DRAFT MINUTES
Vanderbilt University
Faculty Senate Meeting
April 7, 2016
Frist 140

Call to Order

Approval of the Minutes of March 3, 2016

Report of the Executive Committee

Remarks by the Chancellor

New Business

- Strategic Planning and Academic Freedom Committee, motion to revise and update the Section entitled “Academic Freedom and Responsibility” in the faculty manual
  - Presented by Senator Holly McCammon, Chair, Strategic Planning and Academic Freedom Committee

- Faculty Senate Life Committee Motion on University Meal & Incidental Expense Reimbursement Policy
  - Co-presented by Brett Sweet, Vice Chancellor for Finance and Senator Brian Heuser, Chair, Faculty Life Committee

Good of the Senate

Motion to Adjourn

Voting Members present: Barnes; Benton; Cannon; Chakravarty; Christenbery; Christman; Cliffel; Creech; Delpire; Dewey; Fauchet; Fleming; Friedman; Greer; Haglund; Hasty; Hetherington, Heuser; Hopkins; Johnson, E.; Koutsoukos; Loss; Martin; McCabe; McAmmon; Merryman; Norman; O’Hara O’Connor; Outlaw; Pearson; Price; Reeves; Rohde; Schildcrout; Walsh; Weintraub; Willis, and Wooders.

Voting Members absent: Bachman; Balser; Benbow; Brown; Chang; Goddu; Green; Johnson, J.; Kennedy; Maroney; McCain; Miga; Murphy; Oskay; Reside; Rowe; Segovia; Shay; Slayton; Smrekar; Spottswood; Talbot; Townes; Trigo; Wait; Webb; Wallace, Wright; Wright-Rios, and Ziegler.

Ex Officio Members present: Anderson; Bandas; Beasley; Brady; Cyrus; Hill; Lutz; Stalcup; Sweet; Wente, and Zeppos.

Ex Officio Members absent: Combs; Fortune; Hall; Johnson, R.; Kopstain; Lim; Marnett; McNamara; Miller; Raiford, and Williams.

Guests: Christiansen, Doug; Grayson, Tony; Robertson, Dalana.

******************************************************************************
Call to order

Senator Richard Willis, Chair of the Faculty Senate, called the meeting to order at 4:10pm.

Approval of the minutes of March 3, 2016

Chair Willis asked for approval of the minutes. A motion was made and seconded to approve the minutes. The motion passed unanimously by voice vote.

Report of the Executive Committee

Senator Willis gave the report of the Executive Committee (EC). He noted that the EC Committee report had been previously distributed. Chair Willis called for questions. Seeing no questions, he proceeded to the next item of business.

Remarks by the Chancellor

The Chancellor made no remarks before the Senate.

Old Business

No old business was brought before the Senate.

New Business

- Strategic Planning and Academic Freedom Committee, motion to revise and update the Section entitled “Academic Freedom and Responsibility” in the Faculty Manual
  - Presented by Senator Holly McCammon, Chair, Strategic Planning and Academic Freedom Committee

- Faculty Life Committee Motion on University Meal & Incidental Expense Reimbursement Policy
  - Co-presented by Brett Sweet, Vice Chancellor for Finance and Senator Brian Heuser, Chair, Faculty Life Committee

First under New Business, Senator McCammon stated that the Strategic Planning and Academic Freedom Committee (SPAF) is placing before the Senate a motion to revise and update the Section entitled “Academic Freedom and Responsibility” in the faculty manual. She thanked members of the SPAF Committee. Senator McCammon next presented the following motion:

Motion 1

- Whereas the Vanderbilt Faculty Manual (as archived on 8/3/2015) requires revision and updating, and
- Whereas revisions to Part I, Chapter 5 of the Faculty Manual were approved by the Faculty Senate on 9/10/2015 and given final approval by the Chancellor of Vanderbilt University on 9/14/2015, and
Whereas the current statement of academic freedom of expression for faculty as contained in the Faculty Manual Part III, Chapter 1 was drawn in part from the 1960 Beach Report, both an outdated document and a document drafted by a university task force to justify the expulsion of James Lawson for his activities related to the civil rights movement, and

Whereas the Strategic Planning and Academic Freedom (SPAF) standing committee of the Faculty Senate invited presentations and discussion from three campus faculty experts outside of the Senate on the topic of academic freedom and workplace free speech to help guide its deliberations, and met to hear the views of a group of politically-diverse undergraduates, and

Whereas the SPAF committee also considered a wide range of previously collected university statements and policies, including the Yale University report and a statement recently adopted by the University of Chicago on freedom of expression, and

