

University Council Minutes
May 6, 2024
3:30 PM
Zoom

Present: Tim Sands, (presiding), April Myers, Kim O'Rourke, Cyril Clarke, Amy Sebring, Bryan Garey, Laurel Miner for Daniel Sui, Menah Pratt, Frances Keene, Aimée Surprenant, Rachel Holloway, Mike Gutter for Alan Grant, Laura Belmonte, Tsai Lu Liu, Kevin Pitts, Julia Ross, Saonee Sarker, Lee Learman, Dwayne Edwards, Natalia Guerrero, Joe Merola, Rachel Miles for Robert Weiss, Evan Lavender-Smith, Janice Austin, Juliet Dadras for Stephanie Trout, Jennifer Jones, LaTawnya Burleson, Tasia Persson for Callan Bartel, Kari Evans, Kiera Schneiderman, Alex Efir, Rachel Maizel, Yohan Sequeira, Riley DeHority, Emily Tirrell, Gary Long, Nicole Pitterson, Stuart Feigenbaum, Rodney Gaines, Daniel Hindman, Charles Lowery, Virginia Buechner-Maxwell, Renee LeClair, Serena Young, Amber Robinson, Sally Shupe, Melissa Faircloth, Kelly Oaks, John Gray Williams, Larry Cox for Eric Glenn, & Dave Close

Absent with notice: Paul Winistorfer & William Storey

Absent: Daniel Givens, Tyler Walters, Paul Knox, Shahed Sanuri, & Lujean Baab

Guests: Ranald Adams, Lori Rose, Kayla Dean, Poorvesh Dongre, Ron Fricker, Debbie Greer, Justin Lemkul, Monique L. Logan, Ronnie Mondale, Kat Nelson, Demetria Somervell, Rick Sparks, Dee Harris, Lauren Surface, Chayne Wild, Stacey Wilkerson, Monty Abbas, Holli Gardner Drewry, & Harrison Blythe

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

1. Adoption of Agenda

A motion was made to amend the agenda to add a discussion item regarding events that took place on the Graduate Life Center lawn on April 26-28, 2024. The motion to allow 20 minutes for this discussion at the conclusion of all business was seconded, and the motion passed. A motion was made and seconded to adopt the amended agenda. The motion carried.

2. Announcement of approval and posting of minutes of April 22, 2024

President 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. Unfinished Business

Commission on Faculty Affairs
Resolution CFA 2023-24D
Resolution to Amend Article IV and Clarify Sections of the Faculty Senate Constitution

Justin Lemkul presented the resolution for second reading and made a motion to approve. The motion was seconded, and the motion passed.

Commission on Faculty Affairs
Resolution CFA 2023-24E
Resolution to Endorse the Statement on the Responsible Use of Research Metrics at the University Level

Rachel Miles presented the resolution for second reading and made a motion to approve. The motion was seconded, and the motion passed.

Commission on Faculty Affairs

Resolution CFA 2023-24F

Resolution to Revise Faculty Handbook Language on Nominations to University Distinguished Professor and Alumni Distinguished Professor

Justin Lemkul presented the resolution for second reading and made a motion to approve. The motion was seconded, and the motion passed.

Commission on Faculty Affairs

Resolution CFA 2023-24G

Resolution to Update the Faculty Handbook Description of Expectations for Promotion and Tenure

Justin Lemkul presented the resolution for second reading and made a motion to approve. The motion was seconded, and the motion passed.

Commission on Graduate and Professional Student Affairs

Resolution CGPSA 2023-24A

Resolution to Protect Against Caste & Caste-Based Discrimination

Rachel Maizel, president of the Graduate and Professional Student Senate, presented the resolution for second reading. A motion was made to approve the resolution, and the motion was seconded. Maizel indicated that it is important to add the term “caste” to the university’s non-discrimination statement, which is stated in Policy 1025, in order to reinforce Virginia Tech’s commitment to eradicating caste-based discrimination as well as to recognize the issue. The mandatory training that takes place in all departments on Policy 1025 is not yet standardized in terms of thoroughness and completeness. If the word “caste” is included in Policy 1025, it will offer students a sense of safety and security. It is currently unclear to students that caste is covered by Policy 1025 since it is not specifically stated in the policy.

