



ROBERT HOLLAND FACULTY SENATE

Uncorrected Minutes of September 10, 2021

The Robert Holland Faculty Senate of Mississippi State University held its regular monthly meeting in the Bettersworth Auditorium at 2:00 p.m. on Friday, September 10, 2021.

Members absent and excused were Robert Banik, Mark Fincher, Robin Fontenot, Gnaneswar Gude, Andy Perkins, and Andrea Varela-Stokes.

The meeting was called to order by Senate President Rebecca Robichaux-Davis.

President Robichaux-Davis asked for any corrections to the minutes of the August 20, 2021, meeting. Hearing no corrections, President Robichaux-Davis accepted the minutes as presented.

GUESTS

Dr. David Shaw, Provost and Executive Vice President

Dr. Shaw said the survey to determine the vaccination status of students and employees, conducted at the beginning of the semester, has been deployed again. The results of the second survey show that vaccination rates on campus have improved. Dr. Shaw said as of today, 56% of the student body and 77% of employees have indicated they are vaccinated. He said this, to him, is very good news. It indicates that the efforts by everyone to encourage people to take advantage of the opportunity to be vaccinated and protect themselves and those around them have been paying off. Dr. Shaw said at this time last year we had 174 students in the previous two weeks who had tested positive for the virus. Today we have 88. This time last year we activated our third quarantine and isolation hotel because the first two were filled. Today we have 12 rooms occupied. Dr. Shaw said he would like this to be thought of in the context that last year we were dealing with a virus strain which was 3 to 4 times less virulent than the Delta variant we are dealing with today. Dr. Shaw said that the administration

is taking this seriously, and he is proud of the work all of us are doing collectively to ensure the health and safety of students and employees. The administration continually monitors the numbers and Covid remains the top priority. Dr. Shaw said there are regular ongoing conversations with our state health officers, sister institutions, and other SEC schools. The status of local hospitals is also carefully monitored. Dr. Shaw said he is extremely proud of the job our faculty, staff, and students are doing overall. He said, from a personal perspective, he thought we would be dealing with more issues at this point than we are. He said he is not downplaying the number of cases we have, but he thinks this is a testament to the hard work being done to provide our students the quality education they deserve in a face-to-face setting, which has proven to be as safe as we can reasonably do.

Dr. Shaw said he fully understands the stressful situation this semester has brought. In July we were expecting this semester to be a more normal semester than what we are experiencing. He said we are all dealing with the non-stop demands on our time. Dr. Shaw said Dr. Keenum, himself, and everyone understand and sympathize with all the stress faculty are dealing with. He said he appreciates the commitment faculty have for our students and the educational status of our state.

Dr. Shaw said Dr. Thomas Dobbs is cautiously optimistic that we might be seeing a trend downward. We are not out of the woods by any stretch, but the modeling data seem to indicate we have passed the peak.

Dr. Shaw said the Cowbell Well weekly updates have been resumed. He said he approved of the latest release right before this meeting and faculty should see the update in their mailboxes this afternoon. The intention is for the updates to remain worthwhile and relevant. If anyone has questions, he asked that they send them to himself or Dr. Hyatt and they will address them. He said they can certainly address them on a one-on-one basis, but many of the questions received are the basis for the content of the next Cowbell Well update.

Dr. Shaw said the University continues to actively promote vaccination. There are pop-up clinics being hosted along with different incentive programs for faculty, staff, and students. He said we have seen some really good participation. So far, 479 students have taken advantage of the pop-up clinics. This does not include the vaccinations given out of the Longest Student Health Center.

Dr. Shaw said, to further address a question asked of Dr. Keenum at the last Faculty Senate meeting, requiring documentation of vaccination status, mandatory vaccinations, and mandatory testing runs counter to the guidance that has been given to all Mississippi public institutions by the recent vote of the State College Board. He said we do not possess the legal authority to issue a vaccine mandate. He said these mandate requests carry with them the

possible unintended consequences of significant erosion of privacy rights and may encourage new and more restrictive policies regarding how public entities are allowed to handle the pandemic. This has already happened in a number of our sister states. We have been working to ensure that we do not have overly restrictive regulations placed on our University. We have been successful in this regard to this point. Dr. Shaw said the administration is very much aware of the potential federal executive orders in discussion, as well as the ramifications they would have on our policies. Our chief legal counsel has been in conversations with IHL legal counsel and the State Attorney General's Office.

Dr. Shaw said the administration will continue to work with and listen to the campus community as we move forward together. He said he cannot stress the "together" enough.

Senator Kelly asked if there was a place where the buildings which have received updates to the HVAC systems are listed and if there is a plan to update the remaining buildings on campus. Dr. Shaw replied that last week's Cowbell Well update contained a link to the list of buildings that have received HVAC updates, those scheduled for October, and those scheduled after October. He said UV filters have already been added to most of our most common teaching buildings. In addition, all buildings have been updated to bring in more outside air circulation. He said it is more expensive to heat and cool outside air, but we have increased the amount of outside air to improve circulation. He said the University is following all CDC and Civil Engineering Society's recommendations for operating in the pandemic.

