Minutes of the Faculty
College of Arts and Science
April 25, 2017

Dean Lauren Benton called the meeting to order at 4:10 p.m. in Wilson Hall 103. Approximately 125 faculty members were in attendance.

1. Approval of the Minutes of the Faculty Meeting of March 28, 2017.

There were no comments or questions, and the Minutes were approved.

2. Update on the Non-tenure Track Faculty Union Organizing Effort.

Provost Susan Wente explained that she, John Geer (vice provost of academic and strategic affairs), and Audrey Anderson (vice chancellor and general counsel) will update the A&S faculty on the status of the non-tenure track faculty unionization effort and will answer questions about the process. Similar meetings have been scheduled with the other Vanderbilt undergraduate schools and with some departments.

Ms. Anderson presented a synopsis of the current status of the unionization process: She explained that both Vanderbilt and the union (the Service Employees International Union-SIEU) are waiting for a decision by the regional director of the National Labor Relations Board (NLRB) with regard to briefs that each side filed on April 13 after the NLRB hearings concluded. The hearings were called in response to a petition that the SEIU filed in February in which the union asked to represent a bargaining unit of adjunct, part-time, and full time non-tenure track faculty members with particular titles in the College of Arts and Science, Blair School of Music, Peabody College, and the Divinity School. The NLRB regional director in his decision will rule which unit and which faculty members, if any, will participate in an election to determine if the SEIU will represent these faculty members at Vanderbilt. The NLRB regional director will also decide whether the unionization vote will be in person or by a mail ballot.

In response to questions and comments posed by faculty members, Provost Wente, Vice Provost Geer, and Ms. Anderson offered the following points and explanations:

They emphasized that faculty members are free to state their own beliefs regarding unionization; Vanderbilt will take no action against faculty members for speaking their views.

The SEIU initially petitioned the NLRB to represent non-tenure track faculty members with particular titles in A&S, Blair, Divinity, and Peabody, excluding those faculty members in that group with administrative or managerial responsibilities (according to their appointment letters or to their job titles) and those who do not teach at least one course per year. Vanderbilt is not opposed to adjunct and part time non-tenure track
faculty members in A&S and Divinity voting to form a union. If this group of non-tenure track faculty members were to become a bargaining unit, they would represent approximately one-third of the non-tenure track faculty members in A&S. On the other hand, Vanderbilt holds that full-time non-tenure track faculty members do not share a community of interest with part-time non-tenure track faculty members. By law a bargaining unit must consist of persons with a shared community of interest. Vanderbilt argues that full-time, non-tenure track faculty members play an important role in faculty governance at Vanderbilt and hence should not, by law, be part of a bargaining unit. Faculty members with such a role have been considered by the courts to be managerial. Vanderbilt also holds that non-tenure track faculty members in A&S and Divinity do not share a community of interest with non-tenure track faculty members in Blair and Peabody.

In March, Vanderbilt and the SEIU reached a compromise agreement to allow adjunct, part time, and some full time non-tenure track faculty members in A&S and the Divinity School to vote on unionization. Soon thereafter the union petitioned the NLRB to represent non-tenure track faculty members in Blair and Peabody as a separate bargaining unit, which Vanderbilt considered to be against the spirit of the compromise. As a result, Vanderbilt submitted a petition to the NLRB to withdraw from the compromise agreement. Two days later, the SEIU agreed to withdraw from the agreement, and the NLRB revoked its approval of the agreement. Consequently, the NLRB is back to considering the SEIU’s initial petition to represent non-tenure track faculty members in A&S, Blair, Divinity, and Peabody.

After the NLRB regional director presents his decision, either party may challenge it to the national level NLRB in Washington D.C. Vanderbilt’s response to this decision depends on the particular details of the decision; Vanderbilt has not predetermined how it will respond and whether or not to appeal.

If there is a unionization vote, Vanderbilt would encourage everyone who is eligible to vote to do so and would seek the highest possible turnout. Everyone should vote their conscience. The election would be decided by a majority of those voting.

