

**Faculty Senate Meeting Minutes**  
**February 17, 2020**  
**Hofheimer Hall - 7<sup>th</sup> Floor - 5:00 pm**

**Present (in alphabetic order):** Daniel, Dianne; Derkay, Craig; Ikonne, Uzona (A); Lattanzio, Frank; Morris, Shannon; Musto, Alberto (call-in); Rubino, Mary; Williams, Michael.

Visitor-Stacey Purcell, EVMS General Council (call-in)

1. The Faculty Senate was called to order at 5:03 by Dr. Derkay.
2. General Council Stacey Purcell and the Faculty Senate members engaged in a review of the draft of the Faculty Grievance policy that was provided to the Senate (see attachment to February minutes). Stacey Purcell first reviewed the changes made to the initial draft that was given to the Faculty Senate in January. Note that all deadlines are in calendar days, not business days. General changes to the original draft summary were: (1) inclusion of all faculty, full, part time and community, in the grievance process (2) removal of the exclusion of grievances that had already gone through an existing grievance process in another committee (3) determination by the entire Grievance Committee as to what as a grievable matter, with a 60 day period to make that determination (4) addition of an informal mediation process to allow the Grievance Committee to assist in the interaction between parties (5) allowing the Grievance Committee to request additional information from either party or another EVMS department when the committee is conducting their review (6) removal of the limitation that the Grievance Committee could only recommend another review through the applicable procedures of the school was changed that to state that the Committee could recommend any reasonable remedy (7) storage of records from the grievance in Faculty Affairs, permitting future review (8) that grievances would be made in good faith, such that people abusing the process may have their grievances refused.

Shannon Morris requested review of the unabridged policy, as she had made notes regarding specific sections of the policy. The point was made that some faculty thought that the HR grievance policy was being revised, which is not the case. It was also noted that the HR grievance policy is not in the Faculty Handbook, which is also undergoing

revision. There was discussion about extending the short timeline to report an HR grievance. It was requested that the need for such changes be brought to the attention of HR by Council Purcell. Shannon Morris asked for review of the exclusions to the Faculty Senate grievance process. Obvious exclusions were related to cases of discrimination, harassment, compensation and those involving Federal and State laws, the latter exclusions covered by the HR process. Allegations of scientific misconduct, reviewed by the Research Office, were being considered as having a potential for post-decision grievance review through the Faculty Senate grievance process. Decisions made by the IRB and the IACUC, both given mandate by Federal law, would not be grievable through the Faculty Senate process. Another exclusion would be grievances against EVMS students, with Council Purcell agreeing to add that specific exclusion to the draft. The grievance documents given to the Grievance Committee can be hardcopies, but an electronic copy must also be provided, the latter to improve review and ease of handling/storage. If a deficiency occurs in the grievant's documentation after the initial submission, an additional 30 days will be given to correct said deficiencies. It was requested that the decision by the Grievance Committee to suggest informal mediation could occur after both the grievant and the respondent had submitted their documentation in a complete and timely manner. In the informal mediation process, the Chair of the Grievance Committee could request mediation support through Faculty Affairs, if deemed necessary. The respondent would also need to follow the same format guidelines and timeframes, e.g. 30 days to respond, as the grievant, this requirement now added to the draft by Stacy Purcell. The Senate also requested that a statement saying that timely requests for extensions with good cause shown can be granted, as deemed appropriate by the Grievance Committee. These extensions must be requested before the submission deadline is reached and would also include requests for extension by the Grievance Committee for sending their decision to the President. A request for additional information to any or all parties by the Grievance Committee can be made before, during or after the hearing. Official lawyers representing either the grievant or respondent will be excluded from the hearing but advisors are permitted. In the current version of the policy, lawyers could not speak in

behalf of their client, so it was not deemed useful to have lawyers present at all. The Grievance Committee could seek advice from Faculty Affairs, if deemed necessary. There will be no observers unless requested and approved by the Chair of the Grievance Committee. If the respondent does not submit materials or appear at the hearing, the Grievance Committee can go forward without them. This failure would be considered a compliance issue. The length of the grievance hearing was reduced from 2 to 1 ½ hours. The Grievance Committee can ask questions of either the grievant or respondent or their witnesses, but neither the grievant nor the respondent can ask questions of each other or their respective witnesses. Teleconferences were specifically excluded from the grievance process e.g. witnesses must appear at the hearing. Limits discussed as to what resolutions EVMS could offer the grievant, such that requests for remedies or actions not within the control or power of the school could not be mandated. The Faculty Senate requested language to delineate what could be offered as a resolution, so that both the grievant and the Grievance Committee could make reasonable requests for a resolution. The decision of the Grievance Committee was deemed not to be a grievable matter and that statement was to be added to the list of exclusions.

The proposed deadline for submission to the BOV meeting on March 10 would be to have the policy finished and submitted by March 5 to allow uploading the policy to the BOV tablets. To permit the draft to be completed would require submission of an electronic version by Council Purcell to the Senate and review by email. If this Faculty Senate review could not be completed, the submission would have to wait until the June 2020 BOV meeting.

3. Dr. Derkay reported on his meeting with Dr. Homan, Dean, Provost and President of EVMS. Items discussed were: (1) the progress on the Grievance Policy revision (note that Stacy Purcell was present during this discussion) (2) the data breach and EVMS efforts to be proactive by offering credit protection, emphasizing the dangers of phishing scams and the education of email users to detect questionable emails. (3) the commencement website is now up and faculty are encouraged to attend commencement, with a March 18 deadline

for regalia registration (note that this request for attendance was also mentioned during the Faculty Senate presentation at the General Faculty meeting in February) (4) Dr. Homan was updated on the five candidates proposed for emeritus status (5) the requests for EVMS support through White Coats on Call centered around additional money for building maintenance and equivalence of base adequacy to the levels of UVA and VCU, Meetings with representatives Spruill, Lewis, Lucas, Hertick and DeSteph were detailed.

4. Shannon Morris spoke about current grievances. One was resolved informally, with the grievant withdrawing the case. The second grievance will go forward, with a hearing sometime between March and April, 2020. The committee for this grievance will be polled for their availability within that time period. The third grievance, chaired by Dr. Jay Collins, has been stalled because the respondent has not come forward with their documentation. Shannon will work through Council Purcell to attempt to get the respondent to reply to the Committee's request for information.
5. Dr. Derkay reported about the Hot Topics items where the Faculty Senate has reported their activities at the General Faculty meeting. The suggestion was made by Dr. Derkay that the Executive Committee meet off-campus to determine how well the Faculty Senate was covering such Hot Topics and whether there were new concerns that needed to be brought forward.
6. The minutes from the January 2020 meeting were approved.

The Faculty Senate adjourned at 6 PM.

Next Meeting: March 16, 2020