Minutes
Thursday, May 18, 2023
On Microsoft Teams 3:00 – 4:30 PM

The meeting was called to order by Faculty Senate President, Thomas Borchert at 3:01 PM

Senators in Attendance: 69
Absent: Senators Ikeda (Asian Languages & Literatures), Vacant (Anesthesiology Rep2), Vacant (Chemistry), Conroy (Counseling, Human Development & Family Science), Bamford (Family Medicine Rep1), Calkins (Family Medicine Rep2), Terrien (Medicine Rep1), Saia (Pediatrics Rep1), Gorres (Plant & Soil Science), Kaelber (Sociology), Pulcini (Surgery Rep2),

1. Faculty Senate President’s Welcome Remarks – Thomas Borchert made the following remarks:
   - The report memo from the February Round Table discussion is included in the Agenda Item 8, reports that do not require a Senate Vote. The Round Table report will be shared with the administration.
   - The Senate meeting pattern for AY 23-24 will include two in-person meetings each semester. The August, October, February and May meetings will be held in-person, and all other meetings will be held remotely on Teams.
   - Reminder to guests at the meeting that only voting members of the Faculty Senate should cast votes. Voting members include elected senators, delegates of elected senators, or the chairs of Faculty Senate standing committees.

2. Degree Conferrals
   It was moved, seconded and voted that the following numbers of graduates be recommended by the Senate to the President for the awarding of the appropriate degrees or certificates as authorized by the Board of Trustees. Individual names of the graduates are recorded with the Minutes of this meeting in the permanent Senate records.
   Degrees:
   - Agriculture and Life Sciences (307)
   - Arts and Sciences (598 Bachelor of Arts, 216 Bachelor of Science)
   - Education and Social Services (123)
   - Engineering and Mathematical Sciences (264)
   - Graduate College (396)
   - Grossman School of Business (157)
   - Honors College (143)
   - Larner College of Medicine (111)
3. **Consent Agenda** – The following items were presented as a consent agenda:
   A. Minutes of the April 2023 Faculty Senate meeting
   B. Resolution to reappoint the Senate ad hoc Diversity, Equity, & Inclusion (DEI) Committee for AY 2023-2024
   C. Curricular Affairs
      - New Minor in Equine Studies (CALS)

   **Motion:** President Borchert stated that the consent agenda came to the Senate moved and seconded by the Executive Council. No requests were made to pull items from the consent agenda.
   **Vote:** 58 approved, 0 opposed, 0 abstained. **The motion carried.**

4. **Resolution in Memoriam**
   Shelly Rayback, Professor, Department of Geography and Geosciences presented a Resolution in Memoriam for Canute VanderMeer, Professor Emeritus of Geography. The resolution is attached to these minutes.

   **Motion:** Thomas Borchert moved to inscribe the Resolution in Memoriam for Canute VanderMeer in the minutes of the Faculty Senate and have a copy sent to his family.
   **Vote:** 61 approved, 0 opposed, 0 abstained. **The motion carried.**

5. **Resolution regarding the revision on the University Policy on Academic Freedom.** Thomas Borchert stated that the following resolution was approved by the Research, Scholarship, and the Creative Arts Committee (RSCA) at their April 2023 meeting. The resolution came to the Faculty Senate moved and seconded from the Faculty Senate Executive Council. Thomas Borchert opened the floor for discussion.

   **Motion:** Keith Burt, Psychological Science, moved to amend the resolution by striking the sentence in subsection B on page 2 that begins “Instruction may occur...”. Burt stated that the sentence is not part of the 1940 AUP statement on academic freedom and does not merit inclusion in this resolution. The motion was seconded. Quorum was verified prior to the discussion on the motion. 61 of the 80 voting members were present.