Senator Kelly said it was brought to her attention that the University of Southern Mississippi and Jackson State University have adopted a hybrid/in-person mix for classes where, for example, half of the class attends on Tuesday in-person and the other half attends in-person on Thursday. She asked why MSU did not pursue this model. Dr. Shaw said he will have to look into this because his last conversations with the Provosts of these institutions did not indicate they were using this model. He said beyond that, our situation is that the very clear message we received from our students and many of our faculty is that hybrid is the worst of both worlds. It requires both fully online and fully face-to-face delivery. The approach this semester, given the feedback received, including feedback from Dr. Dobbs, led us to move forward with our current model. Dr. Dobbs actually recommended that we use this model and noted that many students do much better in a face-to-face environment.

Secretary King said Mississippi Today reported on August 20th that the IHL Spokesperson said that IHL board policy does not prohibit institutions from mandating vaccinations in addition to the minimum vaccination requirements established by IHL. She said on August 27th the board held an emergency meeting and voted to not require Covid vaccines at IHL institutions at this time. She asked for clarification on why this prohibited individual institutions from mandating vaccines. Dr. Shaw replied that this is an ongoing question. He said Dr. Keenum read the

memo he received from Commissioner Rankins at the last Senate meeting. He said this was taken as clarification on what was being reported in Mississippi Today. In consultation with our legal counsel and the legal counsel of IHL, it has been clarified through numerous conversations that we do not have authority without board action on this topic.

Senator Pelaez asked for Dr. Shaw's reaction to the strong recommendation by the two doctors on the IHL Board to require vaccines. Dr. Shaw said he listened very carefully to what the doctors said at the meeting. He said he listened very carefully to all of the debate during the meeting. The doctors made a very strong case. Dr. Shaw said the 10-2 vote gave a very clear directive to us. He said, given his role as Provost, he has to keep his personal opinions out of the picture, but he believes they articulated their arguments and statements very well.

Senator Pelaez asked if there were an open legal option to mandate vaccines, would the administration entertain doing so. Dr. Shaw replied this is a situation where hypotheticals can get away from someone very quickly. He said he will hedge his response on the question due to the many factors which come into play. Dr. Shaw said he is strongly in favor of vaccination. He said he understands that even within this body, there is going to be a difference of opinion and there would need to be a robust debate. He said if such an opportunity should arise, it would give the administration an opportunity to engage the campus community to make the decision. He said it would not be a decision that would be made by Dr. Keenum or himself. He said it would be a decision based on the entire campus community working together.

Senator Pelaez said given the fact that we cannot require vaccines, she feels there are other things we could be doing beyond requiring masks and promoting vaccines. She said this past weekend during the sporting events, the University could have been publicizing that everyone should be safe. She asked why we are not doing more than we are. Dr. Shaw replied we are already doing more than the minimum. He said he is always open to new ideas. It has been months if not a year since he has not gotten at least one suggestion daily. Many of the things we are doing now are a result of the suggestions and comments that have been received. Any and all suggestions submitted are and will continue to be considered. He said the flip side of it is there is always a tension going on which is exacerbated by the political environment we are in. Dr. Shaw said earlier today he received a message from a faculty member which was talking about the toxicity of the vaccine. He said he also had a conversation with a parent earlier this week in which the parent said their student would be withdrawn if he could not promise them that we will never require the vaccine. He said this is the pull and tug we find ourselves in as we go through this debate. What seems reasonable to one person may seem unreasonable to another. Senator Pelaez said we are a research institution, and we should be following the science. She asked why we don't require proof of vaccination or a negative test to attend a game. She asked why we do not require proof of vaccination or mandatory random testing for

students who live in dormitories. Dr. Shaw said the administration works with the state health officials to try to find the middle ground which is as safe as we can reasonably expect.

Dr. Shaw said the recommendation of Dr. Dobbs was to sanitize our classrooms once a day. We chose to sanitize the classrooms three times a day. This increases the workload for our custodial staff. He said this is an example of how the University is going beyond the minimum requirement and trying to find the middle ground on what we can do.

Senator Williams asked for clarification from either our legal counsel or the IHL legal counsel on why we do not have the authority to institute a mandate. He said the IHL policies on vaccines give no justification for the required vaccines and simply list the required vaccines. He said the IHL website, under the Covid-19 guidelines, states that institutions are expected to follow CDC and State Department of Health guidelines and expand upon what is said in the guidelines. He asked if the State Attorney General has been asked to render an opinion on the ability of an institution to mandate vaccines. Dr. Shaw replied he will request legal counsel to clarify our legal authority on vaccine mandates. Senator Williams thanked Dr. Shaw and said that his understanding was that during a time of emergency operations, IHL not only grants, but charges, the Executive Officer to take action. He said he wants clarification of why we do not have the legal authority to institute a vaccine mandate.

Senator Freeman said as we are starting to be able to do some experiential learning experiences with our students such as field trips and internships, we are seeing that some of the companies we are partnered with are requiring proof of vaccination from our students. He asked if there is policy that could be included in the documentation the students receive to sign up for these activities about this. Dr. Shaw replied there is policy on the Covid-19 website which addresses this. He said if there is a situation that the policy does not cover, the Covid Taskforce can look at that specific situation.

Senator Kelly said mask wearing among the student population has declined quite a bit. She said, from her observation in Allen Hall, there are times that only two-thirds of students are wearing masks at all. She said the message about the importance of wearing a mask seems to be getting diluted. Senator Kelly said the IHL meeting to vote on a vaccine mandate was damaging and callous. She said it was only 20 minutes long and the two doctors gave excellent reasons why we should be pushing vaccinations, including speaking very specifically to the age group of our undergraduates. She said the commissioner was very cavalier and made up statistics. She said the meeting ended in 20 minutes with very little discussion while they met remotely for their safety. Senator Kelly said faculty walk into classrooms with 200 students but the board had to meet remotely for their safety. She said this sends a message that they are out of touch, cavalier, and not taking the perspectives of faculty seriously. She said it also did not inspire confidence that this body, as a whole, was qualified to make such a weighty

decision. She said her comments are based on statements made by faculty who approached her.

