

Vanderbilt University  
Faculty Senate Meeting  
February 1, 2007, 4:15 p.m.  
Room 1220, Medical Research Building III

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Call to Order

Approval of Minutes of December 7, 2006 meeting

Report of the Executive Committee  
D. Catherine Fuchs, Chair of the Faculty Senate

Report of the Chancellor

Committee reports

Report from Faculty Life Committee on Roth 403b  
(Senator Kane Jennings)

Motion from PEAFF regarding change to Faculty Manual grievance process  
(Chair-Elect Bruce Barry)

Interim report from the Interdisciplinary Collaborations Task Force  
(Senator and Vice Chair Norman Tolk)

New business

Senate's response to Living Wage issue (Chair-Elect Bruce Barry)

Good of the Senate

Adjournment

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Voting Members present: Ahner, Barry, Benbow, Bradford, Breyer, Burk, Campbell, DeHart, Dowdy, Emeson, Fogo, Foster, Fuchs, Gabbe, Galloway, George, Hudnut-Beumler, Jennings, Kirshner, Lachs, Link, Lybrand, McCarty, McLendon, Neely, Rousseau, Shepherd, Shiavi, Shields, Shyr, Slovis, Tarpley, Tolk, Weller, Wood, and Wright.

Voting Members absent: Barnett, Carter (regrets), Chen, Conway-Welch, Cooil, Dayan (regrets), Hetcher (regrets), Levine (regrets), Moore, Norden (regrets), Pettepher (regrets), Porter, Reisenberg, Retzlaff (regrets), Rubin, Sandler (regrets), Schmidt, Sharpley-Whiting (regrets), Smrekar, Wait (regrets), and Wasserstein.

Ex Officio Members present: Brisky, Gee, Gherman, Heflinger, Kovalcheck, McCarthy, McNamara, Schoenfeld, and Zeppos.

Ex Officio Members absent: Balsler, Barge, Chalkley, Gotterer, Hall, Jacobson, Outlaw, Perfetto, Sandler, Spitz, and Williams.

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The meeting was called to order at 4:15 p.m. by Chair Catherine Fuchs.

**Next Item on the Agenda – Approval of the December 7, 2006 minutes**

Minutes from the 12/7/06 meeting were reviewed and a motion was made to approve them. The motion passed unanimously.

**Next Item on the Agenda – Report from the Executive Committee**

Chair Fuchs then gave the report from the Executive Committee. She reminded the senators that Dr. Paul Barreira from Harvard University will be speaking at the Senate luncheon on Thursday, February 22. She said that the Executive Committee has asked for a presentation from Vanderbilt's new recycling coordinator, but they have asked to postpone any presentation until they have permanent staff in place. Chair Fuchs said that the Executive Committee has invited Associate Provost Dennis Hall to speak about Graduate Education at the March Senate meeting; she reminded senators to send any questions for Associate Provost Hall to the Senate office. Chair Fuchs mentioned that the Executive Committee has been discussing the Senate's response to the Living Wage issue, and Chair-Elect Bruce Barry will give an update later today about the history of this issue as the Senate has addressed it. She said that the Executive Committee has also been discussing effort reporting, and has invited Associate Vice-Chancellor Jeff Balsler to come speak to the Senate about this issue, most likely at the April meeting. Chair Fuchs acknowledged the work that has been done on the Faculty Manual revisions, and reminded senators about the motion that will be discussed later on the agenda. And, finally, she updated the senators on the Faculty Survey results by letting them know that the Executive Committee has discussed this with Associate Provost Tim McNamara. His response was that the current SACS accreditation process is at the forefront currently, but plans for looking at the survey results are in process.

She asked for any questions. Hearing none, she welcomed Chancellor Gee and turned the floor over to him.

**Next Item on the Agenda – Chancellor's Report**

Chancellor Gee thanked Chair Fuchs and the Executive Committee for their hard work. He said that his remarks will be brief, and that Vanderbilt has started off with a good year. He mentioned that one of the issues that he is currently working on is faculty retention. He also said that the union negotiations were in progress, and he added that Chief Human Resource Officer, Kevin Myatt, had recently sent out a letter to all faculty detailing the negotiation process and where we currently stand. Chancellor Gee pointed

out that the group that this affects is very small (600 staff members), but he is confident that an agreement can be worked out soon. He said that the Living Wage movement is a national one, and therefore is separate from Vanderbilt's union negotiations.

