

FAS-SEAS Senate Meeting
October 10, 2024 – 3:30 PM – 5:30 PM
Dow Hall 100, 370 Temple Street
And on Zoom
APPROVED

Attendance:

Senators:

Mark Solomon, Chair; Marijeta Bozovic, Deputy Chair; Andrea Aldrich, Dinny Aletheiana, Michael Fischer, Beverly Gage, Alessandro Gomez. John Hall, Mordechai Levy Eichel, Michael Loewenberg, Maria Piñango, Constance Sherak, Alison Sweeney, Julia Titus, Rebecca Toseland, Meg Urry, Paul Van Tassel, Robert Wooster, Jing Yan, Mimi Yiengpriuksawan

Senators Absent: Valerie Horsley, Gerald Jaynes, Jason Stanley

Guests present:

Neta Alexander, Tim Barron, Alexa Belperron, Jeffrey Brock, Hal Brooks, Alicia Comacho, David Evans, Rod Ferguson, Margaret Homans, Karsten Heeger, Harry Jain, Elka KN, Al Klevatorik, Roy Ledeman, Elisa Morrison, Timothy Newhouse, Sohee Park, Michael Pascutti, John Durham Peters, Julian Posada, Robert Post, Douglas Rogers, Mike Shah, Julia Silvestri, Stephen Slade, Katerina Sotikraki, Shilarna Stokes, Indriyo Sukmono, Mary Louise Timmerman, Orit Yerek. ASL Interpreter Jeremy, ASL Interpreter Michaela

FAS-SEAS Senate Chair **Mark Solomon** called the meeting to order at 3:35 PM noting that the entire meeting is open to all faculty and asked for faculty input on the topics being discussed at this meeting.

Mr. Solomon announced that the FAS Dean Search Advisory Committee has been chosen and noted that the Provost asked for the Senate's suggestions - the committee is made up of 9 people including two current senators - **Rebecca Toseland** and **Meg Urry**, and two past senators - **Emily Erikson** and **Doug Rogers**. The Provost also accepted our suggestion that there be a member of the instructional faculty on the committee, which may not have been considered without the Senate's suggestion.

Mr. Solomon announced that the Senate is still short 2 pre-tenure senators in Social Sciences and Humanities and that the Executive Council (EC) can appoint people to fill out this year's senate representatives. He asked if anyone is willing to serve or to make suggestions of anyone you know who may like to serve.

Mr. Solomon asked for committee updates. There were none.

Mr. Solomon asked to send him and Deputy Chair **Marijeta Bozovic** suggestions of people who they think would make a good FAS Dean, and include any comments you have that were not discussed at this afternoon's meeting. **Paul Van Tassel** asked what other information does the

FAS Dean Search Advisory Committee want besides potential candidates names. **Marvin Chen**, chair of the committee, said they want to hear what is working well, what are some opportunities and priorities for the future, and these will inform the committee which candidates would be good for the position. **Beverly Gage** suggested the Senate say how we would like to work with the FAS Dean and stress the importance of faculty governance. **John Hall** asked for a clear picture of what the FAS Dean does to provide a guide on what skills are needed to fulfil this position. **Michael Fischer** said that he would like the next dean to have greater transparency. **Mr. Solomon** noted that **Dean Gendler** speaks all the “languages” of the three divisions, and it could be difficult to find someone who has that capability.

Mr. Solomon invited a non-senator **Kate Schilling**, Lecturer, Molecular Biophysics & Biochemistry, who requested to speak. **Ms. Schilling** noted that instructional faculty have grants through the Dean’s office that have recently been raised to \$1,500, however the downside is that the instructional faculty member must affirm that they have no other source of funding in order to take advantage of that money. She proposed that this be brought to the Dean’s attention, for belonging purposes as well as providing more successful travel to a wider array of conference opportunities, and that instructional faculty be allowed to assemble several different sources of funding so the Dean’s travel grant is not something of last resort. She noted that for some positions, faculty members need to have external recommenders for promotion, so that travel is actually important and not a privilege, and demonstrates Yale’s excellent and innovative teaching. She noted that building relationships and cross-pollinating with other institutions is incredibly helpful for teaching faculty to do. Therefore, she thinks being allowed to assemble multiple sources of funding, including that of the travel grant, would be really helpful, and she is asking that that affirmation be removed. There were comments from the floor from faculty who agreed with **Ms. Schilling’s** proposal for the Dean’s office to consider.

Jing Yan spoke on two vacant Senate spots this year representing non-tenured faculty senators in the humanities and social sciences. **Mr. Yan** noted this is his last year on the Senate, so next year there will be three vacancies. **Ms. Toseland** thanked **Mr. Yan** for pointing this out, and she is on the Outreach and Elections Committee, who will push on finding junior faculty who agree to run in the next election in order to fill these slots.

Beverly Gage noted that we are aware of some of the duties the FAS Dean carries out, however she would like a more comprehensive description of the duties that are not obvious or transparent. **Alison Sweeney** noted that she is fairly new to Yale, and the FAS Dean position was newly created when she arrived, and it is not clear what the Dean’s responsibilities are and what responsibilities are the Provost’s. **Mr. Yan** noted that some of the issues we face go beyond FAS and affect multiple schools, so these issues do not get addressed for FAS, and are not resolved. He said the new Dean should possess skills necessary to work beyond FAS and with other schools when appropriate. **Mr. Solomon** noted that the EC meets with Provost **Scott Strobel** once a semester and can address some of these issues, however it is difficult to get things done on a University level. **Mr. Van Tassel** said there is a question on whether control is more central than local, and the Dean tends to be involved in decisions that could be made more locally. He said this may be a time to look at how decisions are made at Yale. **Ms. Gage**, who chairs the

Governance Committee, said that at their first meeting, it was noted that the Senate and the FAS Dean's Office have been in existence for 10 years, and therefore this provides the FAS-SEAS Senate with a good opportunity to have some assessment as well. **Mr. Solomon** noted that the Senate can offer perspective on its relationship with the FAS Dean's Office, shared governance, helping bring the new dean up to speed and to develop a good working relationship with advice. **Mimi Yiengpriuksawan** said she has been at Yale a long time and believes that centralization has been intense under the Dean of Faculty. She noted that on a local level, different divisions or departments make decisions that are specific to their needs and not necessarily understandable or workable within a centralized format. She said that centralization at Yale can factor out other ways of governance and faculty involvement. She doesn't have a solution, but thinks this is something that we need to consider working on.