Senator Pelaez asked what the plan is if the infection numbers start to grow again. Dr. Shaw replied if we get to the point where the State Medical Officer says it is time to take a pause, we can shift to hybrid or remote learning for a period of time. He said we have shown that we can do this. This can apply to individual classes based on the faculty or a large number of student infections, or it can happen at the university level. Dr. Shaw said all of the many factors of this decision have to be evaluated every day.

Senator Pelaez said yesterday a graduate student told her that she was scared because she had three students with Covid and she did not know how to do the assignments. Senator Pelaez said this shook her since the student felt like she was being put in a risky situation. Senator Pelaez said she has other testimonies, but she wanted to share this one in particular. She asked if the University is willing to enact more restrictive policies for those who are not vaccinated before we go to plan B. She said this could entail paying more for health insurance or prohibition from certain activities to put pressure on the unvaccinated. Dr. Shaw replied that the reason he compared this year and last year earlier was to illustrate the difference the vaccine is making in terms of the infection rate on campus. He said there are many who are feeling more comfortable due to the fact that they are vaccinated and much less likely to be hospitalized or die from the virus. He said he understands that we are in a very charged, high-anxiety environment. Dr. Shaw said he is not criticizing the graduate student or anyone else for feeling anxious about the situation because we are living in a pandemic. He said he fully recognizes the emotional challenges that exist.

Senator Pelaez asked if Dr. Shaw was aware that a senator resigned due to the in-person meeting format of the Faculty Senate. She asked why an option was not given to this senator. She said there are individuals who, even though they are vaccinated, face a greater risk or are around others who face greater risks. Dr. Shaw said he was aware of the situation. He said we face a balancing act. He said due to the concerns raised during the first Senate meeting, he worked with the Senate President to identify a space where people could feel more comfortable. Many different spaces were examined to find one that senators would feel comfortable in for these meetings. Dr. Shaw said, as someone who previously served on Faculty Senate during a time when shared governance was being debated, there is a difference between participation in person and virtually. The space we are in today was chosen to address the concerns senators had in the Grisham Room. Dr. Shaw said we do not call this the Senate and you senators for no reason. He said if you look at deliberative bodies at the state and federal level, there is an expectation of face-to-face conversations and reasoned debate. He said, certainly in a pandemic situation, we need to find ways to accommodate the health and

safety of the members, but we need to keep in mind the deliberative nature of the Senate when thinking about any long-term changes that may be made. Senator Pelaez said she appreciates the space, but this is a symptom of the strategy of the University. She said it was not until someone resigned and the body as a whole during the last meeting expressed that they wanted additional space that a larger space was sought. She said this illustrates the reactive plan that the University has enacted.

Senator Gregory asked if the quarantine and testing data provided included off-campus numbers. Dr. Shaw replied that it does not. He said the data provided are solely from the Longest Student Health Center. He said the administration knows that there is testing which is occurring off campus, but they do not have any way of collecting this data. Senator Gregory asked if there is a way that Dr. Dobbs can apply the modeling he is using to determine the peak to the public universities in Mississippi. Dr. Shaw said he is willing to ask if that is possible. Senator Gregory said that a poll of faculty asking how many of their students have reported being infected may be beneficial. She said many of the students who informed her they were quarantined or isolated did not have documentation. Dr. Shaw said he is certainly willing to explore conducting such a poll. He said he has been doing a much more informal version of this through his meetings with the deans. Senator Zuckerman said there are more than 80 positive students in anthropology courses alone. She said if the campus numbers are accurate, it would be something to celebrate, but she feels our numbers are just the tip of the iceberg.

Senator Popescu said she is teaching a class with roughly 90 students. Many of her students have either tested positive or have been identified as close contacts. As a result, she is delivering her course in a synchronous hybrid format. She said many of her students are only attending online even though it is a face-to-face class and only half of her class attends in person.

REPORT OF THE FACULTY SENATE PRESIDENT

Due to our last Senate meeting being held just a little over two weeks ago, I have not attended as many meetings of university standing committees as I will in a full month. I have continued to attend weekly COVID-19 meetings and have almost daily dialogue with MSU administrators. Since our last meeting, we co-hosted with the Office of the President the Fall General Faculty meeting, which was held on Tuesday, August 31, 2021, in Bettersworth Auditorium.

Besides attending university standing committee meetings, I have worked with the Office of the Provost to schedule meetings between the Executive Committee and the on-campus candidates for the Dean of University Libraries. The first of those meetings is scheduled for Thursday, September 9, 2021. We are also currently hosting the elections for faculty for seats that were

not filled when we conducted elections at the end of the spring semester. You may have seen email correspondence from me concerning these elections.

