Minutes for Vanderbilt University Faculty Senate
March 4, 2021 Meeting

Attendees


Ex-officio members absent: Mark Bandas, Steve Ertel, Nathan Green, Anders Hall, Jennifer Pietenpol, and.


Call to Order

A meeting of Vanderbilt Faculty Senate was held on March 4, 2021 on Zoom. It began at 4:10 p.m. and was presided over by Chair Catherine McTamaney, with Vice Chair Ben Harris as secretary.

Quorum as specified in the Faculty Senate Constitution (revised 4/5/2019) Article II.B.1. was met with the recorded attendance of 37 voting members of the Faculty Senate.

Approval of Minutes

Chair McTamaney asked all voting senators to join a breakout room for a brief explanation of the corrections made to the draft minutes that were previously distributed.

There was a motion for approval of the minutes as circulated of the February 4, 2021 meeting and the motion was seconded.

Vice Chair Harris confirmed that the minutes were approved with 37 ayes and 0 nays.
Chair McTamaney moved to the next item of business.

**Report of the Executive Committee**

Chair McTamaney provided an overview of two highlights from the written report emailed earlier in the day.

- There is a Task Force on Administerial Effectiveness (TFAE) listening session tomorrow. Participation is highly encouraged. If unable to attend, faculty are encouraged to contact Tom Palmeri or Vicki Green directly with comments/questions. This is only for Provost-reporting faculty.

- The Faculty Senate continues their collaboration with the Office of Lesbian, Gay, Bisexual, Transgender, Queer, & Intersex Life and the Center for Teaching, creating resources for how faculty can support our LGBTQI+ student community. Details about upcoming workshops are included in the executive report and in the Center for Teaching email updates. Participation in upcoming workshops is highly encouraged.

Chair McTamaney moved to the next item of business.

**Chancellor Remarks**

Chair McTamaney turned the floor over to Chancellor Diermeier.

Chancellor Diermeier remarked:

- The University has made plans to hold in-person Commencement for the classes of 2020 and 2021. These events will be held two weeks apart. “Heroic effort” does not suffice to express the amount of work and preparation that has gone into these events. The top considerations have been the health and safety of those attending and keep with what is consistent with the mission of Vanderbilt. We are planning on the assumptions that things are as they are/will get better. If things get worse, these events will have to be reevaluated.

- Given the current challenges, the University “couldn’t be in better shape.” University testing is continuing—there was a little flair of cases, but nothing major. The administration is very mindful of the workload of faculty and staff. This time highlights the important work that faculty do and the importance of a research university. The effort that faculty and staff have put in is paying off.

- Chancellor Diermeier highlighted the work of the university staff, mentioning that he works to make sure that staff feel that their contributions are valued. He asserted that the University is a place where staff can thrive and realize their full potential. Chancellor Diermeier recognizes that all that is done at the University is possible because of this staff. The Chancellor likes to unexpectedly show up at staff meetings to thank them personally for their efforts. He did this after the recent snow/ice storm, when there were staff members working 16 hours a day to keep campus operational. In turn, staff members expressed their appreciation that there had not been mass layoffs and furloughs last Spring.

- The Chancellor continues to be concerned about the state of higher education. He cited that 650,000 jobs in higher education have been lost during the COVID pandemic. This includes faculty jobs; in some cases, universities are having to shut down departments (most of cuts have been in humanities and some in social sciences). Chancellor Diermeier stated that economic impact will continue to be profound (he is particularly worried about liberal arts, public, small private universities). The upcoming COVID relief package will help, but will not cover everything.
Chancellor Diermeier enjoyed his recent informal conversation with A&S faculty and is looking forward to similar discussions with other schools/departments.

Chair McTamaney opened the floor for questions.

Q: What specific departments/subjects are being cut?

A: Mostly language education and humanities, but it is seen across the board. Some universities are trying to specialize in a particular area, but there is a lot of economic pressure on small liberal arts colleges.

Q: Update on faculty vaccinations?

A: Tennessee is now moving to phase 1C, which means that the medical center is able to vaccinate all adults with preexisting health conditions. The University continues to work very hard with the Tennessee Department of Health DOH to have faculty treated like teachers, but has had no success. The University wants to get people vaccinated as soon as possible.

Q: Other states have vaccinated faculty, why the difference here?

A: We don’t really know. The state said that the real goal is to get schools open and that should be the focus. The state is not being totally transparent.