Mr. Solomon introduced **Robert Post**, Sterling Professor and former chair of the Yale Law School, to discuss institutional voice/neutrality. **Mr. Solomon** asked if everyone agrees these days that universities should not speak out on non-university matters, but disagree on where to draw the line? **Mr. Post** said that what we are talking about is this phenomenon of institutional neutrality that is traced back to the Kalven Committee Report out of the University of Chicago in 1967 when the University faced pressure to disinvest from South Africa. He said that the President of the University of Chicago at that time appointed a panel chaired by **Harry Kalven**, a well thought of law professor. The report, he said, came out with a statement that said universities should be neutral on controversial issues of the day and should not speak out officially – faculty could speak but the university should be silent. The reasoning was that the university exists to shelter the diverse views of faculty, and if the university speaks, it inhibits the ability of individual faculty to express views that differ from that of the university. He said it gave the University of Chicago the ability to say that they did not have to divest because the university was neutral. He also explained that this was the time of the Vietnam war, and a lot of universities were being pressured to oppose the war, which sparked a whole debate in the 1960s. It came before the American Association of University Professors (AAUP), at the time a distinguished and powerful organization, and they debated this and said no, we don't think that is a fundamental idea for universities, and the University of Chicago was the only institution that adopted this view of institutional neutrality until North Carolina did so about 2-3 years ago.

Mr. Post explained that this issue was revived in 2014: the Goldwater Institute out of Arizona argued that anytime the university speaks, it is inherently detrimental to academic freedom. He noted that it is part of the recent conservative campaign to disempower universities, as universities are coded left: this is a method of silencing. In North Carolina, the trustees are plainly conservative, and they're imposing neutrality on the university to shut it down as an independent voice. He also said that if you think now about Israel and Gaza, there is pressure on universities to speak one way or another. University administrators have a good reason to shield themselves from such pressure and institutional neutrality is a very convenient way to do that, so they are not pressured from any one or both sides. So, he said, neutrality was never understood to be a principle of academic freedom.

Mr. Post noted our new President has commissioned a report on this and his own view is that he is very committed to faculty self-governance, and he feels it is important for the FAS faculty to speak its voice, and the Senate has some position on this – whatever the Senate decides. **Mr. Post** noted that there are a number of principles where there is convergence. 1) the idea of when a university official speaks, it's a violation of academic freedom inherently – and, he said, that is hogwash! There is no empirical connection between the university speaking and academic freedom, and in many situations like divestment, it's very hard to make that connection. He did say that it is the case sometimes, that a university can impede academic freedom through speech – an example of that is when the president of Columbia University spoke during World War I, and when the United States went to war, a declaration was made stating Columbia University supports the war and a faculty member who opposes the war will no longer be a faculty member. This, he said, is an instance of the university speaking in a way that chills academic freedom, and the president followed up by firing two faculty members - one quitting.

So, **Mr. Post** said, a university can talk in a way that does chill academic freedom, and if it does, that is the problem, not that it is talking. 2) it makes zero sense to say that the university cannot speak about matters pertaining to its own mission. Let's say we have the mission of education and increasing knowledge, the university has to speak on matters relating to its own mission, otherwise you're paralyzing the university – an example is if the government adopts a policy that says foreign students cannot get a visa to study, we should be able to talk about that because that directly affects what we do and how we do it. He said to lay down a principle that you cannot talk about things that directly affect your mission, makes very little sense. He said that a lot of the work is going to be done in any sort of statement like this, and how do you define what the mission is versus what is extraneous to the mission, and this is a difficult but unavoidable problem. He said that it cannot be said that university officials can't speak when it comes to the mission, and the whole idea of neutrality makes no sense. 3) when the university speaks on things that are extraneous to its mission, they have to be very careful. He said that there should be a thumb on the scales or a presumption against speaking about matters that are extraneous to the mission. To him the most convincing reason for that is that academic freedom as a concept has two faces – one face is inward and describes how we need to govern ourselves in order to accomplish our mission – how universities should treat faculty or how they should treat students, it's all about the internal governance of the university of what we can do and are supposed to do, which is to teach, do research, and disseminate knowledge. He said academic freedom has an outward face – what we say to the government when it wants to regulate us – we say academic freedom, and when we use it in this way, what we mean is universities should be self-regulating professions – we ought to make the decisions on what counts as scholarship, not the state and not the trustees, and not anyone extrinsic to the university. This argument is about self-regulation of the scholarly profession. This is important rhetorically and historically for the concept of academic freedom, and claims to professional autonomy and professional self-regulation have not done so well in the United States in recent decades. So lawyers and doctors and clergymen wanted to self-regulate but that did not happen and they are regulated by the state. He noted that we have been pretty successful in making the claim to the outer world that they can't know what scholarship is, and we have to be the ones to judge, and it is important for us to be able to maintain that. He said the idea of being self-regulated is always subject to attack

by those who don't like what we do, and it's a vulnerable position and we always have to invoke academic freedom to bolster our position to keep hands off from the larger society. But, he said, if the university speaks out in controversial ways about matters not pertaining to its mission, it endangers our ability to make bona fide academic freedom claims to an external audience and uses up our cultural capital which is something we want to conserve because there are very great pressures from the outside that want to regulate us. So, he said, every time you speak about a matter that is outside your mission, you ought to be sure there is a good reason to do it – and the presumption should be you should not. **Mr. Post** said there is a general agreement on these three propositions, and he thinks that the committee appointed by the president will revolve around these three propositions.

