

**BOARD OF TRUSTEES  
UNIVERSITY OF VERMONT AND STATE AGRICULTURAL COLLEGE**

A special meeting of the Board of Trustees of the University of Vermont and State Agricultural College was held on Friday, May 19, 2023, at 11:15 a.m. in the Silver Maple Ballroom (401), Dudley H. Davis Center.

**MEMBERS PRESENT:** Chair Ron Lumbra, Vice Chair Cynthia Barnhart, Secretary Catherine “Kitty” Toll, Otto Berkes, Susan Brengle, Robert Brennan, Katelynn Briere, Kevin “Coach” Christie, Frank Cioffi, Carolyn Dwyer, President Suresh Garimella, Jodi Goldstein, Stephanie Jerome, Don McCree, Kenny Nguyen, Ed Pagano, Carol Ode, Kristina Pisanelli, Monique Priestly, Shap Smith, Tristan Toleno, and Samuel Young

**MEMBERS ABSENT:** John Dineen, Lucy Rogers, and Governor Phil Scott

**ALSO PARTICIPATING:** Senator Patrick Leahy, Honors College Dean David Jenemann, and Honor College Students: Anna Sellon, Remi Savard, Parminder Kaur, Elisabeth Roadcap, and Wenzdae Wendling

Chair Ron Lumbra called the meeting to order at 11:29 a.m.

**Honors College Vision**

President Garimella welcomed Senator Patrick Leahy and recognized his 48 years of service to the nation and his enduring support for his home state of Vermont. He reported that during his time in the Senate, Senator Leahy helped secure hundreds of millions of dollars in funding for UVM through appropriations bills, awards, and other support mechanisms. The culmination of his work was the inclusion of \$30 million in Congressionally Directed Spending for an endowment to support the Honors College and academic excellence at UVM plus an additional \$50 million in Vermont-focused programmatic funding in the annual appropriations bills signed into law in December 2022.

President Garimella next introduced Honors College Dean David Jenemann who provided a brief history and overview of the vision for the college. Founded in 2004, the Honors College is home to original research, innovative teaching, and student-faculty collaborations, representing the full spectrum of academic programs at UVM. Its students are empowered through experiential learning and are encouraged to grow into courageous thinkers and compassionate leaders. Dean Jenemann then introduced the following Honors College students who shared what the college means to them:

Anna Sellon, (Patrick and Marcelle Leahy Scholar), ‘23  
Remi Savard, (Goldwater Scholar; Presidential Leadership Fellow), ‘23  
Parminder Kaur (Patrick and Marcelle Leahy Scholar), ‘23  
Elisabeth Roadcap (Presidential Leadership Fellow; Kende Scholar), ‘24  
Wenzdae Wendling (Patrick and Marcelle Leahy Scholar; Kende Scholar) ‘24

Continuing his presentation, Dean Jenemann reported that as a result of the \$30 million appropriation facilitated by Senator Leahy, the Honors College will be able to do the following: increase support for tuition, research, and internships for UVM’s highest caliber students; provide funding to support Honors College seniors as they develop their research in advance of graduate

school or pursue accelerated master's programs at UVM; establish a Leahy Faculty Fellows program to support teaching and research mentorship in the Honors College; and provide new support for service learning, internships, research awards in social justice, civil rights, sustainability, gender equity, and Vermont economic development, as well as leadership opportunities and alumni development.

President Garimella concluded the presentation by stating that it is with the greatest sense of gratitude and respect that he is asking the Board of Trustees to name the Honors College the Patrick Leahy Honors College.

### **Resolution approving the naming of the Honors College**

Chair Lumbra introduced and read the following resolution:

#### **Resolution approving the naming of the Honors College**

WHEREAS, on February 11, 2023, the Board of Trustees authorized the administration to implement the naming of a college and/or program on the terms and conditions described and as otherwise consistent with University policies; and

WHEREAS, Senator Patrick J. Leahy represented Vermont for 48 years in the U.S. Senate and tirelessly championed the University's ability to contribute to learning, discovery and engagement with the State of Vermont, our nation, and the world; and

WHEREAS, Senator Leahy's efforts have helped secure programmatic funding in areas where the University's strengths align with the needs of Vermonters; and

WHEREAS, Senator Leahy's advocacy for the University has immeasurably improved the lives of countless UVM students, faculty and staff; and

WHEREAS, Senator Leahy's contributions are part of the great, permanent history of the University of Vermont and will never be forgotten;

THEREFORE, BE IT RESOLVED, that the Board of Trustees hereby approves the name of the Honors College to be known hereafter as the Patrick Leahy Honors College, in recognition of the Senator's support to the University throughout his exemplary and distinguished career of service to our state and nation; and

BE IT FURTHER RESOLVED, that the Board of Trustees expresses its deepest gratitude and heartfelt appreciation to Senator Leahy and his wife, Marcelle, for their lifelong dedication, advocacy and support for Vermont's flagship land grant university.

A motion to approve the resolution was made by Trustee Ed Pagano and seconded by Trustee Carolyn Dwyer. By a unanimous vote, the resolution to name the Honors College as the Patrick Leahy Honors College was approved. On behalf of the Board, Chair Lumbra extended congratulations and gratitude to Senator and Mrs. Leahy.

