions on climate issues have little to show for the ongoing dialogues. The divestment consideration is a strong tool for a fund. It is used, as in this proposal, when shareholder tools like resolutions and dialogue have proved ineffective.

Institutional funds, like Swarthmore, if they take action however, must take it consistent with fiduciary principles of sound investment management. The financial diligence of slowing down, stopping and/or preventing future investment in fossil fuels requires careful diligence.

Climate science tells us that significant negative consequences to human life, environment and economy will occur as a result of continued heavy reliance on fossil fuels. The march of science also shows human life and species are harmed by lower levels of toxicity in our environment than thought a mere ten years ago. Tightening standards for clean air, clean water and stepped up enforcement to protect human health and the environment are not just important policy measures. They are financial risks to current investment practice. The quagmire of regulation so often complained about by the fossil fuel industry is real because the products produced are risky.

Our technology and economic structures seem at a loss to handle these scientific advancements. The possibility for democratic dialogue in the country through a multiplicity of public venues and voices is one of our country’s methods for aligning the significant achievements of science with the institutions that govern daily life.

The fiduciary question for the board: can the Swarthmore fund achieve its investment goals without the revenue and asset appreciation provided by companies dependent on fossil fuels?

The technical construction of an investment alternative is achievable. The Board needs to be clear and direct when it informs its money managers about this new investment goal. The money managers and Board should be able to construct a portfolio with replacement investments that meets or exceeds current return levels. The money managers work for the Board.

Underneath the technical composition of your investment portfolio lays the question: are companies involved with the extraction of fossil fuels and those that burn them for energy sound investments in the current market? What are the risk scenarios?

The fossil fuel industry as the Board invests in it is done largely through investments in companies in the domestic equity portfolio, and, potentially in other asset classes where the fund is invested. I have not reviewed the specifics of Swarthmore’s portfolio, and so offer these comments as general observations.

**Coal Mining:** The Trustees and their managers will find a strong case to divest from coal mining companies. Alpha, Arch and Peabody, three leading US coal producers, are, like the industry as a whole, in a period of unprecedented change. Market changes are being driven by geological change, low natural gas prices and high
capital construction costs for utilities for new and upgraded coal plants. The change is producing declining
demand for coal in the US for electricity generation, increased volatility, a risky return scenario going forward
and a growing reliance on controversial coal export projects.

Utilities: The Board will find utilities to be strong dividend producers for the portfolio. However, for those
companies that rely heavily on coal fired power, the near and long term risks are already manifest. Since 2007,
there have been 166 cancellations of new coal plants worth over $300 billion, rising numbers of
announcements of coal plant retirements, lower revenues from existing coal plants due to lower natural gas
prices and an uncertain regulatory future. Those utilities still wedded to coal do a disservice to institutional
investors. The utility of the future is being planned now, one that helps to build markets for energy efficiency,
wind and solar and as necessary natural gas generation.

Natural gas drilling: Those companies involved with the natural gas process commonly called “fracking” are in
a period of unprecedented growth. Paradoxically the revenue and value proposition they provide to
institutional investors is a cloudy one. Fundamental environmental concerns and weaknesses in natural gas
prices are but two issues. If recent revelations about Chesapeake Energy prove illustrative of broader industry
problems, many companies may find themselves in a financial thicket and left in poor standing. In this case,
the financial case for divestment is immediate and based on weak returns and deep concern over the impact of
poor governance on financial status.

Larger oil and gas companies – The larger oil and gas companies, Exxon, for example, are strong financial
performers with command of well-developed global markets to help them balance risks scenarios. Fiduciaries
must take this under consideration. The company fails however in its long-term outlook. Because of its size,
prominence and fossil fuel bullishness Exxon, and other leading oil and gas producers, remain exposed to major
climate events and societal and governmental actions to curb fossil fuels.

A plan for divestment from large oil and gas producers that have historically strong returns requires careful
planning. A solid set of investment replacements must be fashioned and a careful rationale applied to this
component of any divestment rationale.

If the Board decides that a fossil free portfolio is desirable, basic diligence requires that, at minimum, the board
consider the following:

1. The Board must take a strong stand and make a firm commitment to the goal. Your goal and the force of its
commitment will direct your dialogues with money managers and other stakeholders. It will also send a
message to the markets that institutional funds want new energy industries, new direction in utility
management and a more robust discussion within the business community of achieving the development of
same.