Mr. Solomon asked **Mr. Post** about some institutions who have come out with statements of neutrality and what he thinks neutrality means in these cases. **Mr. Post** pointed to the position taken at UCLA where **Seana Shiffrin** wrote that the university should not speak unless it affects the internal environment of teaching and research. He said he thinks this is wrong and that the university should be able to speak about its mission and its mission is broader than the internal environment. For example, we're talking about taxing the endowment and this is not the internal environment and the university ought to be able to speak about that sort of thing, So what the university ought to be able to speak about ought to turn on some definition of the mission of the university – what we're here to do. He said there are a lot of statements that tend to make different distinctions and some of them are more convincing than others.

Ms. Yiengpriuksawan noted that **Mr. Post** is speaking of the university which in our case is composed of administrators and faculty with a teaching component and an administrative component. She asked who the university is in this case and what divides these communities because that's at the core of the issue. It's a very eloquent statement, but we still face this here – we have administrators and practicing faculty. **Mr. Post** said that these policy positions tend to apply to university officials who speak on behalf of the university, and so in your typology, they would be administrators, and faculty are always free to have what's called extramural speech to say in their personal capacity whatever they want to say. He said that these are policies that govern the ability of the president of the university, department chair, or Provost to speak on behalf of the university and this is the line being drawn here. He noted that the university consists of many different officials who have different official positions and different policies go down the grade and apply these policies at different levels. It is a complex problem because if you think about the chill on faculty, it's more likely to occur at a departmental level or maybe the department is more closely connected to the actual concerns of the faculty. Another important issue when you think about the university – it has different schools that have different missions and relate in different ways to public policy. He said for example, the School of Public Health's mission is to advance public health, and if a subsequent President says that Ivermectin cures Covid and you don't need a vaccine, it might be within the mission to say that you do need a vaccine in order to protect, and that would come within the mission of the School of Public Health. It would not come within the mission of FAS that has a more scholarly mission than many of the professional schools.

Alessandro Gomez said it is clear that the demarcation between neutrality – what’s neutral and what’s not, rests on the definition of the mission, and if this mission is also school dependent, we are in a morass of missions and limits, etc., which means that when the President speaks, it is an iffy way to categorize neutrality if you don’t embrace a unified mission that cuts across everything and is well-defined. He said that the more ambitious we are in defining the missions, the more we will be concerned about conflicts in other countries. **Mr. Post** noted it’s always a trade-off between being fussy and being procrustean, and in this case the universities have a lot of play in the choice. **Mr. Post** said when he was chair, he would sit on the Council of Deans with **President Salovey** who would say that all statements had to be cleared with them before they were made, which I ignored – what was the enforcement and what would they do. He said there are all kinds of issues beyond being fuzzy, and the real issue is what it would mean to enforce this against an official or a school that defied it, which is very important for people to have a common sense of what the values at stake are so they’re on the same page. He said he thinks this is not something that is going to be policed.

Michael Fischer said he thinks that the downside of institutional voice is when someone with some power - typically administrators, try to speak for their whole unit sending the message that this is what our department thinks is important, and there are people in the department that don’t agree with what was said, and this is chilling. **Mr. Post** replied that it can be and depends on conditions of trust in the department, however he agrees that the more this devolves down to something at the departmental level where things are really personal, the more there is the potential for that chill. He said if the President says something, the President is a distant figure and I don’t care because it’s not going to affect me one way or another. **Mr. Post** said that his own intuition, should this get down to the department level, is likely to be problematic. **Mr. Fischer** said he feels this is a real issue for this Senate because it has 23 senators and asked if there is a single voice – does the Chair speak for the Senate, and if so, where does that consensus come from? **Mr. Post** said he has seen how Senates have functioned in the past, so someone should draft something and work on editing it and then it comes down to a vote, and you may want to have a super majority - that’s the way institutions speak. He noted that this statement would be the position of the FAS-SEAS Senate and not a question of chilling, or a matter of the academic freedom of any senator. This is a matter of what is the position of the FAS editor.

Ms. Gage noted that Yale’s mission statement has gotten very broad over the years – it used to be the production and dissemination of knowledge and now it’s creating leaders and making the world a better place, and thus has a lot of inherent limits. **Ms. Gage** asked **Mr. Post** for his reflections on his use of the South Africa divestment situation that, in her opinion, did not result in opposition because at that time no one on campuses championed South Africa, and today campuses are legitimately divided on many issues, particularly what is going on in Israel and Gaza, so she asked for his reflections about whether the South African divestment issue is an applicable or the best historical reference point. Also, she asked whether a language about students and students’ freedom and their ability to learn has come into this, because there is a politics out there that says if my professor expresses something that I understand to be a particular political point of view, or perceived to be a political point of view in the classroom, that this is damaging to the student, they can’t learn, and it has constrained their experience. She