Q: Concerned about staff burnout. Could the University provide extra leave this summer or extra benefits to staff during the summer post-COVID?

A: The administration is very aware of this. In the fall, they had set up rotation schemes to allow breaks for employees. There were cases when employees didn’t want to take the vacations. They tried to do the same over winter break up until the bombing. Again, the Chancellor is very aware of this and recognizes that this is a tough situation for everyone.

Chair McTamaney moved to the next item of business.

**Standing Committee Reports**

There were no standing committee reports.

Chair McTamaney moved to the next item of business.

**Old Business**

Chair McTamaney recognized Senator Fitzpatrick, Chair of the Faculty Manual Committee who provided a description of the motion.

Senator Fitzpatrick introduced a proposed motion that reads:
Faculty Senate Motion: Changes to Faculty Manual: Nondiscrimination, Disciplinary Actions, and Faculty Grievances

- Whereas, the Faculty Manual is an important resource for faculty to understand the policies and procedures of key aspects of university life as it pertains to their roles in it, benefits from it, and obligations to it,

- Whereas, by the effective date of August 14, 2020, the Department of Education’s regulations under Title IX of the Education Amendments of 1972 required that changes be made to the Faculty Manual,

- Whereas, Part I, Chapter 5 of the Faculty Manual allows the Chancellor to make Interim Changes to the Faculty Manual or designate another officer to do so when necessary due to changes in laws or regulations. In conjunction with the Interim Changes, there was an indication on the Faculty Manual website that the matter was under review,

- Whereas, Interim Changes were implemented on August 13, 2020 in order for the University to comply with the new Title IX regulations that went into effect on August 14, 2020. The Interim Changes related to Nondiscrimination (Part III, Chapter 2), Disciplinary Actions (Part IV, Chapter 1) and Faculty Grievances (Part IV, Chapter 2),

- Whereas, the Interim Changes were initially described in the Memorandum dated August 13, 2020 from Susan Wente, Provost and Vice Chancellor for Faculty Affairs to Daniel Diermeier, Chancellor,

- Whereas, the most recent revision of the Faculty Manual as posted on the Faculty Senate website is dated February 3, 2021 and contains the Interim Changes that were made on August 13, 2020,

- Whereas, the Interim Changes of August 13, 2020 related to Title IX were entered into the Faculty Manual by way of a boxed inclusion at the top of the following sections: Nondiscrimination (Part III, Chapter 2), Disciplinary Actions (Part IV, Chapter 1) and Faculty Grievances (Part IV, Chapter 2). Any such boxed inclusions will no longer be needed and shall be deleted after the changes proposed by this motion are approved,

- Whereas, all references to the current Faculty Manual are to the revision dated February 3, 2021,

- Whereas, further modifications are now proposed based on discussions with the Faculty Manual Committee and with other University officials, including the Title IX Coordinator,

- 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 Faculty Manual,
Whereas, Nondiscrimination (Part III, Chapter 2), Disciplinary Actions (Part IV, Chapter 1) and Faculty Grievances (Part IV, Chapter 2) were changed by the Interim Changes to the Faculty Manual and after review, this Motion proposes further edits and revisions. The following sections are being changed:

- Nondiscrimination Statement (Part III, Ch. 2, A) and Individuals with Disabilities (Part III, Ch. 2, C): These proposed changes will accurately identify where individuals should direct reports and complaints, as well as reflect organizational changes in responsibilities.
- Sexual Harassment (Part III, Ch. 2, D: 1): The proposed changes will replace the current language found in paragraphs 2 and 3 with the following language, which will refer to the definitions in the Sexual Misconduct Policy. These definitions align the Faculty Manual language with definitions in the Sexual Misconduct Policy that are consistent with the final regulations under Title IX.
- Complaint Procedure (Part III, Ch. 2, D: 3): These proposed changes to the Faculty Manual will reflect the offices’ realignment of responsibilities for complaints.
- Disciplinary Actions (Part IV, Chapter 1, A): These proposed changes will add a new paragraph consistent with the final regulations under Title IX, and
- Faculty Grievances (Part IV, Chapter 2). These proposed changes will add a new paragraph and proposed substitute language consistent with the final regulations under Title IX.