   **Vote:** To amend the resolution by striking the sentence in subsection B on page 2 that begins “Instruction may occur...”: 57 approve, 1 oppose, 3 abstain. **The motion carried.**

   **Vote:** To Revise the University Policy on Academic Freedom as Amended: 56 approve, 0 oppose, 3 abstain. **The motion carried.**

   After debate and amendment, the resolution was adopted as follows:

   WHEREAS the principles of Academic Freedom are at the heart of the work of the University; and
   WHEREAS the Faculty Senate is “empowered to review and establish policy with respect to... Academic Freedom, including rights and responsibilities” (CBL 1.1.a); and
WHEREAS United Academics (UA) requested that the Faculty Senate consider matters around electronic communications in the Academic Freedom policy in the Collective Bargaining Agreement between UA and the UVM administration (see CBA 21-24: 6.6); and
WHEREAS a subcommittee of the Research, Scholarship and Creative Arts Committee (RSCA) reviewed the previous version of the Academic Freedom policy, and considered the 2014 AAUP “Academic Freedom and Electronic Communications,” made additions to the Academic Freedom policy, and the RSCA approved these changes in April 2023;

THEREFORE BE IT RESOLVED that the Faculty Senate of the University of Vermont approves and adopts the revised policy that was approved by the RSCA (below); and

BE IT FURTHER RESOLVED that the Faculty Senate recommends that Faculty Senate again review the Academic Freedom policy within five years of its approval by the Board of Trustees of the University of Vermont.

Academic Freedom Policy

103 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 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.

6. Resolution on the University’s Response to the U.S. Department of Education Office for Civil Rights (OCR) Investigation.
Thomas Borchert made the following comments prior to opening the floor for discussion:

- The rules for Faculty Senate discussion on this resolution, including a two-minute limit for recognized speakers, and speakers may only speak once until everyone who wishes has spoken.

- The names listed at the bottom of the resolution include a sponsor, who is in support of the resolution, and signatories, who are people who may or may not support the resolution, but thought it was important to come to the Senate for discussion. This resolution was presented to the Faculty Senate Executive Council in
the form of a petition signed by ten percent of the full membership of the Faculty Senate to be included on the Faculty Senate agenda.

- The Faculty Senate received an email from Eleanor Miller, President of United Academics, with a formal resolution of support for this resolution, as well as a statement from the Union against antisemitism.

Thomas Borchert recognized the sponsor of the resolution, Jane Knodell.

**Motion:** Jane Knodell, Economics, moved adoption of the resolution and waived the reading of the resolution. The motion was seconded. The floor was opened for discussion. Jane Knodell provided an overview of the OCR complaint, and the agreement between DOE OCR and UVM that identifies a plan of action to strengthen UVM policies and procedures addressing harassment, discrimination, and affirmative action. UVM is being monitored for its compliance with this agreement. Knodell stated that the resolution being presented to the Faculty Senate is appropriate under the model of shared governance, because it commits everyone, not just senior administrators, to take on the responsibility of safeguarding the ability of all students to participate in UVM’s academic and extracurricular community without fear of bias, harassment and discrimination. Discussion in support of the resolution included the desire for faculty to be involved in a transparent process, for the Senate to have a role in ensuring that UVM is an open, respectful place where integrity and responsibility are modeled, and concerns were expressed about the more egregious incidents described in the OCR report.

**Motion:** Terence Delaney, Plant Biology, moved to recognize UVM student who is present and wishes to provide comments relevant to the resolution. The motion was seconded.

**Vote:** To suspend rules for discussion and allow students to be recognized: 55 approve, 4 oppose, 3 abstain. The motion carried.

Discussion continued with statements of support for the resolution, including the suggestion that the resolution seeks to correct a lapse of ethical leadership, the importance of faculty support to ensure Jewish students can be their fullest selves on campus, and the desire for the resolution to call for President Garimella to apologize for his public statement of September 15th.

**Motion:** David Feurzeig, Music, moved to amend the resolution by adding two whereas clauses and two resolved clauses regarding an apology. The motion was seconded. Quorum was verified prior to the discussion on the motion. 63 of the 80 voting members were present. Discussion on the Feurzeig amendment included concerns that adding the call for an apology would endanger passage of the resolution; support for the amendment cited that an apology may promote community healing and trust, and statements against the amendment cited concern that a forced apology lacks meaning.

**Vote:** To amend the resolution by adding two whereas clauses and two resolve clauses: 39 approve, 16 oppose, 9 abstain. The motion carried.