2. The Board should establish a process with its money managers and counsel to achieve the goal. Money
managers are often reluctant on these issues. They and your Board may see this issue as a matter of social
responsibility and be concerned that such considerations conflict with the Board’s fiduciary responsibility. Such logic can be applied in many cases. This is not one of them. There is a sound financial basis for this action, in addition to the inextricable broader social and environmental concerns. The Board needs to understand their cautious counsel of investment advisors and legal counsel, but the fiduciary judgment rests with the Board and its final decision to move forward with the stated goal.

3. An effective change in your domestic equity portfolio requires monitoring and should be subject to change based on market conditions. This is not to delay implementation of the Board’s directive, but it is required to carry out its goals in a diligent manner. There will be a need for ongoing dialogue in the Swarthmore community, trust, mutual respect and patience. A decision by the board now is only the beginning of a process.

4. The Board needs to articulate what, if any, terms it has for any future re-entry into the fossil fuel investments. It should articulate what, if any, level of fossil fuel investment is acceptable and under what conditions.

Conclusion

The question of fossil fuel divestment is an investment decision. It requires the same patience, diligence and care exercised for other investment decisions.

Individual trustees may think they are in an unfair position, or perhaps even beyond their areas of expertise to deliberate on this matter. The charge to the fiduciary of patience, care and prudence is not inconsistent in this case with the higher calling to leadership put before you. For trustees of a university fund the matters are inseparable.

Each role requires an ultimate decision, an acceptance of ultimate responsibility. Your decision in this matter is an act of fiduciary wisdom — as clear and definitive as the balance sheets that judge you.

And, as leaders, your action is an equally clear and definitive response to a plea for conscience put before you by those who are younger than you and I. They need better answers than that offered by those in authority at our national level.

Thank you for considering my comments as part of your deliberations. I wish you good luck as your community seeks its consensus on a difficult issue.
Appendix C: By-laws of Swarthmore College, May 2012

Bylaws of the Corporation, Swarthmore College

I

Board of Managers

The Board of Managers (hereinafter termed the “Board”) shall have responsibility for the general management of the affairs of the College, subject to the Charter and these bylaws. The Board shall have the responsibility for choosing and appointing the President of the College and for reviewing and approving all recommendations of the Committee on Academic Affairs with respect to tenure of members of the faculty and the granting of degrees.

The Board shall hold a minimum of three and a maximum of four regular meetings during each academic year, including an annual meeting to be held in April or May. The number of meetings shall be determined by the Board from year to year at the annual meeting, provided, however, that the Chair of the Board may, with respect to any academic year in which three regular meetings have been scheduled, increase the number to four if in the judgment of the Chair the additional meeting is necessary for the proper carrying out of the Board’s business. At the annual meeting, the Board shall also set the dates, times and place of the three or four regular meetings to be held in the following calendar year.

Special meetings of the Board may be called by the Chair of the Board when the Chair deems them necessary and shall be called by the Chair on the written request of five members of the Board (hereinafter termed “Managers”). The notice of a special meeting shall state its purpose and no business other than that stated shall be transacted. Written notice of the date, time and place of each special meeting shall be given to each Manager at least 3 days prior to the meeting, personally or by sending a copy thereof by first class or express mail, electronic mail, courier service or facsimile transmission, with postage or other charges prepaid.

At all meetings of the Board the number of Managers equal to one-third (1/3) of the total number of Managers then serving on the Board shall constitute a quorum for the transaction of business.

The Board shall consist of a maximum of thirty-nine members in the following categories: (i) a maximum of twenty-seven Term Managers, (ii) a maximum of eight Alumni Managers, and (iii) a maximum of four Young Alumni Managers. All Managers shall be elected by the Board for terms of four years from candidates nominated by the Nominating and Governance Committee; provided, however, that Alumni Managers shall be nominated following the procedure described in Section 5(c) of this Article I.

Term Managers shall be eligible for election for three successive terms and may not be re-elected for one year after the expiration of the third such term, except that, on the recommendation of the Chair of the Board, the Nominating and Governance Committee may defer that one-year requirement in extraordinary circumstances when it finds that deferral would serve the best interests of the College. When such a deferral is granted, it shall be for four years, but it may be renewed if a similar finding is made.

