Call to Order

Approval of Minutes of April 13, 2017

Voting Items
- Faculty Senate Elections
  - Election of Chair-elect, Victoria Greene
  - Election of Vice Chair-elect, Jeremy Wilson
- Motion #1 – Interim Changes from August 8, 2016
- Motion #2 – Part IV, Chapter 1 Disciplinary Actions

Report of the Executive Committee

Remarks by the Chancellor
Provided by Provost Susan Wente

Standing Committee Reports

Ad Hoc Committee Reports

Old Business

New Business

Scheduled Remarks

Good of the Senate

Adjournment

Voting Members present: Ackerly, Allos; Benbow, Benton; Cannon; Carnahan; Chakravarthy; Christenbery; Cliffel; Dewey; Finch; Fleming; Friedman; Goddu; Green; Greene; Haglund; Heuser; Hopkins; Johnson; Kim; Koutsoukos; Luo; March; Martin; Murphy; Pearson; Schildcrout; Shay; Stengel; Talbot; Townes; Trigo; Walden; Walsh; Weavind; Weil; Weintraub; Wilson; Wooders; and Wuerth
Call to Order

Senator Charlene Dewey, Chair of the Faculty Senate, called the meeting to order at 4:13 pm.

Approval of the minutes of April 13, 2017

Chair Dewey asked for approval of the minutes. Senator Ray Friedman made the motion. The motion was seconded. The motion passed by voice vote.

Chair Dewey recognized Vice Chair-elect Leslie Hopkins. Senator Hopkins made an incidental motion to suspend the rules to bring all voting items forward while a quorum was present. The motion was seconded.

Chair Dewey opened the floor for discussion. There was no discussion and no debate. A mock vote was taken to ensure a quorum of 31 was present. There were 37 electronic responses.

Chair Dewey called for a vote on the Incidental Motion by electronic ballot.

The Voting proceeded: Tally: 36 affirmative, 0 opposed, 1 abstention.

The motion was adopted. Voting items were moved to the top of the agenda.

Chair Dewey proceeded with elections.

Faculty Senate Elections

- Election of Chair-elect, Victoria Greene who was running unopposed.

The Voting proceeded: Tally: 35 affirmative, 1 opposed, 1 abstention.

Victoria Greene was voted to be Chair-elect for 2017-2018.

- Election of Vice Chair-elect, Jeremy Wilson, who was running unopposed.
The Voting proceeded: Tally: 35 affirmative, 0 opposed, 2 abstentions. Jeremy Wilson was voted to be Vice Chair-elect for 2017-2018.

Senators Victoria Greene and Jeremy Wilson were elected to be members of the Executive Committee of the Faculty Senate. They received congratulatory applause.

Chair Dewey then recognized Senator Myrna Wooders, Chair of the Faculty Manual Committee (FMC), who brought forth two motions.

**Motion 1 – Interim Changes from August 8, 2016**

- Whereas an interim change to the Faculty Manual was requested on August 8, 2016 by the Provost and approved by the Chancellor, as in the attached document,
- Whereas Part I, Chapter 5 of the Faculty Manual states that:
  
  “If that change involves matters that the Faculty Senate (for instance) wishes to study in more detail or if the Faculty Senate is not in session, an interim change may be required. In such cases, the Chancellor either may make the change or designate another officer to do so, with an indication on the Faculty Manual website that the matter is under review. The procedure shall then follow as set forth above, beginning with a proposal for change.”

Be it resolved that the changes indicated in the attached document be accepted by the Faculty Senate.

**Faculty Manual Committee**

Myrna Wooders, A&S, Chair
Geoffrey Fleming, School of Medicine (Executive Liaison)
Senta V. Greene, A&S
Benigno Trigo, A&S
Tony Weil, School of Medicine
Duco Jansen, Engineering (Ex-officio)
Becky Keck, Nursing (Ex-officio)
Richard Willis, Owen Graduate School of Management (Ex-Officio)
To: Nicholas S. Zeppos, Chancellor

From: Susan R. Wente, Provost and Vice Chancellor for Academic Affairs

Date: August 8, 2016

Re: Notification of Interim Change: Elimination of References to “Vice Chancellor of Health Affairs” Leadership Role in the Faculty Manual, Typographical Corrections, Two Title Changes in the Research Section

I am writing to respectfully request several interim changes to the faculty manual as specified in the process governing amendments (Part I, Chapter 5 of the Faculty Manual). All proposed revisions are tracked on the attached copy of the faculty manual. These revisions have been further reviewed by Vice Provost Geer and Senior Associate Dean Raiford.

These required interim changes are minor in scope, but are immediately needed. We wish to:

- eliminate reference to the Vice Chancellor of Health Affairs (VCHA) position from the Faculty Manual and replace it with reference to the Dean of the School of Medicine position. The VCHA position was eliminated by the VU-VUMC reorganization on April 30, 2016. There are six changes requested related to this matter. The changes apply to Part III, Chapter 5 (2 references to VCHA), Part III, Chapter 6 (1 reference), Part III, Chapter 13 (1 reference), Part IV, Chapter 1 (1 reference), and Part VI, Chapter 4 (1 reference). These six changes are signified with handwritten numerals “1” through “6” on the attached.
- make two changes in the titles of offices in the research section (page 61). These two changes are signified with handwritten alphabetic characters “A” and “B” on the attached.