President Borchert passed the gavel to David Barrington and spoke in favor of the resolve parts of the resolution, and expressed concerns about the whereas clauses. David Barrington returned the gavel to President Borchert.

**Motion:** Thomas Borchert moved to amend the resolution by changing the language within the whereas clauses. The motion was seconded. Quorum was verified prior to discussion on the motion. 62 of the 80 voting members were present. Discussion included objection to
the amended language and concern that it would minimize the impact these experiences had on students.

**Motion:** Evan Eyler, Psychology, moved to suspend the rules to allow Thomas Borchert to respond to concerns and questions regarding his motion to amend for more than 2 minutes if needed. The motion was seconded.

**Vote:** 20 approve, 34 oppose, 5 abstain. The motion failed.

**Motion:** Jacques Bailly, Classics, called the question. The motion was seconded.

**Vote:** 49 approve, 10 oppose, 3 abstain. The motion carried and debate ended.

**Vote:** To amend the resolution by changing the language within the whereas clauses as presented by Thomas Borchert: 32 approve, 20 oppose, 5 abstain. The motion carried.

**Vote:** Resolution on the University’s Response to the U.S. Department of Education Office for Civil Rights (OCR) Investigation as amended: 56 approve, 2 oppose, 2 abstain. The motion carried.

After debate and amendment, the resolution was adopted as follows:

**Resolution on the University’s Response to the U.S. Department of Education Office for Civil Rights Investigation**

Approved by the Faculty Senate May 18, 2023

**Whereas** Our Common Ground states that the University aspires to be a community that values Respect, Integrity, Innovation, Openness, Justice, and Responsibility;

**Whereas** these values are foundational to our commitment to Diversity, Equity, and Inclusion, where all people deserve the right to criticize the policies and actions of states, nations, and leaders but not the right to exclude, threaten, or harass a person because of their shared ancestry, cultural identity, or religion;

**Whereas** over time, Jewish students, staff, and faculty of UVM have been the targets of numerous acts of antisemitism and exclusion based on their cultural or religious identity, and there has been an historic hostility in the United States and the University that has caused these events to be insufficiently addressed, leading to an investigation by the U.S. Department of Education’s Office for Civil Rights (OCR);

**Whereas** the OCR stated “the President’s initial letter to the UVM community in response to OCR’s investigation may have perpetuated a hostile environment,” a concern validated by the experiences of Jewish students, faculty, and staff whose sense of safety, trust, and belonging at UVM may have been harmed by President Garimella’s letter;

**Whereas** the OCR is providing oversight, but these problems suggest that deeper institutional changes and broader institutional engagement are needed to prevent their recurrence, especially after the OCR ends its probationary period of oversight;

**Whereas** the Board of Trustees has empowered the University of Vermont Faculty Senate with the authority to “review, to recommend, and to participate in the formulation of policy with regard to... administrative procedures” (CBL 1.2e) and to “consider all areas of student affairs and their effect on the educational process and academic achievement, and to make and review recommendations regarding them” (CBL 1.5);

**Whereas** the public statements of the chief executive officer of the University are institutional acts;
Whereas the President’s broadcasting of incorrect claims and accusatory statements was itself an example of the belittling or mishandling of complaints that occasioned the OCR’s investigation of UVM’s bias response practices;

Therefore, be it resolved that the Faculty Senate will play a more active role in safeguarding the ability of all students to participate in UVM’s academic and extracurricular community without fear of bias, harassment, and discrimination. As part of that role, the Faculty Senate will:

- Delegate to the Student Affairs Committee, which has the “responsibility for matters relating to student affairs, their effect on the educational process, and the academic climate of the University” (CBL 7.1.5.3) the task of working with the administration to review and improve the policies related to the ongoing response of the University to the OCR Resolution Agreement under the authority of the Faculty Senate to “review, recommend, and participate in the formulation of policy with regard to institutional priorities (CBL 1.2.a); and

- Remain informed about and regularly engaged with the process of the changes made in response to the OCR Resolution Agreement by inviting the President and/or Provost to discuss issues related to Diversity, Equity, and Inclusion, including updates on the campus climate, the bias reporting and response process, and new and ongoing measures related to promoting an inclusive environment. This discussion will take place no less than once per academic year.