Alumni Managers shall be elected under the following procedure: (i) the Nominating and Governance Committee, after consultation with the nominating committee of the Swarthmore College Alumni Council, shall propose to the Alumni Council nominating committee two candidates for each Alumni Manager position to be filled from time to time; (ii) said nominating committee shall select one of the two candidates for each Alumni Manager position and report same to the Nominating and Governance Committee; and (iii) Alumni Managers shall serve for a single term and may not serve as Managers for a period of one year.
after the expiration of such term, except that, on the recommendation of the Chair of the Board, the Nominating and Governance Committee may defer that one-year requirement in extraordinary circumstances when it finds that deferral would serve the best interests of the College. When such a deferral is granted, it shall be for four years, but it may be renewed if a similar finding is made.

Young Alumni Managers shall be elected from candidates nominated by the Nominating and Governance Committee who have graduated from the College within the preceding fifteen-year period. The Committee will seek to maintain a balance between graduates at the younger end of the spectrum and its upper limit. Young Alumni Managers shall serve for a single term and may not serve as Managers for a period of one year after the expiration of such term, except that, on the recommendation of the Chair of the Board, the Nominating and Governance Committee may defer that one-year requirement in extraordinary circumstances when it finds that deferral would serve the best interests of the College. When such a deferral is granted, it shall be for four years, but it may be renewed if a similar finding is made.

Terms of Managers, Officers of the Corporation, and Chairs of Standing Committees shall begin at the conclusion of the Annual Meeting at which they are elected and shall end at the conclusion of the Annual Meeting in the last year of their term.

The President of the College and the President of the Alumni Council shall be ex officio members of the Board, but shall not have the right to vote or be counted in determining the total number of Managers serving from time to time or in determining the presence of a quorum.

Vacancies caused by death, resignation, removal, or inability to act shall be filled by election by the Board from candidates nominated by the Nominating and Governance Committee; provided, however, that in the case of Alumni Managers the procedure described in Section 5(c) of this Article I shall be followed. If a Manager is elected to fill a vacancy for the balance of a term of which two years or less remains, such remaining period shall not be counted as a term for purposes of the term limits set forth in subsections (b), (c), or (d) of this Article.

The Chair, having completed twelve consecutive years as Manager while in office, will be eligible to serve another four-year term upon completion of service as Chair. The Vice Chair under the same condition will be eligible to serve an additional one year upon completion of service in that office. The requirement in subsections (b), (c), and (d) of this Article for a one-year break in service before being eligible for re-election as a Manager will be eliminated.

II

Managers Emeriti

Anyone who has served as a Manager sixteen or more years in the aggregate or who reaches the age of sixty-five during active service on the Board may be recommended by the Nominating and Governance Committee to be elected a Manager Emeritus. A Manager Emeritus shall not be considered in determining the number of Managers under Section 5(a) of Article I or in determining the presence of a quorum.

The Nominating and Governance Committee may, under special circumstances, recommend that a Manager who does not meet the foregoing criteria be elected a Manager Emeritus.

A Manager Emeritus shall receive notice of all meetings of the Board, may be appointed to any Standing Committee or ad hoc committee of the Board, shall be entitled to attend all meetings of the Board, and shall have all the privileges of a Manager except the right to vote.
III

Officers of the Corporation

Officers. The Officers of the Corporation shall be Chair of the Board, Vice Chair of the
Board, Secretary, Treasurer, Assistant Secretary, and Assistant Treasurer, of whom only the
Chair of the Board and the Vice Chair of the Board must be Managers. The Officers of the
Corporation shall be elected for a one-year term at each Annual Meeting of the Board to serve at
the pleasure of the Board and until their successors are elected and qualified. Officers of the
Corporation shall be eligible for re-election at the expiration of their annual terms. The Chair of
the Board shall serve no more than three consecutive one-year terms, provided, however, that the
Nominating and Governance Committee may nominate the Chair for re-election for up to three
additional one-year terms if the Committee determines it to be in the best interests of the
College, and may nominate the Chair for re-election even beyond such six-year period in the
event of extraordinary circumstances. In case of the death, resignation, or inability to act of any
Officer, the Board may appoint an officer pro tempore until the vacancy is filled or the disability
Chair of the Board. The Chair of the Board shall preside at all meetings of the Board and
may execute official deeds, contracts, and other documents on behalf of the College as “Chair of
the Board”. The Chair of the Board shall be an ex officio non-voting member of all Committees

Vice Chair of the Board. The Vice Chair of the Board in the absence of the Chair of the
Board shall discharge all the duties of the Chair of the Board and shall otherwise perform such
functions as may be delegated to him or her by the Chair of the Board.

