

FAS-SEAS Senate Meeting
Thursday, February 16, 2023
3:30 PM – 5:30 PM
HQ276 and Via Zoom

Minutes
APPROVED

Senators Present: Paul Van Tassel, Chair

Sybil Alexandrov, Jill Campbell, Oswaldo Chinchilla Michael Fischer, Alessandro Gomez, Greta LaFleur, Maria Kaliambou, Maria Piñango, Ruzica Piskac, Larry Samuelson Mark Solomon, Jason Stanley, Dara Strolovitch, Julia Titus, Rebecca Toseland, Jing Yan

Staff: Rose Rita Riccitelli

Absent:

Elisa Celis (on leave), Valerie Horsley, Gerald Jaynes, Hélène Landemore, Paul A. North, Kathryn Slanski (on leave), Meg Urry, Mimi Yiengpruksawan (on leave)

Guests (open session):

Dinny Altheiani, Larry Gladney, Shiri Goren, Jennifer Klein, Lisa Messeri, Siggy Nachtergaele, Elka KristoNagy, Hiroyo Nishimura, Drago Radev, Lourdes Sabe, Peter Schiffer, Constance Sherak, Mari Stever, Katie Trumpener, Karen Von Kunes, Yu-Lin Yang, Orit Yeret

Open Session: 4 PM – 5:30 PM

The open session of the FAS-SEAS Senate meeting came to order at 4 PM, with FAS-SEAS Senate chair **Paul Van Tassel** welcoming faculty to the open session of the meeting. He introduced the first topic of discussion - academic freedom and educational gag orders – and introduced Senator **Jason Stanley** to lead the discussion. Noted was the recent legislation in Florida that banned high school African American History classes which are part of a series of educational gag orders. **Mr. Stanley** said that last year’s Senate issued [a resolution on educational gag orders](#) and noted that this is an issue that the Senate has been working on for two years. He said that so far, 44 states have introduced legislation that ban divisive concepts that make people feel uncomfortable, and that right now, 20 states have passed these laws, and in some states they have also targeted universities and not just high schools. He said that the Florida Board of Education used these laws to ban AP African American Studies, and in their missive they listed several theorists – **Kimberly Crenshaw**, **Angela Davis**, and Yale’s **Roderick Ferguson**, and said that their work violates the Stop WOKE Act (stop wrongs to our kids and employees) and also has no educational value. He noted that it is our responsibility to act when one of our colleagues is targeted, and he also would like the Senate, through its [Faculty Advancement Committee](#), to draft a resolution regarding the issues surrounding AP African American Studies. It was agreed that this committee would take on this task. **Mr. Stanley** also said he feels the Senate should pass a brief resolution supporting the New College of Florida’s faculty (Florida’s Honors College) which he explained has been under fire by Florida’s **Governor Ron DeSantis** who has fired the

college's president and all of its board members and replaced them with people who support his views, and that their goal is to fire all tenured faculty and only rehire the ones who they like. He noted that **Governor DeSantis** said that his goal is to create a Hillsdale College – a conservative Christian college in Michigan that is a leading far-right educational institution. **Mr. Stanley** noted that this violates faculty autonomy, whether the governor wants to create a far-right institution or a far-left institution. **Mr. Stanley** noted that the FAS-SEAS Senate organized and supported a teach-in on February 3, 2023, and that there was standing room only in Luce Hall Auditorium, which speaks to the importance of this issue to students and faculty. He said that this is just the beginning of dealing with these issues, and they will get worse over time. **Mr. Van Tassel** asked what if we do not accept the new version of the AP African American Studies - will this be seen as discouraging any teachings of African American History? **Mr. Stanley** responded that we should see what our colleagues who are in African American Studies, including Senator **Gerald Jaynes**, feel about this issue. He also said there is an ongoing discussion among various departments on what to do. **Dara Strolovitch** said she has been working on a drafting a statement from the programs and departments that **Roderick Ferguson** is affiliated with, and she read the following statement that has been approved by all of the programs listed:

“The Program in African American Studies, the Program in Ethnicity, Race, and Migration, and the Program in Women’s, Gender, and Sexuality Studies, and the Program in American Studies, stand in solidarity with our colleague **Roderick Ferguson** and with all of our colleagues in African American Studies across the country whose work has been caricatured and attacked by Florida **Governor Ron DeSantis**.”

