

Vanderbilt University
Faculty Senate Meeting
December 11, 2003
4:10 p.m. Room 140 Frist Hall, Nursing School

Call to Order

Approval of Minutes of November 6, 2003

Report of the Executive Committee
Matthew Ramsey, Chair of the Faculty Senate

Presentation on discussion of intercollegiate athletics at meeting of the American Association of University Professors, October 2003
Virginia Shepherd, Immediate Past Chair of the Faculty Senate

Old Business
Motion to endorse statement on diversity and tolerance at Vanderbilt
Senator Michael Bess

Interim report on a proposed reform of the grievance process and a proposal to create the position of faculty ombudsperson
Committee on Professional Ethics and Academic Freedom
Senator John McCarthy, Chair

Good of the Senate

Adjournment

Voting Members present: Barz, Bess, Conklin, Cummings, Eigen, Ellingham, Ely, Goldfarb, Greene, Griffin, Heflinger, Heyneman, Horn, Hudnut-Beumler, Innes, Link, McCarthy, McGill, Morrow, Oates, Osheroff, Peebles, Perkins, Ramsey, Saff, Sasson, Sevin, Tellinghuisen, Thompson, Washington, Wcislo.

Voting Members absent: Adams, Benbow, Casagrande (regrets), Christie, Conway-Welch (regrets), Farran (regrets), Flake, Fleetwood (regrets), Fogo, Gabbe (regrets), Galloway, Gay, Hawiger, Hodges, Le Boeuf, Masulis, McCarty (regrets), Neff, Paschal (regrets), Smith, Strauss (regrets), Summar, Swift (regrets), Syverud (regrets), Victor, Wait.

Ex Officio Members present: Brisky, Gherman, Outlaw, Shepherd, Spruill, Williams.

Ex Officio Members absent: Barge, Gee (regrets), Goldring, Hall (regrets), Jacobson, Limbird, Perfetto, Schoenfeld, Spitz, Zeppos (regrets).

The meeting was called to order at 4:10 p.m. by Chair Matthew Ramsey.

Andrea Hewitt gave instructions on how to use the new electronic voting system, and the senators had a trial run with the system.

Minutes from 11/6/03 meeting were approved with a correction to Carolyn Dever's name. Motion passed with 27 votes yes, 0 votes no, and 2 abstentions.

Next Item on the Agenda - Report of the Executive Committee

Chair Ramsey reported on the work of the Executive Committee since the last Faculty Senate meeting. On November 14, 2003, Chair Ramsey gave a presentation to a joint meeting of the Committees on Academic Programs and Student Life to the Board of Trust. His comments are posted on the Senate website (see text at: <http://www.vanderbilt.edu/facultysenate/files/BOTfall03.pdf>). He focused on changes that had been made to the way the Senate does business, and on three major policy issues: 1) residential colleges, 2) cross-school initiatives, and 3) classified research. He reported that the Board of Trust was very receptive to the most recent version of the planned residential colleges which calls for starting with a freshman year college on the Peabody campus.

On November 12, the Executive Committee met with Kevin Myatt, Chief Human Resource Officer, joined by Bart Victor, Chair of the Faculty Life committee. The committee had intended to discuss a proposal that came in part out of the special executive session of the Senate in October to survey faculty and staff on benefits (addressing satisfaction with existing benefits and preferences for future benefits). The committee learned that the Human Resources office is already working on a survey of faculty and staff that would deal with benefits along with other issues. The committee agreed that a representative from the Faculty Life committee would join the committee that is already working to design the survey. Chair Ramsey reported that a number of other topics were covered with Kevin Myatt in the course of a very cordial and wide-ranging conversation, including new health plans. The committee also learned that Vanderbilt has negotiated three-year contracts with these health plans, so that health benefits will be more stable for awhile.

Chair Ramsey stated that he had hoped to have more to report on the decisions regarding the work of the ad hoc Committee on Committees. The Executive Committee prepared a set of comments on the committee's report to the Chancellor, and subsequently the co-chairs of the Committee on Committees responded to these comments, and the Executive Committee submitted final remarks to the Chancellor. He has not yet made a decision, but there is broad agreement to overhaul the current structure and to help the committees function more effectively.

