

University Council Minutes
October 19, 2020
3:30 PM
Videoconference

Present: Tim Sands (presiding), Dan Thorp for Laura Belmonte, Richard Blythe, Lance Collins, Karen DePauw, Michael Friedlander, Bryan Garey, Guru Ghosh, Daniel Givens, Alan Grant, Chris Kiwus, Lee Learman, Scott Midkiff, Ken Miller, Ron Fricker for Sally Morton, April Myers, Kelly Oaks, Kim O'Rourke, Julie Farmer for Charles Phlegar, Dwayne Pinkney, Menah Pratt-Clarke, Julia Ross, Robert Sumichrast, Don Taylor, Tyler Walters, Lisa Wilkes, Paul Winistorfer, John Benner, Rajaram Bhagavathula, Nick Copeland, Victoria Dashevsky, Paul Deck, Holli Drewry, Madlyn Frisard, Bob Hicok, Christa Miller, Serena Young, Masoud Agah, Diane Agud, Susan Anderson, James Hawdon, Cayce Myers, Robin Queen, David Bieri, Kevin Davy, Jia-Qiang He, Kathy Lu, Andre Meulenaer, Patricia Raun, David Tegarden, Megan Wawro, Judy Alford, Bruce Harper, Jenny McCoy, Brandy Morse, Sue Teel, Janice Austin, Karen Eley Sanders, Conaway Haskins, Jennifer Nardine for Inga Haugen, Sally Shupe, Awad Abdelhalim, Lia Kelinsky-Jones, Jack Leff, Miles Guth, Eric Kaufman, Anvitha Anumolu for Camellia Pastore, Tamarah Smith, & Sabrina Sturgeon

Absent with Notice: Cyril Clarke & Velva Groover

Absent: Steve McKnight, Frank Shushok, Eloise Coupey, Laszlo Horvath, Teresa Lyons, Amanda Coleman, Chapman Pendery, Reena Medavarapu, & Adil Sageer

Guests: Nicole Akers, Kenlee Andreu, Conrad Briles, Lori Buchanan, Brandon Burkey, Renée Byrd, Denny Cochrane, Kevin Edgar, Azim Eskandarian, Kari Evans, Jack Finney, Tara Frank, Debbie Greer, Dee Harris, Nathan King, Sharon Kurek, Scott Nachlis, Amy Nelson, Kayla Perkins, Ellen Plummer, John Randolph, John Shewchuk, Rick Sparks, Rachel Specter, Jon Clark Teglas, Stacey Wilkerson,

Dr. Sands called the meeting to order at 3:30 p.m. A quorum was present.

1. Adoption of Agenda

A motion was made and seconded to adopt the agenda. The motion carried.

2. Announcement of approval and posting of minutes of October 5, 2020

Dr. Sands noted that these minutes have been voted on electronically and can be publicly accessed on the Governance Information System on the Web (<http://www.governance.vt.edu>).

3. Old Business

Commission on Faculty Affairs
Resolution CFA 2020-21A

Resolution to Revise Faculty Handbook Promotion and Tenure Guidelines

Bob Hicok made a request to defer the second reading of this resolution until the December 7, 2020, meeting in order to allow more time for members to review the materials and consult with their constituent groups. Professor Hicok asked the members to email any feedback to him and he will then consult with Dr. Jack Finney and the Commission on Faculty Affairs. There were no objections to the request, and the deferral was granted.

4. New Business

Commission on Faculty Affairs

Resolution CFA 2020-21B

Resolution to Revise Chapter 5 of the Faculty Handbook

Bob Hicok presented the resolution for first reading. Professor Hicok indicated he will request a deferral for this resolution at the November 2 University Council meeting in order to have a second reading of this resolution on December 7, 2020. The revision to chapter 5 of the Faculty Handbook is not as extensive as Resolution CFA 2020-21A but it is a substantial change. This revision relates to the collegiate faculty series. Currently, the Faculty Handbook doesn't give sufficient guidance on the bounds of the variability that is part of the series. This resolution defines the series in a way that maintains the focus on instruction and protects faculty from the expansion of duties, particularly administrative duties, while allowing departments some flexibility in making assignments to collegiate faculty. The re-write of this section of the Faculty Handbook is also intended to be a template for revision of other sections of the handbook.

