

Minutes of Yale Faculty of Arts and Sciences Senate
October 15, 2015
Connecticut Hall Faculty Room

Attending: David Bercovici, Jill Campbell, Beverly Gage, John Geanakoplos, Shiri Goren, Emily Greenwood, John Harris, Ruth Koizim, Kathryn Lofton, Reina Maruyama, Yair Minsky, Mark Mooseker, William Nordhaus, William Rankin, Douglas Rogers, Charles Schmuttenmaer, Katie Trumpener, Karen Wynn

Invited Guests: Tamar Gendler (FAS Dean, Philosophy), Margaret Clark (Psychology) and Stephanie Spangler (Deputy Provost)

Faculty comments: Glenda Gilmore (History, African American Studies and American Studies) and Stephen Stearns (Ecology/Evolutionary Biology)

Beverly Gage (Chair of the FAS Senate) called the meeting to order at 4:05 and welcomed all to the first open meeting of the Faculty Senate. She discussed the agenda and noted that this meeting would introduce a segment at which any member of the FAS faculty, by giving prior notice, could speak to the Senate for two minutes. She noted that two faculty members, Glenda Gilmore and Stephen Stearns, would be speaking to the Senate about a draft proposal for procedures for violations of the new rules on faculty conduct.

Ms. Gage also noted that the Senate would operate in line with temporary meeting procedures developed recently by the Executive Committee, and that these operating rules would be reviewed and modified as needed, probably in January. In a unanimous online vote in September, the Senate had already agreed to use these provisional procedures for the fall semester.

William Nordhaus (Deputy Chair/Secretary) discussed the procedures for Senate minutes. The philosophy on minutes of the FAS Senate would be intermediate between a full verbatim transcript and a bare record of actions. We will record the issues that are discussed along with a brief summary of major points. In addition, the minutes will contain a full record of any formal Senate decisions (motions, tables, amendments, approved resolutions, and the like). The Secretary will make an audio recording of the proceedings to ensure that the minutes are accurate. The recordings will be erased after the minutes are approved by the Senate. Additionally, Senators who speak may revise and extend their remarks for the record. Senators should provide to the secretary within one week a statement of no more than 200 words that revises and extends their remarks. These statements will be appended to the minutes as senatorial statements but will not be formal statements of the FASS and will not be approved by the Senate.

Mr. Nordhaus noted that there had not been a decision on whether the minutes would be made publicly available. He suggested that since the minutes were available to approximately 800 faculty, it would seem sensible to make them public shortly after their approval.

Jill Campbell asked whether particularly sensitive matters would be contained in the public minutes. Mr. Nordhaus suggested such topics might be covered in “minimal minutes.”

Ms. Campbell asked whether the votes of individual Senators would be recorded as faculty might wish to know how individual Senators have voted on specific issues. Mr. Nordhaus replied that there had been no discussion of this question, and it would warrant further discussion. He noted that most votes were either hand votes or voice votes. If Senators wished to have a record of individual votes, then they could call for a vote for the record, in which case we would record the votes of individual Senators on the matter.

Ms. Gage noted that these suggestions were a preliminary set of procedures for the minutes. They could be included in the set of procedures that would be considered along with other rules when the Senate reviewed those in January 2016.

A motion was made to approve the minutes as presented, and they were unanimously approved.

Senators who were unable to attend the September 10 meeting were invited to introduce themselves to the group, and they did. They were Reina Maruyama, Charles Schmuttenmaer, John Harris and Kathryn Lofton. Among the issues in which they expressed interest: the impact of the new colleges on the University, diversity in recruiting new faculty, retention issues, the importance of transparency in decision making, and open communications.