Finally, he mentioned that many at Vanderbilt had the opportunity to make an historic journey with the Freedom Riders recently. He added that this is part of our undergraduate programming and intellectual growth at the university. He said that this was one of the most moving experiences that he has ever had, and he appreciates the organizational effort that is being put into the undergraduate experience at Vanderbilt.

Chancellor Gee then called for any questions. Hearing none, he turned the floor back over to Chair Fuchs.

### **Next Item on the Agenda – Report from Faculty Life Committee**

Chair Fuchs recognized Senator Kane Jennings, chair of the Faculty Life committee, to give a report from his committee on the 403b Roth contribution plans. He explained that this issue was motivated by a few emails from faculty (see presentation at: <http://www.vanderbilt.edu/facultysenate/files/Roth403b.ppt>). He said that he sees his role as gauging the interest in this plan from faculty and then letting the administration know about it. He asked for questions.

Senator Karen Campbell: How common are these Roth plans at other universities?

Senator Jennings: Since this is such a new plan, probably not too many.

Senator John Lachs: Can you start one on your own independent of the university?

Senator Jennings: No, you can't start one on your own.

Dean James Hudnut-Beumler: How does this affect the total amounts?

Senator Jennings: I don't think it affects the amounts...you still have the same amounts.

Senator Tracey George: How are you going to find out faculty sentiment in going forward with this issue?

Senator Jennings: I would like to have senators ask their colleagues informally. And I hope that they would let me know if there is an interest in pursuing this further.

Hearing no other questions, he thanked the Senate. Chair Fuchs thanked Senator Jennings for his presentation.

### **Next Item on the Agenda – Report from PEAFF Committee**

Chair Fuchs then turned the floor over to Chair-elect Bruce Barry to present a motion from the PEAFF committee. Chair-elect Barry presented a motion to change the grievance process by adding a paragraph to one section of the Faculty Manual (see below). He

explained the history of the negotiations with the administration over these changes, and stated that this paragraph is the only substantive change:

“MOTION:

Background:

PEAF submits to the Senate a recommendation that the Senate approve the following addition to the *Faculty Manual*. This addition — developed in conversation among PEAF representatives, the Senate Executive Committee, and Vice-Chancellor Zeppos — both precludes faculty members from filing the same grievance with two separate committees and assigns cases of mixed claims to the *ad hoc* grievance committee system. The addition also completes the work, begun by PEAF four years ago, to revise the Grievance process.

The addition is the italicized section below:

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## *Chapter 2*

### Faculty Grievances

A faculty member who believes that the University, acting through any representative, has breached an obligation owed to him or her may file a grievance.

A grievance alleging that the University breached an obligation owed to the faculty member in regard to a decision on his or her reappointment, tenure, or promotion shall be filed using the process set forth in Section A, below.

A grievance alleging that the University breached an obligation owed to the faculty member in situations other than those arising out of a decision on reappointment, tenure or promotion shall be filed with the Senate Committee on Professional Ethics and Academic Freedom (hereafter referred to as “PEAF”) utilizing procedures set forth in Section B below. In the School of Medicine, in situations other than those arising out of a decision on the faculty member's reappointment, tenure or promotion, a faculty member may, as an alternative, file a grievance with the Faculty Advisory Council

*Faculty members may file a grievance under Section A or Section B, but not both. Faculty members in the School of Medicine may file a grievance with the Faculty Advisory Council or under Section B, but not both. Where the claims arising under part A and part B involve a common or overlapping set of factual circumstances, a grievant shall set forth all such claims and proceed under Part A. A potential grievant is encouraged to contact the Chair of the Faculty Senate to determine where the grievance is best filed.”*

Chair Fuchs thanked Chair-elect Barry, and then asked for discussion.

Senator Agnes Fogo: Would this prevent someone from filing more than one grievance?

Chair-elect Barry: No, this is about one single instance.

Senator Fogo: I worry that this encourages someone to whittle their grievance down to one case instead of filing under only one section.

Provost Nick Zeppos: A real concern here for us was inconsistent findings. If there are a common set of facts, then two bodies might find two different set of facts.

