

**University Council Minutes**  
**May 6, 2002**  
**2030 Pamplin Hall, 3:00 p.m.**

**Present:** Charles Steger (Presiding), Jeb Stewart for Earving Blythe, Gregory Brown, George Crofts for Lay Nam Chang, Edward Spencer for Landrum Cross, Ben Dixon, Peter Eyre, Margaret Zelinski for Elizabeth Flanagan, Melvin Gillespie, Eileen Hitchingham, Janet Johnson, Max Stephenson for Paul Knox, Mark McNamee, Malcolm McPherson, Joseph Merola, Kim O'Rourke, Leonard Peters, Lisa Wilkes for Minnis Ridenour, Richard Sorensen, Tom Tillar, Pat Hyer for Susan Angle, Stephen Boyle, Ed Fox, Ryan Hartman, Bob Hendricks, Linda Correll for Michael Koechlein, Marge Murray, Edd Sewell, Leon Guyer for Wayne Durham, Jeryl Jones, Bob Tracy, Mitzi Vernon, Jack Davis, John Hillison, Philip Huang, Suzanne Murrmann, Althea Aschmann, Delbert Jones, Kwaku Kankam, Jimmy Martin, Mike Martin, Randy Stith, Debbie Wilson, Christina Coukos, A. Klein for Robert Kopera, Rachel Luken, Brian Montgomery, Andrew Jayne for Susan Saunders, Ross Amico for Clayton Smith Susan

**Absent:** Andy Swiger, Susan Sumner, Mark Barrow, Tim Pratt, Kamal Rojiani, Rebecca Crittenden, Pat Devens, Dan Dolan, Bernard Feldman, Rodney Gaines, Brandy Ellen Cowing, Marqueea King, Sharonda Meade

**Guests:** Dwight Shelton, Vice President for Budget and Financial Management; Barbara Pendergrass, Dean of Students; Jennifer Calhoun; Ellen Plummer for EOAA, Larry Moore for MAOP, and Teresa Wright (recorder).

Dr. Steger called the meeting to order at 3:10 p.m. A quorum was present.

**1. Adoption of Agenda**

A motion was made and seconded to adopt the agenda with a change to approve Commission minutes before the presentation of resolutions for second reading.

**2. Announcement of approval and posting of minutes of April 15, 2001.**

Pat Hyer clarified change in minutes to Resolution for Promotion to Professor. Dr. Steger noted that these minutes have been voted on and approved electronically and can be publicly accessed on the Governance Information System on the WEB (<http://intra.vt.edu/govern/>)

**3. New Business**

There was no new business

**4. Ongoing Business**

**Second Reading**

**Commission on Faculty Affairs**

Resolution CFA2001-02A

Resolution Concerning Length of Appointment for Faculty Representatives on the University Committees on Promotion and Tenure/Continued Appointment

Edd Sewell introduced the resolution for second reading. A motion was made to approve the resolution. The motion was seconded and passed unanimously.

**Commission on Faculty Affairs**

Resolution CFA2001-02B

Resolution Concerning Promotion from Associate Professor to Professor

Edd Sewell introduced the resolution for second reading. A friendly amendment was made by Edd Fox to change the wording from, *Faculty members must demonstrate excellence in two of the three aspects of the university's mission* to *demonstrate excellence in at least two of the three aspects*. A motion was made to approve the resolution with this change. The motion was seconded and passed unanimously.

**Commission on Graduate Studies and Policies**

Resolution CGSP2001-02B

Resolution for M.S. in Agricultural and Extension Education

Stephen Boyle introduced the resolution for second reading. A motion was made to approve the resolution with this change. The motion was seconded and passed unanimously.

**Commission on Student Affairs**

Resolution CSA2001-02C

Resolution for Observance of the Martin Luther King, Jr. Holiday

Ryan Hartman introduced this resolution for second reading. A motion was made to approve the resolution with this change.

There was some discussion concerning the academic calendar. Dr. Steger appointed Provost McNamee to charge the appropriate committee to determine how the holiday will be implemented without losing instructional time.

**Commission on Student Affairs**

Resolution CSA2001-02D

Resolution for Changes to University Policies for Student Life

Ryan Hartman introduced the resolution for second reading. A motion was made to approve the resolution. The motion was seconded and passed unanimously.

**Commission on Student Affairs**

Resolution CSA2001-02E

Resolution to Amend the Student Government Association Constitution

Ryan Hartman introduced the resolution for second reading. A motion was made to approve the resolution. The motion was seconded and passed unanimously.

**Commission on Undergraduate Studies and Policies**

Resolution CUSP2001-02A

Resolution Clarifying the University Core Curriculum Writing Intensive (WI) Requirement

Marge Murray introduced the resolution for second reading. A motion was made to approve the resolution. The motion was seconded and passed unanimously.