Interim Change (Part I, Chapter 5 of the Faculty Manual)
There may be instances in which some almost immediate change is needed due to changes in laws or regulations or funding agency requirements. A change in government regulations might well include a specific compliance date, for instance, and an interim change may be required. If that change involves matters that the Faculty Senate (for instance) wishes to study in more detail or if the Faculty Senate is not in session, an interim change may be required. In such cases, the Chancellor either may make the change or designate another officer to do so, with an indication on the Faculty Manual website that the matter is under review.

cc: Jeff Balser, Dean, School of Medicine
    John Geer, Vice Provost for Academic and Strategic Affairs
    David Raiford, Senior Associate Dean for Faculty Affairs, School of Medicine
    Richard Willis, Interim Chair, Faculty Senate
E. PERIODIC REVIEW

At least every fourth year, the Technology Review Committee shall review the provisions of this policy and their efficacy in meeting the interests of members of the University community and the University.

Chapter 5: Policy Guidelines for Sponsored Research

The following general principles govern University research sponsored in whole or in part by outside entities, including industry or government. University research is defined as any research activity using University facilities or with support from funds administered by the University. Excluded from the definition of University research is personal research not supported from external funds administered by the University and that does not require the use of University facilities or equipment to fulfill an external contractual or consulting obligation.

1. University research must be conducted only for purposes that are consistent with the University’s principal missions of the preservation, pursuit, dissemination, and application of knowledge. In particular, classified research projects or projects that otherwise prohibit or limit publication of research results are inconsistent with University missions. Publication is considered to include, but is not limited to, journal publications, proceedings of meetings and conferences, student dissertations and theses, and book manuscripts.

2. Prompt publication of results is the normal and expected outcome of a research project. A delay not to exceed ninety (90) days in submission for publication may be requested by a sponsor who wishes to preview research results. In cases in which a sponsor has been afforded the right to prepare a patent application, or the University wishes to prepare a patent application, it may be agreed that submission for publication may be delayed for up to an additional six months. The research agreement governing any project should specify at the outset of the program whether the sponsor reserves the right to request a delay for either of these reasons.

3. In those research projects in which proprietary information is provided by the sponsor prior to or during the course of the project, any limitations on the disposition of that information must be described in writing prior to the time the information is made available and any requirements of confidentiality or other limitations must be documented, provided to, and approved by the Office of Research for the Medical Center or the Office of the Vice Provost for Research, for the University, whichever is appropriate. Knowledge developed by Vanderbilt researchers on the basis of proprietary information is to be governed by these research guidelines unless otherwise governed by terms of an authorized research agreement. Proprietary information may be kept confidential between the sponsor and University researchers. Any requirements of confidentiality should be limited, however, especially as they apply to graduate and professional students, when those provisions inhibit in any material way the free flow and exchange of ideas important to University missions. Any participation by graduate and professional students in research that limits or restricts communication must be approved in advance by the appropriate Dean.

4. Consistent with the provisions of the Policy on Technology and Literary and Artistic Works, the University retains ownership of patent rights and software copyrights issued on the basis of any University research. In exceptional circumstances, deviations from this policy may be approved by the Provost or, for the clinical departments in the School of Medicine, the Dean of the School of Medicine, as appropriate, on terms that become provisions of the sponsored research agreement.

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This policy applies to all Vanderbilt University students, faculty and staff and to all others granted use of Vanderbilt's information technology (IT) resources whether individually controlled or shared, standalone or networked. It applies to all computer and communication facilities owned, leased, operated, or contracted for by Vanderbilt University. Information technology resources include but are not limited to Vanderbilt's Internet 1, Internet 2, private networks, telephone, fax, voice mail, electronic mail, instant messaging, electronic collaboration, content management, or other applications that attach, utilize, or otherwise interface with Vanderbilt's data and voice network computing infrastructure. Electronic communications include but are not limited to any information—data, text, graphics, audio, video, or other artifact—that can be sent or received via an electronic system or manipulated or transferred via the network computing infrastructure or an attached device or peripheral.

III. Policies

a) Privacy, Integrity and Operational Security

The privacy of all users and the integrity and operational security of Vanderbilt’s information technology system must be respected by all. Vanderbilt’s IT resources must not be used by anyone to gain or attempt to gain unauthorized access to private information, even if that information is not securely protected or is otherwise available. The fact that an individual account and its data may be unprotected does not confer either an ethical or legal right to access it.

Investigations of misuse, unauthorized use, or illegal activity, compliance with federal, state or local laws or regulations, as well as routine or emergency maintenance of the IT system, may require observation of electronic information by appropriate and authorized University officials, employees, or their authorized agents. Such activities are not in violation of this principle so long as these activities are conducted by authorized individuals on behalf of Vanderbilt University and are governed by professional IT forensic protocols. Vanderbilt uses automated systems to monitor data transmissions entering and leaving the Vanderbilt networks to detect the presence of viruses, malicious software, or privileged information. Consistent with the University's commitment to academic freedom (see "A Statement of Principles," Part III, Chapter 1), specific safeguards protect the privacy and academic freedom of the Vanderbilt faculty in the event that a faculty member’s electronic communications or records must be inspected without his or her express consent:

1. The University shall inspect electronic communications or records of a faculty member only in response to an external legal process (a judicial or administrative subpoena, or a document request from a governmental agency, e.g. Equal Employment Opportunity Commission or U.S. Department of Labor, in regard to a complaint filed with the agency to which the University would be responding) or to investigate a specific allegation of a violation of an internal University policy. Except as may be required by law, the scope of the inspection shall be limited to the specific legal complaint or specific policy violation and access to electronic communications shall be granted only to those who must have access to complete their University duties (“need to know”).