Attached are comments that were submitted by Rachel Maizel, as well as “key points” from Poorvesh Dongre submitted by Maizel. Note that the statements have not been independently verified. Also attached are the anonymous testimonials of seven students submitted by Maizel on behalf of Dongre.

Kelly Oaks, associate vice president for equity and accessibility, explained that Policy 1025 applies to university operations and programs. For inappropriate behavior to rise to the level of discriminatory harassment, it must be unwelcome or unwanted. It must also be severe (meaning very serious) or pervasive (meaning that it happened frequently). In general, teasing, casual comments, microaggressions, or single instances of inappropriate conduct are not a violation of the policy and would not result in the Office for Equity and Accessibility (OEA) opening an investigation. Adding a category to policy 1025 would not change requirements to use these standards in making determinations about discrimination and harassment.

There are also limitations in terms of what can be done with anonymous complaints. When this issue initially came forward to OEA by individuals who were not the individuals moving forward the resolution, OEA shared with them that due to ongoing litigation, changes were not being made to Policy 1025 at that time unless those changes were legally required. OEA promised to benchmark other peer institutions, conduct some research on caste as a distinct category, and revise training and resource materials to make clear current policy language is inclusive of caste.

OEA’s work is guided by federal and state law, regulations, guidance, and case law. Through legal trends and guidance from federal and state agencies, OEA liberally construes the protected categories and

characteristics covered under Policy 1025. Because Policy 1025 prohibits discrimination based on national origin, religion, race, and color, it necessarily prohibits discrimination based on caste. OEA provides caste as an example in training as to how OEA interprets existing categories in policy 1025 broadly.

The Office for Equity and Accessibility offered the following reasons for not including the term “caste” specifically in Policy 1025:

- Making the policy more specific can make it harder for OEA to investigate and make findings, and it could have the opposite effect of providing less protection rather than more protection.
- The California State University system (not VT peer) added caste to its policy was sued soon thereafter. If this were to happen at Virginia Tech, it could negatively impact OEA’s work in ways that are difficult to predict.
- The state of California legislature passed a law adding caste to their non-discrimination statement, but Governor Newsom vetoed it due to concerns being raised consistent with the lawsuit that was filed.
- If the issue is that the community does not know that the existing policy protects against caste discrimination, then the solution to that is education and training—not a policy change.
- OEA benchmarked VT’s SCHEV peers and did not find any peer institution that included caste as a separate distinct category. Two universities chose a similar approach as OEA has implemented: including information in training and resource materials to explain caste is covered by other existing categories.
- Litigation is unpredictable and it is impossible to say what impact a lawsuit might have on OEA’s ability to coordinate timely updates to our nondiscrimination policy if it were the subject of a suit over this change.

It was then indicated that the Commission on Equal Opportunity and Diversity (CEOD) is concerned about the Commission on Graduate and Professional Student Affairs bringing forth proposed changes to Policy 1025 since this is specifically stated within the charge of CEOD.

At the close of discussion, a call for the vote was made, and the motion failed. Although the motion did not pass, President Sands stated that this resolution has served as an opportunity to raise awareness on campus and will lead to enhanced education/training.

4. Announcement of Approval and Posting of UC Cabinet, Commission, and Committee 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 minutes of the University Council Cabinet, Commissions, and Committees reporting to University Council Cabinet is to accept them for filing. University Council Bylaws require that policy items be brought forward in resolution form for University Council action.

- University Council Cabinet
April 15, 2024
- Commission on Faculty Affairs
April 5, 2024
- Commission on Graduate and Professional Student Affairs
April 10, 2024
April 24, 2024

- Commission on Graduate and Professional Studies and Policies
April 17, 2024
- Commission on Research
March 14, 2024
- Commission on Undergraduate Student Affairs
March 14, 2024
- Commission on Undergraduate Studies and Policies
March 25, 2024

6. Discussion

President Sands indicated that there are many conversations occurring about the events of April 26-28, and those conversations will continue. He opened the floor for discussion.