Mr. Stanley explained that there would be two resolutions to work on – one on the issue of the New College initiative in Florida; the other on the AP African American Studies program being or not being accepted after alterations to the course. **Mr. Stanley** said he would work on both of these resolutions and his goal is to have a draft ready for the Senate’s Executive Council that is meeting in two weeks. **Jill Campbell** asked if the AAUP has become involved in the New College issue. **Mr. Stanley** noted that the AAUP has a special committee to address the Academic Freedom issue in Florida and the threats to public education in Florida. He also suggested that any resolution issued by the FAS-SEAS Faculty Senate could be used to support the AAUP’s stance on what is going on in Florida. **Jennifer Klein** thanked **Mr. Stanley** for taking up this issue. She noted that we are the ones who have to speak out on it because clearly no one else is going to speak for faculty other than ourselves. However, she still thinks that we need the President of our University and the presidents of other universities, to speak out on this, and especially with the situation with the New College. She would like to know if we could have a strategy to put pressure on our President **Peter Salovey**, and also to have a group of university presidents to be vocal on the New College issue, because eventually it will turn into something much wider. **Mr. Stanley** asked if the request to **President Salovey** to address the issue be part of the resolution. **Mr. Van Tassel** suggested that it not go into the resolution, however, to put a request for his involvement into a letter that goes with the resolution from the Senate. This way we do not put him on the spot and it gives him a chance to respond. **Michael Fischer** said time is of the essence and he would like to see a public statement from the Senate supporting academic freedom and then there can be a more detailed resolution that clearly needs more time to work on. **Mr. Stanley** agreed to work on the first resolution and will send it to the Senate’s Executive Council for review and next steps.

Next, **Mr. Van Tassel** gave details of the upcoming Senate election:

Nominations:

- 1) The election is open to all ladder and instructional faculty in FAS and SEAS.
- 2) E-mail (≤ 5) nominations to fas-seas.senate@yale.edu
- 3) Nominations are open through February 27th
- 4) Most nominated \rightarrow candidates

Election:

Candidate confirmation and statement due by March 30th

Voting window April 20 – May 1 (?)

Vote via link sent by email

25 Senate seats – 14 open seats in 2023

(7 Humanities, 5 social science, 5 science, 3 engineering, 5 at-large)

≥ 1 non-tenured in each division

≥ 1 instructional in at-large

Election Process:

Using on-line platform OpaVote

Voters respond to email link

Division and at-large ballots gleaned from single ranking

“Single transferable vote” method

Future possibilities for our election:

Reduce lower limit on non-tenured faculty

Current ≤ 1 non-tenured faculty in each division

Proposal 1: ≤ 1 non-tenured faculty per division preferred

Proposal 2: ≤ 1 non-tenured faculty total

Proposal 3: No lower limit

Change lower limit on instructional faculty

Current ≤ 1 instructional faculty in at-large

Proposal 1: ≤ 1 instructional faculty in each division

Proposal 2: No lower limit

Larry Samuelson suggested that we eliminate non-tenured faculty from the list of candidates – he feels that they need this time to concentrate on getting tenure. Then, after receiving tenure, they will have time necessary to serve as a senator. **Mr. Fischer** noted that there has been a more radical suggestion discussed among members of the Elections Committee that would eliminate divisional constraints and make everything at-large. He noted that the argument for this is that the Senate is not really representative of any particular division, and the issues we discuss are faculty-wide and not particular to any division. He explained that with the single transferable vote method, even if there were no divisional restrictions, this method distributes votes that give representation to all areas. It is planned that when this election is over, that the Elections Committee recount the votes without divisional constraints and note if this method works out the same or almost the same as the outcome with the divisional restrictions outcome. **Jing Yan**, a non-tenured senator, spoke from his perspective and said that he feels that non-tenured faculty offer a different and valuable perspective on the issues that the Senate deals with. **Ms. Campbell** says that she agrees with **Mr. Yan**, and also notes that there have been difficulties with getting non-tenured faculty to run, however she does agree that they have valuable input to offer on the