At the last meeting of the Senate, five committees were created. At that time, a sixth, the Faculty Advancement Committee, was discussed. This last, composed of eight members, is headed by David Bercovici. The purpose is, as stated in the description, the following: “The goal of this committee is to produce a report analyzing the current state of FAS support and development, and provide recommendations for ensuring the continued excellence and productivity of the Yale FAS.” At the earlier Senate meeting, one suggestion had been to create two committees. Mr. Bercovici suggested that the two sets of concerns were actually part of a more unified goal to promote faculty excellence, innovation, and achievement, and this goal would include both support and diversity issues as well as the standard issues of active recruitment and retention. One point of the unified committee is to emphasize that parenting and research productivity, for example, should be thought of together as necessary for enhancing the quality of the faculty. The goal is to have something tangible by the end of the year. The Senate voted unanimously to create this committee.

Other committees reported briefly. Ms. Gage, speaking on behalf of Vesla Weaver, chair of the Committee on Elections and Nominations, said that the committee had not met because there have been no elections to date. Mark Mooseker, chair of the Committee on Committees, said members had met with Deputy Provost Lloyd Suttle. The administration agreed to increase the representation of non-ladder faculty on the Committee dealing with college expansion logistics. Ms. Gage reported that the Senate’s own Committee on the Yale College Expansion had its first meeting and developed an agenda. A survey on faculty priorities on the College expansion will be circulated to the full faculty. The committee hopes to have a report available for the Senate by December 17. Mr. Nordhaus reported that the Committee on Budget and Finance was scheduled to meet the coming week with Vice President for Finance Steven Murphy to learn more about the University budgeting process. It also hoped to meet with faculty members on

the University Budget Committee, and talk to administrators, including the FAS Dean, the Provost, and perhaps others in the administration. Emily Greenwood reported that the Peer Advisory Committee had had a couple of electronic consultations. One question that had been raised was the issue of the faculty pension plan, and a second was the time-line for FASTAP.

During the period allotted for faculty comments, both Stephen Stearns and Glenda Gilmore spoke to the proposed new review procedures for violations of standards of faculty conduct.

Mr. Stearns observed that while most faculty and students are of good will, there are a few serious acts of misconduct. There was no easy way to hear testimony or elicit input from the voiceless, he said, adding that asymmetries of power and bullying personalities that are systematically repeated over long periods of time were at the root of the problem. Additionally, the university needs to find ways to deal with misconduct that does not rise to the level of seriousness that is dealt with by the university tribunal. In part, bad behavior is due to hierarchical structures that interact with personalities, and one concern is whether the university can combat patterns of misconduct by changing the prevailing faculty culture through greater incentives for best practice and exemplary conduct. Department chairs in the FAS needed to be more aware of their options, when problems were brought to their attention. Much of the damage of bullying occurs through the accumulation of repeated incidents, no one of which looks really serious but which add up to cause significant damage.

Ms. Gilmore addressed the draft procedures. Among the issues she addressed were the following concerns: The procedures constitute a trial that can ruin the accused faculty member's career. The procedures do not respect standard rights to due process, including the active role of counsel at trial, the right to hear and question witnesses, speedy trial, appeal, double jeopardy, equal justice, right of appeal, and a jury of our peers. There is no mechanism by which the accused can introduce evidence on the comparative past discipline of others similarly accused, propagating unequal punishment across the faculty. Additionally, she stated, Deans across the university, untrained in evidentiary standards and trial procedures, both initiate trials and ultimately judge them. She urged the Senate to vote to reject the Review procedures.

Margaret Clark and Stephanie Spangler were invited to talk to the Senate about the proposed review procedures, which they both helped to develop. Their Committee was created in 2014 by President Peter Salovey and Provost Ben Polak because there was no single set of standards and review processes in one place. According to Ms. Clark, "a small number of faculty accounted for a large number of problems," and the problem of "bullying" was a widespread concern.

The Clark Committee examined processes at other universities, and took lots of comments, and the resulting proposal more or less mirrors what already is in place for offenses such as sexual misconduct, Ms. Clark said. The goal was, first, to handle conduct complaints in an informal fashion such as a meeting between a chair and a faculty member, before initiating a hearing with the review panel, according to Ms. Clark. There were, she explained, means by which the accused could challenge findings at this level. The draft procedures include an explicit list of the sanctions for misconduct: "a letter of reprimand, temporary limitations on increases in salary, loss of eligibility for leave for one leave cycle, temporary limitations on work with students or

trainees, temporary limitations on participation in departmental affairs, removal from leadership positions (including any concomitant loss of salary), temporary limitations on eligibility for grant funding, financial restitution, and a short-term suspension without pay.”