Status of AOPs:

The following AOPs are not under review to the best of my knowledge, but are past the four-year review cycle:

AOP	Title	Date
10.05	Nepotism	12/5/2012
31.02	Legal Resident Status	2/5/2013
13.06	Sabbatical Leave for Faculty Members of State IHL	6/9/2014
10.08	Classroom Regulations	4/26/2016
11.11	Auditing a Class	11/3/2016
12.02	Withdrawal from the University	3/23/2017
12.20	Undergraduate Academic Forgiveness	8/30/2017

Reports from Committees on which I Serve:

Athletic Council – This committee has not met yet this year. Our first meeting was scheduled for Wednesday, September 8, 2021 but due to the passing of Mr. Wesley Reed that meeting has been postponed. Mr. Reed coached at Mississippi State and had a long tenure with Mississippi State Athletics. To honor Mississippi State Athletics and the family's request, the Athletic Council meeting will be rescheduled to accommodate Mr. Reed's memorial service to take place at the M-Club.

COVID-19 Future Planning Task Force – The COVID-19 Task Force meets weekly on Tuesday afternoons. Information from each of these meetings is provided primarily through emails/announcements from the Office of the Provost, weekly updates from the Office of Student Affairs, and from MSU's Office of Public Affairs. The COVID-19 website has been updated with the most current guidance, information, and other resources, along with Vaccine Clinic information. COVID-19 Pop-Up Vaccine Clinics will continue to be made available until September 10th. Appointments can be made for these clinics, but walk-ups are welcomed too. We are trying to make it as easy as possible for anyone to get vaccinated. See www.msstate.edu/covid19 for more information.

Design Review Committee – This committee met on September 2nd with representatives of Sasaki, an architectural design firm. Representatives shared renderings of campus that incorporate the following big ideas of the design plan: Campus Core, Clusters/Nodes of Campus, Smart Growth, Westside Connections, Outdoor Environments (Social and Academic), a Green Corridor, and Ecological Stewardship. The frameworks that are guiding these plans are Campus

Life, Academics & Research Sharing Space, Landscape, Mobility, Sustainability, and Infrastructure.

Inclusive Excellence Leadership Council – This council has not met since my last report.

Executive Council – This committee met on August 23rd. We approved OP 91.310 – Outdoor Amplified Sound – which included a clarification of who is on the committee that approves outdoor amplified sound on weekends. We also approved AOP 41.01 – Coordination of Solicitations for Private Donations – which now contains updated definitions of “sponsored project” and “gift.” All instances of “SPA” have been updated to “OSP” to reflect the new name of the Office of Sponsored Projects. We also approved AOP 11.01 – Shackouls Honor College, AOP 12.10 – Recognition of Undergraduate Academic Achievement, AOP 13.01 – Emeritus Appointments, and AOP 13.23 – Faculty Workload.

Executive Enrollment Management Committee – This committee has not met since my last report.

Fall Convocation Group – This committee has not met since my last report.

Game Day and Special Events – This committee met on August 25th and September 1st to discuss and approve various Game Day requests including expanding the Hail State tailgate and adding merchandise sales locations near the football stadium. We also discussed ADA Parking locations near Bell Island, Visiting Team Bus Parking and Game Day Building Hours of Operation. It was decided that the Welcome Center and the Student Union would be closed on Game Day Saturdays. Other aspects of the Game Day experience that we discussed included the requirement to wear masks while using the SMART Transit System buses, but masks will not be required anywhere else. The stadium concessions and other merchandise sales will all be cashless again this year. The “Fan Zone” area has been expanded to include food and beverage trucks. The Office of Public Affairs released details concerning football parking, road closures, and transit services. This release can be found on www.msstate.edu.

Information Technology Council – This committee has not met since my last report

Master Plan Development and Advisory Committee – This committee has not met since my last report.

Parking and Traffic Regulations Committee – This committee met on August 26th to discuss parking zone changes and reserved spaces east of the IED Building, TK Martin Center and Longest Student Health Center. The committee had received specific parking requests from faculty and staff in the IED Building, the Library and the Student Health Center. The IED Building and the Library have lost parking spaces due to construction. The request from the IED and

Library faculty and staff were tabled until a study of parking during the first few weeks of classes can be completed, and a more accurate picture of parking patterns established. The request from the Student Health Center was approved allowing six parking spaces in the parking lot across from the Student Health Center to be reserved for COVID-19 Drive-thru Testing.

Sustainability Committee - This committee has not met since July 1st.

Senator Williams asked why the utility lines are marked on the Drill Field. President Robichaux-Davis replied she did not know why they are marked, but she will find out and report back.

Senator Tagert asked if the traffic study report will be published. She said students are reporting that they are able to find parking, but it is taking a long time to get out of the parking lots. President Robichaux-Davis said she was not sure if the report would be released, but she would request it.

REPORT OF THE FACULTY SENATE VICE PRESIDENT

Academic Deans Council

Deans Council will meet September 15th.

Committee on Campus Access

Committee on Campus Access will meet September 13.

Community Engagement Committee

Master Plan Development and Advisory Committee

Undergraduate Research and Creative Discovery Committee

No meetings were held since the last Vice President's report, and no meetings are scheduled to date.

