Minutes of the Faculty
College of Arts & Science

March 25, 2008

Dean Richard McCarty called the meeting to order at 4:15 p.m. in Wilson Hall 126.

1. Proposed revision of Vanderbilt’s Equal Opportunity and Affirmative Action Policy and Anti-Harassment Policy to include gender identity or expression.

Nick Wells, an A&S Senior, explained that he is helping to organize a petition drive to persuade Vanderbilt’s Board of Trust to add “gender identity or expression” to Vanderbilt’s Equal Opportunity and Affirmative Action Policy and Anti-Harassment Policy. Vanderbilt has included “sexual orientation” in these important policies, he said, and adding “gender identity or expression” would make Vanderbilt’s policies more comprehensive and current with our peer universities. Most of our peer universities, including Duke and Emory universities, have included gender identity and expression in their policies. Adding gender identity and expression to the policies is also a matter of fairness and equality, he argued. The petition drive has received strong support from student groups, including the Greek system and the Hustler newspaper, and from Vanderbilt faculty and employees. Approximately 1500 students and 200 employees have signed the petition thus far, he stated.

Professor Aurbach asked for a definition of “gender identity or expression.” Mr. Wells replied that adding “gender identity or expression” to the policies would protect behavior that would be considered beyond or different from the expected stereotypical gender norms. Professor Adderley added that the phrase would also cover transgender identity and transsexuals, and other persons who feel and exhibit behavior that is different from their biological sex.

Professor McCarthy asked if the petition organizers have approached the Faculty Senate on this issue, and, if not, he urged Mr. Wells to contact Professor Bruce Barry, the Chair of the Faculty Senate. Mr. Wells replied that he had not yet approached the Faculty Senate.

2. Effort Declaration and Certification for Federal grants and contracts.

Associate Provosts Dennis Hall and Tim McNamara presented an update on Vanderbilt’s strategy to comply with Federal laws and regulations regarding Effort Declaration and Certification for Federal grants and contracts. They noted that this presentation is but one of many that they have been making on this issue across the university recently, including an important meeting last week with A&S faculty members who are currently receiving Federal research grants. Professor Hall explained that, until a few years ago, the Federal government did not focus attention on the way in which universities and individual faculty members complied with regulations about the reporting of effort expended on work related to Federal grants and contracts. Private businesses and industries have been expected to comply with these regulations for some time, he said, but now universities must comply strictly as well. The Federal government has established clear regulations in this area and has also published a field manual. Non-compliance with these regulations is serious and expensive. Northwestern University was audited by the Federal government for its effort reporting in February, 2003, and subsequently paid a $5.5 million fine for lack of compliance. The National Science Foundation conducted a
labor audit at Vanderbilt for a twelve-month period ending in spring, 2007, but the results are not known yet. After the NSF audit announcement, the then Provost Zeppos directed Vanderbilt academic administrators to examine their rules and practices regarding effort reporting and to revise them to comply with Federal regulations.

Professor Hall summarized the regulations for effort reporting. He stated that faculty members who are conducting research under a Federal grant or contract must declare and certify the percentage of effort expended during a given work period toward the Federal grant or contract and then charge the Federal government appropriately. He emphasized that institutional effort must be reported in terms of percentage of effort expended, not in terms of hours per week, and that total institutional effort (T.I.E.) must add up to 100%. Consulting time is not included in T.I.E., nor is time spent on a grant-review panel, nor are other activities that are not university-related, such as work for a professional organization or work devoted to a community group. On the other hand, some kinds of work that are university-related cannot be included in the amount of effort expended toward a Federal grant or contract. Effort expended writing grant proposals, for example, cannot be charged to the Federal government, except in rare cases. Incidental activities to the grant or contract, such as letter-writing related to the grant, can be charged to the Federal government, for up to 2.5% of the effort expended during the work period. Further, there is a reasonableness standard. The percentage of one’s salary charged to a Federal grant or contract is legitimate if it is a reasonable estimate of the percentage of one’s efforts expended toward the Federal grant or contract during that work period. Some variation in practice between different units of an institution and even some variation within departments of a college is also reasonable, although these variations must be explained. It is not reasonable, however, to charge a Federal grant when one is on vacation, because zero percent of one’s effort is expended toward the grant during that time. Consequently, in order to ensure compliance with Federal effort reporting regulations, Vanderbilt now stipulates that one cannot charge a Federal grant for three months effort in the summer unless one certifies that no vacation was taken. The Federal government will not pay a benefit (i.e. vacation pay and sick days) to Vanderbilt faculty members that Vanderbilt does not pay its faculty members. To rectify this, Professor McNamara stated, Vanderbilt administrators are working to establish a vacation policy for faculty members.