Whereas the SPAF committee invited comments from the Faculty Senate, and all Vanderbilt University faculty in its March 2016 issue of Engage: The Newsletter of the Faculty Senate, including the opportunity to provide comments anonymously through a free-text survey, and

Whereas all feedback received was duly considered and deliberated by the SPAF Committee,

We the Strategic Planning and Academic Freedom Committee, move that the Section entitled “Academic Freedom and Responsibility” of the 8/3/2015 Faculty Manual be revised by addition and deletion as per the attached document in Exhibit 1,

We further move that the Faculty Senate give its endorsement to these revisions, and

We further move that these endorsed revisions be forwarded as a formal proposal as per Faculty Manual “Part I, Chapter 5, Amendments to the Faculty Manual” to the Chancellor and the Provost, for review, and if accepted, final approval by the Chancellor.

Exhibit 1

Proposed Academic Freedom of Expression Statement:
Vanderbilt University is dedicated to advancing knowledge and ideas, both of which may contain inherently value-laden components. In pursuit of this, Vanderbilt is committed to providing an environment for open inquiry and the vigorous exploration and free expression of ideas. Academic freedom for faculty extends from the university campus (e.g., classrooms, lecture halls, clubs, etc.) to outside its boundaries. As informed citizens and experts in their academic specialties who can speak with accuracy and authority, faculty are often encouraged to express ideas and opinions in the public domain. This activity, which is recognized as an important component of academic endeavor, occurs through a variety of venues not limited to formal publications. Vanderbilt encourages intellectual inquiry, discovery, and exchange of information, and, therefore, fully recognizes and protects freedom of exploration, thought, and expression for its faculty in all these activities.
Vanderbilt strives to promote a diverse community, and the views and ideas of its members will inevitably conflict. As an institution committed to the advancement of knowledge, and as a training ground for the intellectual, social, and ethical leaders of the future, the university is the arena where difficult conversations and seemingly heretical thoughts deserve exploration and protection. It is contrary to the principles of the university to limit the freedom of expression of individuals or to protect individuals from the messages of others which may be deemed disagreeable or possibly even offensive.

At the same time, the university deeply values inclusivity, civility, and mutual respect, and it is incumbent upon all members of the Vanderbilt community to engage in civil and respectful dialog and to resist discourse that aims to suppress the free expression of ideas. The university is and should be a forum in which faculty and students engage the spectrum of ideas in a civil and mutually respectful fashion, where faculty provide a role model for student engagement, and where students hone their abilities to think about and explore diverse perspectives.

When an individual or group deems the ideas of others to be inimical to their own, the response cannot be to suppress or obstruct the speech of others but rather the response should be to engage in discussion, debate, and mutually respectful dialog. A core part of the university’s mission is to provide opportunities for intellectual exchanges to take place. Our responsibility as a community is to ensure that all members of the university community have freedom of expression.

Only in narrow circumstances should the university endeavor to limit freedom of expression. Speech that violates the law, such as libel, slander, harassment, or threats; that infringes on legally-protected privacy or confidentiality interests; that directly impedes university activities in a severe and/or pervasive manner; or that intentionally promotes hate of individuals or groups is not protected at Vanderbilt. Because the university is fully committed to the promotion and protection of the free expression and exchange of ideas, these rare exceptions should be understood and applied so as to support rather than undermine full and free expression.