Updated on September 7, 2021

Respectfully submitted, Missy Hopper

FACULTY DESIGNATES ON UNIVERSITY COMMITTEES

BUSINESS TO BE SENT TO COMMITTEE

STANDING COMMITTEE REPORTS

Academic Affairs	No Report
Ancillary Affairs	No Report
Charter & Bylaws	No Report
Faculty Affairs	No Report
Student Affairs	No Report
University Resources	No Report

SPECIAL COMMITTEE REPORTS

PENDING BUSINESS

NEW BUSINESS

1. Resolution Submitted by Senator Gregory

President Robichaux-Davis noted that item #1 of the resolution is already occurring. She asked for discussion of the motion. Senator Follett raised a point of order that the motion is an improper motion. He said it conflicts with policy that is in place by the authority of the Mississippi Board of Trustees of the State Institutions of Higher Learning, as prescribed in the state Constitution Section 8 paragraph 203. Since the motion, even if adopted, would be null and void according to Robert's Rules of Order, the motion is improper. President Robichaux-Davis accepted Senator Follett's point of order.

Senator Gregory said, with all due respect, Senator Follett is not a lawyer and we have already asked Dr. Shaw to get clarification from the State Attorney General who is more qualified to interpret the Mississippi Constitution. She said she would like to continue this motion until such a time that the State Attorney General can clarify the question of legal authority, as was requested previously of Dr. Shaw. She said she would like to amend the resolution based on feedback received from faculty. President Robichaux-Davis said she can accept an amendment to the motion, but the motion is improper as stated for the reasons given by Senator Follett.

Senator Priddy made a motion to amend the resolution to state, "Be it resolved that the Faculty Senate of Mississippi State University call on the administration of the aforementioned university in an emergency capacity to initiate a university-wide vaccine mandate for all faculty,

students, and staff not to include those with legally acceptable and documented exceptions.” Senator Pelaez seconded the motion.

Senator Follett called the same point of order he previously made, citing Dr. Shaw’s previous comments stating the University has no authority to institute such a mandate. He said it is still an improper motion since we would be asking the administration to do something they are not legally authorized to do. Vice President Hopper, as the Faculty Senate Parliamentarian, said Senator Follett is correct and it is clearly stated in Robert’s Rules of Order. She said the motion cannot go forward if it is not a proper motion. Asking to do something that cannot be done is an improper motion under Robert’s Rules.

Senator Chamberlain said he has never heard any information which provides a policy that would be violated by issuing a vaccine mandate. He said the IHL Board vote was whether or not to adopt a vaccine mandate, not prohibit mandates. The IHL spokesperson said it is up to universities in Mississippi to choose what to do. Senator Chamberlain said the University of Mississippi is also governed by IHL and follows Robert’s Rules but have adopted a resolution almost identical to the one that is now on the floor. He said we cannot speak to their conformity to Robert’s Rules, nor is it a matter for us to concern ourselves with. He said he does not want the Senate to get bogged down with the procedural issues. He said what really matters is that there is a proposal for a science-based public health measure that the Senate can either show their support for or show our disapproval of.

Senator Follett said the letter read by Dr. Keenum at the August Faculty Senate meeting stated that he did not have the authority to institute a vaccine mandate. He said Dr. Shaw has agreed to make this letter public. He said the IHL meeting was not totally clear about their results during the meeting. He said the clarification received by administration after the vote provides the clarity. Senator Follett said the paragraph delegating governing authority of public universities to the Board of Trustees is very clear. He said in Board policy, Article 201.0505 on Institutional Officers, it states that each institution of higher learning shall be under the management and control of the Institutional Executive Officer. In exercising this authority as delegated by the Board, the Institutional Executive Officer shall act in accordance with Board policy, institutional policy, the laws of the state of Mississippi and the federal government, and in accordance with the Commissioner. He said whether it is a formal written policy or a verbal policy, there still remains the fact that actions have to be taken in coordination with the Commissioner.

Senator Pelaez made a motion to amend the resolution to insert “and the IHL Board of Trustees of the State of Mississippi” after “the administration.” Senator Zuckerman seconded the motion.

The motion to amend passed by majority vote.

Senator Follett said the amended resolution is still improper. He said the Charter of the Robert Holland Faculty Senate states that it is a conduit of information between the faculty and the President. The Board of Trustees is not included in the charter.

Senator Freeman said Robert's Rules did not seem to be followed as closely during the last meeting as it is today. He said people are clearly upset and want their voices heard with a resolution. He said no matter what anyone says, it will not change anyone's mind. Senator Freeman said he would like for there to be a vote. Whether the resolution passes or not, we know it is not going to go anywhere. He said it has already been stated that there is no legal authority, so let's vote and move on.

Vice President Hopper said there are so many things we could move forward for protection of the faculty and the students. She said the motion is still improper due to the fact that it cannot be acted on. She said if we can get to an amendment that has a greater purpose, we will actually have a resolution.

Senator Pelaez said she agrees with Senator Freeman's comment about Robert's Rules not being so strictly enforced at the last Senate meeting. She said she finds this very disconcerting and hopes it is not in bad faith. Senator Pelaez said she does not know if this resolution is possible or not, and we may have a federal mandate on vaccines. She said things are changing and the situation of public health in the United States is not as static as is being said here. She said, as things change, this resolution would be setting us in a good direction. Senator Pelaez said the role of a university is to lead based on science. We have the ethical duty to show a path that is based on science and the common good of our community. She said the resolution would send this message to the authorities in the state, other universities, and the people of Mississippi.