Secretary and Assistant Secretary.

The Secretary shall keep, in a book provided for the purpose, accurate minutes of
all proceedings of the Board. The Secretary shall send notices of all regular meetings of the
Board at least five days prior thereto to all Managers and Managers Emeriti at their addresses
last known to the Secretary.

The Assistant Secretary in the absence of the Secretary shall discharge all the
duties of the Secretary and shall otherwise perform such functions as may be delegated to him or

Treasurer and Assistant Treasurer.

The Treasurer shall have custody of all funds of the College, including all funds
of which it is fiduciary, and shall receive all income from investments and all money paid to the
College and shall deposit the same in such institutions as the Board may direct.

The Assistant Treasurer in the absence of the Treasurer shall discharge all the
duties of the Treasurer and shall otherwise perform such functions as may be delegated to him or

IV

Committees Generally

The Standing Committees of the Board shall be:

Academic Affairs

Admissions and Financial Aid
Audit and Risk Management

Compensation

Development and Communications

Executive

Finance

Investment

Nominating and Governance

Property

Social Responsibility

Student Affairs

The Standing Committees shall be under the control of, and directly responsible to, the Board. Members of the Standing Committees, except for the members of the Executive Committee, the Compensation Committee, and the Nominating and Governance Committee, need not be restricted to Managers. The Chairs of all Standing Committees shall be Managers. Managers who cease to be such while serving as members of Standing Committees may, at the discretion of the Nominating and Governance Committee, continue to serve on such Committees until the end of the academic year following the academic year in which they ceased to be Managers. The Standing Committees shall keep minutes of their proceedings and shall report to the Board at its regular meetings.

The Chair of the Board may from time to time appoint ad hoc committees or task forces for such purposes as the Board shall determine, the members of which need not be restricted to Managers. The chairs of ad hoc committees and task forces shall be Managers or Officers of the College. Ad hoc committees and task forces shall keep minutes of their proceedings and shall report to the Board as and when the Board shall direct.

Each Standing Committee and any ad hoc committee or task force may function through such subcommittees as it may determine from time to time. All subcommittees shall keep minutes of their proceedings to be incorporated with the minutes of the parent body.

V

The Standing Committees

Academic Affairs:

(a) The Committee on Academic Affairs shall consult with and advise the appropriate Officers of the College on the care and oversight of all academic affairs, including the Libraries, not delegated by the Board to the Faculty or the President of the College.

(b) The Committee shall work closely with the Provost to generate broad policy discussions of educational philosophy, goals, and practices, and, acting on behalf of the Board, shall (i) review all faculty appointments and promotions, including
endowed professorships, (ii) review and recommend to the Board action on tenure
decisions, (iii) consult on guidelines for yearly faculty salary increases, and (iv)
recommend to the Board action on the granting of degrees.

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(c) The Committee shall review and advise on the evolving role of technology as it
relates both to the Libraries and to the classroom.

d) Where appropriate, the Committee shall review and advise on issues on quality of
life and other human resources issues with respect to the faculty.

Admissions and Financial Aid:

The Committee on Admissions and Financial Aid shall be responsible for
reviewing and revising, as necessary, admissions and financial aid priorities of the
College with a view toward admitting a diverse body of students who have the
academic, critical thinking, and other necessary skills to thrive at Swarthmore,
benefit from the education provided, and use their training and experience to
become innovative and ethical leaders committed to making a difference through
their careers and in their communities.