Whereas these changes will be effective after they have been approved and published under the process set out in the Faculty Manual, Part I, Chapter 5,

In accordance with notice given of this motion:

**Be it resolved** that, consistent with the Faculty Senate’s role in shared governance, that the Faculty Senate express its acceptance, by vote, into the Faculty Manual the proposed revisions for inclusion by deletion, addition and substitution in the following parts and chapters (as previously changed by the Interim Changes and set out more specifically below):

- Nondiscrimination, Part III, Chapter 2
  - Nondiscrimination Statement (Part III, Ch. 2, A),
  - Individuals with Disabilities (Part III, Ch. 2, C),
  - Sexual Harassment (Part III, Ch. 2, D: 1),
  - Complaint Procedure (Part III, Ch. 2, D: 3),
- Disciplinary Actions (Part IV, Chapter 1), and
- Faculty Grievances (Part IV, Chapter 2).

**Be it resolved**, that the boxed inclusions referencing the Interim Changes of August 13, 2020 (such as at the top of the following sections: Nondiscrimination (Part III, Chapter 2), Disciplinary Actions (Part IV, Chapter 1) and Faculty Grievances (Part IV, Chapter 2)) shall be deleted in all areas of the Faculty Manual.
Be it resolved, that the language in Part III, Chapter 2, A, Nondiscrimination Statements, beginning on line 15 at the end of the second paragraph after “Requests for information, inquiries or complaints should be directed to these offices:” shall be deleted, the language below will be substituted, and it shall now read:

- Complaints of sexual misconduct, including sexual harassment and related retaliation, should be directed to the Title IX Office. Titleix@vanderbilt.edu; Telephone 615-343-9004
- Student Access receives student requests for disability-related accommodations. studentaccess@vanderbilt.edu; Telephone 615-343-9727
- The Equal Opportunity and Access Office (EOA Office) receives all other complaints of discrimination, harassment, retaliation, and requests for accommodations. eoa@vanderbilt.edu; Telephone: 615-343-9336

Be it resolved, that the language in the second paragraph of Part III, Chapter 2, C, Individuals with Disabilities, shall be deleted, the language below will be substituted, and it shall now read:

Questions about accommodations for faculty and staff should be directed to the Equal Opportunity and Access Office (EOA Office) eoa@vanderbilt.edu; Telephone 615-343-9336. Student accommodations requests should be addressed to Student Access studentaccess@vanderbilt.edu; Telephone 615-343-9727.

Be it resolved, that the current language after the first paragraph of Sexual Harassment, Part III, Ch. 2, D: 1 which begins with “Sexual harassment is prohibited” and ends with “treatment protected under Title IX” will be deleted, the following language will be substituted, and it shall now read:

“Sexual harassment” is also a form of sexual misconduct prohibited under the Sexual Misconduct Policy. Sexual Misconduct is a broad term that includes, but is not limited to, the following conduct: Sexual Harassment; Sexual Assault; Dating Violence; Domestic Violence; Stalking; and Retaliation. (All terms are defined in the Sexual Misconduct Policy.)

Be it resolved, that in Complaint Procedure, Part III, Ch. 2, D: 3, the current paragraph will be deleted, the following language will be substituted and it shall now read:

Any member of the University community who experiences discrimination, harassment, or related retaliation on the basis of sex, race, color, religion, national origin, age, disability, military service, covered veteran’s status, genetic information, sexual orientation, gender identity, or gender expression should immediately seek assistance through the Equal Opportunity and Access Office (EOA Office), which addresses complaints raised by faculty, staff, postdoctoral fellows/trainees, and students.
Any member of the University community who experiences sexual misconduct, including sexual harassment or related retaliation, should immediately seek assistance through the Title IX Office, which addresses complaints involving faculty, staff, postdoctoral fellows/trainees, and students.

To the extent that allegations include sexual harassment as defined under Section 106.30 of the USDOE regulations implementing Title IX, resolution will proceed under the procedural requirements set out in the Formal Grievance Protocol.

Be it resolved, that in Disciplinary Actions, Part IV, Chapter 1, Section A, the following language should be added immediately after paragraph 4 as a new paragraph and it shall now read:

To the extent that allegations include sexual harassment as defined under Section 106.30 of the USDOE regulations implementing Title IX, resolution will proceed under the procedural requirements set out in the Formal Grievance Protocol.

Be it resolved, that in Faculty Grievances, Part IV, Chapter 2, the following language should be added to the introductory section as a new paragraph after the fourth paragraph:

To the extent that allegations include sexual harassment as defined under Section 106.30 of the USDOE regulations implementing Title IX, resolution will proceed under the procedural requirements set out in the Formal Grievance Protocol (as required by the U.S. Department of Education Title IX Regulations).