After presentation of the motion and Exhibit 1 *(Proposed Academic Freedom of Expression Statement)*, Senator McCammon informed the Senate that the proposed statement of “Academic Freedom of Expression” represents the culmination of three years of work by SPAF committee members. Over the course of this interval, the Committee surveyed a number of peer institutions and received nearly fifteen examples of “Academic Freedom of Expression” statements currently in use at these academic institutions. The Committee then did an analysis of these statements, and used what the Committee deemed as best practices to inform the final draft statement included in the motion before the Senate today. Senator McCammon also noted that the Committee invited three campus experts Jim Blumstein from Law, Bruce Barry from Owen, and Lenn Goodman, from A&S to provide expert advice on the crafting of language for the new statement. In addition, the Committee met with a group of politically diverse students who offered insightful statements. They also reached out to leaders in campus diversity and inclusion. Senator McCammon next explained the genesis of Vanderbilt’s current Academic Freedom and Responsibility statement as contained in the Faculty Manual. This statement was generated as part of what is now known as *The Beach Report*. This report was the output of an ad hoc committee formed by Chancellor Branscomb to investigate and make recommendations regarding the expulsion of James Lawson, a Vanderbilt graduate student who took an active
leadership role in the civil rights movement. *The Beach Report* is now viewed largely as a justification for the expulsion of James Lawson for his civil rights activities. Senator McCammon read an excerpt of *The Beach Report*: “The Vanderbilt community share a due regard and respect for the law. In the event that one of its members is in jeopardy before the law, either for the sake of conscience or for the purpose of testing the validity of particular provisions of law through deliberate violations, the University will not seek to protect him or her from due process of the law.” Senator McCammon explained that the Committee feels strongly that given the history of VU’s current Academic Freedom and Responsibility Statement as housed in the Faculty Manual, it is time to revise the statement. She thus recommended passage of the motion on the table which will revise the Faculty Manual to include the “Academic Freedom of Expression Statement: as found in Exhibit 1. A draft of the proposed statement has already been shared with the Senate as well as the broader community, administrators, Vanderbilt faculty, the Faculty Manual Committee, and VU’s General Counsel. On the basis of all the feedback the Committee received, the proposed statement is now presented to the Faculty Senate as a motion that will require a vote. If the motion is successful, the new statement will be housed in the Faculty Manual and will completely replace the former statement found in Part III, Chapter 1. Senator McCammon concluded by noting that the statement should be viewed as general guidelines which will provide protection for faculty against university sanctions in matters pertaining to academic freedom of expression and should not be viewed as an “operating manual” to address each specific incident pertaining to academic freedom of expression. Senator Willis, Chair of the Faculty Senate opened the floor for discussion. Senator McCammon responded for the Committee.

- A Senator made a friendly suggestion that the second sentence of the first paragraph which currently reads “In pursuit of this” be amended by addition of the word “goal” to read: “In pursuit of this goal. . . .” Senator McCammon accepted this addition as a friendly amendment.
- A Senator asked Senator McCammon to share with the Senate if there were Committee deliberations related to statements by VU faculty that have caused some student groups on campus to question whether these statements intentionally promoted hate of groups or individuals. The Senator specifically asked if the Committee addressed recent statements by one or more VU faculty members that “targeted” VU’s gay and Muslim student groups. He specifically asked whether those expressions would be protected or not protected under the new policy. Senator McCammon noted that the Committee talked at length about diverse groups of students and they were sensitive to student concerns. She noted that the Committee did not attempt to write a statement to resolve particular circumstances. She added, “We were not trying to write an operating manual,” rather the Committee chose to focus on guiding principles rather than address specific circumstances. “We saw as our charge to write the general principle, not the specific directions on how to resolve each and every tension that might emerge. Recent tensions were a topic which the committee discussed on numerous occasions. There were discussions about whether incidents were hateful or not hateful. The proposed statement can offer general guidelines but any specific complaint would need to be adjudicated individually.”
- A Senator asked how questions related to statements that might be viewed as hate speech directed to a particular group would be resolved. “What is the entity that would make that resolution?” If such a statement were alleged to be made, the targeted individual or group
would notify the Department of Equal Opportunity, Affirmative Action, and Disability Services (EAD). EAD would then conduct an investigation, resulting in a report to the faculty member’s dean. That report would provide input to the dean regarding whether the dean would take disciplinary measures against said faculty member. The EAD report is only a recommendation to the dean. If in fact the dean did take disciplinary action against the faculty member then the faculty member could proceed by filing a grievance of the dean’s decision. That grievance would proceed as outlined in Part IV, Chapter 2, Section B of the Faculty Manual (grievances unrelated to reappointment, promotion, and tenure decisions). The faculty committee convened to hear such a grievance (currently the Senate’s standing committee on Grievances) would render a recommendation to the Chancellor regarding the action taken by the dean against the faculty member. The Chancellor would make the final decision.

- The grievance process is one of the most important processes that the Faculty Senate is responsible for as a body. It only comes into effect if a faculty member says the disciplinary action against them is incorrect. What we need to decide is whether the document in front of us contains language and words that our Grievance Committee can understand well enough to decide if they will support the grievant or support the individual who took action against the grievant.

- A Senator inquired: “I have a question about the last sentence in the second paragraph that includes: ‘to protect freedom of exploration.’ [Refers to Slide #14: For reference the complete sentence states: ‘Vanderbilt encourages intellectual inquiry, discovery, and exchange of information, and, therefore, fully recognizes and protects freedom of exploration, thought, and expression for its faculty in all these activities.’] For example, suppose someone is accused of plagiarism and a lawsuit is launched. Does the university protect the individual? Or if a faculty member says someone stole their ideas and they want to sue…if an outsider accuses a Vanderbilt faculty member of plagiarism? In response, it was noted that we have a process in place to handle research misconduct. We would do an investigation to find out whether or not the accusation is substantiated.

