MEETING MINUTES
Vanderbilt University
Faculty Senate Meeting
September 13, 2018 - 4:10 pm
Flynn Auditorium – Law School

Call to Order

Approval of Minutes of May 7, 2018

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

Voting Members present: Ackerly; Algood; Bollen; Carnahan; Chambless; Choi; Cole; de Caestecker; Estrada; Fauchet; Finch; Floyd-Thomas; Geer; Greene; Griffith; Guthrie; Harris; Heuser; Hudnut-Beumler; Iacobucci; Kam; Laibinis; Lehmann; Lowe; Luis; Luo; Marnett; Massion; McLean; McTamaney; Morgan; Neely; Phillippi; Pitt; Price; Ramey; Robinson; Rosenthal; Sanchez; Terhune; Tran; Valentine; Walden; Walker; Wallace; Wilson; Wooders; Wright; Wuerth; and Yadav

Voting Members absent: Allos; Audet; Balser; Benbow; Creech; Friedman; Hutson; Jessee; Johnson; Kim; Lacy; Martin; Norman; Ochonu; Parish; Scott; Simmons; Townes; Wait; Weavind; and Weeks

Ex Officio Members present: Bandas; Beasley; Brady; Cyrus; George; Kopstain; Lutz; Page; Raghavan; Raiford; Shellaway; Sweet; Wente; and Zeppos
Ex Officio Members absent: Carroll; Ertel; Fleming; Hall; Hopkins; Hotchkiss; Miller; Pietenpol; Stalcup; and Williams

Guests: Melissa Thomas-Hunt, Tiffany Green, Lori Hemmer

Call to Order

Vicki Greene, Chair of the Faculty Senate, called the meeting to order at 4:10 pm.

Approval of the minutes of May 7, 2018

Chair Greene asked for approval of the minutes. A motion was made. The motion was seconded. The motion was carried by the statement of “Aye”. None opposed.

Chair Greene proceeded to the next item of business.

Report of the Executive Committee (EC)

Chair Greene gave a report covering the following:

- The Fall Faculty Assembly was a great kick-off to the academic year. Vice Chair Jeremy Wilson arranged all the music with Blair.

- The Faculty Senate office and Debbie Hayes can be found in the Curb Center located at 1801 Edgehill Ave, #118.

- Faculty Senate meetings except Elected Senators Only are open to all faculty and are posted at https://www.vanderbilt.edu/facultysenate/schedule/index.php.

- The EC is in the process of meeting with each of the deans and has met with the Chancellor and Provost. They are also meeting with some of the Vice Chancellors.

- There will be 4 Elected-Senators-Only meetings this year. Discussion topics will be solicited before each meeting.

EC Priorities for the year:

- Establish better channels of communication.

- The Diversity, Equity, and Inclusion Committee will collect and analyze data on faculty hiring, retention, promotion, grievances, awards, committee representation, teaching evaluations, etc.

- Respond to the Shared Governance Report findings

- Faculty Commons
• Consensual Relationship Policy
• Provost’s Initiative for Women

What can you do?

Be visible as a Senator; collect and report faculty concerns to the EC.
Be aware of significant policy and benefits changes, major campus initiatives such as FutureVU https://www.vanderbilt.edu/futurevu/.
Contribute to Senate discussions and committee activities.
Have a great year!

Chair Greene proceeded to the next item of business.

Remarks by the Chancellor
• The Chancellor stated that the Fall Faculty Assembly was great. Faculty Senate Vice Chair Jeremy Wilson and his team did a fantastic job.
• He emphasized that there is constitutional politics and ordinary politics. We are living through a constitutional moment that focuses on diversity and inclusion. We must resolve differences in moments of disagreement in a learned civil environment. People are attacking Vanderbilt to destroy trusted institutions. We have values and we are at risk.
• Chancellor is glad Vanderbilt is undertaking shared governance. He is working to create a shared faculty administrative committee with the EC. Provost Susan Wente is working with the Chancellor and the EC to rollout shared governance. Scholars in the Public Sphere is his initiative to engage the University with the public. It is a faculty committee. Our problems will be solved jointly at the University level and at the school level. Engagement in the Senate and in the schools is critical.
• Vice Chancellor and Athletics Director David Williams is returning to the law school. The University will begin a search for his replacement. Vanderbilt must continue the work that Dr. Williams did to be ethical. Faculty values inform what is success at Vanderbilt and how we can compete. The search committee will reach out for input. He wants athletes to have a great experience the Vanderbilt way.

Chancellor Zeppos asked if there were any questions.
• He was asked what the AAU has produced, what he has learned as a member of AAU, and what initiatives came out of the AAU as a result of his work. Chancellor responded that he was chair-elect and now serves as Chair. AAU has re-oriented as things change. Of the 60 AAU schools, 35 are public and 25 are private. The private
schools were slammed with an endowment tax. The public schools who were writers of the formula were not.

Undergraduate affordability is what the AAU is talking about. Chancellor wants to change the conversation to research. Tuition and financial aid policy does not hold us together. Research does. He wants to engage the policymakers as we do most of the funded research. Fundamental research is what makes America great. Fundamental research is the direction in which he wants to go as chair of the AAU.