Be it resolved, that in Faculty Grievances, Part IV, Chapter 2, the last paragraph before the Section A heading will be deleted, the following paragraph will be substituted, and it shall now read:

In addition to, and not exclusive of, the grievance procedures noted above and detailed below, faculty members may direct complaints of discrimination, harassment, or retaliation in violation of Vanderbilt’s nondiscrimination or Sexual Misconduct policies (including those that are subject to the Formal Grievance Protocol) to the Title IX Office or the Vanderbilt Equal Opportunity and Access Office, as appropriate. Use of the grievance procedures is not mutually exclusive with the filing of a civil action, although faculty members are encouraged to attempt to resolve grievances internally whenever possible.

Be it resolved, that in Faculty Grievances, Part IV, Chapter 2, the first paragraph under the Section A heading will be deleted, the following language will be substituted, and it shall now read:

The Reappointment, Tenure, and Promotion Grievance Process is available to a faculty member who believes that a decision on their/her/his reappointment, tenure or promotion raises (a) issues of professional ethics and academic freedom; (b) allegations of a failure by the University or those acting for it to follow stated or reasonable procedures; (c) complaints of discrimination, harassment, or retaliation in violation of the University’s nondiscrimination and Sexual Misconduct policies (other than those that are subject to the Formal Grievance Protocol); or (d) allegations of the University's failure to adhere to express or implied terms of the faculty member's contract, including relevant portions of
the Faculty Manual.

**Be it resolved,** that in Faculty Grievances, Part IV, Chapter 2, the first paragraph under the Section B heading will be deleted, the following language will be substituted, and it shall now read:

The grievance process through the Faculty Senate Committee on Grievances ("Grievances Committee") is available to a faculty member who believes that the University has breached an obligation owed to the faculty member, including but not limited to an obligation to adhere to: (a) express or implied terms of a faculty member's contract, including relevant portions of the Faculty Manual; (b) commonly accepted norms of professional responsibility and academic freedom; (c) stated or commonly understood standards of fair and reasonable procedures; and (d) the University's nondiscrimination and Sexual Misconduct policies (other than those that are subject to the Formal Grievance Protocol).

**Be it resolved,** that consistent with Part I, Chapter 5 of the Faculty Manual, upon passage of this Motion by the Faculty Senate, this proposal for changes shall be sent in writing by the Chair of the Faculty Senate on behalf of the Senate to the Chancellor and the Provost as the Faculty Senate’s proposal for a change in the Faculty Manual, and will then follow the approval process set out in the Faculty Manual.

**Faculty Manual Committee**
Brian Fitzpatrick, Committee Co-Chair
Victoria Morgan, Committee Co-Chair
Mark Magnuson, Executive Committee Liaison
Brian Bachmann
Leon Bellan
Brett Byram
Katherine Friedman
Brian Heuser
Houra Merrikh
Jason Pollack
Senator Fitzpatrick then showed the following chart to explain major changes made by this motion.

<table>
<thead>
<tr>
<th>Stage</th>
<th>Past: Faculty respondent</th>
<th>New: Faculty respondent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fact-gathering (Initial Inquiry)</td>
<td>EOA (and Title IX Office if student complainant), with final report shared with Dean (after any student appeal)</td>
<td>Title IX Office</td>
</tr>
<tr>
<td>Determination of policy violation worthy of discipline</td>
<td>Faculty response to Dean; Dean makes initial determination; forms Investigative Committee (if evidence may support major discipline)</td>
<td>Hearing Panel composed of Hearing Officer and 2 faculty members</td>
</tr>
<tr>
<td>Sanction</td>
<td>Dean (after considering Investigative Committee Report, if applicable)</td>
<td>Dean (after consultation with Hearing Panel)</td>
</tr>
<tr>
<td>Appeal (Grievance) assessment</td>
<td>Faculty Grievance Committee</td>
<td>Appellate Panel composed of Appellate Officer and 2 faculty members</td>
</tr>
<tr>
<td>Appeal (Grievance) decision-making</td>
<td>Chancellor</td>
<td>Chancellor (notice to the Provost)</td>
</tr>
</tbody>
</table>

Senator Fitzpatrick pointed out that Hearing and Appellate officers have to be professionally trained to help deal with all of the legal procedures that the federal regulations require.

Sheree Wright (Office of General Counsel) added that the guiding intent of these changes was “keeping faculty involvement with a spirit of shared governance” as much as possible while complying with federal regulations.

