Vanderbilt University
Faculty Senate Meeting
April 2, 2015, 4:10 p.m.
Frist 140

Call to order

Approval of the minutes of March 12, 2015

Report of the Executive Committee

Remarks by the Chancellor

Scheduled Remarks
  None

Standing committee reports
  None

Ad hoc committee/task force reports
  Report from the Online Education task force with motion (Task Force Chair Ranga Ramanujam)

Old Business
  Motion from Faculty Life committee regarding benefits for retired faculty who do not have emeritus status (Faculty Life Committee Chair Mel Ziegler)

New Business
  Motion from Senators Jim Steiger and Myrna Wooders on scheduled remarks and changes to the order of business at meetings in the Senate Rules of Order

  Motion from Faculty Life committee regarding retired faculty association (Faculty Life Committee Chair Mel Ziegler)

  Motion from Senator Richard Willis on electronic voting and changes to the Senate Rules of Order

Good of the Senate

Adjournment

Voting Members absent: Anderson, Adam; Baker (regrets); Barnes; Brown; Cliffel (regrets); Enterline; Fauchet (regrets); Fountain; Guelcher (regrets); Guthrie; Johnson, E.; Lamb; Marcus; Maroney; Norman; Oskay (regrets); Slayton; Smrekar; Spottswood; Tarpley (regrets); Townes; Wittig; Wright-Rios.

Ex Officio Members present: Anderson, Audrey; Bandas; Brady; Combs; Cyrus; Fortune; Johnston; Lutz; Miller; Raiford; Sweet; Wente; and Zeppos.

Ex Officio Members absent: Bernard; Hall; Kopstain; McNamara; Stalcup (regrets); Wcislo; and Williams.

Call to order

Chair Lim opened the meeting at 4:10pm.

Approval of the minutes of March 12, 2015

Chair Lim asked for a motion to approve the minutes from March 12, 2015. A motion was made and seconded to approve the minutes. The motion passed unanimously by voice vote.

Report of the Executive Committee

Chair Lim gave the report of the Executive Committee:

1. There has been a conversation on forthcoming issues with the Faculty Manual in light of the VU/VUMC reorganization with David Raiford and Tim McNamara.
2. Update on the formation of the Task Force on University Athletics
   a. Task force composition will be completed soon. There will be senate representation as well as student athletes and PCC representatives.
3. Scheduling conflicts: We have talked about conflicts around the monthly meeting of the Senate. We would like to encourage deans to help the senate’s work by scheduling their school/college meetings around the senate meetings, and we would also like their help in encouraging attendance.
4. Nominations for next year’s Chair-elect and Vice Chair-elect positions: Ongoing and this is open to all first-year senators. Richard Willis and Ann Price
5. Conflict of Interest policy: Discussion with Vice Chancellor Audrey Anderson and Christy Hooper at a meeting of the Senate Executive Committee.
6. Ongoing conversation regarding tertiary educational benefits
7. Conversation on the Faculty Survey results and the letter that was distributed to faculty: The Executive Committee has had conversations with the Chancellor as well as the Provost and Vice Chancellor for Health Affairs.
8. Chair Lim also pointed out the time limits for each agenda item and asked for the speakers to keep to these limits. He pointed out that we will devote 15 minutes under “Good of the Senate” to discussion of the Faculty Survey and other issues relating to it.
9. Finally, he announced a specially-called meeting of elected senators only on Tuesday, April 7 and urged all senators to attend.

Remarks by the Chancellor

Chancellor Zeppos gave his remarks about diversity and inclusion; the campus zoning plan; restructuring and transition; and the role of the Senate in taking issues and questions to the administration. He answered questions after his remarks.

Motion

Senator Ann Price moved to suspend the Rules of Order and use paper ballots instead of electronic voting for this session only. The motion was seconded. The motion was passed unanimously by a show of hands.

Ad hoc committee/task force reports

Report from the Online Education task force with motion (Task Force Chair Ranga Ramanujam)

Ranga Ramanujam, chair, gave his report from the Online Education task force.

He gave a history of the task force’s work, starting in May 2013. He said that the idea from the beginning was for the faculty to participate proactively in the discussion of online education. He said that they particularly looked at faculty’s rights, roles and responsibilities.