**University Council**

Resolution UC2001-02A

Resolution to Amend the University Council Constitution to Establish a Commission on Equal Opportunity and Diversity

The version of the resolution brought forward for second reading was the version that had been passed by the Staff Senate (meaning that the requirement in the University Council Constitution for amendments to the University Council Constitution to be approved by the Faculty and Staff Senates before vote by University Council was met).

Dr. Steger prefaced the discussion and action on the proposed resolution by explaining that earlier in the day, he had been informed by the university's legal counsel that the legality of the membership section was questionable. He called upon Associate General Counsel Kay Heidbreder, who explained to University Council that the legality of guaranteeing certain groups membership on the proposed commission using the criteria of race and gender was questionable. She cited the memo that the Virginia Attorney General's office sent recently to all universities interpreting the Accord that was reached in November 2001 between the Commonwealth of Virginia and the U.S. Department of Education to address Virginia's efforts to remove the effects of past discrimination from Virginia's system of higher education. According to Ms. Heidbreder, the advice from the Attorney General's office extends beyond university admissions to other matters and would pertain to the establishment of the proposed commission.

A question was raised as to whether it was acceptable for a resolution to be brought forward to University Council by a member rather than through one of the existing commissions. Dr. Steger replied that he had conferred with legal counsel on this issue, and they both felt that in this extraordinary circumstance in which a new commission is being proposed, it is acceptable that the resolution did not originate from an existing commission.

Dr. Steger then summarized the two options available to University Council: (1) to defer the resolution and start over in the fall (because the University Council By-Laws do not permit carrying business over from one academic year to the next), or (2) to divide the resolution into two parts (i.e., commission charge, and commission membership) and act on each separately. The rationale behind this second option is that the charge to the commission (i.e., the establishment of the commission) is an amendment to the University Council Constitution and thus requires a two-thirds positive vote of University Council as well as approval by the Board of Visitors (University Council Constitution, Article XIII, Sections 1 and 2). There is no question with regard to the legality of the commission's charge, so approval of that portion could occur today if there is sufficient support. In contrast, the membership of the proposed commission would create a change to the University Council By-Laws; and changes to the By-Laws require only a majority positive vote of University Council members and nothing further (University Council Constitution, Article XIII, Section 3). Therefore, the membership issue could be worked out in the next academic year and passed at that time with a simple majority of University Council members.

A motion was made and seconded to divide the resolution into two parts: (1) the establishment of the commission and approval of its charge, which requires an amendment to the University Council Constitution; and (2) the membership of the commission, which requires an amendment to the University Council By-Laws. The motion passed with 42 affirmative votes and 5 votes in opposition.

A motion was then made and seconded to amend the charge of the new commission to restore the word "historically" on one of the sentences, which would result in the following sentence: "In collaboration with other university commissions and/or units, the commission will address issues of diversity and equity as they relate to recruitment, retention, and advancement of faculty, staff, and students, particularly those from historically underrepresented groups." The motion passed with 45 affirmative votes and 2 votes in opposition.

There was considerable discussion focusing around the reluctance of some members to approve the charge of the new commission without approving the membership at the same time.

A motion was made to defer the resolution. In effect, deferring the resolution kills it because the University Council By-Laws do not permit carrying business over from one academic year to the next. Also, according to the University Council By-Laws (Article II,

paragraph 5e), a three-fourths vote of membership present is required to override a request for deferral. There were 49 official members of University Council present at the meeting, meaning that 37 Council members would have to vote in favor of overriding the deferral (i.e., vote against the deferral). The chair and secretary of University Council are non-voting members. A roll-call vote was taken. Thirty-three Council members voted to override the deferral, and 14 voted against overriding the deferral. As a result, the deferral stood, and the resolution in effect died.

**Council accepted the following Commission minutes:**

- Commission on Faculty Affairs  
April 5, 2002  
April 19, 2002
- Commission on Classified Staff Affairs  
February 25, 2002  
March 22, 2002
- Commission on Graduate Studies and Policies  
April 3, 2002
- Commission on Undergraduate Studies and Policies  
April 8, 2002

**5. For Information Only**

Minutes of University Advisory Council on Strategic Budgeting and Planning:  
March 28, 2002

**6. Announcements**

**Commission on University Support**

Progress Report — Security Issues

Ed Fox, Chair of the Commission on University Support presented a general progress report.

**7. Adjournment**

There being no further business, Dr. Steger adjourned the meeting at 4:05 p.m.

Respectfully submitted,

Kim T. O'Rourke  
Executive Assistant to the President

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