Senator Fitzpatrick passed the floor back to Chair McTamaney. Chair McTamaney opened the floor for debate.

A discussion was held in which several senators asked for clarification while others expressed reservations regarding the motion. Chair McTamaney called for the vote and voting members were sent to breakout rooms to vote.

Chair McTamaney asked Vice Chair Harris to share the results of the motion. Vice Chair Harris indicated that the motion carried with 44 ayes, 1 nay, and 7 abstaining.

Chair McTamaney recognized Senator Hudnut-Beumler, Chair of the Grievances Committee who provided a description of the motion. It was noted that there was a clerical error that was revised after the motion had been circulated to senators and was reflected in the final copy of the motion.

Senator Hudnut-Beumler introduced a proposed motion that reads:
Faculty Senate Motion - Part IV, Chapter 2: Faculty Grievances

- Whereas the Faculty Manual is an important resource for faculty to understand the policies and procedures of key aspects of university life as it pertains to their roles in it, benefits from it, and obligations to it,

- Whereas Part IV, Chapter 2: Faculty Grievances needs to be revised to further clarify the process, to match names and responsibilities of current offices, to clarify conflicts of interest in both Section A and Section B grievances, to allow parties in a Section B grievance to comment on findings of fact before the Grievances Committee makes its final report, and to revise the Interim Changes to the Faculty Manual originally made on August 13, 2020 consistent with the U.S. Department of Education’s Title IX regulations,

- Whereas, the Grievances Committee is proposing revisions for the entire chapter as it is currently found in the Faculty Manual, moves to delete the entire chapter as it exists as of the last snapshot dated February 3, 2021, and substitute the new language found in Attachment A to this Motion.

- Whereas the Grievances Committee proposes that these changes will be effective after they have been approved and published under the process set out in the Faculty Manual, Part I, Chapter 5 and will apply to grievances filed after that time,

- 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 Faculty Manual,

- In accordance with notice given of this motion:

**Be it resolved,** that consistent with the Faculty Senate’s role in shared governance, the Faculty Senate express its acceptance, by vote, into the Faculty Manual the proposed Part IV, Chapter 2 revisions for inclusion by substitution of the attached revised Part IV, Chapter 2.

**Be it resolved,** that consistent with Part I, Chapter 5 of the Faculty Manual, upon passage of this Motion by the Faculty Senate, this proposal for changes shall be sent in writing by the Chair of the Faculty Senate on behalf of the Senate to the Chancellor and the Provost as the Faculty Senate’s proposal for a change in the Faculty Manual and will then follow the approval process set out in the Faculty Manual.

**Grievances Committee**

James Hudnut-Beumler, Committee Chair, Divinity
Senator Hudnut-Beumler passed the floor back to Chair McTamaney.

Chair McTamaney opened the floor for debate. There was no debate on this motion. Chair McTamaney called for the vote and voting members were sent to breakout rooms to vote.

Chair McTamaney asked Vice Chair Harris to share the results of the motion. Vice Chair Harris indicated that the motion carried with 46 ayes and 0 nays.

Chair McTamaney moved to the next item of business.

**New Business**

There was no new business.

Chair McTamaney moved to the next item of business.

**Scheduled Remarks**

Chair McTamaney turned the floor over to Valerie Hotchkiss to give a presentation on behalf of Vanderbilt Libraries. Slide presentation is available upon request.

Valerie Hotchkiss presented on the following topics:

- 9 libraries remained open and active during COVID, even when physically closed. During this time, there was an emphasis on ensuring equitable access to collections.

- The library’s mission for 2020-21 academic year is improving access to information, promoting faculty scholarship and creating new resources for teaching and learning.

- The library’s strategic direction pillars for 2020-2025 are providing and improving access, inspiring learning, transforming information fluencies, partnering in research and teaching, and creating welcoming, diverse, and adaptable spaces. The library encourages faculty to communicate adjustments/additional ideas.

Chair McTamaney moved to the next item of business.

**Good of the Senate**

Chair McTamaney opened the floor to comments.
Chair McTamaney reminded the Senate of the Faculty Spring Assembly on April 1st at 4:10 p.m. Chair McTamaney also encouraged all to follow the Faculty Senate on social media platforms.

Chair McTamaney moved to the next item of business.

**Adjournment**

It was moved that the meeting be adjourned. There was a second and the meeting adjourned at 5:35 p.m.

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_Ben Harris_  
Secretary  
Faculty Senate Vice Chair  

April 8, 2021  
Date of Approval