He said that they have considered lots of issues, but this motion today stems from a very fundamental question: if a Vanderbilt faculty member wishes to offer an online course outside of Vanderbilt, what exactly is the current situation regarding conflict of commitment?

He said that the task force realized that this issue is not really addressed in the current Faculty Manual. The current policy guidelines are ambiguous on the issue.

He said that they have had many meetings with various groups and stakeholders over the last few years in order to get a wide perspective on the issue (Senate Executive Committee, Senate Committee on Strategic Planning, Senate Ad Hoc Committee on the Faculty Manual, University Conflicts Committee, etc.). They looked at policies from
other universities regarding online education as well. He pointed out that some think the proposed policy is too long, while others believe it is too short.

He said that they propose that this language should be added to Part III, Chapter 3 of the Faculty Manual. He said that this policy is specifically for faculty teaching online courses through non-Vanderbilt entities.

He also stated that the question was not whether or not faculty could teach outside of Vanderbilt; instead, it is about how, when, and what are the processes that are required to do so.

He talked about the difference between the general standard for assessing conflict of commitment in non-Vanderbilt online teaching and special provisions for online courses for academic credit and for online courses providing certifications.

Motion: “Be it resolved that the Faculty Senate approve the following text to be inserted into the Faculty Manual:

Conflict of Commitment Guideline Regarding Non-Vanderbilt Online Teaching

General Standard: For faculty who are members of the Faculty Assembly (“faculty”), teaching outside the University presents issues that require special attention because it has the potential to compete with the University’s own offerings. In judging the appropriateness of any online teaching outside the educational mission of the University, faculty should consider the time commitment and the potential impact of these activities on the fulfillment of their commitments to the University as per Article III of the Faculty Manual.

In addition, the following special considerations and procedures apply to online courses offered, or reasonably expected to be offered, for academic credit and to online courses providing certifications:

   Special Provision for Online Courses for Academic Credit: Faculty are not permitted to offer online courses for undergraduate, graduate, or professional degree credit for another education institution or venture except with permission of the faculty member’s Dean (or the Dean’s designee).

   In determining whether to grant such permission or as guidance for reviewing potential conflicts, the Dean (or the Dean’s designee) and faculty should consider whether such online teaching will impair the instructional offerings of the faculty member’s School or other Schools at Vanderbilt University. In making this impairment determination, the following factors (among others) may be useful to consider, with affirmative answers counting against approval, but no set number of affirmative answers being conclusive: Is the faculty member one of the primary instructors or a course director in the online offering? Is the online offering comparable to any current course at Vanderbilt? Is the online offering among the courses that Vanderbilt plans to include in its own offerings in the next two academic years? Is the online offering likely, in fact, to compete with Vanderbilt courses for student enrollments? Does the online offering require the instructor to commit to teaching the content exclusively with the online
vendor or other institution and not to provide any similar content in another online format?

Special Provision for Online Courses Providing Certifications: Faculty must disclose their plan to teach in online courses that offer certifications to their Dean (or the Dean’s designee) prior to undertaking such teaching.”

He then asked for any questions or comments.

Senator Myrna Wooders: “I am going to vote “No” to the proposed changes and I exhort you all to do the same. The proposed changes do not mention the three months of the summer nor out “forty days”. These are important and the proposal needs to clarify its intent.
The Faculty Manual states:

“Accordingly, the maximum expenditure of time spend on external activities by a full-time faculty member appointed on a nine-month basis should not exceed forty days during the academic year, including holidays.”

Our current contracts do not require that we do not teach during the summer. I see no reason to change that. Indeed, academic-year faculty are salaried for only nine months of the year.

The mind, the creativity of the mind, and the knowledge stored within it are the property of the individual faculty member. Vanderbilt does not own the content of the courses that we teach; these are our own intellectual property. Course content is no different than a book.

The Faculty Manual also states:

“All rights in scholarly books, articles and other publications, artistic, literary, film, tape, and musical works (“Literary and Artistic Works”) are granted to the faculty, staff, and students who are the authors. Literary and Artistic Works includes texts that have been stored on computer media, but excludes computer programs or computer software or databases that are neither accessory to nor an electronic expression of a scholarly text.”