Senator Leahy expressed his appreciation for the honor of having his name on the college and noted he was in attendance today as a Vermonter. He spoke about being the first in his family to graduate from college and described his long connection to UVM. The Senator remarked that listening to the Honors College scholars and hearing about their ambitions and the things they are learning highlights how the university is encouraging education and inspiring men and women to be their best. He concluded by expressing his appreciation to the university for helping students learn, and, in turn, helping the whole country.

The meeting was recessed at 11:56 a.m.

Chair Lumbra reconvened the meeting on Saturday, May 20, 2023, at 9:30 a.m. in the Livak Ballroom, Room 417-419 at the Dudley H. Davis Center.

MEMBERS PRESENT: Chair Ron Lumbra, Vice Chair Cynthia Barnhart, Secretary Catherine “Kitty” Toll, Otto Berkes, Susan Brengle, Katelynn Briere, Robert Brennan, Kevin “Coach” Christie<sup>1</sup>, Frank Cioffi, President Suresh Garimella, Stephanie Jerome, Kenny Nguyen, Don McCree, Ed Pagano, Kristina Pisanelli, Monique Priestly, Shap Smith, Tristan Toleno, and Catherine Toll

MEMBERS ABSENT: John Dineen, Carolyn Dwyer, Jodi Goldstein, Carol Ode, Lucy Rogers and Governor Phil Scott

<sup>1</sup> Joined by phone at 9:39 a.m.

### **Approval of previous meeting minutes**

A motion was made, seconded and it was voted to approve the minutes from the March 1, 2023, meetings as presented.

### **Public comment**

Chair Lumbra opened the public comment period by reviewing the process. He then invited the following persons to address the board:

Felicia Kornbluh, a Professor of History and Gender, Sexuality and Women’s Studies, expressed concerns about the U.S. Department of Education Office of Civil Rights investigation into reports of antisemitism on UVM’s campus and the administration’s response. A copy of the following documents outlining faculty concerns were distributed to trustees: (1) a letter to President Garimella calling for the administration to engage with the campus community and provide a complete account of the incidents that prompted the investigation and the administration’s response and (2) a resolution passed by the Faculty Senate on May 18, 2023, expressing its view on the investigation and the university’s response.

Keith Pillsbury, a first-generation UVM graduate and 50-year resident near campus shared concerns about the university’s housing for undergraduate students and the impact of student housing in his neighborhood in particular and the Burlington community in general. He opined that the university’s housing policy has had a negative impact on the environment, with increased pollution on residential streets for many years, and suggested that juniors be required to live on campus and the number of students allowed to have cars on campus be reduced. He further opined that a

reduction in student demand on Burlington’s limited housing would spur an economic resurgence and a new population of younger homeowners.

## **Committee reports**

### Audit Committee

Committee Chair Shap Smith offered a summary report of meetings held on April 10, 2023. The committee received a presentation by KPMG on the FY 2023 external audit engagement plan, including scope of work, client services team, approach and timeline. A high-level summary of KPMG’s higher education industry update was provided and the committee authorized the retention of KPMG to conduct the mandatory annual audit of financial statements and compliance audits for fiscal year ending June 30, 2023.

Director of Compliance Services and Chief Privacy Officer Tessa Lucey provided an interim report on compliance and privacy program activity since the November 7, 2022 committee meeting.

Chief Safety and Compliance Officer Michael Schirling offered a high-level overview of the work that has been done and work that is planned to address these risks, noting that many programs are integrated with the state.

Lastly, the committee previewed a three-year contract for co-sourced audit services that will provide specialized knowledge while helping to accomplish the Office of Audit Services’ work plan. The Executive Committee subsequently approved a contract with Baker Tilly US, LLP to be paid from the proceeds from a vacant position in the Office of Audit Services. The administration will monitor the structure closely and determine whether co-sourcing is a recommended long-term solution.

### Educational Policy and Institutional Resources Committee (EPIR)

Trustee Cynthia Barnhart offered a summary on Chair Carolyn Dwyer’s behalf. She reported that Provost Patricia Prelock provided highlights from her written report on updates on enrollment, personnel, and timely campus issues, including progress on sexual violence prevention and response on campus.

The committee endorsed the following curricular action items for board approval:

1. Creation of the undergraduate Certificate in Semiconductor Engineering and Physics in the College of Arts and Sciences.
2. Termination of the minor in Special Education with Endorsement in the College of Education and Social Services.
3. Creation of a minor in Global Public Health in the College of Nursing and Health Sciences.
4. Creation of a minor in Public Health, Equity and Advocacy in the College of Nursing and Health Sciences.
5. Creation of the undergraduate certificate in Gerontology in the College of Education and Social Services.
6. Creation of a minor in Equine Studies in the College of Agriculture and Life Sciences.

The committee also endorsed revisions to the Academic Freedom Statement as amended by the Faculty Senate and approved revisions to the Equal Opportunity Policy Statements for referral to the board.