asked if these things have remained separate or if they are getting intertwined in some way. **Mr. Post** explained that he uses the South Africa example to say that whether or not the institution taking a position affects academic freedom is a contingent empirical matter, not that divestment always is, or always isn't, but rather it depends, and the crucial question is, does it or doesn't it chill? If it chills, then you have an academic freedom problem and not a neutrality problem. That was the point of that example. He said we have very elaborate policies at Yale about what we do and don't invest in and why, and we follow John Simon's book on being a responsible investor and so we have issues. He said no one is raising academic freedom issues about disinvesting in fossil fuels, and we have elaborate procedures and criteria for deciding what we do and do not invest in. He said to his knowledge no one has raised that as an academic freedom question on this campus, even though it's been around for decades, so that was the point in making that reference. On the question of students, **Mr. Post** said the issue raised is an issue of professorial academic freedom - we all know that we have academic freedom, and there are four kinds: 1) freedom of research and publication; 2) freedom to teach, which this would directly impinge on; 3) freedom of extramural speech - to speak as a citizen outside the university; 4) freedom of intramural speech - to speak as a senator, to speak as a member of the university community about university matters. He said in all of these situations, we have strong protections for our ability to do that, and if a student wants to say, "I can't learn," then you say to the student "pull up your pants and learn." He said this is the right of the professors unless the speech of a professor would be judged by their peers to be professionally incompetent. So the issue would be - are you acting in a professionally competent way or a professionally incompetent way? Academic freedom does not protect professional incompetence.

Ms. Bozovic said that she was sent moving statements from faculty who could not attend today's meeting. She spoke on one that references the University of Chicago who was from a faculty who spent some time there, and another from a faculty member and former senator speaking about student life and student centers. She read one statement from a faculty member who asked that the committee avoid drafting a statement of neutrality that lends itself to support an unjust status quo, and does not expect or want the university to weigh in on every issue of public concern or to be dragged into matters that do not concern it directly and said there are too many urgent issues of existential import for everyone in our community, for the university as an institution, to stand back from public discourse. The faculty member spent many years at the University of Chicago where the Kalven Report cast a long shadow over debates on many issues that concerned members of the university community, and witnessed the Kalven Report being used to justify the institution's neutrality on matters ranging from the genocide in Darfur, to the reopening of a shuttered trauma center at the University Hospital, to graduate student unionization, to university investments in industry, to policing on the south side of Chicago, and to global climate change. Also, when faced with student and faculty pressure to divest from entities that propped up injustice around the world - weapons manufacturers that arm genocidal militaries in Darfur for example, or climate destroying fossil fuels, the university would cite its official neutrality as an explanation for their refusal to divest. This was and is a disingenuous claim - actively funding injustice is not neutral, and is partisanship on behalf of the oppressor. The university's ostensible neutrality was nothing more than an excuse. Let's not let that happen at Yale. The university should be generally selective about when it makes statements but we must

allow space for the university in response to democratic pressure from the community, including staff, faculty, students, and New Haven stakeholders, to use its considerable financial resources to promote a more just, equitable community and world, and conversely to divest from any initiatives that would work counter to those goals. In the face of the many existential threats facing our communities from unprecedented attacks on academic freedom in the United States, to genocidal actions that personally affect many members of our community, to the increasingly devastating effects of climate change, we cannot afford to pretend to be neutral bystanders. We must be able to speak as an institution, even when it generates controversy.

Ms. Bozovic read another statement that addressed a document that was sent to the Yale Women's Center by the Yale College Dean's Office to maintain broad neutrality in its programming and actions, and ostensibly the same rule would apply to all the other cultural centers, including AFAM Cultural Center, the MENA Cultural Center, the Native American Cultural Center, and so on. It is thought that this responds to a specific incident last year in which the YWC board voted democratically to program a conference called *Pinkwashing and Feminism in Palestine*. The New York Post picked it up and the response was swift, including a student affairs person contacting the board and telling them not only to cancel the conference, but apparently threatening them with disciplinary consequences if this conference was not cancelled. This faculty member was approached by a member of this year's YWC board who is concerned about this. They were also instructed that the YWC must accept any and all resident groups, that is subgroups who can apply to be nested under YWC, regardless of the board's opinion, and as an example, if a men's rights group wanted to apply for residency, the board would have to approve it, and apparently this is true for other student centers as well, so ostensibly a group of non-native students who want to form a resident group for white settlers could apply for a resident group status under the Native American Cultural Center and would be allowed to do so. This letter implies that the consequences that failing to maintain a broad neutrality would bring, including loss of privilege of the space on campus, use of the Yale name, and financial consequences. This faculty member is concerned with the problem of constraining the university's speech as a faculty member in the interdisciplines, which have been politicized for decades and which have been under explicit attack for the last 10 years, and is concerned about the chipping away of student academic freedom as well. The student centers are, because of the race, gender, and ethnic politics in this country, political entities and requiring that they maintain neutrality is insane, but more importantly, an incursion into academic freedom.

Mr. Post first responded to the second letter's concern, and said he has seen the letter to the Women's Center and this is what he referred to earlier about neutrality and mission – you cannot be neutral to your own mission – it would be contradictory. He asked what the administration was saying to Yale Women that they have to be neutral about? He said it's very unclear and yet the dean's office seemed to slosh around with the word neutrality as though it meant something, and it doesn't mean anything with regard to the mission, and they didn't want to say, "this is the mission and this is not the mission," which is a different argument. He said to say "neutrality" and to apply it to something that is plainly within any ordinary sense of the mission – he said he doesn't understand what that means and doesn't think anyone understands what that means, and he thinks this is something that the Senate could investigate and talk about because it comes

within the Senate's purview. And, he said, it goes to the point about different units within the university having different missions, and how to think about these centers which are quite different.

Mr. Post said, regarding student academic freedom, nobody has any idea what student academic freedom is, and there are no major documents in the U.S. about what it is, and when people try to formulate what student academic freedom is, it tends to be defined negatively vis-à-vis the faculty. So we're supposed to teach, but we're not supposed to indoctrinate and therefore students have the right not to be indoctrinated; we're supposed to teach, but not harass, and therefore students have the right not to be harassed; we're supposed to teach, but we're supposed to grade on the criteria and therefore students have the right to be graded on those. So this is not academic freedom as a positive, generative force the way it is for faculty. So when people talk about student academic freedom, it's a rhetoric, and he thinks one wants to think exactly what they are saying, and is it not any different than defining what the appropriate roll is of the university or of the faculty with regard to students.