- The Senator asked in follow up: “What if the accusations are not substantiated?” In response, it was stated that the University cannot restrict some third party who sues a faculty member. If you claim freedom of thought, you are most likely to rely on the First Amendment because our Faculty Manual is not binding to the world. Under the First Amendment laws, there are basic protections for which you can be sued like libel and slander. You cannot be sued for plagiarism and false claims. If the outside world sues you saying, “You stole my idea”, there is nothing the University can do or say to the outside world. The University does not provide legal defense for faculty who are sued in an individual capacity for plagiarism. There could be some instances where you are acting in some official duties but in an individual capacity, it is different. We may need to ask if the attack on the person is really an attack on the University. Those outside forces may not only attack a person, but may also attack the institution by way of attacking members of the institution. For example, there is a hazy line in this area when government officials are sued. You can sue the government in an official capacity or an individual capacity. For a physician who is sued for malpractice within the scope of employment, we will provide defense. In the classroom, it is different.
Senator McCammon stated that the intention of Motion 2 is to replace the old statement of Academic Freedom of Expression crafted from *The Beach Report* and replaces it with the new statement as found in Exhibit 1. The new statement removes the prohibition imposed by *The Beach Report* that prevented the University from aiding faculty members who found themselves in legal problems based on their conscience. *The Beach Report* appeared to prohibit the University from acting in any capacity in such a case. The current statement lifts that prohibition but does not compel the University to take action either. For example, if someone does something illegal, it is unlikely the University will defend them.

Noting no further questions, Chair Willis clarified that the motion before the Senate was as stated in the previously circulated Motion 1 with the addition of the word “goal” in the second sentence of the first paragraph to read, “In pursuit of this goal. . . .”

The amended motion was seconded. Chair Willis called for a vote on amended Motion 1 by electronic ballot. There was a voting technology malfunction. Paper ballots were distributed. Voting proceeded: Tally: 29 affirmative, 0 opposed, 0 abstentions.

Next under New Business, Senator Brian Heuser, Chair, Faculty Life Committee and Brett Sweet, Vice Chancellor for Finance and Reimbursement Policy presented the Faculty Life Committee Motion on University Meal & Incidental Expense Reimbursement Policy.

**Motion 2**

- Whereas the Faculty Senate and Vice Chancellor of Finance have determined that it is timely to revisit the University policy on Meal & Incidental Expense Reimbursement,
- Whereas it makes good sense to extend to faculty members multiple, flexible options for reimbursement of Meal & Incidental Expenses due to University travel that are also in compliance with IRS guidelines,

The Faculty Life Standing Committee unanimously recommends that, beginning in the Fall Semester of 2016, the University adopts a “hybrid model” of meal and incidental expense reimbursement for Vanderbilt University employed faculty that includes the following characteristics:

- For travel on all sponsored research Vanderbilt University employed faculty must submit actual, itemized expenses.
- For travel on unrestricted, non-sponsored research Vanderbilt University employed faculty may opt for reimbursement of actual, itemized expenses or for a Vanderbilt per diem of US $75 per day for meals and incidentals, with no receipts or itemization of expenses required. This election is made on a per-trip basis.
- For both sponsored and non-sponsored University travel, the receipt threshold will be increased to be equal to or greater than US $75.
- Each Dean of Vanderbilt University’s colleges and schools retains the prerogative to maintain a more restrictive reimbursement policy.
Senator Heuser introduced the Faculty Life Committee and thanked the Chancellor, the Provost, and Vice Chancellor Sweet. Senator Heuser stated that Motion 2 will reduce bureaucracy for VU faculty travelers. He explained that this policy relates to incidental travel expenses such as meals, ground transportation, and tips incurred by faculty members while traveling on Vanderbilt University business. He further explained that at this time, this policy pertains only to VU employed faculty and not VUMC employed faculty.

As background information, Senator Heuser noted that our university spends about $13 million per year on travel. That is about $2,000 per trip on all forms of expenses across 6,500 trips. He added that as a faculty we are remarkably frugal. Currently expenses average approximately $46/day for food and other travel incidentals.

Our current travel reimbursement policy utilizes a $25 receipt threshold for food and incidental expenses. The new policy as proposed in the Motion 2 would increase the receipt threshold to $75. In addition, the policy as proposed in Motion 2 would provide the VU faculty traveler with the choice of providing receipts for actual expenses or the traveler could choose a $75 per diem payment option as long as the travel did not utilize sponsored funds. Senator Heuser explained that the Committee studied reimbursement policies utilized by 20 peer institutions. Thirteen of these schools utilize a $75 receipt threshold.