Commission on Undergraduate Studies and Policies

Resolution CUSP 2020-21A

Resolution to Approve New Major, Automotive Engineering, in Bachelor of Science in Mechanical Engineering

Commission on Undergraduate Studies and Policies

Resolution CUSP 2020-21B

Resolution to Approve New Major, Robotics and Mechatronics, in Bachelor of Science in Mechanical Engineering

Paul Deck presented the two resolutions for first reading. The program has identified a couple of areas where students will benefit from specialized education in addition to the general fundamentals of engineering.

Automotive engineering is a burgeoning field in research and development in the areas of safety, autonomous control and intelligent systems. Similarly, the field of robotics and mechatronics is also a growing field.

Dr. Deck introduced Azim Eskandarian, Department Head from Mechanical Engineering, to address these two majors. Dr. Eskandarian indicated that these majors have been created in order to give visibility to the students in these programs and to respond to guidance from advisory boards and the companies that hire our students about the demand for these majors. The two majors are also very much in line with Beyond Boundaries.

Commission on University Support

Resolution CUS 2020-21A

Resolution to Approve the 2020 Climate Action Commitment

John Benner presented the resolution for first reading. This resolution was unanimously approved by the Energy and Sustainability Committee, and positive comments were received from the Faculty Senate, Staff Senate, Graduate Student Assembly, and Student Government Association. Professor Benner introduced Denny Cochrane, chair of the Energy and Sustainability Committee, and Dr. John Randolph, chair of the Virginia Tech 2020 Climate Action Commitment (CAC) Working Group, to provide a brief history and answer any questions. Dr. Randolph indicated that approval of the Climate Action Commitment would enhance the overall reputation of the university in terms of its leadership role in climate action.

Dr. Dwayne Pinkney informed the Council that there has been a recommended change in language to the third goal, which will be reflected in the resolution when it is presented for second reading on November 2. The current language reads: "Eliminate coal by 2025 and improve efficiency of campus energy systems." The recommended change in language reads: "Complete the total conversion of steam plant fuel to natural gas by 2025, plan for a full transition to renewable steam plant fuel after 2025, and continue to improve the efficiency of campus energy systems." The rationale for the change is driven by our need as an institution to reflect the

concerns of many constituents' interests. Removing the reference to coal would not change the intended result of total conversion to natural gas by 2025. This language change is recommended due to sensitivity to friends of Virginia Tech who have or had an interest in coal and to those in the coalfields who still hold an historic and cultural connection to coal. Efforts to assist the coalfields and other vulnerable communities in adapting to climate change and thriving in the new energy economy are reflected in goals 2 and 11. Virginia Tech is now nearly complete in the conversion to natural gas. In FY2010, coal was 97 percent of steam plant fuel, and in FY2020, coal has been reduced to only 7 percent of steam plant fuel, with 93 percent being natural gas. Goal 1 is to be carbon neutral by 2030, and goal 15 is to be fossil fuel free by 2050. This will require a transition to 100 percent renewable electricity by 2030, and for steam plant fuel to transition from coal to natural gas, then to renewable fuel, then perhaps to a different central energy system. Planning for this transition will be the challenge over the next decade.

Jack Leff expressed serious concern that the proposed change to the language of goal 3 resulted from undue external influence on university policy. Mr. Leff provided a comment from the Virginia Tech for Climate Justice organization in the chat room of the Zoom meeting (see attached).

President Sands thanked the members of the 2020 Virginia Tech Climate Action Working Group under the leadership of John Randolph. President Sands then stated that the instigating element to the changes made to the Climate Action Commitment were the students and faculty who spoke up around climate justice issues. President Sands explained further that as a land-grant institution, Virginia Tech is responsible to all of the communities in the Commonwealth, not just the urban communities. Virginia Tech has some substantial opportunities to make a difference in the coalfield region. It is important that we not forget the rural parts of Virginia, especially the far southwest and western reaches of our Commonwealth, which largely defines the culture of this region and is home to many of our students.

5. Announcement of Approval and Posting of Commission Minutes

These minutes have been voted on electronically and will be posted on the University web (<http://www.governance.vt.edu>). Note that the purpose of voting on Commission minutes is to accept them for filing. University Council Bylaws require that policy items be brought forward in resolution form for University Council action.