Mr. Post said with regard to the first statement, it is very passionate and he feels there is general agreement that we don't want a principle that the university cannot speak. He noted that every time you put out a statement (or don't), you get attacked, it is an untenable position that you end up having to say everything about everything. You need to be extremely selective and careful, so this is something you might want to give some thought to, which is what is the mission of the university with regard to teaching? When we think about the American university in the 1950's, it was *in loco parentis* or *in place of the parent*, so it was teaching young people how to have good character. He said the role of Yale throughout the 19th century was to produce young, good Christian gentlemen, and it kept this impulse throughout at least the first half of the 20th century – we were responsible for the moral development of our students, having jurisdiction over every aspect of them, and if they did something immoral off campus, we were responsible because we were in the place of a parent. In the 1960's came the free speech movement and the U.S. Constitution was amended so that people could vote at 18 and we are separated from the role of being a parent and there just to educate students, and what they do outside of the university is their business. **Mr. Post** said that it is his understanding of what undergraduates are claiming now is that they want the university to be *in loco parentis* – when I hear words like “it's my home” and “I want to be safe.” When students demonstrated in the 1960's, it was against the administration. He noted that until the Israel-Gaza controversy, students were demonstrating to bring in the administration – that they should be acting in a certain way – live up to your parental responsibilities. So, he said, this is a deep issue of what the appropriate role is of students, and what appropriate statements are necessary to protect that teaching role. Do we want to be *loco parentis* as we're invited to be by many students? This is a deep issue here underlying our teaching mission and what it is.

Mr. Solomon asked if part of the Yale mission includes a moral obligation to improve the world, and current right now would be advocating policies to remediate climate change. He said he was imprinted in the sixties and seventies by Yale having President **Kingman Brewster** and Chaplin **William Sloan Coffin** speaking out on whether we should be in Vietnam, which affected every

student at Yale or at least a majority of them, and also Yale spoke out on civil rights. He asked if it is the place of Yale and universities to do that, or even an obligation? **Mr. Post** responded that it is not an obligation, and if it were our obligation we would be speaking a lot more than we are speaking so it cannot be an obligation. Would it be permissible to speak out – **Mr. Post** said it depends on the circumstance. He asked to imagine speaking out against the Hungarian suppression of the Central European University. That’s not our environment but it’s about the status of higher education, and could we speak about that – yes. Might we want to – yes. Would we or should we – it will be a trade-off and a matter of statesmanship. He said, you ought to be very careful how you pick your fights because you have more to lose than to gain in 99.5% of the cases.

Alicia Camacho said that she is speaking as a head of a college, and asked about speaking about matters that are not extraneous to our world here at Yale and that deeply affect our students. She said there are only 14 Heads and that they have drafted a letter and cannot agree on the contents of the letter, which shows how difficult it is to draft a statement for the unit itself, and where there are matters that affect our students very deeply we’re concerned about the level at which you apply these principles – are they just about the President, about deans, heads of colleges, heads of cultural centers? She noted that our mission is to look after all of our students in ways that make them feel Yale as a whole (to paraphrase what you said) cares and she is still not clear about what direction we should go and about the matters that are deeply personal to our students, and she asked if **Mr. Post** had anything to add that would be clearer. **Mr. Post** said he doesn’t know of a policy for any university that would prevent the head of a college addressing matters which are directly implicating their mission. This tends to be about matters that are of public controversy, which are not our mission, and then the question is going to be, “what is the mission and what are its parameters?” And, “how broad do we define that mission?” **Mr. Post** said that he does not feel there is any way to specify these in advance. **Ms. Camacho** said we need to be very careful so if I were the President, I could speak about matters that are deeply affecting my community, but I may choose not to, and that sends a signal to all the other units about speaking or not speaking about something, and in a way, the top leadership is setting the tone for all the other units to follow. She said she feels the position of the professors is the easiest because we are tenured and we speak on matters that we choose to but it’s very difficult for the leaders of centers, deans, etc. **Mr. Post** said when he talked about a policy of institutional restraint, that was for matters extrinsic to the mission, not of the mission, and he feels university officials have to be able to speak about their mission, and he wouldn’t put a policy of restraint on that, and that is up to their judgement in any particular situation. He said he would never put handcuffs on the ability of an administrator to speak about matters that directly implicate their mission, and to him, it would make no sense. You have to trust them to do their job.

Ms. Gage from Yale’s mission statement: “Yale is committed to improving the world today and for future generations through outstanding research and scholarship, education, preservation, and practice. Yale educates aspiring leaders worldwide who serve all sectors of society. We carry out that mission through the free exchange of ideas and an ethical interdependent and diverse community of faculty, staff, students, and alumni.” **Ms. Gage** noted that as a mission statement, it’s pretty broad and it’s not particular to certain parts of the academic process as we were talking