Dean of the College of Engineering and Mathematical Sciences Linda Schadler and Director of Planning, Design and Construction Paula Carlaccini presented the strategic and operational need for the Torrey Hall renovation project and associated program scope, including student-centered improvements. The committee's endorsement is the first step in the project approval process, thereby enabling fundraising efforts. The project will be referred to the Budget, Finance & Investment Committee for financial review when funding has been identified for the project. The timing of the construction is subject to the availability of funding.

The meeting concluded with Chief Communications and Marketing Officer Joel Seligman sharing an update to the UVM website, which is designed to be more flexible and includes video and other dynamic content that will introduce prospective students, faculty and staff members to everything the university has to offer. He also showed a short video featuring President Suresh Garimella showcasing research at the university.

#### Budget, Finance and Investment Committee (BFI)

Chair Don McCree reported that the committee endorsed the budget planning assumptions for FY 2024, with the general fund operating budget of \$417,971,669 for board approval. The budget is balanced and reflects a flat tuition rate for the fifth year in a row and a 3.5% increase in both revenue and expenses. The administration will present a multiyear enrollment analysis at a future meeting as well as a review of energy efficiency investments.

The committee received a report from the Investment Subcommittee. As of March 31, 2023, the market value of the endowment is \$753.9 million with a total of \$808 million in philanthropic assets. He noted the endowment is up 4.1% from the beginning of the year.

At the recommendation of the Investment Subcommittee, the committee endorsed reaffirming the Investment of Endowment Cash Policy and the re-appointment of Steven Grossman as advisor to the Subcommittee for board approval.

Facilities Management Executive Director Luce Hillman provided an overview of the many ongoing maintenance and campus modernization projects that are in addition to the larger capital projects reviewed by the board. A more in-depth discussion and analysis on deferred maintenance will occur at a future committee meeting.

Vice President for Finance & Administration Richard Cate provided annual updates on the capital project pre-funding account, the net stabilization fund, and the net asset balance.

#### VT Agricultural College Board

Vice Chair Shap Smith reported that the board discussed legislative accomplishments for the 2023 session, including the university's receipt of a 3% increase to the base general fund appropriation, \$1.5 million for the PACE Upskilling Program and \$1.5 million for the Green Mountain Jobs and

Retention Program. The university will pursue additional funding for both of these programs in the budget adjustment in January 2024.

Trustees then discussed upcoming issues for the next session with board governance noted as a perennial topic. Trustees also expressed a desire to resume regional meetings to emphasize the university's statewide impact.

The Board conducted its annual election of officers. Carol Ode was re-elected as Chair, Shap Smith as Vice Chair, and Kitty Toll was elected Secretary.

Vice Chair Smith and Board Chair Lumbra thanked Executive Director of Government Relations Wendy Koenig for her outstanding work.

### *UVM Board*

Vice Chair Otto Berkes reported that the Board approved the Wilbur Trust Fund annual report. He highlighted the fact that during the 2022-23 academic year 164 Vermont high school students received grants from the Wilbur Trust Fund. Grants ranged from \$158-\$12,293, and the total of all grants awarded for the academic year was \$643,426.

Trustees reviewed a summary of the Wilbur Trust Fund financial report from July 1, 2022, through February 28, 2023, and conducted its annual election of officers. Jodi Goldstein was re-elected as Chair, Otto Berkes as Vice Chair and John Dineen as Secretary.

The remainder of the meeting was held in executive session to discuss trustee recruitment.

### **Approval of consent agenda**

Chair Lumbra referred trustees to attachment 2 in the meeting materials for the resolutions for approval, reminding trustees that all would be voted on as a consent agenda. He noted the only change is the addition of names and terms for appointments approved by the Committee of the Whole yesterday for the University of Vermont Investment Management Company. An opportunity for any resolution to be voted on separately was offered.

Trustee Don McCree requested resolution #1 be voted on separately.

Chair Lumbra presented the following resolution for approval:

### **COMMITTEE OF THE WHOLE**

#### **1. Resolution approving appointments to the University of Vermont Investment Management Company ("UVIMCO")**

WHEREAS, on February 11, 2023 the Board of Trustees authorized the creation of an investment subsidiary company, the University of Vermont Investment Management Company ("UVIMCO") to oversee and manage the combined endowment assets of the University and the University of Vermont Foundation; and

WHEREAS, on April 17, 2023, the University of Vermont and State Agricultural College Foundation, Inc. authorized the creation of UVIMCO and approved the appointments of Robert Brennan, Robert Cioffi, Meg Guzewicz, and H. Whitney Wagner as members of the Board of Managers; and

WHEREAS, the Operating Agreement for UVIMCO requires a nine-member Board of Managers, four classified members who shall be appointed by the Foundation’s Board of Directors, three classified members who shall be appointed by the University of Vermont Board of Trustees, and the University’s President and the Foundation’s President and CEO as *ex officio* members;

THEREFORE, BE IT RESOLVED, that the Board of Trustees appoints the following individuals to the UVIMCO Board of Managers:

- Sue Brengle, with an initial term expiring on June 30, 2026
- Don McCree, with an initial term expiring on June 30, 2027
- David Daigle, with an initial term expiring on June 30, 2028

A motion was made, seconded and it was unanimously voted to approved the resolution as presented. Trustees Don McCree and Susan Brengle recused from the vote.