Note that rights to electronic expressions of a scholarly work are maintained by the individual faculty member.

To publish is to make publically available -- with the result of a publication. The medium does not determine what constitutes a publication. An on-line course is a modern scholarly book. To provide an on-line course carries “forward our noble mission of educating, healing, and advancing scientific research,” (Chancellor, in the Faculty Manual). Our current contract allows us to contribute to this noble mission during our forty days of permitted activities and during the summer, in whatever way we choose. I see no compelling reason to give that up.
But whatever your view on these matters, the current proposal by the Faculty Senate Online Education Taskforce is too ambiguous to be acceptable as a part of the Faculty Manual and, thus, our contracts.

In addition to quoting my notes above, to emphasis the importance of having clear statements of our obligations in the Faculty Manual, and the fact that a lack of clarity can lead to misunderstanding of our contracts, I referred to a letter from a former Dean. In view of some subsequent events I am copying below the Dean’s letter, responding to my request for a nine-month pay schedule; academic year faculty are already on a nine-month salary schedule.

“I believe it is the case that the move to a nine-month salary schedule from twelve months will implicate all your compensation, including insurance coverage.” Former Dean of A&S, October 8, 2012.

The on-line education motion did not, for example, mention the three months of the summer when, according to their contracts, academic year faculty (with some exceptions due to grants or administrative duties) are free to take other employment.”

Professor Ramanujam: This has nothing to do with intellectual property. This is not a motion about who owns the course materials; it’s about online teaching. And it’s not necessarily tied to intellectual property, which is a separate issue that the task force will be talking about in its report. We don’t necessarily see this motion as tied to intellectual property. It’s simply a matter of saying if you teach a course for credit or for certification for a non-Vanderbilt entity, then it requires the dean’s permission in order to do it.

Senator Wooders: Even during the summer?
Professor Ramanujam: Yes.
Senator Wooders: That’s a really big change. I think we should have as part of the motion that we get paid for the summers. We’re only paid nine months.

Question: In the event that there was a faculty member who took this to a dean who did not approve it, who would the faculty member go to if s/he thought that was the wrong decision? Is there a fallback procedure for an appeal?

Comment: This proposal needs consistent language as it refers to online teaching, online offerings, and online teaching materials.

There was a friendly amendment to change “online teaching, online offerings, online teaching materials” to simply “online courses.” The amendment was accepted by the proposers of the motion.

Senator Wooders: I think that when there is a motion that affects what faculty members can do during the summer when they are not paid by the university—when we are, according to our contracts, encouraged to engage in scholarly pursuits—it should be
brought widely to the attention of the whole faculty. And not just passed by the senate at one meeting. It’s too serious.

Chair Lim: At the same time, you must understand that this body is the representative body of the faculty. The whole point of us gathering at this time is to represent the concerns.

Senator Wooders: How much feedback have we gotten from the faculty on this? I don’t think that much since we only received this a few days ago. But thank you for saying that it’s the representative body rather than the advisory body.

A written ballot was taken on the motion with the friendly amendment. The motion passed with 30 yes, 9 no, and 3 abstentions.

**Old Business**

*Motion from Faculty Life committee regarding benefits for retired faculty who do not have emeritus status (Faculty Life Committee Chair Mel Ziegler)*

Mel Ziegler, chair of Faculty Life, gave the presentation on this item of Old Business. He pointed out the comparison of retirement benefits between emeritus retired faculty and non-emeritus retired faculty. There are only three benefits from the list that will be extended to non-emeritus retired faculty by passage of this motion.

He explained that this is an endorsement and we hope that the administration will do this.

Motion: “Whereas retired faculty in good standing at the time of retirement who are not granted emeritus/emerita status do not receive any continued benefits from the university.

The members of the Faculty Life Committee unanimously recommend that non-emeritus/emerita faculty be designated the title of “Retired Faculty” defined as those who voluntarily end full time service to the university, are in good standing at the time of retirement, and have served for an extended period of time and contributed to the mission of the institution and that those who are and remain in good standing shall receive the following continued benefits from the university:

1) Issuance of a Vanderbilt University identification card with the distinction of ‘Retired Faculty.’