(b) Working closely with the appropriate Officers of the College, the Committee on
Admissions and Financial Aid shall (i) review the effectiveness of admissions
policies and practices; (ii) establish guidelines to evaluate the growth in
scholarship expenditures relative to overall resource allocation; (iii) examine
current needs of enrolled and prospective students; (iv) review the financial
implications and effectiveness of financial aid policies on a regular basis; and (v)
monitor the College’s admissions and financial aid policies compared with its

Audit and Risk Management:

The members of the Audit and Risk Management Committee shall be three
members of the Board and the Chair of the Finance Committee (ex officio).
Members of the Audit and Risk Management Committee shall be dedicated to
understanding and analyzing accounting and finance issues, principles, and
practices relevant to the College’s financial affairs. The Chair of the Committee
shall serve no more than five consecutive years. The Committee shall meet at
least three times per year and report to the Board at its next meeting. At any time,
the Committee may request to meet with the Board or any of its members as it
dems appropriate. The Chair of the Committee shall be empowered to call for
and receive reports from any Officer or employee of the College.

The responsibilities of the Audit and Risk Management Committee shall be:

Arranging for an annual audit by independent accountants of all the
College’s accounts, reviewing the College’s annual audited financial statements,
and recommending acceptance of these statements to the Board and, upon
completion of the audit, reviewing separately (without management present) with
the external auditors any significant issues encountered during the audit,
including any restrictions to the scope of work or access to required information;

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Arranging for an annual audit by independent accountants of the College’s
retirement plans and, upon completion of the audit, reviewing separately (without
management present) with the external auditors any significant issues encountered during the audit, including any restrictions to the scope of work or access to required information;

(iii) Arranging for the annual filing of and approving Internal Revenue Service Form 990 and 990-T and providing these submissions to the Board of Managers;

(iv) Approving any non-audit services provided by independent accounting firms, which services should be provided by firms other than that providing the annual audit unless approval is given by the Committee prior to engagement;

Monitoring the internal controls of the College, including assessing the information system controls and security;

Reviewing any certifications, reports, or opinions rendered by the external auditors, including an annual management letter, as well as management’s response to such letter;

(vii) Reviewing and approving, if appropriate, major changes to the College’s accounting, reporting, and internal control practices;

(viii) Monitoring risk management at the College including reviewing annually the College’s insurance coverage and reviewing risk exposure to ensure adequate coverage of key areas of risk;

Monitoring Board and employee conflict of interest policies and administering an annual survey of Board members and key administrators;

Establishing procedures for the receipt, retention, and treatment of any complaints regarding accounting, auditing, and internal control issues, including procedures for confidential, anonymous submissions of such complaints by employees; and

Conducting an annual self-assessment of the Committee’s work.

The Compensation Committee shall (i) review the performance of and establish compensation for the President of the College, (ii) approve the compensation for the President’s senior staff, (iii) advise appropriate Officers of the College on compensation policies generally, and (iv) assure that compensation and compensation policies comply with all appropriate laws and regulations.

(b) The Chair of the Board shall be Chair of the Committee and the Vice Chair of the Board shall be Vice Chair of the Committee. The other members of the Committee shall be the Chair of the Finance Committee and three members appointed by the Nominating and Governance Committee, one to be appointed each year for a term of three years. No member of the Committee completing a three-year term of service shall be eligible for reappointment to the Committee during the following twelve months.

Development and Communications:

The Development and Communications Committee shall confer with the appropriate Officers of the College with respect to all current and long-term
development for the College and, with the President and the Officer in charge of the College's development activities, shall have responsibility for the raising of funds to meet the College's annual needs and periodic capital needs.

Working closely with the appropriate Officers of the College, the Committee shall review and advise regarding the ways in which the College (i) communicates its mission, priorities, and needs both within and outside the College community and (ii) receives input from, and encourages involvement in the life of the College of the various constituencies comprising the College community.

The Executive Committee shall serve as a resource for informal counseling to the Chair of the Board and the President of the College and shall undertake emergency or interim actions for the whole Board when necessary. Except as otherwise provided by law, the Committee shall also have all the power of the Board between meetings of the Board.

The Chair of the Board shall be Chair of the Committee and the Vice Chair of the Board shall be Vice Chair of the Committee. The other members of the Committee shall be the Secretary of the Corporation, the Chairs of the other Standing Committees, the President of the College, and not more than three other Managers appointed from time to time by the Chair of the Board.

The Committee shall convene by call of the Chair, the Vice Chair or the President of the College, or at the request of any two members of the Committee. Six or more members of the Committee shall constitute a quorum for the transaction of business.