Senator Williams said the way he understands this, the addition of IHL wouldn't be improper since it is asking them to rethink their position on this. President Robichaux-Davis replied that the Faculty Senate does not communicate directly with IHL. She said we can communicate with our administration, but we cannot ask our administration to do something they do not have the authority to do. President Robichaux-Davis said we can ask the administration to go to IHL on our behalf. Senator Williams said he believes there are several occasions since he has been a senator where the Senate has exceeded our charter by passing resolutions outside our advisory role to the President. Senator Williams said he does not fully understand that the administration cannot mandate a vaccine. He said Commissioner Rankins may have written the letter, but he believes it is still a legal question that has not been physically presented to the University. He said the letter may have said not to do this, but there are places on the IHL

website which say universities are expected to go beyond the recommendations of the State Department of Health and the CDC.

Senator Wood said she is a new senator, and this is the first time she has been approached by numerous people ahead of a meeting to voice their perspective on a resolution on the floor and desperation to have their voices heard. She said she believes, regardless of the properness of the resolution, it behooves us to vote on it so they know their voices have been heard. She said if it needs further amendment so we can vote on it, she urges those to be made. She does not want to see it simply be set on the side because it is improper. That would be doing a disservice to those we are representing.

Senator Priddy said she sent a survey out this morning in the College of Engineering to approximately 150 people. The survey received a 60% response rate with 71% in favor of the mandate. She said children under 12 cannot be vaccinated at this point. Of the children hospitalized, 50% did not have a known preexisting condition. She said the Delta variant is affecting children in a way that previous variants did not. Senator Priddy said Dr. Shaw stated President Keenum would expect Board approval to be necessary to mandate a vaccine, but it is an ongoing question. She said as other senators have mentioned, legal input is needed on this.

Vice President Hopper asked if the senators would like to table the resolution to get legal clarification. She said she believes some of the senators are requesting this.

Senator Gregory said that previously she said that Senator Follett does not have a legal background and is unable to make a legal determination. It was requested by Senator Williams that the State Attorney General give advice based on that. She said that this does not keep her from wanting to move this resolution forward and vote on it. She said she agrees with her colleagues who talk about representation. Senator Gregory said that Senator Varela-Stokes was unable to attend today, but she surveyed the College of Veterinary Medicine faculty and had a 94% positive response rate in support of the initial resolution.

Senator Kelly made a motion to amend the resolution to state, "Be it resolved that the Faculty Senate of Mississippi State University call on the administration of the aforementioned university in an emergency capacity to formally petition the Institutions of Higher Learning Board of Trustees of the State of Mississippi to initiate a university-wide vaccine mandate for all faculty, students, and staff not to include those with legally acceptable and documented exceptions." Senator Pelaez seconded the motion.

Secretary King said she was contacted by several faculty in the College of Education who were opposed to a vaccine mandate. They felt that people should have a choice whether they get vaccinated or not. She said the faculty who contacted her felt very strong that it is a personal decision, and there are still questions about the safety and effectiveness of the vaccine.

Senator Zuckerman said she conducted an informal survey of the faculty in Anthropology and Middle Eastern Cultures and African American Studies. She said an overwhelming majority supported the vaccine mandate and there were no concerns about a vaccine mandate. There was far more urgency and concern about this. She said there was also a feeling that the IHL meeting was destructive to feelings that the faculty have their concerns understood and represented, including in governance at Mississippi State.

Senator Wood said she also performed an informal survey asking for responses and the level of detail, evidence provided, and antidotes shared were in favor of the mandate. In fact, 92% of the responses were in favor of the mandate. She said she had faculty outside of her department proactively reaching out to her to make sure that their voices were heard.

Senator Sebba said she represents the College of Education and she received feedback from faculty within her college and outside of her college. She said the feedback she received showed that half were for the vaccine mandate and half were against a mandate.

Senator Hall said she also reached out to faculty and received unsolicited emails. She said all of the feedback she received was in support of the vaccine mandate. Senator Hall said choosing not to mandate vaccines is not a neutral position. She said it is a decision in favor of allowing the risk to continue to be borne by those with children and those who are at higher risk or cannot be vaccinated. Senator Hall said we are not telling the University this is how it has to be, we are allowing for the choice to be vaccinated or undergo testing. She reiterated that choosing not to require a mandate is not just avoiding the issue, it is falling on the other side of the issue. The pro-science side of the issue is that the vaccine side effects are far safer than the risk of getting Covid. She said we are clearly not going to get anywhere near what is needed for herd immunity with our current vaccination rate. Senator Hall said to prevent further mutations that are even more harmful to those who are vaccinated but have weakened immune systems, she strongly encourages the senators to support this.

Senator Dinh said he represents the College of Agriculture and Life Sciences and read a letter one of his constituents wrote. The letter stated:

Faculty Senate,

My name is Dr. Clay Cavinder and I am a Professor in Animal and Dairy Sciences. I am writing to you regarding my concern about potential vaccine mandates on campus. To make this direct and to the point, I am opposed to mandating that anyone put something into their body that they do not want to. Now, some are saying "you have a choice, you can work here or not. " Well, it's not quite that easy. I am, like many, a 44-year-old Full Professor who has been in the field of academia for 21 years now. This is my profession and something I have wanted to do since the age of 19. Changing careers at this juncture is not easy, especially when factoring in

the responsibility of family. I am not an "anti-vaccine" person, as I have taken many vaccines in my lifetime including the annual flu vaccine. However, here are my primary concerns about mandating the Covid-19 vaccine:

1. It is brand new. Most vaccines take 5-7 years to prove efficacy and safety. None of us know the long-term effects of these vaccines. Many people are taking the vaccine out of fear of Covid, which I fully understand. I believe in free choice. The scientific facts are that greater than 99% of people do not die from Covid. I in fact have had Covid recently. I quarantined for the required 10 days and was fine. I do understand it affects people differently but I choose for my personal health to not test an experimental vaccine on myself at this time.