Ms. Spangler noted that the proposed procedures would leave in place procedures that are already in place to deal with academic and other forms of misconduct. One goal of the proposed process is to prevent violations of conduct, and not only to punish. It was never intended to be a legal procedure, Ms. Spangler said. Moreover, the penalties were structured to be ones that were less than a career-ending action. She added that her committee would welcome all suggestions. Ms. Clark noted that there would be comment from other schools as well as from the FAS.

Ms. Clark agreed that the proposal was the administration’s rather than the faculty’s but it was developed in response to “pressing problems,” adding that the Committee’s interviews led it to conclude that the problems were much bigger than it had expected.

There followed extensive comments by Senators. Douglas Rogers noted that there was a recent survey on sexual harassment, and this is clearly an enormous issue to address. He noted that there is great enthusiasm among the faculty for changing a culture that leads to this misconduct. Karen Wynn was concerned that the proposal was not one developed and discussed by and voted by the faculty, but was being handed down by the administration, an “us v. them” mentality. As a result, this was not a code of conduct for which the faculty felt ownership. Mr. Nordhaus was concerned about the standards and the processes. Specifically, he was concerned about the evidentiary basis for the standards. What is the empirical grounding for deciding that the proscribed behavior is, on the one hand, the result of a few frustrated administrators who don’t know how to deal with difficult faculty or, on the other hand, a widespread pattern of behavior that needs addressing (as is clear from the recent survey in the case of sexual harassment)? We hear stories, but stories are not evidence.

Katie Trumpener agreed that the points raised by Ms. Gilmore were crucial ones. Those same issues were raised by the procedures used for sexual misconduct. As many people have pointed out with respect to those procedures, the evidentiary process is very flawed from the point of view of both the accuser and the accused. She suggested that it would be unwise to compound the earlier mistake in setting up the new procedures. An additional concern is the inaction of the top administrators over many years, and even recently, to take action on serial sexual harassers.

Ms. Campbell noted that some of the misconduct stemmed from asymmetries of power between faculty and students, or between tenured and untenured faculty, for instance. At the same time, the procedures are administered by people within the university power structure who may have a conflict because (in the case of departmental chairs) they have interests in protecting faculty who bring prestige and funds to the department. Perhaps, Ms. Campbell added, the members of the review committees should be elected rather than appointed if they are to represent the shared views of the academy.

Dean Gendler reported in on four issues of interest to FAS members.

First, Dean Gendler explained that the Faculty Resources Committee will be releasing four additional full pool slots in each of the next three years for use in searches, over and above the six pool slots that are already available annually. These can be used in areas of faculty diversity, work at the intersection of departments, time-sensitive targets of opportunity, and areas of faculty shortage. Second, on the subject of salaries, Jack Dovidio (Dean of Academic Affairs of the FAS, Psychology) was reviewing the salary structure (ladder and non-ladder) for the Dean, taking into account the salary differences between internal promotions and outside hires, Ms. Gendler said. Third, in response to the expansion of Yale College starting in the Fall of 2017, several working groups and committees within the deans' offices are considering expansion issues, including courses, and means to elicit more faculty input on the subject. And lastly, Dean Gendler's office is exploring ways to streamline the budget process and redeploy resources, she said.

Senators raised several questions for the Dean. Emily Greenwood raised the question of the review of FASTAP procedures. A specific concern was the change in the timeline for submission of materials for promotion, and specifically a reduction in the time candidates would have to submit their work due to an earlier deadline. The Dean responded that this was implemented because of the difficulty of obtaining the requisite number of letters necessary for review of candidates. The Dean added that some candidates had been lost because of the delays and because divisional committees did not have time to review cases in an efficient fashion. Finally, the Dean indicated that this change was thought largely independent of the broader FASTAP review and did not need to wait until a final report on the other more important aspects of FASTAP.