Chancellor was also asked to intervene in the issue of the 2012 Faculty Manual changes and the Office of the General Counsel concerning conflict of commitment. Interim General Counsel Ruza Shellaway, who was in attendance, is abreast of the situation and working to find resolution.

Chair Greene proceeded to the next item of business.

**Standing Committee Reports**

Chair Greene called for a report from Faculty Manual Committee (FMC) Chair Brooke Ackerly. Senator Ackerly gave the following report.

Copies of the two-page year-end report from 2017-18 was made available for review and resides on the Faculty Senate portal. The FMC has looked at the relationship policy and the grievance policy. She will continue to use the flipped model to present information to the Senate this year. The FMC has eight things to present this AY. They will work to revise the Faculty Manual for:

1. Consistent formatting
2. Table of Contents and Index
3. Grievances
4. Parental leave policy revision
5. Revise HR section of Faculty Manual
6. Conflict of Interest & Conflict of Commitment
7. Revisit personal relationships policy
8. Clarify label rank of Instructor or above

Chair Greene proceeded to the next item of business

**Ad Hoc Committee Reports**

- Task Force on University Athletics (TFUA) member, Senator Ann Price delivered their report. The task force was formed in August 2015. They began work in 2016. Their final report has been submitted and is posted on the Faculty Senate website. The report contains 17 recommendations. Senator Price offered kudos to TFUA Chair Karl
Hackenbrack, Claire Smrekar, and Vice Chair Jeremy Wilson. Reference reports are also posted. Feedback and comments were invited. The Senate was asked to use the feedback form on the portal to submit feedback and comments about recommendations and rollout.

Chair Greene proceeded to the next item of business.

**Old Business**

There was no old business from the EC.

Chair Greene proceeded to the next item of business.

**New Business**

Senator Myrna Wooders introduced the following motion.

**Motion 1 – External Activities**

**GOAL:**

The Faculty Manual Committee (FMC), from September 2014 until May 2017 was concerned with the lack of clarity of *Part III, Chapter 3, Conflict of Interest and Commitment Policy* of the Manual. During that time there were multiple meetings of subsets of the FMC with subsets of the University Conflicts Committee and the Office of the General Counsel. The FMC worked many hours over many months in preparing and proposing a revision of the Chapter -- on which the General Council eventually declined to comment.

Except for the re-insertion of the Faculty Senate into Part III, Chapter 3 in December 2016 no apparent progress has been made in revising that part of the Manual.

This motion is to advance the revision of Part III, Chapter 3 to make it clearer and specifically to deal with what constitutes an “external activity”. According to the current version of the Faculty Manual, any of our professional activities (except possibly teaching) may be an external activity and a conflict of commitment. There is no discussion of when such activities are *not* a potential conflict of commitment. I believe we need to inform the Office of the General Counsel of our views on this subject. We are the ones who know, for example, that, unless it interferes with more primary obligations, travel to work with a co-author is aimed to contribute to the mission of Vanderbilt.

Note that other universities, for example, the University of California, provide guidelines that may be good starting points for a revision. Compare, for example, the statement from Princeton University with the statement in the motion:

**Professional activities that generally are related to one’s University position typically do not present a conflict of interest and do not require the use of consulting leave. These activities are considered part of the individual’s job, carried out during normal working hours with full use of University resources. Examples include participation in work-related conferences,**
seminars, advisory panels, etc., as well as service as a trustee, director, or advisor of an external organization at the request of Princeton. (http://www.princeton.edu/hr/policies/conditions/5.2/coiunderstandingyourobligations.pdf)

- Whereas, faculty members are to be committed to the advancement of the mission of Vanderbilt. Thus, it is crucial that the Faculty Manual provide general guidelines on how Faculty Members demonstrate their commitment. As part of this, it is crucial that the Faculty Manual be as clear as possible about what constitutes a conflict of commitment;

- Whereas the following definition from the Faculty Manual, Part III, Chapter 3, Article 3 constitutes the clearest discussion of what may constitute a conflict of commitment;

  “External activities may include employment outside the university, involvement with professional societies, participation related to review panels, education meetings, community service, conferences, consulting, other professional activities, and business activities related to outside entities including start-up companies.”

- Whereas in practice and in multiple discussions between subsets of the University Conflicts Committee and subsets of the Faculty Manual Committee whether activities requiring travel such as presenting papers at conferences or traveling to work with co-authors are external activities,

Be it resolved that the Faculty Manual Committee draft a statement of what faculty activities contribute to the mission of Vanderbilt and are not, unless carried out to the point where they interfere with the primary obligations of the faculty member, external activities.

**Senator Myrna Wooders**

The motion was seconded by Senator Tedra Walden.

Chair Greene opened the floor for discussion.

Senator Wooders explained that 2012 changes to the Faculty Manual had major consequences. She read a statement certain activities are normal for faculty unless they interfere with your main job. Interim General Counsel Shellaway stated that a revised policy from the UCC has been given to the FMC to clarify the policy.