The Executive Committee was also asked to review and comment on a new policy that governs scientific misconduct involving, hypothetically, Vanderbilt faculty who are

engaged in research that is supported by the U. S. Public Health Service. These revisions were mandated by the Office of Scientific Integrity in the Department of Health and Human Services. The Executive Committee reviewed it, made some recommendations, and following a key recommendation, a sentence was added to the new text affirming the right of a faculty member who has been disciplined under this new policy to file a grievance.

Addressing the work of the Senate's four special task forces, Chair Ramsey said that they are all busy addressing the issues at hand. The task force on Classified Research, which reports to APS, has studied practices at other institutions and is considering a proposal to allow some classified research to be done off-campus, as is done at other research institutions. Their final report will be ready for the March Senate meeting.

The task force on cross-school initiatives, which also reports to APS, is studying the operation of the AVCF among other topics, and they plan to report at the April Senate meeting. The task force on conflicts of interest and commitment, chaired by James Blumstein in the Law School, has been surveying faculty members and administrators on what Vanderbilt's conflict policy should be. Chair Ramsey asked for a show of hands as to who received the email survey. Not many faculty members had received it, so Chair Ramsey said that the email would need to be re-sent as faculty input is key. Their report will be given at the February Senate meeting.

Finally, the task force on Intercollegiate Athletics, which reports to Student Life, has emerged as a faculty advisory committee on athletics during the time of transition toward a new administrative model for the athletics program, and the task force will be meeting tomorrow with the Vice-Chancellor of Student Life and the Chancellor to discuss these issues.

Chair Ramsey opened the floor for questions and discussion. Hearing none, he introduced Virginia Shepherd, Immediate Past Chair of the Faculty Senate, who gave a report on the AAUP conference she attended in October.

Next Item on the Agenda - Presentation on intercollegiate athletics meeting

(View presentation at:

<http://www.vanderbilt.edu/facultysenate/files/Shepherd121103.pdf>)

Shepherd began by explaining that she will present a summary of the conference along with a refresher on COIA (Coalition on Intercollegiate Athletics). This group was formed via email, but has met in person a few times now. There are representatives from all six Bowl Championship Series conferences, focused primarily on Division I, but the coalition has begun to broaden out to Division II and III. Basically, it is a group formed through Faculty Senates, and it is faculty-driven (no appointments by Chancellors or Presidents), so it is a grass-roots faculty organization. Shepherd said that the steering committee is made up of about 12 people from these schools, 2 from SEC. She explained that what distinguishes this group is that they have an effective voice with the NCAA and

with the Association of Governing Boards and Trustees, athletic directors, coaches, and so forth (unlike some of the “super-reformist” groups). She explained that for the first time in the history of intercollegiate athletics, there is a faculty group working together effectively for reform. She pointed senators to the faculty Senate website to find out more information about the coalition.

Shepherd said that at the April meeting, the coalition met with the NCAA and the AGB and agreed on five things: 1) that we would support the disincentives/incentives program 2) that we would push for increased transparency of budgets and uniform reporting of expenditures, 3) that we would emphasize the wellness of student athletes, 4) that we would integrate the work of the FAR [Faculty Athletics Representative] with the faculty athletic committees, and 5) that we would address the issues of escalating costs. Shepherd asked for questions at this point.

Question (Senator Stephen Heyneman): Explain this last issue more—what does “address the issue of commercialism” mean?

Answer (Shepherd): I think we all realize that TV contracts and salaries for coaches and athletic directors is what’s driving the expenses of athletics which are increasing every year. I don’t know if we know yet how to address this as faculty. That will be the toughest issue for us to address.

Question (Senator Jack Sasson): What do the “super-reformists” think?

Response (Shepherd): A few of them would like Division I athletics to go away, and become something more like Division II athletics. Examples of less radical reforms would be: limiting each sport to a single semester, making certain that there are no athletic events that conflict with exam times, no night games, etc. Some of these goals are not feasible, but some are possible.