Chair Fuchs: This is also to preclude someone being upset with an outcome and then wanting to file again under the other section.

Senator Fogo: I don't like the wording here.

Chair Fuchs: We will have an up or down vote; no wordsmithing of the motion will happen at this point. Also, another justification for this wording is to better use faculty resources and to avoid reconvening another group to hear the same case.

Senator Lachs: The first sentence does not convey what you want it to say. It says that you cannot file under Section A and Section B.

Dean Hudnut-Beumler: It is referring to one case.

Senator Campbell: What is the procedure for wordsmithing?

Chair Fuchs: We will have an up or down vote today; if the motion is voted down, we send the motion back to PEAFF and they will have to present it again.

Senator Virginia Shepherd also raised concerns about this wording.

Past Chair John McCarthy clarified that it was up to the grievant to decide how to proceed. He said that every effort is being made to make sure that every claimant is treated fairly.

Chair-elect Barry: I'm sympathetic to the grievant and I don't see how this takes any rights away from the grievant.

Chair Fuchs said that in practice, this is very helpful wording to the person who is putting these committees together.

Chair Fuchs then called for a vote. The motion passed with 26 votes for the motion, 10 votes against, and 1 abstention.

### **Next Item on the Agenda – Interim Report from Interdisciplinary Collaborations Task Force**

Chair Fuchs then turned the floor over to Vice Chair Norman Tolk for an interim report from the Interdisciplinary Collaborations Task Force (see presentation here: <http://www.vanderbilt.edu/facultysenate/files/InterDTF-Feb07.pdf>). He asked for questions, comments, or guidance.

Senator Bob Weller asked a question about accreditation. Vice Chair Tolk said that he didn't have an answer for this issue, but that he would take it back to the task force.

Dean Richard McCarty: Do you think you are building up false hopes? In terms of money and places to get funding for disciplines that traditionally don't have much funding.

Vice Chair Tolk: We will make sure that people understand that this is not a pledge for funds.

Past Vice Chair Craig Anne Heflinger: There are some internal funding in schools and colleges; how will that tie into this project?

Vice Chair Tolk: These projects will cut across schools, so we will see how this works.

Chair Fuchs said that the task force will be giving a report later in the year; please forward all questions to Vice Chair Tolk. She thanked him for his interim report.

### **Next Item on the Agenda – New Business**

Chair Fuchs then recognized Chair-elect Bruce Barry and asked him to give an informational update on the Faculty Senate's response to the living wage issue.

Chair-elect Barry: The living wage issue is especially visible right now in large measure because the university is presently in the midst of active negotiations with the union (Laborers International Union of North America, Local 386, or LIUNA) that represents approximately 600 workers, some of them the lowest-wage employees on the university's payroll. They work under 5-year contracts, so the negotiation is a timely point for living wage activism.

What follows is a quick review of the recent history of the Faculty Senate's involvement in this issue, which goes back a few years.

The student group around the living wage issue formed in 2002, but the living wage issue became visible on campus in the fall of 2004. The union contract was in year 3 (of 5), and Vanderbilt agreed to renegotiate some terms of the existing agreement. There was some prominent activism on campus, with a set of events including a rally at Kirkland Hall in November 2004.

The issue first arose at a Senate meeting on December 9, 2004, Bob Thompson, the chair, was leading a discussion of an upcoming possible "executive session" senate meeting. A senator (Campbell) asked if the living wage should be on the agenda for that. This led to some back and forth about that. Chancellor Gee weighed in on that occasion during his remarks, quoting here from the Senate minutes:

Chancellor Gee said that having a meeting without him or other university administrators present would be wrong. He said that he has strong views on this issue and he believes that the university is in the most politically, substantive, and morally correct position. He expressed concern about a discussion without an opportunity to have all of those issues fully discussed and fully understood and the implications fully clarified. He urged anyone who wants to discuss that issue to discuss it, but he intends on being present wherever that discussion takes place.

At that same Dec 2004 meeting, under new business, Senator Doug Perkins asked that the Senate consider a motion supporting the living wage initiative. Chair Thompson asked Senator Perkins and other interested senators if they would be willing to draft a statement for this motion. Senator Perkins agreed.