2. Only the Chancellor, the University General Counsel, the Provost and Vice Chancellor for Academic Affairs, or for the clinical department in the School of Medicine, the Dean of the School of Medicine may authorize inspection of a faculty member’s electronic communications or records. Unauthorized inspections are in violation of this policy.

3. The University shall provide to the Faculty Senate an annual report recording the number and general nature of such inspections concluded in the previous fiscal year.
Section B
Memorial Donations

At times, University offices will remember the life of a friend or supporter by making a charitable donation in lieu of sending flowers. These donations may not exceed fifty dollars ($50.00).

Chapter 14: Commencement

Commencement attendance by faculty members is governed by guidelines adopted by the Faculty Senate. The resolution of the Faculty Senate reads:

Be it resolved that the Faculty Senate endorses in principle the idea that a representative number of the faculty (about one-fourth), including representatives of all departments, attend Commencement exercises annually.

Recognizing that this endorsement of principle may be most conveniently and efficiently acted upon by the Deans and the chairs of academic departments, be it further resolved that the Faculty Senate convey their endorsement to such officers for proper implementation. Of primary importance is early invitation to faculty and readily available information concerning rental of caps and gowns.

Thus the individual faculty member should see his or her minimal responsibility for attending Commencement exercises as at least once every four years.

Deadlines for renting regalia are announced in the Vanderbilt Register.
authoritative evaluation of the relevant evidence, advise the accused of the evidence against him or her, and offer the accused a reasonable opportunity to respond and present evidence. As in the initial inquiry stage, it is normally expected that persons having or reasonably believed to have direct knowledge or information about the activity that is the basis for the allegations will be consulted, and that those consulted will maintain the confidence of the consultations.

Complete summaries of committee interviews with witnesses shall be prepared, provided to the interviewed party for comment or revision, and included as a part of the investigatory file. Detailed minutes of the investigation will be kept.

Attorneys may not appear with or on behalf of the accused or any witness in proceedings before the committee. The accused and other witnesses may rely on their own legal counsel in the preparation of any documents or the collection of any evidence to be presented to the committee.

During the formal proceedings before the committee, the accused shall have full access to all evidence that may form the basis of discipline within a reasonable time to respond to the evidence, including knowledge of the person or persons alleging misconduct. Only with such full access is the accused afforded an adequate opportunity to refute or explain the evidence. Thus, evidence normally must be acquired by the Dean or school committee for use in the formal investigation with no assurances of confidentiality of sources. If such an assurance of confidentiality must be given to facilitate investigation, the evidence obtained under that assurance may not be used as a basis of disciplinary action. The committee will allow the accused to submit a written response to the evidence that may form the basis for discipline before the committee writes its report to the Dean.

The committee will reach findings of fact in regard to the Dean's charge. If the committee finds facts that appear to constitute a breach of relevant University or scholarly standards of performance or conduct, the committee's report shall state the nature of the breach and assess the seriousness of the breach. A written report containing the methods of procedure, how and from whom the information was obtained, including the views of those found to have been engaged in misconduct, conclusions, and recommendations of the committee will be submitted to the Dean with a copy to the accused at the end of the investigation. All records of the investigation will be maintained under the control of the Dean.

8. After receiving the report with findings of fact from the committee, the Dean will reach a decision and determine the disciplinary action and the appropriate sanctions to be taken against the accused. The severity of the discipline will not exceed a level that is reasonably commensurate with the seriousness of the cause. The disciplinary actions or sanctions may include, but are not limited to, any of the following: a) reprimand; b) a requirement to correct or retract publications affected by the findings of the investigation; c) a special program for monitoring future research activities; d) removal from a project; e) probation; f) suspension; g) reduction in salary and/or rank; or h) termination of employment. The Dean will notify the Provost and, if appropriate, will provide a full report to the ORI or other agency concerning the final outcome of the investigation.

In the case of faculty in School of Medicine Basic Science Departments, the Provost or Provost's designee will fulfill the functions of the Dean. In the case of faculty in the School of Medicine Clinical Departments, the Dean's designee will notify the Dean of the School of Medicine.
Each college and school should provide a statement of principles and procedures regarding its leave policy. The granting of leaves is determined after taking into consideration department and school staffing requirements, availability of funds from all sources, and other factors, such as scholarly productivity (including publications) and the outcome of previous research leaves.

In some cases, leave may be granted to pursue appropriate scholarly activities that may benefit the faculty member and a third party, such as collaboration in a research project with a colleague at another institution or appointment to serve for a governmental agency for a defined period. Such leaves may be paid or unpaid, depending on the specific activity and on whether outside funds are available to support the faculty member. When granted, such leave does not normally affect eligibility for salary raises or promotion.

As a matter of University policy, requests for scholarly leaves of absence are generally not granted more frequently than once every four years, and a longer minimum interval may apply in individual schools and programs. Leaves will not be provided to tenure-track faculty members if the leave would be taken in the terminal year. The period between leaves begins with the first full academic year after the leave.