Chair Lumbra presented the remainder of the consent agenda for approval:

**EDUCATIONAL POLICY AND INSTITUTIONAL RESOURCES COMMITTEE**

2. **Resolution approving the creation of the undergraduate Certificate in Semiconductor Engineering and Physics in the College of Engineering and Mathematical Sciences**

BE IT RESOLVED, that the Board of Trustees approves the creation of the undergraduate Certificate in Semiconductor Engineering in the College of Engineering and Mathematical Sciences, as approved and advanced by the Provost on March 28, 2023 and President on March 30, 2023.

3. **Resolution approving the termination of the minor in Special Education with Endorsement in the College of Education and Social Services**

BE IT RESOLVED, that the Board of Trustees approves the termination of the minor in Special Education with Endorsement in the College of Education and Social Services, as approved and advanced by the Provost on April 25, 2023 and President on April 26, 2023.

4. **Resolution approving the creation of a minor in Global Public Health in the College of Nursing and Health Sciences**

BE IT RESOLVED, that the Board of Trustees approves the creation of a minor in Global Public Health in the College of Nursing and Health Sciences, as approved and advanced by the Provost on April 25, 2023 and President on April 26, 2023.

5. **Resolution approving the creation of a minor in Public Health, Equity and Advocacy in the College of Nursing and Health Sciences**

BE IT RESOLVED, that the Board of Trustees approves the creation of a minor in Public Health, Equity and Advocacy in the College of Nursing and Health Sciences, as approved and advanced by the Provost on April 25, 2023 and President on April 26, 2023.

6. **Resolution approving the creation of the undergraduate certificate in Gerontology in the College of Education and Social Services**

BE IT RESOLVED, that the Board of Trustees approves the creation of the undergraduate certificate in Gerontology in the College of Education and Social Services, as approved and advanced by the Provost on April 25, 2023 and President on April 26, 2023.

7. **Resolution approving the creation of a minor in Equine Studies in the College of Agriculture and Life Sciences**

BE IT RESOLVED, that the Board of Trustees approves the creation of a minor in Equine Studies in the College of Agriculture and Life Sciences, as approved and advanced by the Provost and President on May 18, 2023.

8. **Resolution approving revisions to the Academic Freedom Statement**

WHEREAS, the Faculty Senate adopted the Statement on Academic Freedom on September 23, 1954, and the Board of Trustees approved the statement on October 16, 1954; and

WHEREAS, the Faculty Senate revised and adopted the Statement on Academic Freedom on November 20, 2008 and the Board of Trustees adopted those revisions on February 7, 2009;

WHEREAS, the Faculty Senate reviewed and revised the Statement on Academic Freedom on May 18, 2023;

THEREFORE, BE IT RESOLVED, that the Board of Trustees approves and adopts revisions to the Academic Freedom Statement appearing as appendix A to this document.

9. **Resolution approving revisions to Equal Opportunity Policy Statements**

BE IT RESOLVED, that the Board of Trustees approves revisions to the Equal Employment Opportunity/Affirmative Action Policy Statement, appearing as Appendix B to this document, and

BE IT FURTHER RESOLVED, that the Board of Trustees approves revisions to the Equal Opportunity in Educational Programs and Activities and Non-Harassment Policy Statement, appearing as Appendix C to this document, and reaffirms both policies as revised.

10. **Resolution approving Torrey Hall renovation project**

WHEREAS, the administration today reported on the strategic and operational need for the Torrey Hall renovation project and the associated program scope;

THEREFORE, BE IT RESOLVED, that the Educational Policy & Institutional Resources Committee hereby approves the project scope that the administration presented on this date and refers the project to the Budget, Finance & Investment Committee for financial review and approval at a future meeting.

**BUDGET, FINANCE & INVESTMENT COMMITTEE**

**11. Resolution approving fiscal year 2024 budget planning assumptions: general fund**

BE IT RESOLVED, that the Board of Trustees hereby approves the budget planning assumptions for fiscal year 2024, which lead to a general fund operating expense budget for the University of \$417,971,669 and hereby authorizes the President to proceed with detailed budget preparation in accordance with these assumptions.

**12. Resolution to reaffirm the Investment of Endowment Cash Policy**

WHEREAS, on May 18, 2019, the Board of Trustees adopted the *Investment of Endowment Cash Policy* as follows:

BE IT RESOLVED, that the Vice President for Finance and Treasurer be authorized to invest and withdraw Endowment cash in a money market or a short-term bond fund to maximize investment return and meet Endowment needs; and

WHEREAS, since its creation, the Investment Subcommittee has been charged with review of the policy, which it most recently reaffirmed on February 13, 2023;

BE IT RESOLVED, that the Budget, Finance & Investment Committee hereby recommends that the Board of Trustees reaffirms the Investment of Endowment Cash Policy.