The Finance Committee shall have the responsibility of reviewing the annual operating and capital budgets submitted by the President of the College, and when such budgets are approved by such Committee, they shall be recommended to the Board for final action. The Committee shall have authority to authorize changes in the budgets and the making of unusual expenditures as may from time to time be recommended by the President of the College, but such changes or expenditures shall be reported at the next meeting of the Board.

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(b) The Committee shall also have responsibility for the administration of all trusts where the College is the fiduciary, including the allocations and distributions of principal and income of the various trusts to beneficiaries and to funds and endowments of the College. Subject to the approval of the Board, the Committee may provide for and establish common trust funds for some or all of the trusts where the College is the fiduciary.

The Committee, on behalf of the Board, shall have oversight of the finances of the College and shall recommend to the Board, in conjunction with the Investment Committee, a guideline for spending endowment returns. The Chair of the Committee shall be empowered to call for and receive from any officer or employee reports on the condition of the finances of the College and the various funds of the College, including funds of which the College is a fiduciary.

The Committee shall work closely with the Vice President of Finance in reviewing the College’s five year plans, other financial planning materials, and financial aid programs.
The Investment Committee shall have responsibility for the investing, sale, and reinvesting of all funds of the College and all funds held and administered by the College as fiduciary, in conformity with investment policies reviewed and approved by the Board at least annually, and in strict accordance with the terms of any trust, will, deed or gift or other instrument under which funds have been donated or entrusted to the College.

All investments shall be held in the name of the College, or of a nominee of such bank or banks as may from time to time be designated by the Committee as custodians of the securities owned or controlled by the College, or of a partnership or fund of which the College is a limited partner or shareholder, or by the College as fiduciary.

The Committee shall meet a minimum of four times per year. The Chair of the Finance Committee, or other member of that Committee designated by it, shall be a member of the Investment Committee.

With respect to the endowment, the Committee shall be responsible for:

- Recommending investment policies for the endowment to the Board;
- Selecting investment managers, investment partnerships, consultants, bank custodians, and other experts, as appropriate;
- Making direct investments in cases in which an investment manager is not appropriate;
- Monitoring the adherence of endowment investments to the investment policies and evaluating the performance of the endowment and investment managers against objectives;
- Recommending to the Board, in conjunction with the Finance Committee, a guideline for spending endowment returns; and
- Developing policies regarding the voting, or voting of proxies, at any stockholders' meeting of any corporation of which the College, as fiduciary or otherwise, owns stock.

Members of the Investment Committee shall be eligible for election for two successive four-year terms and may not be re-elected for one year after the expiration of the second such term, except that, on the recommendation of the Chair of the Board, the Nominating and Governance Committee may defer that one year requirement in extraordinary circumstances when it finds that deferral would serve the best interest of the College. When such a deferral is granted, it shall be for four years, but it may be renewed if a similar finding is made.

Nominating and Governance:

At the Annual Meeting of the Board, the Nominating and Governance Committee shall nominate candidates to fill the offices of the Corporation. At any regular meeting of the Board, the Committee may nominate candidates to fill such vacancies as may exist among the Managers.

The Committee shall determine the membership of the Standing Committees and the Chairs and Vice Chairs thereof on an annual basis and shall report the same to
the Board at the Annual Meeting.

The Committee shall have responsibility for the development of policies to govern the activities of the Board, including the modification from time to time of the Charter or these bylaws, the review of the number and areas of responsibility of the Standing Committees, and the articulation of standards for the proper conduct by Managers of their duties.

The Committee shall consist of six members, one or two of whom shall be appointed by the Board in alternating years to serve for a term of four years. At or before the second regular meeting of the Board following the Annual Meeting in each calendar year, the Chair of the Board shall appoint a special committee of three Managers to nominate to the Board at the subsequent meeting names of one or two persons to serve on the Committee for four years, or to fill any other vacancies on the Committee.

No member of the Committee completing a term of service shall be eligible for reappointment to the Committee during the following twelve months.

The Property Committee shall consult with and advise the appropriate Officers of the College on the care and oversight of the College grounds, buildings, property, equipment, technology infrastructure, and all matters pertaining thereto.

With the appropriate Officers of the College, the Committee shall be responsible for planning and overseeing the erection of all new buildings and all significant renovations of and extensions and improvements to existing buildings.