Generally, a faculty member on a scholarly leave is granted half-salary and full benefits for a full year or full salary and full benefits for a half-year. All faculty members returning from research leaves are expected to submit to the dean a report of their scholarly activities and accomplishments. Unless waived in writing by the provost or, for the clinical department in the School of Medicine, the Dean of the School of Medicine, a faculty member who is granted a scholarly leave is obligated to return to active status for at least an equivalent period immediately following such leave.

Scholarly leaves are not cumulative. If more than four years have passed between leaves of absence, that fact will not shorten the required interval between subsequent leaves or allow a full year's paid leave instead of one semester.

**Procedures for Requesting Scholarly Leave**

Requests for leaves of absence are acted upon by the department chair or division director. Any recommendation to grant the leave request will be reviewed by the appropriate dean and, if he or she concurs, by the Provost or, in the case of faculty in the School of Medicine Clinical Departments, only by the Dean of the School of Medicine. The decision of the Provost or the Dean of the School of Medicine is final.

**Section B**

**Parental Leave [2]**

**Availability of Parental Leave**

When a full-time faculty member who is tenured or tenure-track, or that faculty member's spouse or declared domestic partner, becomes the parent of a child, either by childbirth or by adoption of a pre-school-aged child, the faculty member shall, upon written request to his or her department chair or

[2] VUMC Faculty Parental Leave Policy can be found in the last subsection of Section B.
Chair Dewey opened the floor for discussion. There was no discussion and no debate.

Chair Dewey called for a vote on Motion 1 by electronic ballot.

The Voting proceeded: Tally: 31 affirmative, 0 opposed, 2 abstentions. The motion was adopted. The Interim Changes were accepted by the Faculty Senate.

Senator Wooders proceeded with her second motion.

**Motion 2 - Revise Part IV, Chapter 1, Disciplinary Actions**

- Whereas Part IV, Chapter 1 is in need of revision and updating;
- Whereas Part I, Chapter 5 of the Faculty Manual dictates that all changes to the Faculty Manual are to follow the procedure described in Part I, Chapter 5 of the Manual,

In accordance with notice given of this motion:

Be it resolved that in the following revision of Part IV, Chapter 1 in the current version of the Faculty Manual, be replaced by the attached revision.

**Faculty Manual Committee**

Myrna Wooders, A&S, Chair
Geoffrey Fleming, School of Medicine (Executive Liaison)
Senta V. Greene, A&S
Benigno Trigo, A&S
Tony Weil, School of Medicine
Duco Jansen, Engineering (Ex-officio)
Becky Keck, Nursing (Ex-officio)
Richard Willis, Owen Graduate School of Management (Ex-Officio)
Part IV Disciplinary Actions and Grievances

Chapter 1: Disciplinary Actions

Section A

Grounds for Disciplinary Actions

The faculty of the University is a community characterized by personal interaction and mutual trust. Standards for faculty conduct are derived from tradition and evolve with contemporary practice. Accordingly, grounds for discipline for members of the faculty of a University are usually not made the subject of precise statement; when commonly held standards of conduct are broken, however, disciplinary action must be taken if the community is to be sustained.

At Vanderbilt, the Deans of the schools are responsible for assuring that the University’s and Vanderbilt University Medical Center’s standards for faculty conduct are observed. Accordingly, Deans will, in cases in which there is a pattern of activity by a faculty member that appears questionable, advise the faculty member at the earliest reasonable date and counsel the faculty member concerning applicable standards of performance. In serious cases, a single instance of unacceptable activity by a faculty member may be significant enough to warrant discipline in addition to counseling. In other cases, the continued pursuit of a course of unacceptable activity after counseling by the Dean may warrant discipline.

12Faculty employed by the Vanderbilt University Medical Center will be subject to the standards of conduct adopted by the Vanderbilt University Medical Center, in addition to the standards of conduct adopted by the University, including those set forth in the Faculty Manual. Disciplinary and grievance actions for faculty members will be in accordance with the Faculty Manual. Vanderbilt University and Vanderbilt University Medical Center will coordinate actions whenever matters affecting both are involved. Disciplinary actions against faculty members may include, but are not limited to, a reprimand, a probationary period with specified conditions, suspension (with or without pay), or dismissal for cause. The grounds for cause include:

1) professionally incompetent performance or neglect of duty;

2) gross personal misconduct rendering the person unfit for association with students or colleagues;
3) misconduct in research; or

4) conduct employing unlawful means to obstruct the orderly functioning of the University or Vanderbilt University Medical Center or to violate rights of other members of the University or Vanderbilt University Medical Center community.

The severity of any discipline shall not exceed a level that is reasonably commensurate with the seriousness of the cause.

Misconduct in research is considered to be a special case of deviation from standards of conduct established by the University or other practices that seriously deviate from those that are commonly accepted within the scholarly community for proposing, conducting, or reporting research. Misconduct in the pursuit of truth is inimical to the goals of this community and represents a breach in the commonly held standards of conduct of the community. The University defines misconduct by individuals involved in research or research training as:

1) falsification, fabrication, or theft of data or samples;

2) plagiarism;

3) unauthorized use of privileged information;

4) abuse of authorship; or

5) significant failure to comply with federal, state, University, or Vanderbilt University Medical Center rules governing research (or with appropriate professional or international rules when research is conducted outside the United States). Examples include, but are not limited to, the following: rules involving human subjects, animals, recombinant DNA, new drugs, new devices, radioactive materials, and preservation of antiquities and natural resources.