*Adopted by: Board of Trustees – May 18, 2019*

*Reaffirmed by: Board of Trustees – May 15, 2020*

*Reaffirmed by: Board of Trustees – June 4, 2021*

*Reaffirmed by: Board of Trustees – May 21, 2022*

*Reaffirmed by: Board of Trustees – May 20, 2023*

**13. Resolution approving appointment of Investment Subcommittee advisor**

BE IT RESOLVED, that the Board of Trustees approves the reappointment of Steven Grossman as advisor to the Investment Subcommittee, for a one-year period commencing June 1, 2023, subject to the terms and conditions reported on this date.

Chair Lumbra offered an opportunity for questions. There being none, a motion was made, seconded and the consent agenda of resolutions was unanimously approved as presented.

**Executive session**

At 9:59 a.m., Chair Lumbra entertained a motion to enter into executive session for the purpose of discussing contracts, labor relations agreements, and to receive advice of counsel. He noted the session would last for approximately 30 minutes and no action is anticipated following. Everyone was excused from the meeting with the exception of Trustees, Provost Patricia Prelock, Vice President for Legal Affairs & General Counsel Trent Klingerman, Vice President for Finance & Administration Richard Cate, and Special Assistant to the President Jonathan D'Amore.

The meeting re-opened to the public at 11:20 a.m.

**Adjournment**

There being no further business, the meeting adjourned.

Respectfully submitted,

Ron Lumbra, Chair

## ***Statement on Academic Freedom***

The Faculty Senate adopted the following statement on academic freedom on September 23, 1954 and was approved by the Board of Trustees on October 16, 1954 and revised and adopted by the Faculty Senate on November 20, 2008 and approved by the Board of Trustees on February 7, 2009:

### **Academic Freedom and Responsibility**

We, the faculty of The University of Vermont and State Agricultural College, in the spirit and tradition of free universities throughout the world, are agreed upon the following statement of principles on academic freedom and responsibility. We believe that incorporation of these principles into the organization of The University of Vermont and State Agricultural College will re-emphasize the importance of academic freedom to the basic health of the University, and also serve as a statement of policy on the rights and responsibilities of faculty members at this institution. It has been our intent to state these principles in terms broad enough so that they may be valid not only in these critical times when academic freedom and personal liberty are in jeopardy both at home and abroad, but also in the future insofar as the future can be foreseen.

### **The Necessity of Academic Freedom in Higher Education**

The main purpose of a university has always been, must always be, to stimulate the thinking and the creative powers of its students and its faculty. As an institution it deals in ideas, not only old and accepted ones but new ones that may be full of explosive power. If they are explosive, they are bound to be disconcerting, even painful, to some on the campus and to many beyond its borders.

Inevitably they will be called dangerous by the timid and short-sighted, but to those who really believe in the fruitfulness of human thought, the real danger would appear only if the flow of such ideas should cease. For then indeed sterility would have taken over our campus. Our faculty would no longer deserve the name of intellectuals and our students, regardless of degrees attained, could no longer claim to be educated. They would leave our campus accustomed only to the commonplace, satisfied with the mediocre, ignorant or afraid of ideas which catch fire.

Academic freedom is therefore not solely a right or privilege of the faculty but is the fulfillment of the obligation on the part of the university to provide an atmosphere in which intellectual growth may take place.

## Academic Freedom and Special Responsibilities of Faculty Members

We subscribe to the 1940 Statement of Principles on Academic Freedom and the 1970 Interpretive Comments of the American Association of University Professors which provides:

- a. Faculty are entitled to full freedom in research and in the publication of the results, subject to the adequate performance of their other academic duties; but research for pecuniary return should be based upon an understanding with the authorities of the university.
- b. Faculty are entitled to freedom in the classroom in discussing their subject, but they should be careful not to introduce into their teaching controversial matter which has no relation to their subject. The intent of this statement is not to discourage what is “controversial.” Controversy is at the heart of the free academic inquiry which the entire statement is designed to foster.
- c. Faculty are citizens, members of a learned profession, and officers of the university. When they speak or write as citizens, they should be free from institutional censorship or discipline, but their special position in the community imposes special obligations. As scholars and educational officers, they should remember that the public may judge their profession and their institution by their utterances. Hence, they should at all times be accurate, should exercise appropriate restraint, should show respect for the opinions of others, and should make every effort to indicate that they are not speaking for the university.

We also subscribe to the 2014 report of the American Association of University Professors on Academic Freedom and Electronic Communication which provides:

- a. Academic freedom, free inquiry, and freedom of expression within the academic community may be limited to no greater extent in electronic format than they are in print, save for the most unusual situation where the very nature of the medium itself might warrant unusual restrictions.

In addition, there are recognized qualifications which must be attained and maintained before the privilege of being a member of the academic profession can be considered a permanent one: satisfactory performance as a teacher, scholarship, and high moral standards.

### Responsibility of the Institution to the Faculty

The University must defend tenaciously the right of its members to think and express their thoughts freely and to make those choices within the law guaranteed to every citizen. This includes the right of dissent since any democratic institution ceases to merit the name democratic when this fundamental right is denied. Never is this duty more imperative than in those **unhappy** times when the public opinion of the community would restrain or curtail the free play of ideas. The universities, whose roots extend back into

the centuries, have a tradition and duty to maintain an independence of judgment in the face of public opinion.