Be it further resolved that The Faculty Senate calls on the University administration to openly and transparently implement the Office of Civil Rights Resolution Agreement in collaboration with the Faculty Senate; more specifically, we call for the following actions from the President and the University administration:

1. Make the April 3, 2023 OCR Letter to the President and the OCR Resolution Agreement to the UVM community available and accessible on UVM’s website.
2. Include one or more faculty members, designated by the Student Affairs Committee, in the review and revision of the Equal Opportunity and Anti-Harassment Policies and Procedures and Protocol (OCR Resolution Action Item I) and the review and reporting of the 2022 Campus Climate Survey (OCR Resolution Action Item III).
3. Present the revised Equal Opportunity and Anti-harassment Policies and Procedures and Protocols, the 2022 Campus Climate summary report, and proposed responsive actions at the August 28, 2023 Faculty Senate meeting for public discussion.
4. Provide the Faculty Senate Executive Council and Student Affairs Committee with digital copies of the reports sent to the OCR that fulfill reporting requirements specified in the OCR Resolution Action Items I, III, IV, and V within 10 days of their submission to the OCR. Redacted reports may be used to protect the confidentiality of individuals involved.
5. Provide the Student Affairs Committee each year with a summary of annual nondiscrimination training for students and employees, as referenced in Action Item IV.A., with specific details on how the training addresses antisemitism, and respond to feedback from the Committee on how to improve existing training materials and practices.
6. Actively work with the Student Affairs Committee to establish clearer guidelines pertaining to off-campus and/or social media activity by UVM students or employees that adheres to
UVM’s Discrimination Policy while respecting the right to freedom of expression for all members of the UVM community.\(^8\)

7. In the event of an alleged breach of the OCR Resolution Agreement, provide notice to the Faculty Senate Executive Council and Student Affairs Committee within 10 days of receiving a written notice of an alleged breach from the OCR and provide the Student Affairs Committee the opportunity to review and make recommendations on the University’s responses to the OCR in order to fully address the alleged breach.

**Therefore, be it resolved** that the Faculty Senate holds that UVM’s response to the OCR investigation is incomplete until President Garimella acknowledges the OCR’s criticisms of his letter of 9/15/2022, and publicly apologizes for the lapse in duty of care to students, and for reputational harm his letter caused UVM;

**And be it further resolved** that on passage of this resolution, the Faculty Senate president or staff will transmit to each of the trustees of UVM individually a copy of the resolution.

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\(^1\) Pg.14, OCR letter to President Garimella
https://www2.ed.gov/about/offices/list/ocr/docs/investigations/more/01222002-a.pdf

\(^2\) President Garimella’s September 15, 2022 public statement and email to the UVM community.
https://www.uvm.edu/news/president/ocr-investigation

\(^3\) Resolution Agreement, OCR Complaint No. 01-22-2002
https://www2.ed.gov/about/offices/list/ocr/docs/investigations/more/01222002-b.pdf

\(^4\) “Within 60 calendar days of the signing of this Agreement, the University will submit to OCR, for review and approval, copies of the Equal Opportunity and Anti-Harassment Policies and Procedures and Protocol, drafted and/or revised in accordance with Action Items I.A and I.B above.” (pg. 3, Resolution Agreement, OCR Complain No. 01-22-2002)

\(^5\) By August 31, 2023, the University will provide OCR a summary of the results of the 2022 Campus Climate Survey and proposed actions in response to the survey results, for OCR’s review and approval.” (pg. 4, Resolution Agreement, OCR Complain No. 01-22-2002)

\(^6\) By June 30, 2024, and June 30, 2025, the University will provide documentation to OCR demonstrating that training was provided for academic years 2023-2024 and 2024-2025, respectively, consistent with Action Item IV.A. This documentation will include, but will not be limited to, the date(s) of the training; the name and credentials of the trainer; copies of any training materials used, including any handouts, guides, or other materials; and a description of the group(s) or attendees...Within 30 calendar days of OCR’s approval of the revised Equal Opportunity and Anti-Harassment Policies and Procedures and the Protocols, the University will provide documentation to OCR demonstrating that the University provided training in accordance with Action Items IV.B and IV.C above, including the date(s) of the training; the name and credentials of the trainer; copies of any training materials distributed; the agenda and/or a short summary of the material covered; and, a list of attendees, by name and title.”