A question was raised as to why this particular protest that did not have a permit ended in arrests being made when other protests without permits on campus did not end in arrests being made. Response: This event was three days of intentional avoidance of compliance with Virginia Tech's policies that exist to protect the rights of the entire Virginia Tech community, for example, those students living in the Graduate Life Center who may have been disrupted while studying for finals. This protest was unusual in that it lingered for days and did not comply with university policies. Following the policy also allows for advanced notice to the Virginia Tech Police Department, which can then plan to be on hand to help with security measures for everyone's safety.

Another question was raised as to what safety risks developed during this protest. Response: The decision to remove the protesters was based on concern about the potential for counter protests that could have endangered everyone. It was stated that several requests have been made to drop all charges for those arrested and lean towards leniency as much as possible.

A request was made to confirm a statement heard that the students who were arrested will not face any academic consequences if they did not resist arrest. Response: Frances Keene clarified that this situation falls under student conduct, which is not an academic process. A student conduct disciplinary action is reflected in the academic record only when a student is separated from Virginia Tech.

It was mentioned that some of the protesters claimed not to have heard the announcement that they would be arrested if they did not leave the area. Response: There were multiple warnings over a period of several hours.

A statement was made that it is critically important for students to participate in protests which is one way of moving forward. Another stated that the way the leadership of the university handled the situation was done well, showing tolerance and maintaining a calm campus when policies were not being followed.

Joe Merola, president of the Faculty Senate, pointed out that that many of the inquiries and comments made during today's discussion were based on hearsay. He cautioned against drawing conclusions until the university's review is complete.

7. Adjournment

There being no further business, a motion was made to adjourn the meeting at 4:47 p.m.

Attachment to University Council Minutes of May 6, 2024

Pertaining to:

Commission on Graduate and Professional Student Affairs

Resolution CGPSA 2023-24A

Resolution to Protect Against Caste & Caste-Based Discrimination

Comments from Rachel Maizel, president of the Graduate and Professional Student Senate

First, we extend our heartfelt gratitude to the CEOD and the OEA, particularly to Kelly Oaks and Harrison Blythe, for their invaluable insights and thoughtful contributions during our recent discussions on integrating caste considerations into Policy 1025. It is evident that the OEA is deeply committed to addressing caste-based discrimination.

Nevertheless, we wish to underscore the critical importance of explicitly mentioning the term 'caste' in the policy. This is not only to reinforce our commitment to eradicating caste-based discrimination but also to fully recognize the issue. Such acknowledgment is particularly vital for both existing and new members of the Virginia Tech community, especially those who may have encountered such discrimination in their previous communities.

Although often invisible in daily interactions, caste profoundly shapes social dynamics and relationships, particularly within communities and between individuals at Virginia Tech that (who) originate from countries that practice caste. Consequently, it is imperative to dedicate our efforts to educating and increasing awareness. This is especially crucial for those who are in positions to observe such dynamics, empowering them to both recognize and effectively combat caste discrimination.

The mandatory training that takes place in the departments on Policy 1025 is not yet standardized in terms of its thoroughness and completeness. Therefore, there is a risk that details not explicitly mentioned in the policy will be skipped, jeopardizing meaningful progress in addressing issues of discrimination and social justice in relation to caste. The inclusion of the word 'caste' in Policy 1025 will ensure its visibility and encourage people to give it due importance while offering students a sense of safety and assurance if and when they consider reporting potential caste-based incidents. It will also inform the perpetrators who practice caste discrimination knowingly or unknowingly to be mindful of their behavior.

Again, we would like to emphasize that the addition is permissible from a legal point of view, as it is within the framework of established precedents; however, its inclusion clarifies the scope of the application and sends a clear message to the affected students, perpetrators, and bystanders.

Virginia Tech's stance regarding caste discrimination will affirm the value of centering human dignity for students of Indian descent here at Virginia Tech. Students from underprivileged castes are always anxious to hide their caste identity as it organically evokes hostility from their south asian compatriots. The compulsion to hide a part of your identity is against the grain of freedom & liberty we expect at Virginia Tech and In America as a Whole.