The intent of the University with respect to allegations of misconduct in research is to:

1) recognize that honest error in judgment or interpretation of data does not constitute misconduct;

2) establish fair procedures for dealing with allegations of misconduct;

3) ensure that policies and procedures are made known to faculty and staff members participating in a research project; and
4) initiate confidential preliminary inquiries promptly after receiving an allegation of misconduct to determine whether a formal investigation is necessary.

A tenured faculty member may not be finally dismissed for cause prior to an opportunity for a hearing as provided in Part IV, Chapter 1, Section B. In cases where in the judgment of the Dean, the Provost, or the Chancellor, and after consultation with at least one other of these officers, immediate action against a tenured or non-tenured faculty member is necessary to prevent harm to the faculty member or others, the faculty member may be suspended pending a hearing. Any suspension is presumptively with pay; a decision to suspend a faculty member without pay requires a documented finding of exceptional circumstances by two officers (two among the Dean, Provost, and Chancellor) who authorize the suspension. See the remainder of this chapter as well as Part IV Chapter 2 Section B for further information about dismissal for cause.

Section B

Procedures

In reaching a decision to discipline a faculty member, the Dean of the relevant school, hereinafter referred to as “the Dean,” shall afford that faculty member, hereinafter referred to as “the Respondent”, appropriate procedural protections to assure that the decision is fully informed and fair. To that end, the following general procedures shall apply in all cases of alleged faculty misconduct, or misconduct by a staff member participating in a research project.

13 In the case of allegations concerning misconduct in research sponsored by the U.S. Public Health Service, the procedures found in the following Policy shall apply: The Vanderbilt University Policy for Responding to Allegations of Research Misconduct in Research Sponsored by the US Public Health Service.

1. Any allegation of misconduct should immediately be brought in written form to the attention of the Dean, who in turn will notify the Provost of the existence of the allegations. Initial allegations of misconduct that are found to be false and maliciously motivated may themselves become the basis of a disciplinary action. But no allegations made in good faith, however incorrect, will be the basis for discipline against a complainant (faculty, staff or student), and efforts will be made to assure that no retaliatory actions occur over the good faith reporting of alleged misconduct.
2. Upon receiving a report of misconduct, the Dean may conduct an initial inquiry to determine whether the allegations have merit and whether a formal investigation is warranted. Such an initial inquiry will be completed as expeditiously as possible with a goal of completing it within sixty (60) days. The Dean, at his or her discretion, may appoint one or more persons, including an ad hoc committee, to conduct the initial inquiry and make a recommendation to the Dean. The initial inquiry is not a formal hearing, but a gathering and reviewing of facts to determine whether a full investigation is warranted or, alternatively, whether the facts do not sufficiently support the need for a full investigation.

As soon as possible after they are received, but within thirty days, the Respondent will be given written notice of the allegations, including references to the time, place, others present, etc., when the alleged acts occurred. This notice must reasonably inform the Respondent of the specific activity that is the basis of the allegations. The Respondent will be afforded confidential treatment to the maximum extent possible. It is normally expected that persons having or reasonably believed to have direct knowledge or information about the activity that is the basis of the allegations will be consulted and that those consulted will maintain the confidence of the consultation. The person or persons bringing allegations of misconduct may request that their identity be withheld during this stage of the initial inquiry, but their identity must be disclosed to the accused Respondent should the process proceed to the stage of formal investigation. The Dean will notify the Provost of the outcome of this initial inquiry. Where the initial inquiry involves allegations of misconduct in research, the records of the inquiry will be kept for at least three years and may be provided to authorized funding agency personnel.

14 In the case of faculty in School of Medicine Basic Science Departments, the Provost’s designee will fulfill the functions of the Dean. In the case of VUMC employed faculty in the School of Medicine Clinical Departments, the Dean’s designee will notify the Dean of the School of Medicine.

3. Regardless of whether the Dean decides to conduct an initial inquiry, the Respondent will be invited to make a response in writing to the Dean regarding the allegations of misconduct. The Respondent will be afforded a reasonable amount of time, no shorter than five business days and no longer than thirty days, to provide a written response to the Dean. At his or her option, the Respondent may also respond in person.
4. Based on the allegations, the initial inquiry (if any), and the response of the Respondent, the Dean shall make a decision falling into one of two categories:

   a. That insufficient grounds have been presented to warrant further pursuit of the allegation and, therefore, that the Respondent will be subject to no discipline or that grounds exist only for minor discipline. The Dean will maintain sufficiently detailed documentation of inquiries to permit a later assessment, if necessary, of the reasons for determining that an investigation was not warranted.

   b. That there is presumptive evidence for major discipline and that a formal investigation is warranted. If so, the Dean will notify the Respondent in writing, summarizing the evidence received, relevant interviews, and the conclusions of the initial inquiry, if any.

5. If, in the previous step, the Dean determines that minor discipline is warranted, the final disciplinary action will be taken by the Dean at that point with the matter being subject to the grievance process set forth in Part IV, Chapter 2, Section B.

If, in the previous step, the Dean concludes that grounds for major discipline may exist, the Dean will so notify the faculty member and will appoint and convene an ad hoc faculty committee, hereinafter referred to as “the Investigative Committee,” generally within thirty days to carry out an investigation.