about, and this is just a point of clarification. She asked **Mr. Post** what his thoughts are, and it seems one of the pieces that is producing this as a matter of debate at the moment is the fact that there is an issue of great passion and great division, however it's also that a lot of the politics have become centered on universities in particular. So, both students and the public are aiming their anger at university administrators (talking about Israel and Gaza). She said in the great scheme of things, university administrations are not super influential players in this catastrophic global and regional situation. She said it seems part of the politics is how is a university going to be able to effectively govern itself in these situations, and in particular, there seems to be a lot of anxiety about what's been happening to university presidents for whom this has been a difficult and terrible situation, and who have been falling one after another. She wonders how protecting the university's ability to function fits into all of this, or even protecting university leaders' ability to lead – is that what this is about, and asked for **Mr. Post's** thoughts. **Mr. Post** said he has always read Yale's Mission Statement a little more narrowly to say that Yale seeks to improve the world by virtue of what we have expertise in, improve the world not because this is an abstract good thing to do, but because that comes within the realm of what we produce – young, educated men and women or knowledge of a certain kind and improve the world by virtue of that work, and connected to that. He said he would encourage everyone to read it now like that, because if you read it broadly, we're the universal do-gooder and that doesn't seem to be reasonable. **Mr. Post** said there are throughout the world now, populist movements that are anti-expertise – you see it in the COVID crisis, anti-medical expertise. But the fount or all expertise is the university and so we are a great target in this politics of populism right now. He said universities are target number 1 for a certain kind of politics, and he is not surprised that university presidents are going down like bowling pins. He said it's a hatred of fact that we produce an expertise that is hierarchical which is not, which does not put politics over everything. He said there is no respect for an attempt to tear down the distinction between a sphere of knowledge and a sphere of political power, and we stand for the separation of power from knowledge and that's intolerable to a certain kind of politics and our university administrators will have to defend us from that, which is why he thinks university administrators ought to think many times before they get involved in a controversial issue extrinsic to the mission, and when you're dealing with the mission, they have to be there to defend it because they have no choice – we have to defend what we do or no one will defend what we do. However, when it comes to statements that you didn't need to make because it's not about our mission, that's painting a larger target on our back in a situation where the politics have already put a target on our back, and this is my own intuition and why I suggested some sort of policy of institutional restraint with respect to statements that do not involve our mission directly.

A speaker said she agreed with everything that was said with respect to the old mission of producing and disseminating knowledge, however when the mission says it's to improve the world, doesn't that demand speaking out about global catastrophes and conflagrations. **Mr. Post** said, in his view, the statement means improving the world by virtue of what is within our particular expertise.

Alessandro Gomez said that we should define the mission - revisit it and define it in a clear-cut way, and **Mr. Post** agreed it would be helpful, however difficult to carry out. He also said we

need to look at the School of Public Health, the Nursing School, and the Law School, and realize that from an FAS point of view, it is incomprehensible that they should be part of the mission because they are different. **Mr. Post** said in his view it is appropriate to use the expertise of the Law School when it is relevant to what is happening in the larger society.

Ms. Camacho noted that the question about institutional voice has occurred not only about this war and questions that divide us, but around the criminalization of bodies of scholarship tied to race, and the Supreme Court has rolled back the ability of institutions to pursue affirmative action to defend particular rights of minoritized groups, and she said in this instance, part of what we call DEI was fully opened in the debate about all of what was happening on campuses this last year, and behind much of the attack on student mobilizations and on institutions like Yale, and was not simply the question about what was the status of people's feelings about Israel or the circulation of anti-Semitism on campuses, but also the question about who attends this school, and what policies allow people in the fields like mine - ethnicity, race, and migration - to operate in a school like this. And, the question about what the institution speaks up about, what it's willing to defend, and where it's going to go. In the past few years there have been bomb threats to historically black universities, and colleagues here worked on the curriculum that was banned in Florida. And, there is a declaration by a presidential candidate that he will end DACA. She said that the question of controversial issues to her is often phrased with an imagination that we are a U.S.-based institution with a relatively stable population, and the events of the last few years show that in fact our student body and faculty represent a global community with a global sensibility about what the mission is, and what issues are germane to our mission, and one thing I hope for in this process is that we would take more time to review how many different kinds of assaults are coming against institutions, and one of which is going to require academic leadership to be a voice for a lot of issues that are extremely controversial and unpopular, including with our alums and investors, in order for a person to be able to work freely and operate and to continue to defend the work of what we've built here. She said a lot of this debate is about managing the diversity that's been created within an institution which makes the question of neutrality very different from what it was when the Chicago policy was written. **Mr. Post** responded that what the speaker stated is very right and very deep. He said that the larger picture is that if you look at the political alignment and controversy in the U.S., one of the best predictors of whether you're right or left is a university education, and that has become important in distinguishing the parties and what your politics are, and has huge implications for universities and the kinds of attacks that we can expect to have us. When this becomes a national political issue that's taken up by major parties, universities and the expertise and the education that we represent becomes a political issue at the national level, and this changes the ballgame altogether and will require a form of leadership that will be extremely adroit and effective - and effective does not mean you speak more - it may or may not. However, we don't want to handicap our leaders by saying you can't speak. On the question of defending the mission, **Mr. Post** said it doesn't mean that you cannot say something controversial, the question of defending the mission on any account of institutional neutrality is you have to defend the mission, controversial or not. Controversy is not the relevant variable when it comes to distinguishing what is the mission and outside of the mission. Inside the mission, whether it's controversial may be a reason to speak or to be quiet,

and you have to be careful about what you do and when you don't because your objective is to be as effective as possible to defend the kinds of values that you're talking about.

Mr. Van Tassel asked about a president or other university leaders speaking on their personal views versus speaking on behalf of the university – imagine we make an institutional neutrality statement, there would still be some freedom for the president to give his/her personal opinion, and how would that work? He asked if a president would have to clearly state what he/she was about to say is their personal view, and when they are done, say this is my personal view? **Mr. Post** said he thinks that there is no such thing. **Mr. Van Tassel** asked if a doctrine of institutional neutrality stifles the professional ability to comment would have to stifle all commentary by the university about how it felt as a team? **Mr. Post** said that any time he made a statement (when he was dean of the Law School), whether he said it was personal or not, it was on behalf of the Law School, except when he was talking about his own scholarship – he could go to a conference and give his papers and talk about his work and everyone understood it to be his work, and no one would confuse it with the Yale Law School. And, he said, if he was out there saying things, however much he would say it's personal, people would take it to be (representative) of the Law School. So presidents, deans, and such are more constrained in what they say than faculty are.