In consultation with the appropriate Officers of the College, the Committee shall be responsible for all real estate matters, including the acquisition, disposition or development thereof.

Social Responsibility:

The Committee on Social Responsibility shall reflect upon the College’s commitment, in conjunction with the fulfillment of its institutional mission, to prepare and motivate students (i) to engage issues of social responsibility facing our communities and societies and (ii) to set their own paths as responsible citizens toward shaping a more inclusive, just and compassionate world.

The Committee shall be composed of Managers, Officers of the College, members of the faculty of the College, members of the staff of the College, students of the College, and representatives of the Alumni Council, the number of members in each category to be determined by the Board from time to time.

Student Affairs:

Working closely with the Deans, the Committee on Student Affairs shall be responsible for reviewing issues that from time to time broadly affect student life at the College and shall act as a forum at which issues of concern to students can be aired.

Working closely with the appropriate Officers of the College, the Committee shall oversee all aspects of the College’s athletic programs that relate to the experience of students in and with such programs, provided that all matters
related to appointments to the physical education department and the teaching responsibilities within the department shall be the responsibility of the Committee on Academic Affairs.

VI

Officers of the College

The Officers of the College shall consist of a President, a Vice President of Finance, a Secretary, a Treasurer, a Provost, and such other Vice Presidents, Deans, and other Officers as the President shall determine to be necessary to conduct the business of the College. All Officers of the College shall serve at the pleasure of the Board, subject to the terms of any written employment contract between an Officer and the Corporation.

The President shall discharge all duties normally pertaining to the office of the President, and shall have the chief responsibility, subject to the Board, for the operation of the College. The President shall be responsible for the actions of all other administrative officers to whom the execution of College policy may be delegated. The President, with the cooperation of the Vice President of Finance and such other officers as the President may rely on, shall prepare the annual operating and capital budgets and submit the same to the Finance Committee for recommendation to the Board in advance of the fiscal year of the College to which such budgets apply.

The Vice President of Finance shall be the chief financial officer of the College. The Vice President of Finance and the Treasurer may be the same person.

The Provost shall be the principal academic officer of the College, working with the department chairs on faculty appointments and other aspects of personnel policy and having primary responsibility for the academic program.

The Vice Presidents, Provost, Deans, and other administrative officers shall be responsible to the President of the College and through the President to the Board.

VII

Seal

The Seal of the Corporation shall be in the custody of such Officer of the Corporation or such Manager as the Board may from time to time direct.

VIII

Restricted Use of Surplus Funds

The use of any surplus funds for the private inurement to any person in the event of a sale or dissolution of the Corporation is expressly prohibited.

IX

Indemnification

The College shall indemnify any Manager, officer, employee, or other person who was or is a party to, or is threatened to be made a party to, or who is called as a witness in connection
with, any threatened, pending, or completed action, suit or proceeding, whether civil, criminal, administrative, or investigative, by reason of the fact that he or she is or was a Manager, officer, employee, or is or was serving at the request of the College as a director, officer, employee, or representative of another corporation, partnership, joint venture, trust, or other enterprise (each such person an “Indemnified Person”), against expenses, including attorneys’ fees, judgments, fines, and amounts paid in settlement actually and reasonably incurred by him or her in connection with such action, suit, or proceeding unless, whether or not the indemnified liability arises or arose from any threatened, pending, or completed action by or in the right of the Corporation, the act or failure to act giving rise to the claim is determined by a court to have constituted self-dealing, willful misconduct, or recklessness, or is otherwise unlawful.

Unless ordered by a court, any indemnification under Section 1 of this Article IX shall be made by the College only as authorized in the specific case upon a determination that indemnification of the Indemnified Person is proper in the circumstances because he or she has met the applicable standard of conduct set forth in said Section 1. Such determination shall be made: (i) by a Committee composed of the Chair of the Board, Vice Chair of the Board, and Chair of the Finance Committee, or if any of those are interested or unable to serve, other disinterested Managers whom the Chair of the Board may appoint in their stead; or (ii) if said Committee so directs, by the Board by majority vote of a quorum consisting of Managers who were not parties to such action, suit, or proceeding; or (iii) if such a quorum is not obtainable, or, even if obtainable, if a majority vote of a quorum of disinterested Managers so directs, by independent legal counsel in a written opinion.