6. If federal regulations require, as in the case of alleged misconduct in research, the Dean will, on or before the date the investigation begins, notify the Office of Research Integrity (ORI), within the Department of Health and Human Services, or other appropriate agencies, of the circumstances and of plans to conduct an investigation. Similarly, the Dean will notify the ORI or other appropriate agency during any stage of the inquiry, and may take appropriate interim measures, if it appears that any of the following conditions exist:

   a. there is an immediate health hazard involved;

   b. there is an immediate need to protect federal funds or equipment or there is a need to protect the funding agency’s resources, reputation, or other interests;

   c. there is an immediate need to protect the interests of the person(s) making the allegations of the individual(s) who is the subject of the allegations (as well as his/her co-investigators and associates, if any) or of third persons, such as other faculty, students, staff and patients;
d. it is probable that the alleged incident is going to be reported publicly;

e. the scientific community or the public should be informed;

f. there is a reasonable indication of possible criminal violation. In that instance, the University will inform, if applicable, the ORI or other research oversight agency, as well as the appropriate law enforcement agency, within twenty-four hours of obtaining that information.

If thought necessary by the Dean, he or she may elect to suspend research in the relevant program(s) pending the outcome of the investigation.

7. The purpose of the Investigative Committee investigation is to explore further the allegations in order to determine whether misconduct has actually occurred. In appointing the Investigative Committee, the Dean will include individuals with knowledge and background appropriate to carry out the investigation. The Dean will also take precautions against real or apparent conflicts of interest on the part of members of the Investigative Committee. Such conflicts of interest may include: administrative dependency, close personal relationships, collaborative relationships, financial interest, or scientific bias. The committee members will be expected to state in writing that they have no conflicts of interest.

The Investigative Committee will be given the notice of the allegations as provided to the Respondent, and will be charged to investigate the matter. The Investigative Committee will be expected to talk with witnesses and review documentary evidence within sixty days. The Investigative Committee will secure necessary and appropriate expertise to carry out a thorough and authoritative evaluation of the relevant evidence, advise the Respondent of the evidence against him or her, and offer the Respondent a reasonable opportunity to respond and present evidence. As in the initial inquiry stage, it is normally expected that persons having or reasonably believed to have direct knowledge or information about the activity that is the basis for the allegations will be consulted, and that those consulted will maintain the confidence of the consultations.

Complete written summaries of committee interviews with witnesses shall be prepared, provided to the interviewed party for comment or revision, and included as a part of the investigatory file. Detailed minutes of the investigation will be kept.

Attorneys may not appear with or on behalf of the Respondent or any witness in proceedings before the Investigative Committee. The Respondent and other witnesses may rely on their own
legal counsel in the preparation of any documents or the collection of any evidence to be presented to the Investigative Committee.

During the formal proceedings before the Investigative Committee, the Respondent shall have full access to all evidence that may form the basis of discipline within a reasonable time to allow the Respondent to respond to the evidence, including knowledge of the person or persons alleging misconduct. Only with such full access is the Respondent afforded an adequate opportunity to refute or explain the evidence. Thus, evidence normally must be acquired by the Dean or Investigative Committee for use in the investigation with no assurances of confidentiality of sources. If such an assurance of confidentiality must be given to facilitate investigation, the evidence obtained under that assurance may not be used as a basis of disciplinary action. The Investigative Committee will allow the Respondent to submit a written response to the evidence that may form the basis for discipline before the Investigative Committee writes its report to the Dean.

The Investigative Committee will reach findings of fact in regard to the Dean’s charge. If the committee finds facts that appear to constitute a breach of relevant University or scholarly standards of performance or conduct, the committee’s report shall state the nature of the breach and assess the seriousness of the breach. A written report containing the methods of procedure, how and from whom the information was obtained, including the views of those found to have been engaged in misconduct, conclusions, and recommendations of the committee will be submitted to the Dean with a copy to the Respondent at the end of the investigation. All records of the investigation will be maintained under the control of the Dean.

8. After receiving the report with findings of fact from the Investigative Committee, the Dean will reach a decision and determine the disciplinary action and the appropriate sanctions to be taken against the Respondent. The severity of the discipline will not exceed a level that is reasonably commensurate with the seriousness of the cause. The disciplinary actions or sanctions may include, but are not limited to, any of the following:

a) reprimand;

b) a requirement to correct or retract publications affected by the findings of the investigation;

c) a special program for monitoring future research activities;

d) removal from a project;

e) probation;

f) suspension;
g) reduction in salary and/or rank; or
h) termination of employment.

The Dean will notify the Provost and, if appropriate, will provide a full report to the ORI or any other appropriate agencies concerning the final outcome of the investigation. The Dean of the School of Medicine will notify the Chancellor for VUMC-employed faculty in Clinical Departments.

9. The process of a formal misconduct investigation will be conducted as expeditiously as possible with a goal of being completed within one hundred and twenty days. This period includes conducting the investigation, preparing the report of findings, making that report available for comment by the subjects of the investigation, and submitting the report to the Dean for decision and submission to the ORI or any other appropriate agency.

All of the foregoing procedures should be carried out promptly and in confidence so that the risk to the reputation of the Respondent is minimized. Diligent efforts will be made to restore reputations of persons alleged to have engaged in misconduct when allegations are found not to be supported.

10. A person who has been disciplined may file a grievance with the appropriate University committee in accordance with the grievance process set forth in Part IV, Chapter 2, Section B (“Faculty Grievances”). After a final decision is reached, the University may, at its discretion, provide notice of the outcome to those persons who were informed about the investigation, may have been affected by the misconduct, or otherwise have a professional need for such information.