Shiri Goren raised questions concerning the new Center for Teaching and Learning where, it was feared, space planners were making the decisions rather than curriculum developers. Faculty (language faculty in particular) haven't been consulted or asked for input and they worry that important pedagogical needs – that are currently being adequately addressed by the Center for Language Study – will go overlooked in the organizational and physical restructuring of the various units that makeup the new CTL. A specific concern was the potential closing of the language laboratories. The Dean responded that she would welcome comments and pass them on to the appropriate people in the Provost's Office.

Ms. Campbell told the Dean she hoped there would be support for Senate access to information that had been treated as confidential by members of the administration. She specifically mentioned that the Provost's office, with respect to anticipated increase in enrollments with the expansion of Yale College, viewed the departmental distribution of increases and decreases of faculty numbers over the last fifteen years as confidential information. She pointed to the difficulty that the Senate would have in analyzing important factors such as teaching of large courses with many sections led by individual instructors.

Dean Gendler responded that certain information might cause awkwardness for individual faculty, for example, course enrollment with individual names. Ms. Campbell noted that it was not necessary for the Yale College Committee to have individual names, but to have enrollments by departments and the like. The Dean said she would welcome the granular course-by-course analysis, she would welcome partnership.

Dean Gendler asked the Senate for some direction about the distribution of the proposed faculty conduct standards and procedures. Who would circulate the draft procedures to faculty for review and comment? She suggested three possible routes: The Dean would circulate it to the faculty; the Dean would send it to the Senate for the Senate's response; and the Dean would send it to the Senate, after which the Senate would send it to the faculty. She asked which of these would be the preferred approach.

Ms. Gage suggested that it would seem sensible to have the Dean distribute the standards and procedures to the faculty. There was a consensus that it should fall to Dean Gendler's office to distribute the material, so as to avoid any suggestion that the Senate was endorsing the proposal.

A number of Senators suggested that it would be helpful if any faculty comments could be made more generally available rather than just sent to the Dean or to other top administrators. Perhaps, it was suggested, that could be done through a restructured website. The Chair summarized a consensus view that the Senate should play an active role in fostering discussion and in shaping the FAS faculty's response to the document.

Ms. Greenwood suggested that there be a vote of no confidence in the draft procedures, or perhaps a vote that the Senate was troubled by the lack of consultation on the procedures and that faulty procedures were being proposed. The motion was not seconded and was deferred.

During deliberations, there was particular concern that the proposed review process changes might be handed down to faculty without further faculty input. Ms. Gage suggested that the Executive Council would take up the question of how best to participate in the process of revising the proposal. Mr. Nordhaus suggested that an ad hoc group of Senators should devote some effort to studying the standards and procedures, to talking to Ms. Spangler and Ms. Clark, and to understanding the evidence on which the standard and procedures were based.

Ms. Gage suggested and it was agreed that the next Senate meeting in November would be substantially devoted to a further discussion of the faculty conduct standards and procedures. The EC would meet in the interim to prepare for the next meeting. The Chair suggested that members who would like to contribute to the small study group should contact the Chair.

The meeting was adjourned at 6:05 pm.

Preliminary and submitted by:

William Nordhaus, Deputy Chair/Secretary

Approved November 17, 2015

Additional material

The following was added after the meeting. Additional materials are not formal statements of the FASS and have not been adopted by the Senate.

Mr. Rankin notes that some information on faculty, enrollments, majors, and other matters of concern is available online from the Office of Institutional Research. This data does not cover all topics, and it is deficient in some important respects. But it is heartening to see that basic information about FAS is already available and is not treated as confidential. For example, [here](#) is a breakdown of faculty by department (but unfortunately without nuance for joint appointments). There is also data on overall faculty size (since 1982, [here](#)) and enrollments ([here](#), with less-than-ideal treatment of cross-listing). The full list of available data is [here](#). Mr. Rankin also notes that he has additional data on majors since 2002 that he will be happy to share. None of this, however, changes the need for more and better data, especially to address questions about large courses, joint appointments, promotions, and so on.

[Note: the links to the websites may not be preserved in all formats.]