many issues that the Senate addresses. She said she does understand the difficulty with non-tenured faculty giving their time to Senate work, but it would be a loss to the Senate not to have them be part of the conversation. She also supports the divisional distributions and feels that this is an important aspect to keep when running future elections. **Ms. Campbell** also commented that she likes the way we currently address instructional faculty on the Senate and feels that it is not necessary to change the way we do it, and that providing for one instructional faculty per division is not, in her view, necessary. **Sybil Alexandrov** said that she feels we need to be proactive in getting the word out in every division for instructional faculty to run to ensure their representation on the Senate. **Mark Solomon** and **Rebecca Toseland** both supported if there is a candidate available in a division, they get preference, if there is none available, we still fill the chair, and extending this to the instructional faculty. **Ms. Toseland** added that we should be actively recruiting instructional faculty and untenured faculty from all divisions. **Mr. Samuelson** said that senators could and should represent untenured faculty even if they are not part of the Senate. **Ms. Alexandrov** said that we could invite untenured and instructional faculty who are not senators to serve on Senate committees and thus gain their input without their having the responsibilities of serving on the Senate. **Mr. Van Tassel** thanked people for their input and noted that the Elections Committee will consider all of these suggestions and consider them for changes, and then present them to the Senate for changes to the By-laws. **Greta LaFleur** noted that as a person who came to Yale pre-tenure, she finds it valuable to have pre-tenured people serve on the Senate so they experience working on decision-making opportunities. **Ms. Klein** suggested we ask the administration for course releases for junior people serving on the Senate. **Ms. Campbell** noted that in her experience during her tenure as a senator and member of the EC, the administration was adamant about not granting course releases to junior faculty serving on the Senate. She is not sure if this still stands true.

Mr. Van Tassel introduced the next topic of discussion – the question of having an ombudsperson at Yale. He asked **Ms. Campbell** to give an update. **Ms. Campbell** referred to a Senate [report](#) from May 7, 2019 that summarizes key aspects of the initiative to create an ombuds office at Yale. **Ms. Campbell** said she was involved early on when the Senate initiated this request, and she noted that the need for such an office was acknowledged in the Senate’s inaugural year 2016. She explained that a Peer Advisory Committee was set up to address situations of faculty concerns, and this committee was a place where faculty could come for advice on how to handle difficult situations. The description of the Peer Advisory Committee is very ombuds-like and reads:

“The FAS-SEAS SENATAE Peer Advisory and Ombudsperson Committee is an impartial, independent service committee designed to uphold fair practices in FAS and SEAS, promote transparency, and contribute to the welfare of the faculty. The Committee’s primary function is to provide neutral and, the extent legally possible, confidential advice to faculty who have concerns about any aspect of their work in FAS and SEAS. Faculty members may approach the Peer Advisory Committee if they prefer to seek counsel and advice from neutral members of the faculty rather than through departmental or administrative channels. They may also have recourse to the Peer Advisory Committee if they have exhausted other channels and feel that their concerns have not been addressed satisfactorily. In responding to individual faculty members’ concerns, the role of the Peer Advisory Committee may include: listening; providing

information about relevant resources, offices, and procedures; developing a range of options; and (with permission) engaging in third-party mediation.”

Ms. Campbell noted that all of the aspects of the Peer Advisory Committee are essentially what an ombuds office provides, and the Senate tried to offer this through the committee. She noted that we had a number of cases that we were able to help with. However, over the years we realized that this was not an adequate provision for the needs that the committee was meant to address, and that we lacked training that an ombuds office requires, we lacked recognized authority, we lacked visibility, and, our service was only available to faculty and not to students or staff. She said it did have some visibility during the first years of the Senate when we had more publicity about the Senate. **Ms. Campbell** said that we also realized a very serious concern - that we did not have legal protection of confidentiality. She said that we did tell people that we would keep their concerns confidential, however we did not have legal grounds for this, and we learned that if a situation went on to require legal litigation, we, the Committee, could be called to testify, which caused much concern. It was always evident that we needed an ombuds office at the University that could provide an established form for people to go to in order to get assistance with situations they found themselves in, and to find out their options of how to address them. In 2018/19, the Peer Advisory Committee spent the year finding out about ombuds offices, interviewed people who had experience with dealing with ombuds offices, and studied the field. She noted that this led to the one-page report that the Senate passed and sent it to the President and Provost advocating that such an office be established at Yale. She noted that we did not get any response from the President and Provost for 6 plus months, and then in January 2020 the President turned over the issue to FAS **Dean Tamar Gendler** who then set up a series of three meetings, with me as chair of the Peer Advisory Committee and **Ariel Baskin-Sommers** who was co-chair. These meeting included various people at the University who served in what the administration describes as the same services that an ombuds office would provide. **Ms. Campbell** felt that the meetings seemed to show opposition for the need of an ombuds office, as the participants said that they were already providing the service. She felt that the meetings were set up to indicate that what we were asking for - to create an ombuds office at Yale - was not necessary. **Ms. Campbell** noted that when the committee reviewed what they had gleaned from these meetings (that were set up to show us the non-need for an ombuds office at Yale), it was clear that the people we talked with were overwhelmed with providing these services, and that some of the issues that were brought to them were not under the umbrella of their particular office. She also found that there is no clear path for anyone with a problem to follow and know where to go for assistance - the offices providing such services are scattered throughout the University and there is no one set place to find out which of these offices to go to for help with a particular problem. She also noted that there is a feeling among people who need help, that they feel uncomfortable talking with people who are part of the institutional hierarchy for fear of the consequences that could come from such interactions. **Ms. Campbell** noted that these meetings did lead to changes in titles of the various offices that provide what the University says is the same work as an ombuds office provides, however nothing has been