If the results of the unionization election were in favor of the union, the union would negotiate with Vanderbilt the terms and conditions of employment for members of the bargaining unit. Part of the negotiations would be whether and the extent to which provisions in the *Faculty Manual*, including what constitutes “external activity” in the conflict of interest guidelines, would become part of the contract and thus be applicable to the unionized faculty members.

Excluding VUMC, approximately 40% of faculty members at Vanderbilt are non-tenure track; the proportion varies by school. Approximately 80% of Blair faculty members are non-tenure track, for instance, while approximately 40% of A&S faculty members are non-tenure track.
If a faculty member is not part of the bargaining unit, then that person would not be able to vote in favor of or against forming a union, would not be represented by the union, and would not be governed by the negotiated contract.

At present, non-tenure track faculty members in A&S are not eligible to serve on the Vanderbilt Faculty Senate, not because of provisions in the Faculty Manual, but because of language in the A&S Constitution. It might be possible in the future to revise the A&S Constitution to enable non-tenure track faculty members to become senators. A review of college and university governance procedures is part of the charge of the provost’s Shared Governance Committee, co-chaired by Professors McCammon and Willis, which will present its report later this year.

Unionization efforts are proceeding at other universities, such as at Trinity College of Arts and Sciences at Duke University, at Washington University in St. Louis, and at the University of Chicago. Contract negotiations at these universities are ongoing.

Dean Benton explained that over the past two years the A&S Dean’s Office has revised some of the language in reappointment letters in order to achieve greater consistency and clarity. These revisions are not related to the unionization effort. Moreover, it is business as usual; reappointment letters are being processed.

Faculty members thanked Provost Wente, Vice Provost Geer, and Ms. Anderson for their explanations.

3. Review of the Minutes of the Faculty Council meetings of April 4 and 11, 2017.

Professor David Weintraub, chair of the Faculty Council, asked if there were any comments or questions about the Minutes of the April Council meetings or the Council-approved new and revised course descriptions; there were none.

4. Executive Motion Calendar: From the Committee on Educational Programs (CEP).

A. Proposed revision of the German major and the German and European Studies major. There were no questions or comments, and the faculty approved the proposed revision of the German major and the German and European Studies major.

B. Proposed revision of the Psychology major. There were no questions or comments, and the faculty approved the proposed revision of the Psychology major.

C. Proposed revision of the Environmental and Sustainability Studies minor. There were no questions or comments, and the faculty approved the proposed revision of the Environmental and Sustainability Studies minor.

D. Proposed creation of an Arabic Language minor. There were no questions or comments, and the faculty approved the creation of an Arabic Language minor.
5. **Memorial Resolution in honor of Robert H. Birkby, Professor of Political Science, Emeritus.**

Bruce I. Oppenheimer, professor of political science, presented a Memorial Resolution in honor of Robert H. Birkby, professor of political science, emeritus. Faculty members paid their respects and signified their assent to the resolution by a moment of silence. The Memorial Resolution is appended to these Minutes.

6. **Original Motion Calendar.**

No issues were raised.

7. **Good of the College.**

No issues were raised.

8. **Adjournment.**

The meeting adjourned at 5:23 p.m.

Respectfully submitted,

Robert A. Driskill  
A&S Secretary of the Faculty
Memorial Resolution in Honor of

Robert H. Birkby, Professor of Political Science, Emeritus

Vanderbilt lost a teaching legend and constitutional law scholar with the death of Professor Emeritus of Political Science Robert H. Birkby on March 14, 2016 at the age of 85. Bob came to Vanderbilt as an assistant professor in 1963 after completing his Ph.D. at Princeton where he worked under academic luminaries, Walter Murphy and Alpheus T. Mason. He was promoted to Associate Professor with tenure in 1967 and to the rank of Professor in 1983. Bob remained at Vanderbilt until his retirement in 2000 and continued to teach in the department for several years thereafter.