Senator Heuser further explained that for sponsored funds, faculty would continue the current practice of providing receipts for all food and incidental travel purchases for which they request reimbursement. That is the norm for the research environment. However, the receipt threshold would increase to $75 per transaction, greatly decreasing the number of transactions requiring a receipt for submission for reimbursement.

Thus to summarize, if Motion 2 is passed, for travel on non-sponsored funds, VU faculty travelers could select on a per trip basis whether to choose reimbursement for food and incidentals with a $75/day per diem payment with no adjustments, or the faculty traveler could request reimbursement for actual expenses for meals and incidentals by providing an account of all such expenses and including receipts for any of these expenses that exceed $75/receipt.

- In response to a Senator’s question, Senator Heuser reiterated that for travel utilizing sponsored funds, the faculty member must submit actual expenses supported by receipts for any transaction that exceeds $75. The receipt threshold increase is the only change in these circumstances.
- A Senator inquired: When it comes to the IRS, will per diem payments be viewed as income. Senator Heuser responded that per diem payments for incurred travel expenses will not be taxed as income.
- Senator Heuser emphasized again that this motion pertains to VU employed faculty, staff and graduate student travelers who are traveling on non-sponsored funds. He also noted that Motion 2 gives discretion to the Deans who may choose to have a more restrictive reimbursement travel policy. He re-emphasized that VU employed travelers utilizing sponsored research funds, must submit actual expenses and cannot choose the per diem option.

Noting no further questions, Senator Willis, asked for a vote by paper ballot.
Paper ballots were distributed.

Voting proceeded by paper ballots: Tally: 32 affirmative, 0 opposed, 0 abstentions.

Scheduled Speaker

Senator Willis introduced guest speaker, Douglas Christiansen, Vice Provost for University Enrollment Affairs, Dean of Admissions and Financial Aid

VP Christiansen addressed the Senate with a presentation, which highlighted the topics of:

- The Enter Fall Class of 2015
- Application Growth, Selectivity, and Yield
- Ethnic Diversity, Geographic Diversity, Gender Diversity, and International Diversity
- Outlook on the 2016 Entering Class

A great deal of enrollment data was covered by Vice Provost Christiansen. Key data points noted included:

Enrollment numbers by school were discussed and explained that the entering class enrollment number has fluctuated only slightly from 1600 to 1613 over the past several years. The current plan is to continue to target 1600 for the entering class.

He specifically noted the growth in our applications over the last decade. Since 2006, overall applications have increased by 165%. International applications have increased by 685% over the same time period. In response to a Senator’s question regarding applications received from China, VP Christiansen noted that in 2009, 30% of our international applicants were from China, with this number rising to 37% in 2015.

He noted that our overall admission rate percentage has fallen from mid-30’s in 2006 to 11.7% in 2015 and will approach 11% for 2016. Over the same time frame the yield has steadily increased from a low of 36.6% reaching 43.7% in 2015 and will approach 44.5% for 2016.

With respect to testing metrics the middle 50% of SAT enrolled students for fall 2015 scored between the 97th and 99th percentile range on the SAT (1430 to 1590). The middle 50% of ACT enrolled students for fall 2015 scored between the 98th and 99th percentile range on the ACT (32 to 35).

A map designated the homes of record for our domestic students. This revealed that 9.5% of our enrolled students come from Tennessee with 32% from the southern region. Our enrollment from the west continues to increase.

Over the past decade Vanderbilt’s total ethnic diversity (African American, Hispanic of Any Race, Asian American, Native American and two or more) has increased from the low 20’s to 38.8% of the entering class. Specifically in the 2015 entering class 162 students (10.1% of total enrollees) were Hispanic, 155 (9.6%) were African American students -- this percentage is one
of the highest among private research universities. In addition Vanderbilt enrolled 216 (13%) new Asian American students.

VP Christiansen remarked that May 1, 2016 is the National Reply Date. Our last reported regular decision selectivity rate was 8.8%. We anticipate another strong year. He concluded his remarks by commending the faculty and the excellent academic instruction that students receive at VU due to the commitment of our faculty. He stated, “This is what brings students to VU. They know they are going to get a great experience here.”

**Good of the Senate**

Senator Willis reminded the body about the Special senate meeting in partnership with VSG and Greek leaders April 13, Wilson 103, 5:30 to 7:00 p.m. The topic of discussion was feedback on the draft Greek Life Task Force Report; please see the March issue of *Engage* for links to the feedback.

**Adjournment**

Meeting adjourned at 5:40 pm.