### **Academic Freedom and Tenure**

Tenure is an indispensable pre-condition for academic freedom. It is, in fact, a guarantee that the institution subscribes to the principle of academic freedom, and that its members may not be dismissed without adequate cause. Termination of tenure should occur only in cases of *bona fide* financial exigency in the University or when it has been demonstrated that the teacher lacks professional or moral fitness or competence as a teacher.

In the interpretation and the application of these principles we shall expect the University authorities to be quick to protect its heritage of academic freedom, in doubtful cases remembering that an excess of freedom is always less dangerous than an excess of constraint.”



OFFICE OF COMPLIANCE SERVICES  
UVM.EDU/POLICIES

## POLICY

**Title:** Equal Employment Opportunity/Affirmative Action Policy Statement

### Policy Statement

The University of Vermont and State Agricultural College is committed to a policy of equal employment opportunity and to a program of affirmative action in order to fulfill that policy. The President of the University fully supports the University's equal employment opportunity policy and the University's affirmative action program.

The University will accordingly recruit, hire, train, and promote persons in all positions and ensure that all other personnel actions are administered without regard to unlawful criteria including race, color, religion, shared ancestry (including antisemitic conduct), ethnicity, national origin, including shared ancestry or ethnic characteristics<sup>1</sup>, place of birth, sex, sexual orientation, disability, age, positive HIV-related blood test results, genetic information, gender identity or expression, or status as a disabled veteran, recently separated veteran, active duty wartime or campaign badge veteran, or Armed Forces service medal veteran (collectively "protected veterans"), or crime victim status, as these terms are defined under applicable law, or any other factor or characteristic protected by law, and ensure that all employment decisions are based only on valid job requirements.

In addition, the University of Vermont recognizes that discriminatory harassment and sexual harassment are forms of unlawful discrimination, and it is, therefore, the policy of the University that discriminatory harassment and sexual harassment will not be tolerated. The University also prohibits unlawful harassment on the basis of other characteristics protected by law. The University will reasonably, timely, and effectively respond to all reports of discrimination and discriminatory harassment of which the University has notice, based on the protected categories referenced herein.

Further, employees and applicants will not be subjected to harassment, intimidation, threats, coercion, or retaliation because they have engaged in or may engage in the following: filing a complaint or assisting or participating in an investigation regarding alleged discrimination or harassment as prohibited in the policy statement above; filing a complaint or assisting or participating in an investigation, compliance evaluation, hearing, or any other activity related to the administration of the Vietnam Era Veterans' Readjustment Assistance Act of 1974 ("VEVRAA"), Section 503 of the Rehabilitation Act of 1973 ("Rehabilitation Act"), or the Affirmative Action provisions of any other federal, state or local law; opposing any act or practice made unlawful by VEVRAA or any other federal, state, or local law requiring equal employment opportunities for individuals with disabilities or protected veterans; or exercising any other rights protected by VEVRAA or the

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<sup>1</sup> The University recognizes that discrimination based on shared ancestry or ethnic characteristics can include antisemitic discrimination, anti-Arab discrimination, anti-Asian discrimination, or similar forms of discriminatory conduct. Please refer to the [Affirmative Action and Equal Opportunity Case Handling Protocol](#) for more information and examples of prohibited discriminatory conduct.

Rehabilitation Act. Additionally, the University will not discharge or in any other manner discriminate against employees or applicants because they have inquired about, discussed, or disclosed their own pay or the pay of another employee or applicant.

The University of Vermont maintains an audit and reporting system that: measures the effectiveness of the University's affirmative action program; indicates any need for remedial action; determines the degree to which the University's objectives have been attained; measures the University's compliance with its affirmative action obligations; and determines whether individuals with disabilities and veterans have had the opportunity to participate in all University sponsored educational, training, recreational and social activities.

Sources: Titles VI and VII of the Civil Rights Act of 1964; the Immigration Reform and Control Act of 1986; Title IX of the Education Amendments of 1972; the Equal Pay Act of 1963; the Age Discrimination in Employment Act of 1967; the Age Discrimination Act of 1975; Sections 503 and 504 of the Rehabilitation Act of 1973; the Americans with Disabilities Act of 1990; Section 402 of the Vietnam-Era Veterans Readjustment Assistance Act of 1974; Executive Order 11246; the Genetic Information Nondiscrimination Act of 2008; and the Vermont Fair Employment Practices Act, all as amended; and such other federal, state and local non-discrimination laws as may apply.

Note: This Statement of Policy is the official University of Vermont Equal Educational Opportunity Policy Statement and supersedes all prior policy statements regarding its subject matter. It may be modified only by written statement issued by the President as Chief Executive Officer of the University or by formal action by the University of Vermont and State Agricultural College Board of Trustees. This Policy Statement is designed to express the University's intent and commitment to comply with the requirements of federal, state, and local non-discrimination laws. It shall be applied co extensively with those non-discrimination laws and shall not be interpreted as creating any rights, contractual or otherwise, that are greater than exist under those laws.