- Commission on Faculty Affairs
September 11, 2020
September 25, 2020
- Commission on Graduate and Professional Studies and Policies
September 2, 2020
September 16, 2020
- Commission on Outreach and International Affairs
September 17, 2020
- Commission on Undergraduate Studies and Policies
September 14, 2020

6. For Information Only

The minutes of the University Advisory Council on Strategic Budgeting and Planning
September 17, 2020

7. Presentation

Kelly Oaks, Assistant Vice President for Equity and Accessibility, and Renée Byrd, Director of Affirmative Action, gave a presentation on the new Affirmative Action Plan Structure (attached). The purpose of the presentation was to explain the rationale behind the university's shift from traditional Affirmative Action Plans (AAs) to Functional Affirmative Action Plans (FAAPs).

8. Adjournment-

There being no further business, a motion was made to adjourn the meeting at 4:12 p.m.

Virginia Tech for Climate Justice Response to recommended language change for goal 3 of the Virginia Tech 2020 Climate Action Commitment.

Dear VT CAC Working Group,

Virginia Tech for Climate Justice would like to thank the hundreds of committee members and community members who participated in the crafting of a visionary new Climate Action Commitment. We are delighted with the progress the 2020 CAC represents, and proud to have helped direct the energy from our September 2019 Climate Strike into a meaningful plan.

While we are eager to see the adoption of the CAC, we object to the reformulation of Goal 3 as: Complete the total conversion of steam plant fuel to natural gas by 2025, plan for a full transition to renewable steam plant fuel after 2025, and continue to improve the efficiency of campus energy systems. We recognize the complicated politics around the initial goal, however, so if goal 3 must be altered we want to offer some suggestions for making it stronger than before rather than weaker.

Our concern stems from stating ongoing reliance on natural gas--a fossil fuel, a greenhouse gas, and a contributor to climate change--as a goal. As educators, we have an obligation to raise awareness around the dire implications of continuing to rely on fossil fuels for our energy needs. We object to any language that implies that fossil fuel use is an improvement in VT's leadership or its responsible stewardship of the environment and our communities.

We also object to the untroubled presumption that future energy needs can and must be met by the existing steam plant. We appreciate the significant financial investment in the steam plant and the challenges and expenses that would be associated with replacing it. These challenges mirror the broader challenges of ending our reliance on fossil fuels and developing clean energy sources and the infrastructure to deliver them.

From Jack Leff to Everyone: 04:04 PM

A sustainable future requires quitting fossil fuels altogether; if our existing steam plant can only function on fossil fuels, then we must undertake a significant retrofit or develop a different energy system. Both the University of Virginia and William & Mary also use steam plants, and in their recent climate plans both announced efforts to partner with engineers to shift these systems away from natural gas. As the state's leading engineering school, we should not only match but exceed these efforts.

Furthermore, we would like to avoid any apparent contradiction or confusion between CAC Goal 3 and CAC Goal 15c:

Goal 15c (page ES-11): Eliminating fossil fuel use by 2050 at the steam plant "will require replacement by a non-carbon fuel (e.g. biogas, hydrogen, biochar) or a new

heating system based not on steam but on hot water perhaps generated by renewable electricity and geothermal ground source heat pump systems” [emphasis ours]. Finally, we object to “renewable natural gas” (RNG) as a CAC goal. Although RNG has lower climate impact than its fossil counterpart, methane leakage means that it probably will contribute to climate change. In contrast, renewable sources such as wind and solar energy do not emit greenhouse gasses directly. RNG would require new production infrastructure, thereby diverting money, political will, and infrastructure investments away from alternatives that could achieve a zero greenhouse gas emission goal (Grubert 2020).

We propose that Goal 3 of the CAC reads as follows:

“Plan for a full transition to wind, water, solar or geothermal power, either in the existing steam plant or using another system if necessary to employ renewable energy, and improve energy efficiency on campus.”

We recognize that this is a tall order, and that there is concern about defining commitments in a way that “sets us up for failure.” At the same time, the climate emergency necessitates transparency and honesty about the magnitude of change required, and our proposed revision is more in keeping with existing language under Goal 15.