Professor Landers remarked that the 2.5% figure for incidental activities related to a grant appears low and asked whether that figure could be increased. Professor Hall responded that it can be increased some, but no effort declaration over 5% for incidental activities is accepted. Professor Zwiebel stated that he had heard that other universities are paying vacation and sick days to faculty members indirectly, from the interest earned from depositing grant monies. Associate Dean Sweeney responded that that is unlikely, if not impossible. The Federal government reimburses Vanderbilt for certified declarations of effort expended toward Federal grants and contracts; it does not dispense the grant money to Vanderbilt up front. Professor Weintraub stated that he wanted to confirm that it is perfectly acceptable for him to write grant proposals in March, when his salary is paid by Vanderbilt, but it is not acceptable in June, when his salary is paid entirely by a Federal grant. That is correct, responded Professor McNamara. Professor Zwiebel stated that his program officer told him that effort expended toward proposal writing can be charged to the Federal government provided that the grant for which he is writing is a renewal of his current grant. That is not correct, Professor McNamara replied; program officers often do not know the law. Associate Dean McCammon asked whether one could certify that work for a grant or a grant proposal has been completed at a particular time, before the deadline. Yes, replied Dean McCarty, one can make such a certification through Associate
Dean Sweeney, as well as other time and effort certifications. Professor Zwiebel asked who is ultimately responsible for effort reporting. Professor McNamara responded that each faculty member has to certify how his or her effort is expended, and this certification is approved by his or her Chair and budget officer.

3. **Approval of the Minutes of the Faculty Meeting of February 19, 2008.**

There were no comments or questions, and the Minutes were approved.

4. **Review of the Minutes of the Faculty Council meeting of March 11, 2008.**

There were no comments or questions.

5. **Executive Motion Calendar.**

From the **Committee on Educational Programs** (CEP):

A. Proposed new study abroad programs:
   i. CIEE direct credit program in **Barcelona**, Spain.
   ii. CIEE direct credit program in **Stellenbosch**, South Africa.
   iii. CIEE direct credit program in **Dakar**, Senegal.
   iv. Exchange program with the Foundation for Educational Exchange between Canada and the U.S. through the **Killam Fellowships Program**.

Professor Scott asked, as the Chair of the Department (French and Italian) that has agreed to sponsor the study abroad program in Dakar, whether the Department is responsible for the curriculum of the program. Associate Dean McIntire responded that every study abroad program is proposed by a department, and, in this case, Vanderbilt is working through CIEE (Council on International Educational Exchange) to offer the Dakar program. The CIEE is responsible for the curriculum, while the Department of French and Italian selects courses in the program that are equivalent (EQ) to A&S courses. There were no other questions or comments, and the three new study abroad programs and the two new student exchange programs were approved.

B. Proposed revisions to academic programs:
   i. Proposed revision of the **French major**, and subsequent changes to the **French minor**, the **Honors Program in French**, and the **French and European Studies major**. Professor Burrus asked whether the proposed requirement that students may satisfy part of the **Intersections** rubric by successfully completing two courses outside of the department creates a problem for the AXLE degree audit program. Professor Scott responded that the Department would provide Beth Rogers, the A&S Registrar, with a list of courses that will satisfy the requirement. There were no other comments or questions, and the revisions were approved.

   ii. Proposed revision of the **European Studies major and minor**.
Professor Wasick asked when the new core course, EUS 203, would be offered. Professor McCarthy replied that it will be offered next fall. Would current students in the major be grandfathered, Professor Burrus queried, and thus would they not be required to take EUS 203, unless they opted to follow the requirements of the revised major? Yes, that is correct, Professor McCarthy responded. Is this usually the case, Professor Scott asked, that current majors are not
required to follow new requirements of the major, unless they choose to adopt the new major? Yes, answered Associate Dean Bergquist. There were no other comments or questions, and the revisions were approved.

iii. Proposed revision of the History major.
There were no comments or questions, and the revision was approved.

iv. Proposed name change of the Center for Latin American and Iberian Studies.
Professor Scott asked why the Center is proposing to change its name. Professor Fischer, the Director of the Center, explained that they are proposing a name change for simplicity and accounting reasons. Most of their work centers on Latin America, and, with the current name, they have to maintain two separate accounting books, one for Latin American studies and one for Iberian studies. There were no other comments or questions, and the name change to the Center for Latin American Studies was approved.

v. Proposed revision of the Mathematics major and minor.
There were no comments or questions, and the revisions were approved.

vi. Proposed revision of the Public Policy Studies major.
There were no comments or questions, and the revision was approved.

vii. Proposed revision of the Women’s and Gender Studies major and minor.
There were no comments or questions, and the revisions were approved.

6. Original Motion Calendar.
No issues were raised.

7. Good of the College.

Dean McCarty stated that it has been a great pleasure to work with Professor Holly McCammon as the Associate Dean for Graduate Education for the past two years and announced that Professor Senta Victoria Greene, of the Department of Physics and Astronomy, will be the new Associate Dean for Graduate Education, starting in August, 2008.

Dean McCarty regretted to inform faculty that numerous, anonymous electronic messages posted to a web site (juicycampus.com) have been made recently from recognizable Vanderbilt addresses that contain horrible and vulgar racist and sexist comments. Student leaders have organized several events in response to this threat to campus civility, he continued, including a discussion forum on Wednesday, March 26, and a pledge drive to reaffirm Vanderbilt’s Community Creed on Thursday, March 27. Civility is one of the shared values that constitute the Community Creed. Associate Dean Bergquist noted that messages posted to the juicycampus.com web site from other university addresses are not as offensive as those from Vanderbilt addresses. Professor McCarthy asked whether Vanderbilt has a policy regarding inappropriate messages to web sites using University resources. Dean McCarty replied that such a policy would be legally questionable, because it could be interpreted as abridging freedom of speech.
8. **Adjournment.**

The meeting adjourned at 5:30 p.m.

Respectfully submitted,

Marshall C. Eakin,
Secretary of the Faculty