The Senate ultimately elected not to have an ‘executive session’ meeting, and at the next regular meeting on February 10, 2005 it was proposed that the senate set up a town meeting on this issue. There was also a motion to charge the executive committee to meet with living wage proponents to explore the “best way to deal with the issue” (quoting from Senate minutes). That motion passed.

The Senate held a Living Wage forum on Wednesday, April 20, 2005 with a panel that included Bruce Barry (Management), Ronnie Steinberg (Sociology), Kathryn Anderson, (Economics), and Kevin Myatt. There was decent attendance (perhaps 30-40) including senators, interested faculty members, administrators and students.

In summer of 2005, the Faculty Life committee was charged for 2005-06 “*To follow up on the proposal for a living wage resolution and present a recommendation to the Faculty Senate.*” Joey Barnett was chair of Faculty Life in 2005-2006. Actions of his committee during 2005-06 are described in the committee’s end-of-year final report in May 2006:

Representatives of the committee met with representatives of the University and Medical Center Staff Councils to prepare a common response to this charge. The Staff Council representatives recommended not pursuing the issue at that time. A representative of the student group Living Income for Vanderbilt Employees (LIVE) approached the committee for support of this issue. Discussion was expanded to embrace the efforts of the Medical Center and University to be a preferred employee. It was felt that adequate compensation should be implicit in this effort.

The Faculty Life committee offered a motion on this issue – regarding the university’s approach to minimum compensation (it never used the words “living wage”) that was considered at a Senate meeting on April 20, 2006. After some discussion, with concerns expressed about wording issues and the meaning and intent of the motion, it was unanimously tabled.

*The Motion:* Be it resolved that Vanderbilt University adopt a substantive and systematic commitment to assuring that the combined total value (taking into account salary and benefits) of its minimum compensation for all Vanderbilt University employees exceeds the combined total value of minimum compensation for employees at other regional universities and colleges.

In October 2006, as the current negotiations were getting under way, the union contacted the Faculty Senate Executive Committee requesting an opportunity to appear before us to share some analysis and answer questions. The Executive Committee replied to the union saying that if the union wishes to convey analyses related to living wage issues and its negotiations with Vanderbilt to the Faculty Senate, the Executive Committee is happy

to receive it in writing, and can then make a decision about when, whether, and how to put it in front of the Senate. The Executive Committee shared that reply with the union in a letter on November 3.

In January 2007, with the living wage issue still visible and these negotiations still ongoing, the Executive Committee indicated to the union that it is still welcome to share information with us that it would like us to have. The Executive Committee's exact words in an email: "The Senate Executive Committee remains willing to review any information you care to provide and, as appropriate, share it with the full Senate." The union replied that it plans to provide information "in the very near future." The union has shared some powerpoint slides containing some elements of their analysis of market wages and related issues, but slides like that don't speak for themselves, and the union understands that the Executive Committee prefers more complete and self-contained information. We have not received any further information from the union representative at this time.

Chair-elect Barry said that this is where we stand and he opened the floor for questions.

Senator John Tarpley: Should we do something about this issue?

Senator Joey Barnett: When I was chair, I met with the staff councils and with LIVE, the student group. We had a great dialogue about this issue. I had the support of LIVE members and from staff council about the motion that was tabled, and I was disappointed that the motion didn't pass. However, with staff council not wanting to drive this, I don't see how we can. We spent a lot of time last year with this issue, and I didn't see any energy for this in the Senate.

Chair-elect Barry: I don't think that the fact that the motion was tabled reflects the current Senate's interest in the issue. Also, I don't think that the staff council's interest has much to do with what the Senate's role will be. They are independent of each other.

Chair Fuchs (responding to Senator Tarpley): John, this depends on the will of the Senate. Let the Executive Committee know of your interest.

Chair Fuchs thanked Chair-elect Barry for his presentation.

### **Next Item on the Agenda – Good of the Senate**

Chair Fuchs then called for any items under Good of the Senate. Vice Chancellor Mike Schoenfeld said that Senator Peter Rousseau will be on the CBS Evening News tonight. Chair Fuchs thanked Vice Chancellor Schoenfeld and asked for any other items. Hearing none, she called for a motion to adjourn the meeting.

Meeting adjourned at 5:30 p.m.

Respectfully submitted,



Norman Tolk,  
Vice Chair  
Good of the Senate