2. No vaccine should be so highly political. No matter what position you take in politics, this vaccine has had the opinions of our officials change drastically over time. To correspond with this, many of our politicians and health officials are personally tied to the NIH, FDA, and other government agencies charged with protecting the safety of American citizens. If I elect to do something, I want the facts and not the changing opinions of politicians and health officials tied to them. When the facts about the vaccine are established and all long-term effects known, I may choose to take it too.

3. The positive effects of all vaccines do not include assurance of not contracting the illness. People who take any vaccine are still susceptible to getting the disease to which they have been vaccinated and are also just as prone to spreading the disease. Vaccines help our bodies fight off infection and thus prevent us from getting more severe symptoms or illness. Because of this, I support anyone's choice to get the vaccine. If you choose to get it, then by all means, please do so. In this way, you protect yourself. Also, if you choose to wear a mask in hopes of keeping the virus from infecting you, then do that too. However, if I choose to not get an experimental vaccine for numerous reasons then I am the one who has to live with the consequences. Not you.

4. The argument that the vaccine is now FDA approved is a very poor argument. What choice did the FDA have but to approve? We have been injecting people with this vaccine for almost a year without approval. If the FDA said "we do not approve the vaccine" then what would be the next step? With all the political ties to this subject, the FDA had no choice in this matter but to approve. This all boils down to letting people make choices concerning the health of their own bodies. My choice to not take the vaccine at this time does not affect anyone but me. That is a risk I am willing to take. In the future, I may choose the vaccine, but I want to feel comfortable knowing I am making a good choice for me and my family, not succumbing to political pressure and the forced intent of our government and academic institutions. I appreciate your time in reading my concerns.

Senator Dinh said he is from Vietnam. He said right now in Vietnam Covid is widespread. His parents were quarantined for almost a month and a half. He said they were tested five times a day. They were dragged into the street by the army and tested. At this point they have been tested almost 150 times and all of the tests were negative. Senator Dinh said the point he is trying to make is that there is a limit to what we can do with respect for people's choices. He said we talk about leading by science. He asked what is the role of science in this. He asked what the vaccine will do to you. He said we can only do one thing and that is to protect ourselves. He said you cannot prevent yourself from getting viruses. He said you will not be able to stop yourself from spreading the virus. Senator Dinh asked that the senators and all faculty stop putting the intent on other people that do not want to get vaccinated. He said during the pandemic we have made a lot of decisions. He said none of these decisions were based on a control and treatment application. He said we do not have control data for not wearing masks or for those not vaccinated. Senator Dinh said he thinks we need to slow down and have a rigorous debate since this deals with people's freedom. He said he is fine with voting on the resolution so people can be heard, but he does not want to see the administration make a decision which forces people to make a choice between their job, their health, and their choice.

Senator Pelaez said she received an email from a concerned faculty member which read, "I write to ask you to vote yes in favor of the resolution submitted by Senator Gregory which calls for the reinstitution of the Covid Task Force and the university-wide vaccine requirement. If we want to proclaim to the world that we are a Research I university, we should act like one. That means we should value scientific research over anti-intellectual political pressure. The data on the vaccine is clear. The FDA has issued an official approval and there should not really be a debate." Senator Pelaez said that the University is not moving closer to where we should be and she feels after the addresses at the last meeting and this meeting, if we do not put pressure for mandates, nothing is going to happen. She said she thinks a resolution like this will give force to the people within IHL who are fighting to look for stronger measures for vaccines. She said it may not be a vaccine mandate, but it could be policies that force people to make the choice that is for the common good.

Vice President Hopper said for every email she received in favor of the vaccine mandate, she received one against it. She said the resolution includes exceptions for those with legally acceptable and documented exceptions. She said she hopes that the University and the powers that be would be reasonable about the documented exceptions.

Senator Kelly called the question. Senator Freeman seconded the call of the question.

The vote to call the question passed by majority hand vote.

The vote to accept the amended resolution passed 20 to 15 by majority hand vote.

2. Resolution Submitted by Senator Stokes

Senator Stokes said the College of Forest Resources senators were approached by their constituents to present their thoughts as a resolution. She said the resolution they were asked to bring forward was: “Whereas, members of the Robert Holland Faculty Senate and the faculty whom we represent recognize that the administration of Mississippi State University is working within legal and logistical constraints to keep faculty, students, and staff safe and healthy; and

Whereas, the administration continues to address the concerns and needs of our individual members to provide support and medical safety provisions regarding conditions surrounding the ongoing Covid-19 pandemic; therefore

The extraordinary additional effort this has required over the last 1.5 years is recognized and commended, and we wish to express our confidence in the administration of Mississippi State University that they will continue to make decisions and policies in the best interest of the faculty, students, and staff of this University aligning with immediate and long-term well-being of the MSU family.”

Senator Hall said the feedback she received on this resolution was mixed. She said she would caution that we have heard from senators that there is a concern that there is not enough happening, and they would like the University to do more. She said since this deals with a vote of confidence, if it passes unanimously, that is wonderful, but if it squeaks by with a majority, it doesn’t look great, and if it fails, it is something newsworthy. She said maybe this can be tabled until things settle down a little bit.

