

FAS-SEAS Senate Meeting

January 16, 2025

3:30 pm – 5:30 pm

Dow Hall, room 100 (370 Temple Street) and on Zoom

APPROVED

Attendance:

Mark Solomon, Chair; Marijeta Bozovic, Deputy Chair; Dinny Aletheiani, Neta Alexander, Michael Fischer, Beverly Gage, Alessandro Gomez, John Hall, Valerie Horsley, Michael Loewenberg, Maria Piñango, Constance Sherak, Kathryn Slanski, Jason Stanley, Alison Sweeney, Julia Titus, Rebecca Toseland, Meg Urry, Robert Wooster, Jing Yan, Mimi Yiengpruksawan

Senators Absent: Andrea Aldrich, Valerie Horsley, Gerald Jaynes, Mordechai Levy Eichel, Paul Van Tassel

Guests: Sandra Aya Enimil, Jeffrey Brock, Nicholas Christakis, Michael Della Rocca, Julian Posada, Stephen Slade, Steven Wilkinson

FAS-SEAS Senate Chair **Mark Solomon** called the FAS-SEAS Senate meeting to order at 3:35 PM. **Mr. Solomon** noted that the FAS-SEAS Senate Executive Council is meeting with the new FAS Dean **Steven Wilkinson** on Tuesday, and asked that suggested topics for that meeting be sent to him or Senate Deputy Chair **Marijeta Bozovic**.

Mr. Solomon noted that the Senate needs to recruit new members: we are losing experience, wisdom, and rabble rousing at the end of this year when Senators **Alessandro Gomez, Valerie Horsley, and Paul Van Tassel** each complete three two-year terms on the Senate. There may be more senators who will not be running. We need new senators with enthusiasm and energy: that was why the Senate was founded, and we also need people who will work with Yale's newly formed chapter of the AAUP. **Alessandro Gomez** said he doesn't see competition between AAUP and the Senate and noted that the Senate is an elected body representing the FAS and SEAS, and the AAUP is a volunteer organization that may be tolerated but has no official relationship with the FAS and SEAS deans. He noted that the AAUP has the advantage of having the expertise of people from multiple professional schools as members, and while the possibility of creating an all-inclusive Senate at Yale is an interesting idea, it would take much planning and years to achieve. **Rebecca Toseland** spoke for the Outreach and Elections Committee that plans to organize a number of outreach events to excite and encourage people to run for the Senate and asked senators to talk with their colleagues about their experiences on the Senate, and she is happy to talk with anyone interested. **Ms. Bozovic** suggested reaching out to Senators who have served three terms and have been off the Senate for a while to consider running again, noting that this can bring experience and leadership back to the Senate. **Mr. Solomon** noted that instructional faculty have been awesome, but we now lack senior ladder faculty on the Senate. **Ms. Toseland** noted that the three senators who are terming out are senior faculty members. **Mr. Gomez** asked if there are too many senators, and perhaps we need to think about this. **Ms. Bozovic** noted the reasoning for choosing the number of senators has to do with representations

across divisions and ranks, however if that is not working, she agrees with reconsidering the size of the membership. **Mr. Fischer** said there would be more interest in the Senate, and especially for senior faculty, if it had well-defined governance responsibilities with a clear function. **Mr. Solomon** noted that the Senate was set up as advisory and feels that when the things we advocate for are adopted, it makes our efforts successful and more than just advisory. **Mimi Yiengpruksawan** said she spent time looking at the *Faculty Handbook* and reviewing the minutes from previous years, and noticed that the Senate is not bound up with the administration on multiple levels. She suggested that we should try to recruit new people who have not been part of the administration and perhaps would have more unexpected perspectives. She encouraged reading the minutes from previous Senate meetings, and she noted that many of the conversations we are having now are being repeated from the past. **Jason Stanley** noted that the administration seems to pick the same 10 people to serve on all committees, and when those people are in this room as well, it makes us (the Senate) look pro forma. **Mr. Gomez** commented on the growth of instructional faculty on the Senate vs. ladder faculty and said it is partly due to the successes that the Instructional Faculty Committee has had with the administration, which is to be celebrated. Regarding other matters, we have scored some successes but they are under the radar and don't have much that we can point to as our accomplishments when we recruit new senators. We have Senate reports and resolutions, however he feels the Senate is seldom given credit by the administration even for raising issues through those reports. He feels we need to demand more attention. **Mr. Solomon** acknowledged all comments and said they will help in our recruiting efforts.