Shepherd continued and turned to the summary of the AAUP meeting itself. She explained that there was a mix of professors representing various institutions across the country, and it was a mix of governance issues as well as intercollegiate athletics issues, with 1/3 of the presentations focused on general governance issues and 2/3 focused on athletics. Day 1 started out with a plenary session talk by Miles Brand from NCAA. The president of AAUP energized the faculty and encouraged them to take a more active role in athletics reform. The president of AGB also encouraged faculty and BOT to work together. A member of the COIA, Jim Earle, talked about the coalition’s role in reform. And then two speakers gave a presentation on the economics of intercollegiate athletics; they came to some interesting conclusions that were controversial. That night, Shepherd noted that there was a caucus that the coalition called to discuss the role of COIA with other faculty representatives—they had planned on 20 people and had almost 100. Shepherd described it an excellent session informing people about the coalition’s goals.

Day 2 and 3 had several breakout sessions related to 3 major areas: 1) faculty athletic reps 2) faculty athletic committees 3) academic integrity. Shepherd said that she co-chaired the 3rd group, and was present for the FAR meeting. The FAR is a position on campus that the NCAA mandates and requires. This is a place where the Senate could

and should become involved. This appointment should be reviewed and approved by the CEO of the university and should carry some kind of financial support from the university budget (not the athletic budget). It also should be filled through a publicly announced search and with input from Senate. Involvement by the Senate is key. The FAR should carry a term limit (five years is usual). And she explained that this person should carry significant responsibility on campus and have easy access to the President/Chancellor, athletic director, and other administrators involved in the athletics program.

Question (Senator Neil Osheroff): What does this person do?

Response (Shepherd): This person is responsible for meeting regularly with coaches, meeting with the AD, and dealing with compliance issues. This person must also make certain that we are in alignment with NCAA guidelines, and will serve as a liaison between faculty, the athletic department and the administration.

Shepherd continued to say that the other place where the Faculty Senate could become involved is the Faculty Athletic Committee. This existence of this committee is not mandated by NCAA, but is highly recommended. At many campuses, this committee is chaired by the FAR or by other faculty members. The committee can be a mixture of faculty members recommended by Senate and/or Chancellor, student representatives, alumni, etc. The recommendations and guidelines for the FAC from AAUP include: 1) that this committee would review on an annual basis admission decisions including all progress and graduation rates, so they would have access to student records, 2) that they would promote admission policies that are consistent with admission policies outside athletics, 3) that they review data on normal progress as well as GPAs, 4) that they would establish a policy governing the normal progress and GPA that meets or exceeds minimal NCAA and conference requirements, 5) they would be involved in establishing a policy for excused absences from classes, 6) that they would review all information on athletic schedules, 7) that they would certify academic eligibility 8) that they would review waivers, 9) that they would determine needs and concerns of student athletes, 10) and that they would report activities on an annual basis to the BOT.

Shepherd explained that the coalition has not come up with guidelines yet on academic integrity, but two things we discussed in detail were 1) grading and program integrity and 2) academic advising (a hot topic on many campuses).

Shepherd announced that she will be speaking at the NCAA annual meeting in January on the faculty role in athletic reform, and that Chancellor Gee will be giving a keynote talk on the president's role in athletic reform. She noted that Vanderbilt hosted an SEC conference last spring on intercollegiate athletics which raised awareness nationally and stimulated some other conferences to do this. The Big 12 conference is planning such a conference, and Shepherd has been asked to be on the planning committee in January. A meeting will happen in the spring of FARs, ADs, and representatives from AGB to determine how we can proceed in this reform initiative.

Shepherd posed the question: why should we be concerned? She gave many examples of situations where athletics and academics were in conflict. She explained that an example of what is right exists at Stanford. Other schools that have endorsed or voted to join the COIA are Duke, Oklahoma State, Texas, Michigan, Northwestern, Stanford, Alabama, Mississippi, Vanderbilt and Idaho.

Shepherd opened the floor for questions. Hearing none, Chair Ramsey called for Old Business and recognized Senator Michael Bess to present the motion to endorse a statement on diversity and tolerance at Vanderbilt.