2) Access to the campus computer network and a Vanderbilt email address as determined by the Director of ITS.

3) Library borrowing privileges and access to library buildings during both regular and restricted hours.
Be it resolved that the Faculty Senate support and endorse such actions be taken to adopt the above recommendations.”

Chair Lim asked for any discussion on this motion.

Comment: I commend you and I think this is a wonderful thing to do for faculty. Does this include the Medical Center faculty?
Senator Ziegler: Yes.
Question: Does computer access include things like STAR Panel?
Senator Ziegler: I don’t think so.
Vice Chancellor Balser: If you are retired faculty member, you don’t have access to healthcare systems.
Question: What’s the timeline in the definition of ‘retired faculty?’
Senator Ziegler: We were trying to leave that open so that determination can be made by individual cases.
Question: Could that be used in the reverse to prevent someone from getting it?
Senator Ziegler: I don’t know.
Comment: I think it’s more about the spirit of the motion, and the individual cases.
Vice Chancellor Balser: My only concern is how do we define retired? We have faculty in the Medical Center who leave and then go into competition with us. That’s very common. I would wonder if we really wanted to give folks who choose to do that access to the VU IT systems. I would at least want to certify that these people are truly retired.
Senator Ziegler: So, how could that be added to this definition?
Vice Chancellor Balser: I think we could come up with some reasonable assessment to decide if a faculty member was truly retired.
Comment: We could just add language that a retired faculty member must not go into direct competition with Vanderbilt in order to keep these benefits.
Senator Ziegler: I would accept that as a friendly amendment to the definition.
Comment: One way to get around this is to include this language in the definition of retired faculty, “Recommend that non-emeritus/emerita faculty who retire be designated with the title ‘retired faculty.’” (adding the highlighted words to the motion).
Senator Ziegler: I accept this friendly amendment.

A written ballot was taken on the motion with the friendly amendment. The motion passed with 42 yes, 0 no, and 0 abstentions.

New Business

Motion from Senators Jim Steiger and Myrna Wooders on scheduled remarks and changes to the order of business at meetings in the Senate Rules of Order

Senator Jim Stieger presented this motion. He said that senators feel inhibited in responding since the materials come forth quickly. After the fact, questions come up and there is no chance to ask them then. We would like for the materials to be handed out at least five to ten days ahead of time. The second part is to change the Rules of Order so that Scheduled Remarks occur at the end of the meeting, and then the presenter will
attend the following meeting to answer questions. This would lead to a greater degree of involvement and cooperation. He said that he thinks this would create a more productive exchange. He realizes that there is a negative in that administrative time is valuable, and this would require attending two meetings instead of one, but he thinks the benefits would outweigh any negatives.

Motion: “Whereas Faculty Senators do not have advance information concerning Scheduled remarks and thus cannot formulate thoughtful questions in advance;

Whereas, presentations of Scheduled remarks are not available to Senators after their presentations and thus Senators cannot share the remarks with other faculty members,

Be it resolved that:

All slides and materials in Scheduled remarks be made accessible to Senators prior to their presentation to the Faculty Senate and the administration attend a follow-up question period at the next meeting of the Senate.

The Rules of Procedure of the Faculty Senate be changed to allow Senate Business to precede Scheduled remarks, specifically, that the Rules of Procedure be changed to:

The following order of business shall be followed at all regular meetings of the Faculty Senate:
- Call to order
- Approval of the minutes of the last meeting
- Report of the Executive Committee
- Remarks by the Chancellor
- Standing committee reports
- Ad hoc committee reports
- Old business
- New business
- Scheduled remarks
- Good of the Senate
- Adjournment.”

Chair Lim asked for a second for this motion. The motion was seconded.

Senator Creech: I move that this motion be sent to the Senate Affairs committee for further inquiry and study.

Chair Lim asked for a second for this new motion. The motion was seconded.