Key points from Poorvesh Dongre (forwarded by Maizel):

1. Indian and South Asian students constitute a majority of the student population at Virginia Tech. Most of these students belong to privileged caste communities because they (or

their families) have the resources and mobility that enable them to get an education in the US.

2. Students from marginalized caste communities are a minority, and those who experience caste discrimination do not have any space to share their concerns. They cannot share it with their Indian and South Asian friends, who are their immediate acquaintances, because they are from privileged caste communities and tend to knowingly or unknowingly have various caste biases. The only alternative for such students is to hide their identity, which creates a suffocating environment for them.
3. Most Indian and South Asian student organizations represent, promote, and celebrate the predominant culture that typically belongs to the privileged caste communities. They refuse to acknowledge or provide any representation of the culture that belongs to marginalized caste communities.
4. Virginia Tech's protection policy offers protection against caste discrimination under the purview of "ancestry." However, students from marginalized caste communities thought they had no protection because caste is a very different construct from ancestry. Moreover, the language and definition of ancestry do not necessarily indicate that it will include caste. Adding the word caste to the protection policy will send a clear message to students from marginalized caste communities that they are covered.
5. Previous litigations, including *Speech First, Inc. v. Sands*, do not restrict or pose any risk to making amendments to Policy 1025. The risks of adding the word caste in Policy 1025 highlighted by CEOD are hypothesized based on the developments around SB403 in California. There are various other institutes, such as Cal State University and Brandeis University, where caste was added to their respective protection policies without any consequences.
6. The opponents of recognizing caste as a protected category are those privileged caste individuals who want to keep on practicing the Caste System to maintain their privilege and keep asserting their dominance over marginalized caste people in the US. Virginia Tech must firmly stand against such bigotry and not provide any direct or indirect support.
7. Caste is a complex and intersectional social construct, and its addition to Policy 1025 will broaden the scope rather than reduce it. The concern that recognizing caste as a protected category will reduce the scope of existing categories indicates the lack of knowledge and awareness about caste discrimination.
8. The RSO, Dr. Ambedkar International Mission at Virginia Tech, organized various events to raise awareness about caste discrimination, and Virginia Tech's leadership must share this responsibility to create safer and more inclusive spaces.

Testimonials provided by Dongre (forwarded by Maizel)

Testimony 1:

I faced caste based discrimination in Virginia Tech based on food. Brahmins (so called "upper" caste) are mostly vegetarians and consider themselves pure. However, majority of people from oppressed castes, including me, consume different kinds of meat including beef.

At Virginia Tech, I noticed people treating me differently once they come to know I eat meat. They make disgusting faces based on my food choices. I once had a person at Virginia Tech say to my face "Meat eaters are violent and impulsive; vegetarians are calm".

Indian student organisation at Virginia Tech is biased against us. They seclude us for being beef-eaters. They follow casteist practices. One example is they encourage people picking vegetarian roommates. Every year they create google worksheet for new students where they can find non-meat eaters. This practice affected me when I joined Tech in 2019. I was

not able to find a place to live because fellow-Indians wouldn't take me as a roommate. While finding a roommate in a out-of-campus housing does not fall under VT's guidelines or laws, Virginia Tech should be held responsible for a registered student organisation promoting casteist practices.

Testimony 2:

I have had several difficult experiences questioning my credibility as an engineer as I might have gotten through the “reservations” (quota system to promote caste diversity in India) for college. The questions extended to questioning my beliefs, my family background, the people I stay with, and the food I eat. I could not concentrate on work, asking myself (and my existence at Virginia Tech). Thankfully, the Cook Counseling Center helped me get through that phase.

Regarding food, my experience at Virginia Tech has primarily been a confused question: “Something is off when I interact.” Somehow, I got into this question: Why do so many people care about what I eat? Some instances/questions include, “Do your parents cook meat at home?”, “You are eating meat; why don’t you drink as well?”, “It is easy for you in the US because you eat meat.”, “Eating meat is the reason for the origin of COVID.”, “Indians are originally vegetarians, and you guys started eating meat due to Western influence.” and someone I newly met (outside an eating context), just directly asked are you non-vegetarian?