The indemnification and advancement of expenses provided by, or granted pursuant to, this Article IX shall not be deemed exclusive of any other rights to which those seeking indemnification or advancement of expenses may be entitled under any bylaw, agreement, contract, vote of disinterested Managers, or pursuant to the direction, howsoever embodied, of any court of competent jurisdiction or otherwise, both as to action in an official capacity and as to action in another capacity while holding such office. It is the policy of the College that indemnification of, and advancement of expenses to, Managers, Officers, employees, and other indemnified persons of the College shall be made to the fullest extent permitted by law. To this end, the provisions of this Article IX shall be deemed to have been amended for the benefit of Managers, Officers, employees, and other indemnified persons of the College effective immediately upon any modification of the Pennsylvania Nonprofit Corporation Law or the Directors’ Liability Act of the Commonwealth of Pennsylvania which expands or enlarges the power of the College to indemnify, or advance expenses to, its Managers.

The College shall pay expenses incurred by an Indemnified Person in defending a civil or criminal action, suit, or proceeding in advance of the final disposition of such action, suit, or proceeding upon receipt of an undertaking by or on behalf of such person to repay such amount if it shall ultimately be determined that he or she is not entitled to be indemnified by the College. Such advance shall be made upon a determination that he or she meets the applicable standard of conduct set forth in Section 1 of this Article IX by any of the persons permitted to make the determination of indemnification under Section 2 hereof.

The indemnification and advancement of expenses provided by, or granted pursuant to, this Article IX shall, unless otherwise provided when authorized or ratified, continue as to a person who has ceased to be an Indemnified Person and shall inure to the benefit of the heirs, executors, and administrators of such person.

The College shall have the authority to purchase and maintain insurance on behalf of any person against the liabilities described in Section 1 of this Article IX, whether or not the College would have the power to indemnify such person against such liabilities under this Article IX. The College shall have the authority to create a fund of any nature, which may be, but need not
be, under the control of a trustee, or otherwise secure or insure in any manner, its indemnification obligations, whether arising under these bylaws or otherwise. This authority shall include, without limitation, the authority to (i) deposit funds in trust or in escrow, (ii) establish any form of self-insurance, (iii) secure its indemnity obligation by grant of a security interest, mortgage, or other lien on the assets of the College, or (iv) establish a letter of credit, guaranty, or surety arrangement for the benefit of such persons in connection with the anticipated indemnification or advancement of expenses contemplated by this Article IX. The provisions of this Article IX shall not be deemed to preclude the indemnification of, or advancement of expenses to, any person who is not specified in Section 1 of this Article IX but whom the College has the power or obligation to indemnify, or to advance expenses for, under the provisions of Pennsylvania statutes or otherwise. The authority granted by this Section 6 shall be exercised by the Board.

A contract shall exist between the College and each of its Indemnified Persons with respect to indemnification and advance of expenses.

X

Liability of Managers

No Manager shall be personally liable, as such, for monetary damages for any action taken on behalf of the College or for any failure to take action unless the Manager has breached or failed to perform his or her fiduciary duties under Pennsylvania law and such breach or failure constitutes self-dealing, willful misconduct or recklessness or is otherwise unlawful, provided, however, that this Article X shall not absolve a Manager from responsibility or liability pursuant to any criminal statute or from liability for the payment of federal, state, or local taxes.

XI

Amendments

These bylaws may be amended at any regular meeting of the Board by a majority vote of the Managers present and voting, notice of such change having been given at a previous regular meeting, provided that the Secretary shall have sent to each Manager a copy of such amendment.

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As approved by the Board of Managers on May 5, 2012.
References

Interviews
I conducted interviews with eight student activists, four Managers and one administrator for this study.

Archival Research
The apartheid divestment reference file at the Swarthmore Friends Historical Library contains a wealth of primary source material from 1977-1991. My reading of those materials heavily informed Chapter 4 and my other comments relating to the apartheid divestment campaign. I did not include individual documents in the works cited, below, unless I make specific reference to them in the text of the thesis.

Works Cited


Engerman, David. "Board Divests; Approves Other Action." The Phoenix (Swarthmore, PA), March 6, 1986.


Smith, Dorothy E. Institutional Ethnography: A Sociology for People. Walnut Creek, CA: AltaMira Press, 2005.