\(^7\) “On June 30, 2023, June 30, 2024, and June 30, 2025, the University shall provide an electronic copy of the complete case file corresponding with each resolved or pending complaint alleging antisemitism that was filed with the University during the preceding academic year.” (pg. 5, Resolution Agreement, OCR Complain No. 01-22-2002)

\(^8\) Off-campus conduct that does not occur in connection with a University sponsored or affiliated program or activity is subject to this policy where it is determined that the conduct may: (1) reflect adversely on the Respondent’s fitness to remain enrolled in an academic program or employed in his/her position; (2) pose an imminent or continuing threat or harm to the safety of UVM community members; or (3) create or contribute to a hostile environment on campus.” (pg. 2, Discrimination, Harassment, and Sexual Misconduct Policy, https://www.uvm.edu/sites/default/files/UVM-Policies/policies/sexharass.pdf)

8. **Reports that do not require a Senate Vote:**
   A. Gund Institute – Five-Year Review
   B. Report/memo from February round tables
   C. Religious Holidays Policy
   D. Reports from Senate Committees
   E. Report on moving CALS Biochemistry major from Deans office to Microbiology and Molecular Genetics
   F. Curricular Affairs Committee: Substantial Revision to Mathematical Science Major (CEMS), Substantial Revision to Wildlife Fisheries Major (RSENR), Substantial Revision to Masters in Public Health (CNHS), Revision of CAC Operating Procedures

9. **Faculty Senate President’s Closing Remarks** – Thomas Borchert thanked Senators, Members of Senate Committees, administration who have worked as partners in this shared governance, Vice President Evan Eyler, Parliamentarian Dave Barrington, and the Senate office staff Tiera Porter and Laurie Eddy. President Borchert acknowledged the Senators and Committee Members who are leaving at the end of their term and thanked them for their service to the Faculty Senate.

10. **New Business** – none at this time.

    The meeting adjourned at 4:59 PM.
The University of Vermont’s Department of Geography and Geosciences is sad to report the death of our colleague and friend, Canute VanderMeer who passed away on February 20, 2023 at the age of 92. Canute was born in China in 1930 to missionary parents, William and Alma VanderMeer. He left China in 1942 after the bombing of Pearl Harbor, circumnavigating the globe, first on an Italian ship from Shanghai to Singapore and then onto Mozambique. There, his family boarded a Swedish Red Cross “Mercy Ship” to cross the Atlantic and arrive in New York City, a month after their journey began. In the US, Canute attended Blair Academy in New Jersey and then at the age of 16 matriculated at Hope College, Michigan where he graduated with a BA in History in 1950. Following two years of service in the US Army where he was stationed at Fort Sherman, Panama Canal Zone, he attended the University of Michigan obtaining his PhD in Geography in 1962. He taught for 11 years at the University of Wisconsin-Milwaukee before joining the faculty at University of Vermont in the Department of Geography in 1972.

Over a career that spanned three decades, Canute was a scholar of the geography of southeast Asia, Taiwan and China with a specialty in agricultural geography focusing on major crop production and irrigation practices. Over his career, his research was funded by the Ford Foundation Foreign Area Training Fellowship in the Philippines, the US National Science Foundation in Taiwan, and the National Academy of Sciences-National Research Council in Malaysia. He held multiple visiting professorships at the University of Hawaii, University of the Philippines, California State University-Hayward, and the Institute of Geosciences at the University of Tsukuba, Japan. He was a lifelong member of the Association of American Geographers and the International Rice Research Institute and the former Vice President of the Shanghai American School Association. While at UVM, he served as the Chair of the Department of Geography from 1973-1985 and the Faculty Ombudsperson from 1989-1992.

Canute was an outstanding scholar and teacher over the course of his career at UVM and his contributions to the field of agricultural geography and the geography of southeastern Asia are significant. The Department of Geography and Geosciences is grateful for his 22+ years of service to geography and to the department.