Question: How is this different from what is already in place?

Answer: This is specific to our work.

Question: Why are we voting on this?

Comment: The statement may have already been submitted.

Question: Who does this apply to?

Answer: All faculty.
After more discussion, Senator Ann Price called the question. Quorum was present at 40. The voting proceeded: Tally: 19 affirmative, 13 opposed, 5 abstentions.

The FMC will draft a statement for the Faculty Manual of what activities are not external activities.

Chair Greene proceeded to the next item of business.

**Scheduled Speaker**

Tracey George, Interim Vice Provost for Faculty Affairs

The Office of the Provost and Inclusive Excellence is in the center of:

- Admissions and Enrollment Management
- Academic Affairs
- Student Services
- Learning and Residential Experiences
- Institutional Research
- Research Support
- Faculty Affairs

The Office of Faculty Affairs supports schools and colleges.

- Searches
- Appointments
- Reappointment and Renewals
- Tenure and Promotion
- Endowed Chairs
- Emeritus, Emerita and Retired Faculty

The office of Faculty Affairs supports faculty.

- Academies, awards, and honors
- Faculty Development (with Inclusive Excellence and Research)
- COACHE Survey
- New Faculty Orientation
- Chairs and Directors Workshops
- Academic Compliance and Process (with the Academic Initiatives)

Faculty Development Events & Workshops
• The Office of the Provost hosts a diverse and wide-ranging set of events and workshops throughout the year to assist faculty development.

Faculty Gateway www.vanderbilt.edu/faculty
Links to resources, offices, and services that support Vanderbilt faculty, including:
• Faculty Development & Administration
• Teaching & Learning
• Work/Life Balance Resources
• Campus Resources
• New Faculty
• Shared Governance
• Calendar & Events
• HR and Business Applications
• Public Relations, Media & Web

Vice Provost George encouraged all members to reach out to her with questions.

Chair Greene proceeded to the next item of business.

Good of the Senate
• The October 4 meeting is an Elected Senators Only Meeting. It will convene across the hall in the Renaissance Room 036.
• Be sure to sign in at every meeting.
• Leave your name tents and clickers after each meeting.
• Vice Chair Jeremy Wilson announced that he will roll out social media accounts in early October.
• Senator Ingrid Wuerth informed the Senate of problems with Part III, Chapter 7A, Paragraph 3 of the Faculty Manual concerning consensual romantic or sexual relationships with graduate and professional students.
  • Issues with implementation of the policy have been discovered that necessitates revision of the policy. The Provost and deans were asked to offer guidance. It was stated that faculty should not be required to follow policy while it is under revision.
  • Senator Wuerth had planned to make a motion to lift or suspend the policy at the November Senate meeting.
  • Chancellor Zeppos commented that he could not change the policy.
The choice was to leave the section in the Faculty Manual or delete it. The FMC would then be charged with amending the policy for the November Senate meeting.

Chair-elect John McLean suggested that a motion could be made to vote immediately.

Senator Wuerth made a motion to suspend the Rules of Order which required a 2/3 vote to bring forth the motion to delete Paragraph 3. Chair-elect John McLean seconded the motion to suspend the rules.

The voting proceeded: Tally: 29 affirmative, 12 opposed, 1 abstention.

The Rules of Order were suspended.

Senator Wuerth then made a motion to strike section 3 of the policy. Senator Andy Finch seconded the motion to strike Paragraph 3.

Chair Greene opened the floor for discussion.

Comments:

- More views need to be kept in mind when making the decisions.
- Privacy concerns are an issue.
- We need to think through what is good faith compliance.
- We should not replace something with nothing.
- As an adult, faculty should have a right protect themselves and their students. The current policy has unintended consequences.
- Send it to committee and let them pursue it.
- All modern interpretations and ramifications of the policy should be included.
- The policy should not be based on time-limited technology. What is a relationship?
- Parliamentarian Donald Brady advised that two motions were needed. The first motion should be to delete the section. The immediate following motion should charge the FMC to have a revision of Paragraph 3 ready for vote at the November meeting.

Chair Greene called for the vote to delete Part III, Chapter 7A, Paragraph 3 from the Faculty Manual.

The voting proceeded: Tally: 28 affirmative, 11 opposed, 0 abstentions.
Part III, Chapter 7A, Paragraph 3 will be deleted from the Faculty Manual pending revision by the FMC.

Senator Brooke Ackerly immediately made a motion to bring the Consensual Relationships topic up for discussion at the Elected Senators Only meeting and for the FMC to bring a revision to Paragraph 3 for vote at the November Senate meeting. Senator Paul Massion seconded the motion.

Chair Greene called for a vote.

The voting proceeded: Tally: 38 affirmative, 1 opposed, 1 abstention.

The FMC will revise Part III, Chapter 7A, Paragraph 3 and bring for vote at the November 2018 Senate meeting.

Chair Greene proceeded to the next item of business.

**Adjournment**

A motion was made to adjourn. The motion was seconded.

The meeting adjourned at 5:50 pm.

Respectfully submitted,
Jeremy Wilson
Vice Chair