Mr. Gomez said that given the vagueness of the mission statement, even though you interpret it in a certain way, it's subjective. Less is more, so if you advocate de facto neutrality because that statement is so big that otherwise the President or the Provost would have to speak on just about anything that happens in the world. **Mr. Gomez** asked if this is a fair way of characterizing this issue. **Mr. Post** replied that he would never use the word neutrality because he doesn't feel that it's a meaningful word. He said he thinks the idea of restraint is meaningful, statesmanship is meaningful, however he doesn't know what neutrality means – neutrality between what and why? He said that framing it as neutrality is supposed to be a liberal position from nowhere and he doesn't think it makes sense. He said what makes sense is “do you talk or don't you talk, and why.” This is to him a meaningful question, and he will always be careful about talking and you will want to be careful always, and especially careful when it's not a part of the mission of what we're doing.

Ms. Bozovic made a point about the chilling effects of a policy restraint and its trickle-down effect, and noted she feels compelled by what **Mr. Post** is saying, and agrees that it is an approach one could accept personally, I should not speak on matters that I don't have the ability to speak to. But, she said, it's one thing to personally exercise such restraint and aspire to such restraint, and another to insist on it as a policy for others. So to tell **Mr. Solomon**, for example, what he should not speak about is very different than choosing not to speak oneself. The language of neutrality can trickle down if we start considering neutrality as such an inherent good and associate speech with lack of discrimination or discretion. This will, moreover, most impact faculty working in interdisciplinary fields, what happens to WGSS, ER&M, where neutrality is impossible. **Mr. Post** replied that we're not advocating restraint as a general virtue. What we talk about is the official role of the official spokesman for the university, and faculty should show no restraint: this is what your academic freedom gives you the ability to do – and by all means exercise it. Nothing we're saying here has anything to do with you as a faculty member. It has to

do with you as an administrator speaking for the institution of the university. This is what we're talking about and the restraint, and it's about how to position the university to achieve its goals in the most effective fashion, and as a general matter, if you don't start speaking about every controversial issue, it's going to be redound to your benefit. Choose your battles. He said he hopes it would not have that effect on faculty, and the idea that when the university does something, it shows faculty, and he came back to the key point that it is the Kalven Report that hints at this, the Goldwater Institute report states it flatly, the University of North Carolina states it flatly that it chills faculty speech, and whether it chills faculty speech is an empirical question. And if the empirics show that you're going to speak in a way that chills faculty speech, you should not do it because that's a violation of academic freedom. He said that's a violation of academic freedom and it has nothing to do with an independent value of neutrality, and it has to do with the fact that you should never do anything that chills academic freedom and that's the first principle of the university administration. He said that when the university speaks, what will be the effect on faculty, and if it is chilling, then don't do it.

Mr. Solomon thanked **Mr. Post** for his presentation, and introduced the discussion on the search for the next FAS Dean with members of the FAS Dean Search Advisory Committee, chaired by **Marvin Chun**.

Marvin Chun, chair of the FAS Dean Search Committee began the discussion and was joined by committee members **Emily Erikson, Roderick Ferguson, Verity Hart, Nilay Hazari, Anthony Kolesky, Fatima Naqvi, Nilakshi Parndigamage, Ian Quinn, Douglas Rogers, Mary-Louise Timmermans, Rebecca Toseland, and Meg Urry**. **Mr. Chun** noted that the committee is not charged with selecting the next FAS Dean – the Dean will be selected by the President and Provost. He said that the committee's charge is to provide a list of unranked candidates based on input from the community. **Mr. Solomon** noted that the committee provided 5 questions, which were given to the whole community to provide feedback. The questions are:

- What does the FAS Dean's Office do well?
- What are some opportunities and challenges that the FAS Dean's Office should address?
- What should be the priorities for the FAS Dean's Office? Are there constraints or tradeoffs?
- What are the key competencies needed in the next FAS Dean to achieve these priorities? In evaluating the skills of candidates, the committee will consider administrative and leadership experience, preeminence in scholarship and teaching, financial management skills, relationship-building ability, and strategic vision. Optionally, are there colleagues you wish to nominate for this role?
- Is there anything else the committee should be thinking about?

Mr. Solomon noted that FAS Dean **Tamar Gendler** did many things very well, and met all of the qualifications for the position. He said that today we will talk about what opportunities and challenges the FAS Dean's Office should address. He began with retentions, and that we sometimes lose faculty we want to retain, especially National Academy level women in the sciences. He said the university eventually matches outside offers, however they start out by low-balling and then losing the faculty member during negotiation by being too concerned with overpaying. **Mr. Solomon** also mentioned budgeting and providing funds for little things that people ask for. He noted that Dean Gendler notes that requests get turned down because it costs something else somewhere.

Ms. Urry said when she came to Yale 23 years ago, Yale was a faculty-governed institution – it felt and behaved that way. However now, she said, it is not that way and in part, it's because of the creation of the FAS Dean's Office that makes it feel somehow more parental. She said we need someone who understands the role of faculty in governance of the institution.

Mr. Van Tassel said this is a real moment to focus on the question of central control, which has been what the FAS Dean has given us, or steer it more local, and it depends on the personality of the person who is ultimately chosen. He asked if the committee is thinking about this as it constructs its list, and how this person might approach the job of delegating versus being in control? **Mr. Chun** replied that this is definitely part of the search charge, and we're asked to consider all types of characteristics including temperament, ability to build relationships, the ability to listen – all key features that the President and Provost want to see in the next Dean. **Mr. Chun** asked the Senate to let the committee know of anyone who fits these characteristics.