done to address the need for an ombuds office at Yale. It was intimated that there could be an exposure to liability if we were to set up an ombuds office. **Chuck Howard**, who is a 45-year career legal professional and former Executive Director of the International Ombudsmen Association, addressed the Senate at its February 2023 meeting and spoke about having an ombuds office and what it does. He explained its risks and benefits. **Mr. Howard** noted that the benefits of an ombuds office far outweigh the risks. **Ms. Campbell** noted that the administration and the General Counsel's Office do not see any benefits to having an ombuds office and do not believe that there is a need for an ombuds office. However, she noted, there are many people who believe that there is a huge need for such an office at Yale, and that an ombuds office would provide a first step for someone who has an issue, and it would eliminate the confusion of where to go next for assistance and help someone figure out where to go for help. She also noted that an ombuds office could be a resource that informs university leaders on patterns that develop on specific issues, while keeping confidentiality of their constituents. It was also noted that the Graduate Student Assembly is also asking for an ombuds office at Yale, and they are working on the initiative and asked the Senate to partner with them on it. **Mr. Solomon** said that the effort over the years has been thoughtful and well done, but clearly something more has to be added to the campaign. He said between his terms on the Senate, he worked with the General Counsel's Office and came to realize how much influence this office has at Yale, and he suggested that we work on arranging a meeting with one of our peer institutions' head of their ombuds office, along with someone from their General Counsel's Office, to discuss how well the ombuds office is doing at their institution. He also suggested arranging for a meeting between **Chuck Howard** and our General Counsel's Office. **Ms. Campbell** said **Mr. Howard** is willing to help. **Mr. Gomez** noted that the difference between an ombuds person and the myriad of other offices who seem to take care of the same things, is one thing - and that is independence. An ombuds office would have independence that the others do not. **Mr. Gomez** feels that this is representative of how the administration has treated the Senate - with stonewalling tactics, and said that it is time to play hard ball with them, especially with this issue that has been on the Senate's agenda for several years with no resolve. He said if we cannot convince the administration that we would benefit by having an ombuds office, and use the fact that all the other ivy schools have one, how do we proceed with this initiative? **Mr. Van Tassel** asked how the other offices who provide what Yale sees as the same resources as an ombuds office would have, reacted to the Senate's inquiry. **Ms. Campbell** said that they were introduced in a way that suggested that our initiative was not a good idea. She also said that the people they spoke with were defending their offices and the value of their work. She noted that a number of them said that they were really overworked and also taking some cases that were not under the umbrella of their official designation. She also said that a number of them felt that they were not?? the best people to go to. She noted that there may be a way to speak with these individuals outside the context of the formal meetings that were set up by the FAS Dean. **Ms. Toseland** said she likes the idea of a joint resolution with the Graduate Student Assembly, and would like to see if there is a way to bring in the Yale College Council and any staff group on this resolution to show the University all the stakeholders that would benefit from an ombuds

office are united on this initiative. **Mr. Solomon** asked to include the Graduate and Professional School Senate. **Mr. Van Tassel** said that it could be an easy win for the administration if they took into consideration all of the stakeholders requests for an ombuds office and formed one to show they are listening.

Mr. Gomez spoke about faculty activism and noted that the issue of the ombuds office epitomizes the inability of the Senate to prevail. He asked that if we want to be a little more confrontational, or much more confrontational, what avenues do we have? We cannot strike. We can do a limited strike – in other words do a service strike and refuse to serve on any committees – however this would create a situation where we would eliminate our ability to voice our opinions on many issues. So, he said, he does not see that there are many options except to form an AAUP Chapter where we can voice our concerns more openly than just with the Senate. He asked for suggestions from anyone who has ideas on strategies that we can implement, besides what the Senate has already tried. **Mr. Van Tassel** said that the Senate makes resolutions that are public, but one needs to go to the Senate's web site in order to see them. Perhaps, he said, we can use the press, not only the *Yale Daily* but other press sources like the *New York Times*. **Ms. Campbell** suggested having an article in the *Yale Alumni Magazine* to get a sense of what our alumni think.

Mr. Van Tassel adjourned the meeting of the FAS-SEAS Senate at 5:30 PM.