The motion to send this motion to the Senate Affairs committee was seconded. A written ballot was taken on the motion. The motion to refer to committee passed 42 yes, 1 no, and 0 abstention.
Motion from Faculty Life committee regarding retired faculty association  
(Faculty Life Committee Chair Mel Ziegler)

Senator Ziegler presented the following motion regarding retired faculty association. He said that through the work of former chair of the Faculty Life committee, Chris Lind, the research into what other universities did uncovered that many other places have some sort of retired faculty association. While the School of Medicine has a retired faculty alumni association, he said he would like to see this implemented across the university. This association could engage retired faculty as well as create goodwill.

Motion: “Whereas Vanderbilt retired faculty may desire to maintain a collegial relationship with the university.

Whereas an organization of retired faculty may foster mutually beneficial relationships between the university and its retired faculty.

The Faculty Life Committee recommends development of a university wide retired faculty association, which would serve all retired faculty in a spirit of fellowship and loyalty.

Be it resolved that the Faculty Senate support and endorse such actions be taken to adopt the above recommendation.”

Chair Lim asked for any discussion. Hearing none, the question was called.

A written ballot was taken on the motion. The motion passed with 42 yes, 0 no, and 0 abstentions.

Motion from Senator Richard Willis on electronic voting and changes to the Senate Rules of Order

Chair-elect Willis presented the following motion. He said that this motion amends a motion that was voted on at the February 5 meeting to allow for paper ballots as well as electronic voting.

“Whereas the Faculty Senate passed a motion to amend the Rules of Order on April 10, 2003 to state: “Voting on matters before the Faculty Senate shall normally be by "ayes" and "nays" (voice vote or show of hands) or by electronic voting.”

And whereas this wording allows for the possibility of electronic voting when needed and served the Senate well for many years due to the flexibility it gives in choosing the best voting mechanism for each situation,

And whereas the Faculty Senate passed a motion to amend the Rules of Order on February 5, 2015 to state, “Except for routine matters such as the approval of minutes
and adjournment or when a roll call is effected, or in the matter of electronic disruption, all voting in the Faculty Senate shall be electronic and anonymous.”

And whereas the Senate Affairs committee of the Faculty Senate issued this statement on the proposed motion:

“On December 9, 2014, the Senate Affairs Committee of the Faculty Senate discussed the motion regarding anonymous electronic voting. In general, the committee was very supportive of electronic voting, recognizing the advantages of voting that is anonymous, efficient, and precise; however, the committee expressed concern that the amendment is an unnecessary change to the current rules of order. Based on the April 10, 2003 amendment to the Senate Rules of Order, “voting on matters before the Faculty Senate shall normally be by “ayes” and “nays” (voice vote or show of hands) or by electronic voting.” Given that the current Rules of Order allow for the normal use of electronic voting, the Senate Affairs Committee recommends that the Senate simply adopt electronic voting, in a format of the Executive Committee’s choosing, as a normative means of voting on Senate business. The Committee holds that this meets the spirit of the amendment without unnecessarily complicating the Rules of Order.”

And whereas the motion passed on February 5, 2015 to amend the Rules of Order gives limited flexibility when choosing the best voting mechanism for each situation,

And whereas the need for anonymous voting can still be achieved by a written ballot,

Be it resolved that the Senate Rules of Order be amended by deletion and insertion. First deleting, “Except for routine matters such as the approval of minutes and adjournment or when a roll call is effected, or in the matter of electronic disruption, all voting in the Faculty Senate shall be electronic and anonymous.” and in its place inserting, “Voting on matters before the Faculty Senate for routine matters such as approval of minutes or when a roll call is effected shall normally be by "ayes" and "nays" (voice vote or show of hands). All other voting shall be anonymous by either electronic means or by written ballot.”

Chair Lim asked for any discussion on the motion.

Comment: It’s less important to me personally if it’s paper ballots or electronic voting as long as the voting is anonymous. That said, I find it astonishing not to mention a little embarrassing for our body that at a university of our caliber where one of the four pillars of the strategic plan is the electronic classroom that we find it difficult to implement what I would call late twentieth century technologies. So I would urge the Senate leadership as I did originally to work with the Center for Teaching and Derek Bruff on how to implement this. I think a quick five minute tutorial would work or at least in theory it would. I think it would be a lot more efficient if we could get it to work.
Chair Lim: I think that this might be a solution to have Derek Bruff come to give us a tutorial on the electronic clickers.

