

**University Council Minutes**  
**May 4, 2009**  
**3:00 – 5:00 PM**  
**1045 Pamplin Hall**

**Present:** Charles Steger (Presiding), Richard Benson, Jeb Stewart for Earving Blythe, Jill Sible for Lay Nam Chang, Jack Davis, Karen DePauw, John Dooley, Elizabeth Flanagan, Eileen Hitchingham, Susan Sumner for Loke Kok, Kevin McDonald, Kim O'Rourke, Sue Ott Rowlands, Gerhardt Schurig, Melinda West for Dwight Shelton, Richard Sorensen, Cynthia Bonner for Ed Spencer, Tom Tillar, Tom Inzana for Robert Walters, Paul Deck, William Huckle, Frances Keene, Gary Long, Maxine Lyons, Daphne Rainey-Wittich, Leslie O'Brien for Bradley Scott, Danny Axsom, Bob Denton, Sam Easterling, Susanna Rinehart, Sheila Carter-Tod, Bill Galloway, Bob Sturges, Travis Hundley, Lori Anne Kirk, Teresa Lyons, Wyatt Sasser, Annette Bailey, Kim Beisecker, Carson Byrd, Joe McFadden, Lindsay Moss, Lauren Creasy, Kolt Risser, Linsey Barker, Hardus Odendaal, Tom Tucker

**Absent:** J. Michael Kelly, Mark McNamee (with notice), Sherwood Wilson, Daniel Wubah (with notice), Ingrid Ngai (with notice), Jane Wemhoener (with notice), Diane Zahm, Ken Eriksson, Sam Riley, Lewis Wasserman, Karen Inzana, Gene Seago, David Vaughan (with notice), Shep Zedaker, Judy Alford (with notice), Shelly Key (with notice), Mary Alice Schaeffer, Lauren Davis, Mike Parrish, Wayne Scales, Tamim Younos (with notice), Ali Yeilaghi-Tamijani, Rachel Goodwin, Thomas Hogdahl, Kelsie Lieberman, Rianka Urbina, Arlane Gordon-Bray

**Guests:** Kay Heidbreder, Pat Hyer, Perry Martin, April Myers, Maggie Sloane

Dr. Steger called the meeting to order at 3:00 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 April 22, 2009**

Dr. Steger 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 Equal Opportunity and Diversity**

Resolution 2008-09A

Resolution for Revisions to Policy 1025

Dr. Daphne Rainey-Wittich presented the resolution for second reading and made a motion for approval. The motion was seconded.

At the first reading of the resolution at the April 22 University Council meeting, President Steger asked the Commission on Equal Opportunity and Diversity (CEOD) to provide statistics about the number of complaints to University Legal Counsel in order to understand the magnitude of the problem. Maggie Sloane of the Office for Equity and Inclusion indicated that a formal complaint of harassment has been received on this basis, but currently there are not any provisions to accept a formal complaint on this issue. A survey was conducted and the results were separated out by either experiences associated with sexual orientation or experiences

associated with gender identity or expression. It was indicated that there has been a rising number of people who have come forward with issues about housing in residence halls; accommodations have been made as needed. There have been one to three complaints per year that are associated with gender stereotyping or gender expression.

Ms. Sloane reported that Virginia Commonwealth University is in the process of changing its policy to include gender identity.

It was pointed out that there are no procedural limitations for item number two, request for review by department and item number three, OEI – initiated review under section 5.4, Formal Resolution. It was questioned as to what the intent was for these additional options. Sloane indicated that these two additions were added to allow a way for the Office for Equity and Inclusion or a department to address a complaint when a formal complaint is not filed. These two situations will not be filed as formal complaints. The university has an obligation to address these issues.

It was mentioned that once one group is defined, another group will need to be defined, etc. This policy legislates by definition and is getting too technical. It was then mentioned that groups that normally are not discriminated against are beginning to feel hostility toward their way of thinking.

Dr. Hardus Odendaal, President of the Faculty Senate, informed the council that neither the Commission on Faculty Affairs nor the Faculty Senate has approved this resolution. Odendaal requested a deferral until other groups have a chance to review the resolution. Sloane indicated that the policy was delayed after the CEOD passed the revisions of policy 1025, and there was not enough time to send this to other groups before the last University Council meeting of the academic year. It was proposed that this resolution should be forwarded to the Faculty and Staff Senates since, statistically, there is a low incidence rate. It was also pointed out that the CEOD has representatives from the Faculty and Staff Senates.

Dr. Steger stated that this is a matter of principle and the university does not want anyone, regardless of their circumstance, to feel a sense of discrimination and be negatively impacted by that. There is a process of shared governance and input should be received from all parties concerned.

Ms. Kim O'Rourke informed the Council that according to the by-laws, the request for deferral will stand unless three-fourths of the voting members present vote to override the deferral. There were forty-three voting members present. A vote was taken and the resolution was deferred, with twenty-five members voting to uphold the deferral and sixteen members voting to override the deferral. (Note: The by-laws state that business cannot be carried from one academic year to the next, so this resolution will have to be introduced anew next year.)

Dr. Steger requested additional data on the number of unreported incidents that happen. This data will help Council to understand the dimensions of this issue.

A transgendered student addressed the Council and indicated that harassment does exist because of gender identity. This student has had a professor who has made disparaging remarks about transgendered individuals in class. The student stated that those who have been discriminated against do not report the incidents because the environment is perceived to be largely hostile.

Dr. Steger thanked the student for having the courage to speak out. He indicated that the issue is real and everyone needs to understand it. Dr. Steger urged anyone experiencing harassment of any type to report it to the appropriate university officials.

### **Commission on Graduate Studies and Policies**

Resolution 2008-09C

Master of Public Health (MPH) Degree

Dr. Paul Deck presented the resolution for second reading and made a motion for approval. The motion was seconded and the resolution was approved unanimously.

#### **4. 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 By-laws require that policy items be brought forward in resolution form for University Council action.

- Commission on Administrative and Professional Faculty Affairs  
March 18, 2009
- Commission on Equal Opportunity and Diversity  
February 16, 2009  
March 2, 2009  
April 6, 2009
- Commission on Faculty Affairs  
March 27, 2009
- Commission on Graduate Studies and Policies  
April 1, 2009
- Commission on Outreach and International Affairs  
February 5, 2009
- Commission on Staff Policies and Affairs  
March 17, 2009
- Commission on Student Affairs  
April 2, 2009
- Commission on Undergraduate Studies and Policies  
January 26, 2009  
April 13, 2009

#### **5. For Information Only**

Minutes of University Advisory Council on Strategic Budgeting and Planning  
March 26, 2009

## 6. **Adjournment**

There being no further business, a motion was made to adjourn the meeting at 3:49 p.m.