Ms. Gage noted that the FAS Dean is someone who has to say no, and also is supposed to be an advocate for faculty-oriented sciences in the broader structure of the university. She feels these are quite different in many ways, and noted that faculty feel vulnerable when they go to the central administration and ask for something and there is the question of “are you valued” whether it's a department or individual or a center. She said she hopes that the new Dean is someone who, even when the answer is no, people still know that they are valued and championed.

Mr. Gomez said he is not concerned about how diplomatic the Dean should be, but about reformulating the system to have appropriate faculty governance. He said there are two fundamental problems – first is the asymmetry of information, because the Dean knows a lot more than we do and when we try to find out more, we are frustrated. The second point is the fact that there is no transparency, and the two are interrelated and until we change those two things, there is no hope in finding someone who would be a good FAS Dean.

Andrea Aldrich spoke as a representative of the instructional faculty and said in the last few years, benefits and the status for instructional faculty have improved, which we hope will continue, especially for funding of professional development, and she would like to see recognition of the heavy lifting that instructional faculty do, especially with first- and second-year courses. Also, she would like to see improved job security and to be able to be reappointed

with enough time to plan for life a few years ahead. She also said just keeping a dialogue going and meeting with us, and consider our role at the university.

Ms. Bozovic asked what the FAS Dean is positioned to do, especially if we push back against some forms of administrative centralization – what can such a figure accomplish instead? Such a figure could work against research and teaching silos at Yale more generally, which is and continues to be a problem within divisions and across divisions. There are a number of examples where the complete lack of communication between one area (department, school or program, might invite the same speaker for 4 different events across campus with no idea that they have done so). She feels that **Dean Gendler's** office has done a lot of work looking for more communication and trying different initiatives to encourage collaboration, and this is something we need to keep pushing for an FAS Dean to be in position to do .

Jing Yan mentioned the financial aspect of the position and noted oftentimes pocket money is allocated to FAS, and the Dean is the one who decides how to allocate it to the different sections. He knows there are activities such as fundraising where funds trickle down and are distributed, however departments may have their own needs, and he asked if it is possible to have a more creative way for the distribution of money to suit the needs of individual units?

Michael Loewenberg said it has been mentioned about having more goodwill and less a feeling of being disciplined, and he feels that this works against the diversification of faculty – different people feel a different sense of belonging, and the ones who feel like they belong know how to fight in that situation, and those who don't, don't. He said he feels that this works against us and it may be important for what we want to accomplish.

Mr. Solomon said praising the Dean is not often the most constructive kind of feedback, however he said that over time, the former and present chairs of the Senate have developed a productive working relationship with **Dean Gendler**, and he hopes this continues with the next dean. There have been some ups and downs, however at this point, the Dean has been frank with us in a way that helps us not waste our time on some things, and she also trusts us at this point, so we hope to continue that relationship and that the next Dean will be open to a productive relationship with the Senate.

Mr. Loewenberg said that top down has been the traditional culture at Yale and feels that a disadvantage of this is that it works against getting more people to join our faculty.

Mr. Fischer said one of the changes he has seen over the last 10 years is an attempt to quantify and make rules for carrying out the activities of the university in ways that used to involve more human judgement – and all of this in the name of fairness. And, he said, he knows that **Dean Gendler** on several occasions has raised fairness as the reason for requiring faculty to submit a faculty activity report. However we have many other training obligations that the Faculty Handbook and the policies in it seem to be attempts to codify into impersonal rules to make everything fair, but the downside is it also makes people feel less valued and less respected.

Ms. Yiengpruksawan said she has a different structural notion of the relationship between the Senate and the administration and needs, and it is what Woody Allen says about God - “we are the loyal opposition that we are here to question, and yet accept.” She said she hopes that the next series of administrators, and also we as a group, have a position of difference sometime, and that it not necessarily work for the administration, and having a conversation that we might oppose or not. She thinks that it’s really important to have a space to ask the kinds of questions that we have been asking, and the Senate has grown beyond her wildest dreams when activating an activist role. She doesn’t want us to lose sight that we’re here to push and to ask hard questions, and that requires a strength of character to be able to work in sometimes an antagonistic atmosphere.

Mr. Yan said he hopes that the future candidate can strongly support the growth of Senate efforts. He said it is an urgent need to think about the growth of the student body, and hearing that we have grown our faculty by 10% is not catching up with the increasing need of the student, and the development of many subjects.

A speaker said she agrees with some colleagues about the issue of central abilities and the capacity of instructional faculty, the renewal process, and transparency, with the department to be part of the communications process.

Ms. Sweeny commented that **Dean Gendler** has the talent of speaking the language of three divisions nearly fluently on the S side of FAS. She said Yale is going to grow, and SEAS is now its own school, and she understands that there is going to be a large investment to the School of Engineering in order for science in FAS to grow intelligently, and it’s going to be important that there is close coordination and understanding between FAS and the growth in SEAS.

A speaker noted that when faculty make a point and then become part of the administration, there seems to be a distancing from their previous set of concerns and desires. He said he realizes that being in the administration involves a different view of things, but it strikes him as problematic how these things become divided. He said the committee could emphasize how someone who is still interested in teaching, research, and whatever else keeps them on this side, so that it’s not two divisions, and it will be helpful for anybody in the administration to continue to view the growth of the university by proceeding along.

Ms. Gage said she believes the FAS Dean should be a great scholar, which is hard because the Dean’s office is this huge administrative job and sometimes we’re fortunate to have someone who combines all of these things with great talent and energy.

Mr. Solomon thanked **Mr. Chun** and his committee for attending the Senate meeting. **Mr. Chun** said there is a web form for everyone to use to send additional comments and suggestions for the FAS Dean’s position, including anonymously posted ones.

Mr. Solomon adjourned the meeting at 5:35 PM.