Comment: I agree that in the twenty-first century it would be nice to have clickers that work. We could even eventually use our cell phones. The problem with the current wording is that if we are in a situation like last time, we had to have a motion from the floor to suspend the Rules of Order, which requires a two-thirds majority of the members present. This motion would still allow us to use clickers all the time if you wanted to.

Comment: Before our motion, voting by ballot was not allowed. In 2003, they said show of hands or electronic voting. Let me mention that I have compiled all the minutes of the Faculty Senate since 2001 and they are on one of my webpages. You can go there and search and you’ll find the actual 2003 motion and it did not allow paper ballots. I’m pleased with this amendment. The original motion did not serve the Senate well because it was only used two or three times. I agree with this amendment.

Chair Lim reminded everyone that this motion will be voted on at the May meeting since it involves a change to the Rules of Order.

**Good of the Senate**

Chair Lim asked for any business under Good of the Senate. He said that the Faculty Survey results have come in. And there are a number of issues and concerns. There is overlap with some other issues and concerns raised recently in the anonymous letter. I think the anonymity is most unfortunate; however, as chair of your Senate I have received 23 emails, 15 text messages and about 7-8 phone calls. They were not anonymous. So, I do think that we as representatives of the faculty at this university owe it to ourselves and to our faculty colleagues who entrusted us with this position to have a conversation. As Chancellor Zeppos mentioned earlier, it is really a dialogical engagement that will make us better. I think it is very crucial for us to think about not only the critique, but some of our constructive proposals going forward. In that spirit of constructive engagement, I’d like to open the floor for questions and comments.

Comment: There are a lot of issues there that we talked about earlier. There are a lot of us who feel a great pride in Opportunity Vanderbilt. While there’s a strong voice of opposition, there are also people who support this initiative.

Chair Lim: As an individual faculty member, I agree unequivocally that the best thing about Vanderbilt is this Opportunity Vanderbilt program. It’s something that I personally am very thankful for and proud of as a faculty member.

Comment: Opportunity Vanderbilt has all the best principles and values, and I believe in it very strongly.

Comment: I think it’s great. I really want the best in life for everybody. I think we should offer everybody a good education. But I think we also have to look at the cost. Our staff bear a lot of these costs. Our staff are demoralized and discouraged. They are the people that are most affected.
Comment: I think the Faculty Survey that came forth and itemized a number of issues. There were so many issues that we had over 300 free-text responses on the survey. I would hope that we could decide on the priorities of which of these to address because there are a lot of issues here. And I think in order for any Senate committee to take these on, I think they need some prioritization.

Comment: Some of the concerns brought up in the survey may correlate to other concerns that have been brought up recently. I think this is where the tie-in happens.

Comment: We have other data as well. VIRG conducted a survey in 2012. I would urge the Senate Affairs to committee to look at this data as well.

Comment: It’s always disturbing to read negative comments about the institution. Can we look at net effect on faculty retention? I’d like data on that. I see wonderful recruiting of faculty members happening in spite of financial difficulties.

Chair Lim will get more data for the Tuesday meeting of elected senators. He read off the bucket topics from the Faculty Survey that have also come up in the various communications he has had with some faculty members.

Comment: Senate Affairs has been talking about this and the last thing we want to do next is to conduct another survey so soon. Tuesday’s meeting will be helpful and we will need to communicate any plan effectively back to faculty members.

Comment: My hope would be that the focus of Tuesday’s meeting will be on the role of the Senate. And come away with some specific and concrete suggestions and ways to move forward.

Comment: Because we are a private institution, many numbers that could be helpful are not available to us. Transparencies with numbers could help with

Comment: Faculty perceive that coaches are making so much more money than faculty salaries. There are issues of contradictory information.

Comment: I think one of the problems the Senate has is a communication issue—how does the Senate communicate to faculty and how do faculty communicate to the Senate?

Comment: Peabody has a senate seat on their council for communication purposes.

**Adjournment**

Meeting adjourned at 5:35pm.