Rather than telling our constituencies what to think—that renewable gas is better than gas is better than coal--Virginia Tech has a responsibility to educate people about the difficulties of the path ahead and to model a thought process that is clear and comprehensive in its assessments of the implications of various trade offs.

On behalf of the thousands of students and community members we represent, Virginia Tech for Climate Justice once again thanks the Working Group for its Herculean efforts under extraordinarily difficult conditions. We are proud of what we have accomplished together.

Sincerely,

Virginia Tech for Climate Justice

Virginia Tech's Affirmative Action Program (AAP)

Kelly Oaks, Assistant Vice President, Equity and Accessibility

Renée Byrd, Director of Affirmative Action

October 19, 2020



AGENDA

- Purpose of an Affirmative Action Program - Federal Regulation ([41 CFR § 60-2.10](#))
- Laws Enforced by OFCCP
- Moving from Traditional Affirmative Action Plans (AAPs) to Functional Affirmative Action Plans (FAAPs)
- Overview of FAAP Project



Purpose of an Affirmative Action Program - Federal Regulation [\(41 CFR § 60-2.10\)](#)

- A management tool designed to ensure equal employment opportunity.
- A central premise underlying affirmative action is that, absent discrimination, over time a contractor's workforce, generally, will reflect the gender, racial and ethnic profile of the labor pools from which the contractor recruits and selects.
- As a federal contractor, we must take affirmative action to recruit and advance qualified minorities, women, persons with disabilities, and covered veterans.



Purpose of an Affirmative Action Program - Federal Regulation [\(41 CFR § 60-2.10\)](#) (Continued)

- We must also ensure equal employment opportunity by establishing our commitment to equality in every aspect of our employment process
- As part of our affirmative action program, we must monitor and examine our employment decisions and compensation systems to evaluate the impact on women and minorities as well as individuals with disabilities and protected veterans
- It is not a paperwork exercise and includes policies, practices, and procedures implemented to ensure all qualified applicants and employees are receiving equal opportunity for recruitment, selection, advancement, and every other term and privilege associated with employment



Enforcement by Office of Federal Contract Compliance Programs (OFCCP)

Executive Order 11246, as amended

Applies to contractors with contracts more than \$10,000

Prohibits employment discrimination based on race, color, religion, sex, sexual orientation, gender identity, and national origin

Take affirmative action (AA) to ensure EEO in employment processes

Section 503 of the Rehabilitation Act of 1973, as amended

Applies to contractors with a contract of more than \$15,000

Prohibits employment discrimination on the basis of disability

Take AA to employ and advance in employment qualified individuals with disabilities

Make reasonable accommodation to the known physical or mental limitations of a qualified applicant or employee with a disability

Vietnam Era Veterans' Readjustment Assistance Act of 1974, as amended

Applies to contractors with a contract of more than \$150,000

Prohibits employment discrimination against protected veterans (disabled veterans, recently separately veterans, active duty wartime or campaign badge veterans, and Armed Forces Service Medal veterans)

Take AA to ensure EEO in employment processes



Moving from Traditional Affirmative Action Plans (AAPs) to Functional Affirmative Action Plans (FAAPs)

Traditional AAPs

- Traditional AAPs were prepared for the main campus and Carilion School of Medicine
- Bulk of employees were rolled into the main campus AAP
- The main campus AAP did not show clear lines of responsibility for implementing the AAP, analyzing Colleges/Functional Units data, or identifying specific issues
- For the 2020 AAP Plan year we restructured the main campus AAP to FAAPs by Colleges/Functional Unit

What is a FAAP

[As defined by OFCCP](#), a Functional Affirmative Action Plan—or FAAP—covers a component of an organization. That is, a department or business unit with a specific function such as finance or marketing. To qualify, the functional unit must:

- Operate autonomously
- Include at least 50 employees
- Have its own managing official
- Track and maintain its own personnel activity

Benefits of FAAP

- Clear functions and lines of business
- Easy to organize and analyze data
- Identify issues
- Establish clear lines of responsibility for implementing the plan
- Monitoring progress towards goals
- Mitigate risk for the institution



Overview of FAAP Project