15 In the case of faculty in School of Medicine Basic Science Departments, the Provost’s designee will fulfill the functions of the Dean.

Ad hoc amendment to note changes from the version of this initially posted.

1. Change (in the version originally posted) the text

   “14 In the case of faculty in School of Medicine Basic Science Departments, the Provost or the Provost’s designee will fulfill the functions of the Dean.”

   to
14

In the case of faculty in School of Medicine Basic Science Departments, the Provost’s designee will fulfill the functions of the Dean. In the case of VUMC employed faculty in the School of Medicine Clinical Departments, the Dean’s designee will notify the Dean of the School of Medicine.

Change the following, in item #8

The Dean will notify the Provost and, if appropriate, will provide a full report to the ORI or any other appropriate agencies concerning the final outcome of the investigation. The Dean of the School of Medicine will notify the Chancellor for VUMC-employed faculty in Clinical Departments.

2. Footnote 15

Change

In the case of faculty in School of Medicine Basic Science Departments, the Provost’s designee will fulfill the functions of the Dean. In the case of faculty in the School of Medicine Clinical Departments, the Dean’s designees will notify the Dean of the School of Medicine.

To

In the case of faculty in School of Medicine Basic Science Departments, the Provost’s designee will fulfill the functions of the Dean.

Chair Dewey opened the floor for discussion. There was little discussion.

Chair Dewey called for a vote on Motion 2 with ad hoc amendments by electronic ballot.

The Voting proceeded: Tally: 34 affirmative, 1 opposed, 1 abstention. The motion was adopted. The Disciplinary Actions motion was accepted by the Faculty Senate.

Chair Dewey proceeded to the next item of business.

Report of the Executive Committee (EC)

Chair Dewey congratulated Senators on another successful semester. She kept the report brief in order to complete the recognition of members and to allow ample time for the guest speaker.

- **Board of Trust (BOT) April Presentation**

  In April, the EC presented to the Board of Trust. Their presentation covered major accomplishments from the past academic year. The EC jumped from 2 priorities to 7 priorities, along with 11 additional issues. They also looked at some of the challenges and hurdles the Faculty Senate faces moving forward. Vice Chair, Brian Heuser delivered a
passion-filled report updating the BOT on the unionization efforts. Geoffrey Fleming, Chair-elect, was introduced to the BOT. Chair Dewey and Chair-elect Fleming met with outgoing BOT Chairman, Mark Dalton and incoming BOT Chair, Bruce Evans for lunch. The response the EC received from the BOT was favorable.

A Senator asked if the BOT would consider sending a letter to faculty after each BOT meeting. This is something the Faculty Senate Chair will look into.

- **Faculty Senate Office Relocation**
  The Faculty Senate Office will be relocating to Branscomb Quad at Vanderbilt Place. Thanks was given to Dean Mark Bandas for allowing the Faculty Senate and standing committee meetings to continue in the Student Center at no charge.

- **Executive Committee (EC) and Standing Committee Year-End Reports**
  The year-end reports will be posted on the Faculty Senate portal after final review by the EC and after the addition of content for the reports received last week. One report is still pending due to a scheduled meeting that will occur after today’s meeting. Year-end reports can be found on the Faculty Senate website under standing committees year-end reports.

- **Senator recognition**
  The EC work will continue through the summer. They are focused on putting a Process Chair in place and putting Senators on University Standing Committees. The new DEI Committee that will be formed means that the size of Senate standing committees will shrink. All chairs have done a remarkable job.

  - Chair Dewey recognized:
  - Chairs of the standing committees
  - Senators who will roll off Senate (19)
  - Senate members who were committed to attending meetings and serving the faculty by sharing and bringing forth information, concerns and questions of the faculty
  - Senators with perfect attendance (12)
  - Senators who missed only 1 meeting this AY (12)
  - Xenofon Koutsoukos received special recognition for outstanding service to the Senate.
  - Karl Hackenbrack – Task Force on University Athletics (TFUA)
  - Donald Brady – Parliamentarian
Richard Willis and Ann Price - outgoing EC Past Chair and Past Vice Chair were presented with gifts of recognition and appreciation.

Everyone recognized received applause.

- **Special thanks**

Chair Dewey gave special thanks to General Counsel, Audrey Anderson who has missed only 1 meeting in 3 years. She has always been supportive of the Faculty Senate by providing information and insight into challenges. The Faculty Senate has depended on her and recognized her assistance during this especially interesting year.

Chair Dewey gave special thanks to Chancellor Nicholas S. Zeppos and Provost Susan Wente for their support of the Faculty Senate. They facilitated the Faculty Senate role with the BOT, kept the Faculty Senate involved, and addressed the issues and concerns brought to them from the Faculty Senate. The Chancellor and Provost received applause.

Chair Dewey gave special thanks to all the Deans. The Deans received applause.

Chair Dewey proceeded to the next item of business.

**Remarks by the Chancellor**

In the absence of Chancellor Zeppos, Provost Susan Wente remarked that the Faculty Senate has played an important role in the accomplishments of the University. The passion and commitment of the Faculty Senate will be just as important moving forward.