## Contacts

<b>Questions concerning the daily operational interpretation of this policy should be directed to the following (in accordance with the policy elaboration and procedures):</b>	
<b>Title(s)/Department(s):</b>	<b>Contact Information:</b>
Director, Office of Affirmative Action and Equal Opportunity	Nick Stanton 428 Waterman Building (802) 656-3368
<b>Questions about policies related to Title IX, including sex discrimination, sexual harassment, and all forms of sexual violence</b>	
Title IX Coordinator Office of Affirmative Action and Equal Opportunity	Emily McCarthy 428 Waterman Building (802) 656-3368
<b>Questions about disability related issues</b>	
ADA/Section 504 Coordinator Office of Affirmative Action and Equal Opportunity	Amber Fulcher 428 Waterman Building (802) 656-0945
Questions may also be directed to government agencies having oversight and enforcement authority with respect to the referenced laws. A complete listing of such agencies may be obtained from the Office of Affirmative Action and Equal Employment Opportunity.	
The University has developed an Affirmative Action Plan. The portions of the plan required for disclosure are available for inspection during normal business hours; contact the University's Public Records Officer at (802) 656-8937.	

## Related Documents/Policies

- [Accessibility Policy](#)
- [Discrimination, Harassment, and Sexual Misconduct Policy](#)
- [Equal Opportunity in Educational Programs and Activities and Non-Harassment](#)
- [Handling and Resolving Discrimination, Harassment, and Sexual Misconduct Complaints](#)

## Regulatory References/Citations

- Titles VI and VII of the Civil Rights Act of 1964
- Immigration Reform and Control Act of 1986
- Title IX of the Education Amendments of 1972
- Equal Pay Act of 1963
- Age Discrimination in Employment Act of 1967
- Age Discrimination Act of 1975
- Sections 503 and 504 of the Rehabilitation Act of 1973
- Americans with Disabilities Act of 1990
- Section 402 of the Vietnam-Era Veterans Readjustment Assistance Act of 1974
- Executive Order 11246
- Genetic Information Nondiscrimination Act of 2008
- Vermont Fair Employment Practices Act

## About This Policy

<b>Responsible Official:</b>	Chief Human Resource Officer	<b>Approval Authority:</b>	President and the Chair of the Board of Trustees
<b>Policy Number:</b>	V. 7.3.11	<b>Effective Date:</b>	February 4, 2017
<b>Revision History:</b>	<ul style="list-style-type: none"> <li>• V. 7.0.1.1 effective April 7, 2006</li> <li>• V. 7.0.1.2 effective September 5, 2008</li> <li>• V. 7.0.1.3 effective April 13, 2009</li> <li>• V. 7.0.1.4 effective March 8, 2010</li> <li>• V. 7.0.1.5 effective May 22, 2011</li> <li>• V. 7.0.1.6 effective May 19, 2012</li> <li>• V. 7.3.7/V. 7.0.1.7 effective February 9, 2013</li> <li>• V. 7.3.8 effective February 8, 2014</li> <li>• V. 7.3.9 effective February 7, 2015</li> <li>• V. 7.3.10 effective February 6, 2016</li> <li>• V. 7.3.11/V. 4.23.11 Reaffirmed as revised by the President and the Chair of the Board of Trustees: February 3, 2018, March 6, 2019, February 27, 2023</li> <li>• Reaffirmed by the President February 3, 2020, February 9, 2021, March 7, 2022 and the Chair of the Board of Trustees January 30, 2020, February 8, 2021, March 10, 2022</li> <li>• Responsible official officially changed from the Vice President for Human Resources, Diversity and Multicultural Affairs and Vice President for Finance and Administration on May 1, 2020</li> <li>• Responsible official officially changed from the Vice President for Finance and Administration to the Chief Human Resource Officer October 3, 2022</li> </ul>		

University of Vermont Policies and Operating Procedures are subject to amendment. For the official, approved, and most recent version, please visit UVM's [Institutional Policies Website](#).

Signature

Accepted:

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Trenten Klingerman  
Vice President for Legal Affairs and General Counsel

\_\_\_\_\_  
Date

Approved:

\_\_\_\_\_  
Suresh V. Garimella  
President

\_\_\_\_\_  
Date

\_\_\_\_\_  
Ron E. Lumbr  
Board of Trustees Chair

\_\_\_\_\_  
Date



**OFFICE OF COMPLIANCE SERVICES  
UVM.EDU/POLICIES**



## POLICY

**Title:** Equal Opportunity in Educational Programs and Activities and Non-Harassment

### Policy Statement

The University of Vermont and State Agricultural College is committed to a policy of equal educational opportunity. The University therefore prohibits discrimination on the basis of unlawful criteria such as race, color, religion, national ~~or ethnic origin, origin, including shared ancestry or ethnic characteristics<sup>1</sup>e-conduct~~, age, sex, sexual orientation, marital status, disability, or gender identity or expression, as those terms are defined under applicable law, in admitting students to its programs and facilities and in administering its admissions policies, educational policies, scholarship and loan programs, athletic programs, and other institutionally administered programs or activities made available to students at the University. The University also prohibits harassment, as defined in the Vermont Statutes at Title 16, section 11(a)(26). Unlawful harassment is a form of discrimination and is therefore prohibited. Sources: Title VI of the Civil Rights Act of 1964; Title IX of the Education Amendments of 1972; the Age Discrimination Act of 1975; Section 504 of the Rehabilitation Act of 1973; the Americans with Disabilities Act of 1990; the Vermont Public Accommodations Act; and such other federal, state, and local non-discrimination laws as may apply. [The University will reasonably, timely, and effectively respond to all reports of discrimination and discriminatory harassment of which the University has notice, based on the protected categories referenced herein.](#)