Testimony 3:

Being vegetarian helped me delve deeper into the inner workings of the upper caste psyche as I was able to pass as upper caste person. In casual conversations with my friends and roommates, the topic of reservations frequently arose. As a rightful beneficiary and staunch supporter, I found the discussions very triggering. Interestingly, my peers often used the topic as a way to subtly check one's caste background.

Growing up in the diverse city of Mumbai with Parsi and Muslim neighbors, we celebrated each other's festivals and exchanged sweets, embodying the city's multicultural spirit. However, this sense of community contrasted sharply with my experiences at Virginia Tech. I had hoped that the Indian Student Organization would reflect India's diversity by celebrating a variety of religious festivals, not just the mainstream Hindu ones. Instead, the focus seemed to prioritize upper caste Hindu festivals, sidelining others and contributing to a feeling of exclusion for those from different backgrounds. Diwali and Holi in particular were celebrated with great enthusiasm and some portions of the audience were not students or affiliated to Tech. If diwali and holi can be celebrated, Eid/ Buddha Purnima can be invited too.

This exclusion was not limited to cultural celebrations. The constant mocking of Dalit leaders like Mayawati and Athawale by some peers was another subtle yet clear sign of caste-based prejudice. It seemed to convey a message that the Dalit community could not produce so called high caliber politicians. Discussions often centered more on their educational backgrounds and English proficiency than on their effectiveness or their approach to governance.

A particular moment for me was when an orthodox upper caste acquaintance visited my room and reacted with shock upon seeing a portrait of Babasaheb Ambedkar. He turned around completely and rolled his eyes in disbelief. His reaction was not just one of surprise but seemed to question the legitimacy and respectability of having such a portrait. This incident underscored for me the deeply ingrained biases that still pervade certain segments of society, even among the educated.

Testimony 4:

Personally, I do not identify with or belong to any caste group, but my exposure to caste begins from my early education with a lot of my lower caste friends facing harassment and active discrimination. As an international student in the US, I never believed that caste would gain the same weight in the US as in India. Indian students form a big chunk of the international student population at Virginia Tech, as they do elsewhere in the US. However, several students from lower caste communities are living in denial of their identities or compromised with their identities for greater nationalist or religious identities which were obviously shaped by upper caste Hindus. In the context of increasing labor demand in the US, how could Dalit students and employees live without having to evade their identities? I do not know the answer to this. But it seems that our new multicultural space needs more lessons in anti-caste tolerance. I am also a learner of caste and I was stunned to learn that some of the students in Blacksburg had to face caste-based discrimination for their food choices. It was really painful to learn, but unfortunately, we do not have a law in Blacksburg or Virginia Tech that effectively safeguards lower-caste students from facing caste-based harassment. The demand for legislation specifically against such discrimination, especially in the context of the increasing presence of Indian students and employees, needs to be put on the table. If not, such a caste-based attitude can infect other ethnic communities too, given the multiethnic interactions are positively frequent here. The stories of discrimination, subtle and otherwise, are coming out slowly each day, and a democratically sensible administrative body must be judicious enough to take measures to prevent it.

Testimony 5:

In the field of economics, we often discuss Hotelling's Law. This principle suggests that competing products, from fast food chains to political parties, gradually become more similar. This similarity arises as creators emulate successful competitors to replicate their triumphs and attract a larger customer base. As an economics student in the US, I've noticed a similar trend in academia. Historically, academia has been dominated by certain caste and ethnic groups. Their shared experiences, due to their similar backgrounds, have become the mainstream narrative. This homogeneity in academia has led to a neglect of the underlying problem of India's underdevelopment, particularly caste discrimination.

As a student, I find it perplexing how Indian academics use grandiose terms to discuss issues without ever mentioning the word 'caste'. It's as if there's an unspoken agreement to avoid the term. Moreover, many academics, due to their preferences, often fill informational voids with the emotional rhetoric. This usually manifests as a fear or romanticization of the 'other' experience, which is often the Dalit-Bahujan experience. The academic community is predominantly composed of individuals from a similar background, typically the dominant caste. Consequently, their assertions, examples, and preferences are influenced by their personal experiences. This bias tends to marginalize the specificity of Dalit-Bahujan experience, which is a relatively new voice in academia.