Provost Wente recognized Senators who had served their three-year terms and were rolling off. She and Chair Dewey presented appreciation certificates to the following 19 Senators:

- Brian Bachmann, Ph.D.
- Mark Cannon, Ph.D.
- Tom Christenbery, PhD, RN, CNE
- Brian Christman, M.D.
- David Cliffel, Ph.D.
- Charlene M. Dewey, M.D., M.Ed.
- Ray Friedman, Ph.D.
- Richard Haglund, Ph.D.
- Brian L. Heuser, Ed.D., M.T.S.
- Xenofon Koutsoukos, Ph.D.
- Peter R. Martin, M.D., M.Sc.
- Holly McCammon, Ph.D.
- Nicole Streiff McCain, MD
- Caglar Oskay, Ph.D.
All of the recognized senators received applause.

Provost Wente further recognized Faculty Senate Chair Charlene Dewey and Faculty Senate Vice Chair Brian Heuser. They received applause. Provost Wente also thanked the Executive Committee for their contributions this year.

Her brief remarks continued. With graduation coming, Vanderbilt has much to celebrate and much for which to be grateful. The Provost asked everyone to take on the perception of optimism by referencing the Chancellor’s Spring Faculty Assembly talk. In his talk, he told us that we must rise to the challenges and that Vanderbilt is going to invest, invest, invest.

Receiving applause, Provost Wente thanked the Senate body for their contributions to the University.

Chair Dewey proceeded to the next item of business.

Standing Committee Reports

Chair Dewey called for reports from committee chairs. The chairs gave the following reports:

- Gayle Shay, Academic Policies and Services gave no report.

  Scott Pearson, Faculty Life Chair, reported that the response rate of the faculty wellness survey was over 30%. Work overload was the primary cause of stress and potential burnout. Concerns of confidentiality and the stigma related to mental health stops people from seeking help. The Mental Health Task Force will develop an action plan. A majority of faculty was in favor of the Faculty Commons project. He is developing a formal proposal.

- Myrna Wooders, Faculty Manual Chair, reported that there is a long report from the Faculty Manual Committee on the website. Everyone was encouraged to read the report. She addressed the 2012 Faculty Manual changes, revisions, to Part III, Chapter 3 to make it clearer, the February 2017 FMC meeting with the UCC, and her support of a union at Vanderbilt.

- Tom Christenbery, Grievances Chair, reported that the Grievances Committee has a meeting scheduled to discuss Part IV, Chapter 2, Sections A and B. Their meeting is on May 24. They will have a report after their meeting.
• Ann Price, Senate Affairs, reported that changes to the Constitution will go before the full faculty to be voted on in the fall. Next year, they will look at reapportionment.

• David Cliffel, Student Life Chair, reported that the last meeting of the Student Life Committee was held on Friday. They heard a report from leaders of the Greek organizations. He thanked the student leaders for their diligence and for their work. The students are taking the report from last year very seriously.

• Xenofon Koutsoukos, Strategic Planning and Academic Freedom Chair reported that they are considering a bias reporting system to accentuate diversity and inclusion. It will be a topic of discussion next year and the recommendation will be in their report.

Having no other reports, Chair Dewey moved to the next item of business.

Old Business
There was no old business from the EC.
Chair Dewey moved to the next item of business.

New Business
There was no new business from the EC.
Chair Dewey moved to the next item of business.

Scheduled Remarks
  Padma Raghavan, Ph.D.,
  Vice Provost for Research
  Professor of Computer Science

Dr. Raghavan discussed the importance of research and Vanderbilt and the Vanderbilt University Office of Research.

Her presentation highlighted the following:

• Continuing to elevate Vanderbilt so that those who seek transformative impact through research, scholarship and public engagement Think of Vanderbilt First!

• The PIERS Project: PIERS is the Provost’s Initiation to Enhance Research and Scholarship. “PIERS encompasses a set of initiatives, projects and efforts designed to elevate the university’s research profile globally and build upon our strengths and investments in trans- institutional research”. Provost Susan Wente, PIERS Engagement: The Vanderbilt University Research Council

• Research Operations & Services
• Technology Transfer & Commercialization
• Research@Vanderbilt: Onward! Projects and programs in development
• PIERS Program: Increasing faculty success in extramural opportunities
• PIERS Strategic Alliance: VU + Oak Ridge National Laboratory Partnership
• PIERS Special Project: Enhancing Research IT
• Long-Term, Strategic Focus: From firsts at Vanderbilt to Vanderbilt first! Dr. Raghavan will meet with faculty to engage, share ideas, and build community.

Dr. Raghavan received applause for her stellar presentation.
Chair Dewey moved to the next item of business.

Good of the Senate
• There was a reception for the Faculty Senate immediately following the meeting.
• Provost session on the unionization vote - May 10 at 12:30 in Alumni Hall
• Past Chair’s Luncheon – Wednesday, May 10 at 11:30 am
• Consultative Committee – Jefferson Award nominations close May 26
  o Vice Chair, elect, Leslie Hopkins announced the use of a new electronic system, InfoReady, will be used for this process. Information about how to use the system along with a timeline for the Consultative Committee process will be forthcoming in an email.
• Fall Faculty Assembly is August 24, 2017
• Following adjournment of the meeting, an end of the year reception will held to thank members of the Senate for their service this academic year.

Adjournment
A motion was made to adjourn. The motion was seconded.
The meeting adjourned at 5:30 pm.

Respectfully submitted,
Brian L. Heuser
Vice Chair