Note: This Statement of Policy is the official University of Vermont Equal Educational Opportunity Policy Statement and supersedes all prior statements regarding its subject matter. It may be modified only by written statement issued by the President as Chief Executive Officer of the University or by formal action by the University of Vermont and State Agricultural College Board of Trustees. This Policy Statement is designed to express the University's intent and commitment to comply with the requirements of federal, state, and local non-discrimination laws. It shall be applied co-extensively with those non-discrimination laws and shall not be interpreted as creating any rights, contractual or otherwise, that are greater than exist under those laws.

### Contacts

<b>Questions concerning the daily operational interpretation of this policy should be directed to the following (in accordance with the policy elaboration and procedures):</b>	
<b>Title(s)/Department(s):</b>	<b>Contact Information:</b>
Questions regarding this policy statement or compliance with its provisions may be directed to:	
Dean of Students	41-43 South Prospect Street

<sup>1</sup> The University recognizes that discrimination based on shared ancestry or ethnic characteristics can include antisemitic discrimination, anti-Arab discrimination, anti-Asian discrimination, or similar forms of discriminatory conduct. Please refer to the [Affirmative Action and Equal Opportunity Case Handling Protocol](#) for more information and examples of prohibited discriminatory conduct.

	Burlington, VT 05405 (802) 656-3380
Or	
Director, Office of Affirmative Action and Equal Opportunity	Nick Stanton 428 Waterman Building Burlington VT, 05405 (802) 656-3368
Questions may also be directed to government agencies having oversight and enforcement authority with respect to the referenced laws. A complete listing of those agencies may be obtained from the Office of Affirmative Action and Equal Opportunity.	
<b>Questions about policies related to Title IX, including sex discrimination, sexual harassment, and all forms of sexual violence</b>	
Title IX Coordinator Office of Affirmative Action and Equal Opportunity	Emily McCarthy 428 Waterman Building Burlington VT, 05405 (802) 656-3368
<b>Questions about disability related issues</b>	
Student Accessibility Services	Sharon Mone A-170, Living/Learning Center 633 Main Street Burlington VT, 05405 (802) 656-4075
ADA/Section 504 Coordinator Office of Affirmative Action and Equal Opportunity	Amber Fulcher 428 Waterman Building Burlington VT, 05405 (802) 656-0945

## Related Documents/Policies

- [Discrimination, Harassment, and Sexual Misconduct Policy](#)
- [Equal Employment Opportunity/Affirmative Action Policy Statement](#)
- [Handling and Resolving Discrimination, Harassment, and Sexual Misconduct Complaints Procedure](#)

## Regulatory References/Citations

- Age Discrimination Act of 1975
- Americans with Disabilities Act of 1990
- Section 504 of the Rehabilitation Act of 1973
- Title VI of the Civil Rights Act of 1964
- Title IX of the Education Amendments of 1972
- Vermont Public Accommodations Act
- Vermont Statutes at Title 16, section 11(a)(26)

## About This Policy

<b>Responsible Official:</b>	Chief Human Resource Officer	<b>Approval Authority:</b>	President and the Chair of the Board of Trustees
<b>Policy Number:</b>	V. 7.4.11	<b>Effective Date:</b>	February 4, 2017

<b>Revision History:</b>	<ul style="list-style-type: none"> <li>• V. 7.0.5.1 effective April 7, 2006</li> <li>• V. 7.0.5.2 effective September 5, 2008</li> <li>• V. 7.0.5.3 effective April 13, 2009</li> <li>• V. 7.0.5.4 effective March 8, 2010</li> <li>• V. 7.0.5.5 effective May 22, 2011</li> <li>• V. 7.0.5.6 effective May 19, 2012</li> <li>• V. 7.4.7/V. 7.0.5.7 effective February 9, 2013</li> <li>• V. 7.4.8 effective February 8, 2014</li> <li>• V. 7.4.9 effective February 7, 2015</li> <li>• V. 7.4.10 effective February 6, 2016</li> <li>• V. 7.4.11 Reaffirmed as revised by the President and the Chair of the Board of Trustees: February 3, 2018 and March 6, 2019</li> <li>• V. 7.4.11/V. 4.24.11 Reaffirmed by the President February 3, 2020, February 9, 2021, April 4, 2022 and the Chair of the Board of Trustees January 30, 202, February 8, 2021, April 5, 2022</li> <li>• Responsible official officially changed from the Vice President for Human Resources, Diversity and Multicultural Affairs to the Vice President for Finance and Administration on May 1, 2020</li> <li>• Responsible official officially changed from the Vice President for Finance and Administration to the Chief Human Resource Officer October 3, 2022</li> </ul>
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Board of Trustees Chair

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