Senator Zuckerman said she wants to express her extreme frustration with the resolution before the Senate. This statement effectively forecloses all future debate within the Senate on public health measures during the pandemic. The statement expresses gratitude, support, and confidence in the administration and puts senators in an unnecessary bind. It creates a situation where senators cannot engage in basic faculty governance urging the administration to move toward additional public health measures. This includes mandating an FDA-approved vaccine. Vaccines are now required at approximately 500 US universities and are mandated by the US government for all federal employees and large private companies. Not approving this resolution is effectively voicing a vote of no confidence in our administration. This is an unfair and unnecessary conflict to have created for the senate, particularly the senators who are untenured or otherwise insecure in their employment environment. Ole Miss’ Faculty Senate was recently able to adopt measures to support basic public health. Alternatively, we can stand in the way of doing so to fearfully support a measure that represents poorly hidden brown-nosing. She said administrators are not fools and are very good at identifying brown-nosing.

She said she believes they would prefer honest communication. This is a coercive resolution designed to, as one of her colleagues put it, manufacture consent and intimidate senators. This means that it is antithetical to the ethos of faculty governance which is critical to the Faculty Senate, the University, and the purpose of the Faculty Senate to act as a channel of communication between the faculty and the University President. She said this resolution will make it impossible for a senator to communicate their support and the support of their constituents for basic public health measures while also communicating their support of the administration for everything they have and continue to do. Instead, we have been pushed into a state of false antagonism with the administration which will unnecessarily and counterproductively prevent the free communication integral to the function and purpose of the Senate and to put false sentiments into our mouths.

Senator Pelaez said she has great respect for Dr. Keenum and our administration. She said she supports many things that they do, but she has her critiques as well. She said she thinks that they could be doing more and as a result she feels constrained by this. She said she does not want to vote for this, but that does not mean that she does not have respect for decisions that have been made and future decisions in which she supports the administration. Senator Pelaez said she will vote no for this resolution, but she will be deeply unhappy because this could be seen as not having confidence in the administration. She said the message should be that we have trust in this administration, but we want more from this administration in terms of Covid. She said if she votes yes for this resolution, she will not be able to voice her criticism in the future.

Senator Carskadon said it sounds to him that we would be saying thank you and we have confidence in you if we vote yes, or we don't have confidence in you if we vote no. He said there is no way he would ever vote no to this, and he urged the other senators to vote yes. Senator Carskadon said he feels the administration has been candid, transparent, responsive, and have done a hell of a job.

Senator Stokes said this was in no way intended to hinder or hold back any future discussion. She said this is from faculty represented by the senators from the College of Forest Resources and Extension as a complementary statement to the first resolution showing that there are faculty who feel like their voice is not consistently heard and who wish to express their support and gratitude for what the administration has done so far.

Senator Pelaez said she feels there has been a misreading of what has been happening in the Senate. We had a 2-hour discussion last month with the President. Some people were asking about different potential things that could be implemented. She said this resolution really puts everyone in a bind. She said she will vote no for this resolution, but it will break her. Senator

Pelaez said by no means is she trying to antagonize the administration, but she wants to be able to continue to say that there is more that can be done.

Senator Williams said he remembers the Senate passing a resolution very similar to this one last year. President Robichaux-Davis replied the resolution passed last year was by a different Senate. She said each year is a new Senate. Senator Williams said he would like to remind the senators that a resolution of support was previously passed, and we have already thanked them. He said he did not know how many more times we can thank them.

Senator Chamberlain said, looking at the resolution, he felt a sense of conflict like he was being torn. He said the majority of the faculty members he has spoken to have expressed incredulity about this rather than support. He said this resolution is not just about support, it also says that the administration is working within legal and logistical constraints to keep faculty, students, and staff safe and healthy which has been discussed at length that it is unclear what the legal constraints are. Secondly, it claims the administration continues to address the concerns and needs of our individual members. He said if this was the case, we would not have the dissatisfaction we are hearing from faculty. He said he would personally support a general statement praising the efforts, but only if the first two clauses were removed.

Senator Kelly said the colleagues she surveyed gave feedback similar to Senators Zuckerman and Chamberlain. She said the extraordinary effort that it has taken to keep the University running over the last year and a half has not solely been performed by the administration. She said faculty have had to convert classes abruptly to online, students have had to quarantine or were sick with Covid, and no one has been called on more than our custodial staff. Senator Kelly made a motion to amend the resolution to read: "Be it resolved, members of the Robert Holland Faculty Senate recognize the extraordinary additional effort required over the last 1.5 years by administration, staff, students, and faculty to preserve our university community." Senator Zuckerman seconded the motion.

The motion to amend passed by majority hand vote.

The motion to adopt the resolution as amended passed by unanimous hand vote.

President Robichaux-Davis said the reason Robert's Rules of Order was followed a little more closely this meeting was due to feedback received from several senators that they did not feel comfortable speaking because it felt to be a back and forth without order. She said she hopes that the senators who did not feel comfortable speaking at the August meeting felt comfortable

to speak during this meeting. President Robichaux-Davis said the last thing that she wants is for a senator who was elected to represent their faculty to not feel comfortable enough to stand before their peers and speak.

Senator Follett made a motion to adjourn. Senator Williams seconded the motion.

The motion to adjourn passed by unanimous hand vote at 4:30 p.m.

Submitted for correction and approval.

Stephanie King, Secretary

Jason Cory, Administrative Assistant II