Next Item on the Agenda - Motion to endorse statement on diversity and tolerance at Vanderbilt

Senator Bess introduced the revised proposed text of the statement on diversity and freedom of speech at Vanderbilt University. He explained that Carolyn Dever was the author of the original text, and that, after the last Senate meeting, he and Beth Conklin helped with the revised text. Senator Bess read the revised text (see link to the text at: <http://www.vanderbilt.edu/facultysenate/files/diversityres121103.pdf>) and called for a motion to adopt this amended text as a Senate resolution. Since the motion was already seconded, Chair Ramsey called for discussion on the resolution.

Question (Senator Doug Perkins): I support most of this, but it is not so much a diversity statement as it is about tolerance and free speech. Was there any discussion about making it a stronger diversity statement?

Response (Senator Bess): The context of this statement was that it was crafted as a response to an exchange of letters in The Hustler. We did not want this statement to be seen as an attempt to intervene in that controversy. What we wanted was a general statement, since we as faculty members looked around and didn't see any statement of this sort. Although this is triggered by the controversy, we wanted this to be a general statement. We have tried to balance two values that we want to endorse that are sometimes in tension with each other.

Follow-up (Senator Perkins): To me, it is a clear statement about tolerance and free speech, but it is not a very clear or strong statement in favor of diversity in all its forms on campus.

Response (Senator Bess): Do you want to see a separate paragraph added about diversity?

Follow-up (Senator Perkins): Either that or make it two separate statements. But I would like to see the Senate make a strong, clear statement about diversity.

Chair Ramsey asked if this was a formal motion to amend. Senator Perkins responded that the only motion he would propose was that we amend the title of the statement.

Comment (Senator John McCarthy): I suggest that we should add a few lines. In the first paragraph in the fourth line, we might add "socially, religiously, ethnically, and intellectually."

Response (Senator Perkins): I don't think that addresses the fundamental problem of that line.

Response (Senator McCarthy): I think it does bolster that statement.

Question (Chair Ramsey): Would it help if we said, beginning in the second paragraph "We value diversity, which encompasses differences of identity...?"

Response (Senator Perkins): Yes.

Chair Ramsey asked if the proposers would accept this suggestion as a friendly amendment, and they acknowledged that they would.

Comment (Senator Michael Goldfarb): In the 2nd paragraph in the 4th line: "in fact we strive to support and encourage this diversity." This is what seems to be missing, this notion that we do strongly support diversity and the reasons why.

Comment (Senator Sara Eigen): Doug is right, because even in the 2nd paragraph the focus is on contrast of perspective and the diversity issue is the contrast of identity and it is this difference that makes people uncomfortable.

Comment (Senator Neil Osheroff): I agree, and I think that you are mixing metaphors. If you try to make this a diversity statement, you will not do it justice. This is a very nice statement on freedom of speech and responsibility and I would propose that we rename it "Statement on Freedom of Speech and Responsibility."

Chair Ramsey asked if the proposers would accept this suggestion as a friendly amendment.

Response (Senator Beth Conklin): I'd like to keep diversity in here, because I do think that this is about diversity. Change to 1st line in 2nd paragraph: "Diversity is a central value in our community and this encompasses difference of identity as well as opinion." I think that is a strong statement.

Comment (Senator Bess): This is statement on negotiating both values. I would resist separating these 2 issues. Perhaps we do need to strengthen the diversity side.

Response (Chair Ramsey): Doug was interested in developing a broad-based statement on diversity later and keeping this statement close to its current form.

Response (Senator Perkins): Yes, it is strengthened by Beth's changes.

Response (Senator Conklin): The title on the agenda states that it is a statement about diversity and freedom of speech.

Comment (Senator Osheroff): I think this statement does fall short of a strong statement on diversity.

Comment (Senator Stan Link): Change last 2 sentences in 2nd paragraph: "we will not tolerate..." does not jibe with "we are committed to promoting tolerance..." The sentiment of those last two lines should be a bit more direct: "actions that contribute to an atmosphere of..." should be changed to "we insist on an environment in which everyone feels safe and reject verbal and physical intimidation in any form ..." something more direct.