The solution to this issue is collaboration and joint research exploration. We should aim to include others' experiences rather than exploit them without giving them due recognition. By doing so, we can foster a more inclusive and representative academic environment.

Testimony 6:

Entering Virginia Tech was a significant milestone for me. Initially, the presence of a large Indian community was comforting; however, I soon felt the specter of caste discrimination, which I had hoped to leave behind, encroaching upon this new environment. In the Virginia Tech Indian Student Association (VT ISA), I encountered a WhatsApp group intended for sharing roommate preferences. It was here that I noticed subtle forms of caste-based discrimination.

Firstly, there were queries about dietary preferences. Since roommates are not expected to prepare meals for each other, I found it puzzling why such preferences would be relevant. Secondly, the emphasis on religious, linguistic, and regional preferences seemed excessive. While seeking roommates with similar cultural backgrounds is understandable, specifying religion, language, and region appeared to be an indirect method of perpetuating caste distinctions.

I hope that such practices are reassessed so that all students can enjoy a truly inclusive and welcoming environment.

Testimony 7:

I made some friends with a guy I later found out was hindutvadi. One day when we were just talking he starts going on rants about different topics and caste comes up. He goes on about how he supports lower caste rights, but only in a limited capacity. After that he straight up tells me that we should be happy lower caste people are able to cook for him and work for him now.

University Council Votes

May 6, 2026

First name	Last name	Do you approve the amendment to the Agenda?	Do you approve CFA Resolution 2023-24D?	Do you approve CFA Resolution 2023-24E?	Do you approve CFA Resolution 2023-24F?	Do you approve CFA Resolution 2023-24G?	Do you approve CGPSA Resolution 2023-24A?
Janice	Austin	Yes	Yes	Yes	Yes	Yes	No
Laura	Belmonte	Yes	Yes	Yes	Yes	Yes	No
LaTawnya	Burleson	No	Yes	Yes	Yes	Yes	No
Cyril	Clarke	No	Yes	No Response	Abstain	Yes	Yes
DAVID	CLOSE	No	Yes	Yes	Yes	Yes	No
LA	Cox II	Abstain	Yes	Yes	Yes	Yes	Abstain
Mariam	Dadras	Yes	Yes	Yes	Yes	Yes	No
Riley	DeHORITY	Yes	No Response	Yes	No Response	No Response	Yes
Dwayne	Edwards	No Response	Yes	Yes	Yes	Yes	Yes
Alexander	Efird	Yes	Yes	Yes	Yes	Yes	No
Kari	Evans	Yes	Yes	Yes	Yes	Yes	No
Melissa	Faircloth	No Response	Yes	Yes	Yes	Yes	No Response
Stuart	Feigenbaum	No	Yes	Yes	Yes	Yes	No
Rodney	Gaines	No Response	Yes	Yes	Yes	Yes	No Response
Bryan	Garey	No	Yes	Yes	Yes	Yes	No
Mike	Gutter	Yes	Yes	Yes	Yes	Yes	Yes
Daniel	Hindman	Abstain	Yes	Yes	Yes	Yes	Yes
Rachel	Holloway	Yes	Yes	Yes	Yes	Yes	No
Jennifer	Jones	Yes	Yes	Yes	Yes	Yes	Abstain
Frances	Keene	Yes	Yes	Yes	Yes	Yes	No
Evan	Lavender-Smith	Yes	Yes	Yes	Yes	Yes	No
Lee	Learman	Yes	Yes	Yes	Yes	Yes	Yes
Renee	LeClair	Yes	No Response	No Response	No Response	No Response	Abstain
Lu	Liu	Yes	Yes	Yes	Yes	Yes	Yes
Gary	Long	No	Yes	Yes	Yes	No Response	Yes
Charles	Lowery	Abstain	No Response	Yes	Yes	Yes	Abstain
Rachel	Maizel	Yes	Yes	Yes	Yes	Yes	Yes
Virginia	Maxwell	No Response	No Response	Yes	Yes	Yes	Yes