Born in Lamar, Colorado in 1930, Bob’s journey to becoming a political scientist was not a direct one. He originally entered the University of Colorado to study engineering. That was short-lived because of his disinterest in and lack of aptitude for math and science courses. Eventually, he did earn an undergraduate degree in business and returned to Lamar to work for his father in the family lumber company. His father was not the easiest of people for whom to work, and Bob’s health suffered. He subsequently served in the army and worked for the Santa Fe Railway before returning to the University of Colorado to earn a master’s
degree in 1960. Then, bitten by the academic bug, Bob entered the Princeton
graduate program.

Bob’s research focused on the U.S. Supreme Court and the lower federal
courts. He wrote several articles in major journals and law reviews that dealt with
first amendment issues, giving particular attention to the establishment of religion
clause and the origins of the supremacy clause in the Constitution. In addition, he
authored a book entitled, *The Court and Public Policy.* But Bob’s contributions to
teaching and service to Vanderbilt outshone his solid record of scholarship.

Bob was a most demanding teacher and reputed to be one of the toughest
graders on the faculty. Although students may have enrolled in his classes with a
level of trepidation, they soon discovered a professor who not only expected that
they would do their best and who stretched them intellectually, but also one who
took a personal interest in them and great pleasure from their success. He often
taught 8:00 a.m. classes as one former student recalled: “…to weed out the lazies.”
And Bob routinely scheduled an exam on the Friday before spring break began.
However, he also knew the name of every student in his classes no later than the
second day, stood outside the classroom as they entered each day, greeting them
individually with a friendly exchange and marking their attendance in his grade
book. At a memorial gathering and in various Vanderbilt media outlets, former
students recounted their favorite memories of “Professor Birkby.” One student
noted, “He taught me a lot about critical thinking in my classes with him, especially Con Law, which prepared me well for law school and a legal career I had not planned on at the time. When you got a good grade from Birkby, you knew you had done good work which built real confidence.” Many of those who spoke at his memorial gathering, confessed to be less than stellar students, especially before taking one of Bob’s classes, and how profoundly he affected their commitment to learning. It is no coincidence that Bob nurtured students who, like himself, found the transition to college a bit daunting.

In recognition of his teaching and advising commitment, Bob won the Chancellor’s Cup for his contribution to student-faculty relationships, the Madison Sarratt Prize for Excellence in Undergraduate Teaching, the Ernest A. Jones Faculty Advisor Award, and the CASE Tennessee Professor of the Year. But more important than the awards and prizes was the high esteem with which his former students held Bob Birkby. Whenever a department faculty member spoke to a Vanderbilt alumni club, former students would inevitably inquire about Bob and share stories of how important he was to them.

When Bob retired, his former students initiated endowment in the department in his honor. It serves to bring speakers to campus and to fund the Robert H. Birkby Award for Teaching Excellence in the Department of Political Science.
Aside from his commitment to excellence in teaching, Bob held a wide range of department, college, and university administrative positions. He served a term as department chair and was acting chair on five occasions. Except for the three years when he was chair and a similar length term as DGS, Bob was Director of Undergraduate studies from 1970 until he retired. He was Associate Dean of the College of Arts and Science from 1967-1970 and was regularly on the Faculty Council, a range of search committees, and committees on everything from student retention to the honor system to the administrative committee. He also managed being pre-law advisor for over twenty-five years. Bob’s dedication to Vanderbilt was honored in 1984 with the Thomas Jefferson Award “for distinguished service to Vanderbilt through extraordinary contributions as a member of the faculty in the councils and government of the University.”

Bob was a bachelor, a very private individual, and yet a creature of habit—showing up for his coffee group in Rand every morning, having clam chowder for lunch on Fridays, doing his grocery shopping every Wednesday. He is survived by his kid brother, Alan, sister-in-law, Jackie, and nephew, Kevin. But he also had an extended family among the students, faculty, and staff at Vanderbilt. He knew everyone at Vanderbilt from the custodians to the chancellor, and they all knew him. The relationships he developed and fostered with nearly forty classes of
Vanderbilt students, however, were what he valued the most. Bob Birkby left an enduring imprint on them.

Madame Dean, I ask that a copy of this Memorial Resolution be entered into the minutes of this meeting and that copies be sent to his family.