Chair Ramsey asked if the proposers would accept this suggestion as a friendly amendment, and they acknowledged that they would.

Comment (Senator Vicki Greene): I want to say that this revision is much better, but I still think that there are some things that you can't say in an atmosphere of civility, so I would like to strike that sentence.

Question (Senator Jack Sasson): What kind of things can't you say in an atmosphere of civility?

Response (Senator Greene): There are a lot of things you can say that are in conflict with an atmosphere of civility (that the Holocaust didn't happen, that women can't do science, for example). I'm not arguing that one should or shouldn't say those things, I'm just arguing that there is an intrinsic conflict.

Response (Senator Eigen): I read this sentence as an invitation to use civility as a context in which these statements can be reformulated in order to meet this definition.

Chair Ramsey reminded the Senate that they needed to leave time for the last item of business. There was a motion to table the motion to endorse on the diversity statement, and it was seconded and passed with 16 votes yes, 12 votes no, and one abstention.

Next Item on the Agenda - Interim report on PEAFF's revision of grievance process

Chair Ramsey explained that this is old business because this motion was introduced at a Senate meeting last spring and was tabled at the Senate meeting of May 5. PEAFF is working on a new text for the faculty manual concerning grievances involving questions of promotion, tenure, and review. Chair Ramsey recognized John McCarthy, chair of PEAFF.

Senator McCarthy said that PEAFF has been very busy this term, and have been working on the revisions to the faculty manual (pages 132-136). PEAFF has agreed upon a revised version that is now posted on the Senate website (View text at: <http://www.vanderbilt.edu/facultysenate/files/FinalFacManRevWeb.pdf>). Senator McCarthy recognized the members of the committee and thanked them for their hard work. He explained that the text that was produced is a clear improvement over what was presented to this body in the spring. He asked the senators to review the text, and pointed out that there are hard copies available and also, it is available on the Senate website. He asked that, as the senators read through it, to please note that the revised text retains the ad hoc committee for dealing with any issue regarding tenure and reappointment. The major changes are as follows: the timeline for filing and transmitting grievances is spelled out, the timeline for responding to grievances is spelled out, the informal steps to filing a grievance have been clarified, a recommendation regarding broadening the pool of potential members to serve on the ad hoc committee has been made, a clarification about what access should be made available to the chair of the inquiring body to confidential files has been made, a mechanism for record keeping has been outlined. PEAFF has debated establishing the office of an ombudsperson at Vanderbilt University. The concept of ombudsperson has many appealing qualities to it, and for those reasons, many universities across the nation have turned to this position as the contact individual in conflict disputes. Within the next few weeks, PEAFF will consider formally whether to make a proposal to create the position of ombudsperson.

PEAF will also formally consider how we might revise the proposal for revision of grievance procedures to be adopted. Senator McCarthy explained that If PEAFF agrees to move forward with this proposed position, the committee will create that second text and post it. Next term, PEAFF will come back to the Senate and will make a recommendation for creating the position of ombudsperson. If that passes, PEAFF would then move to the alternate version of the text. If the proposal is denied, then PEAFF would propose the adoption of the revised text currently posted on the website. By January, PEAFF will produce three documents: 1) the proposed revision to the current grievance procedures, 2) a rationale for creating the position of ombudsperson, and 3) an alternate version of the proposed revision to the grievance procedure, including the ombudsperson. Any questions?

Question (Senator Michael Goldfarb): What is the process for electing or appointing the ombudsperson?

Response (Senator McCarthy): That procedure would be worked out in collaboration with the administration. In order for us to make a proposal, we have to make sure that there would be funding for it. It would be funded separately, and would be a totally independent person. This person would be the first contact for all informal complaints, but would not be involved in any formal hearings.

Comment (Chair Ramsey): Most likely, the Senate and the administration would jointly appoint the faculty ombudsperson, but this is still to be worked out.

Next Item on the Agenda – Good of the Senate

Chair Ramsey then called for business under Good of the Senate. Hearing none, he reminded the senators about the special executive session for elected senators on January 15. Meeting adjourned at 5:30 p.m.

Respectfully submitted,

Dale Farran,
Secretary