Author's Rights Policy – Sandra Aya Enimil

Mr. Solomon introduced a conversation about *Author's Rights Policy* prompted by librarian **Sandra Aya Enimil**. Half of the Ivy plus universities have something like this policy that involve two components: 1) on publication, authors retain the copyright and not the publisher; 2) and they provide a license to Yale for open access distribution of the work. He explained that many journals charge a huge amount of money if you want your article to be open access, and this policy would allow authors to bypass that system and make their work open access right away with no charges. He said currently faculty who publish something and want to republish, or republish data, have to haggle over the journal that owns the copyright to faculty members' work. **Ms. Aya Enimil** showed a slide presentation explaining the *Copyright and Author's Rights Policy* and explained that Copyright protects original works of authorship that are fixed in a tangible means of expression. She said a lot of the work that faculty create, as long as it's fixed into a tangible means of expression, can have copyright protection and that protection goes into effect immediately, and as copyright owner you have the right to copy, to make derivatives, to distribute, perform, display, and you have the ability to authorize others to do the same thing, and the term of copyright is currently life of the author, plus 70 years. The copyright owner should be the author or the creator of the work - an exception to this is a concept called works made for hire for those of you where there's some industry components of the work that you do, if you worked for a company, the work you created as part of your job would belong to the company, not you. You could still be listed as the creator or the author, but the actual ownership of the copyright would belong to the company. She noted that academia, Yale included, does not ask for ownership of faculty scholarship. **Ms. Aya Enimil** explained the policy in detail and asked the group to look at suggest sample draft. She said that other institutions around the country have

similar flavors of this kind of policy. **Ms. Gage** asked **Ms. Aya Enimil** to clarify what problem this policy is solving. **Ms. Aya Enimil** explained that our goal is open access, making the work more available to people so that it doesn't get stuck behind paywalls and that there is a version that you have that you control and can put in an open access repository. And, if you wanted to, you could put it in your subject area and have a version that you can distribute. **Ms. Aya Enimil** detailed situations that are common and where faculty would be better served with this policy. **Jing Yan** said he is an advocate of this policy and gave an example of how it would have been beneficial to him in a situation he encountered when giving copyright over to a journal and what problems ensued that could have been avoided. **Ms. Bozovic** responded to the question of what problems this policy is out to solve and said in the humanities, Elsevier and other university presses own our work, whereas this policy gives us negotiating power with these entities. Moreover, other universities and notable peers have instituted similar policies, which gives those faculty the ability to disseminate their scholarship freely, to no ill effect and indeed to greater visibility. **Ms. Aya Enimil** provided details of the history of Harvard's policy. She also explained Yale's repository and how it works. **Ms. Urry** thanked **Ms. Aya Enimil** for presenting this information and said she does not see any downside to it. She did note that the policy does not apply to students and noted that almost all of her papers are collaborative with students and asked how that works. **Ms. Aya Enimil** said one can opt out for papers who are authored with students. The other way is to move forward with your copyright and with all joint authors, you have the ability of doing different things with that copyright except for transferring, and all authors have to agree with the transfer. However, there are different versions of these policies so there could be a version for students in the future. **Mr. Gomez** said we are in favor of open access and asked what would be the downside of giving non-exclusive license to Yale, and is it possible that a prestigious journal would refuse to publish if they know of this policy? **Ms. Aya Enimil** noted that these policies are not new and that we already have mechanisms to deal with publishers' expectations. She does not see a journal turning it down. Also, she said, you always have the option to opt out of the policy. **Ms. Yiengpruksawan** asked if courses that she has put on-line containing her work and course materials are protected under this policy. She explained a situation where her entire course, including her course materials, was put on-line and a company was charging people to access it. The company went bankrupt, so the issue has been solved. **Ms. Aya Enimil** noted that teaching materials (things that you create to teach classes) are viewed as part of your job duties and are technically the property of the University, although the University does not prevent you from using also these materials as part of your scholarly work, which is considered your property. **John Hall** gave an example of creating course materials with a colleague who then left Yale, and the question was whether the person could continue to use these materials after leaving Yale. The issue was resolved, however **Mr. Hall** asked, who owns the rights to textbooks? **Ms. Aya Enimil** said textbooks are still considered to be scholarly material. **Mr. Solomon** said 40 years ago a faculty member wrote a leading textbook on biochemistry and became rich, and he doesn't believe he shared his profits with anyone. **Mr. Solomon** also asked **Ms. Aya Enimil** why the Senate is requested to vote on this policy. **Ms. Aya Enimil** responded that the copyright belongs to you (the faculty) and you are the ones impacted by this. Therefore, your vote or your endorsement has an impact if this is something that you want to do. She said it can't come from the library and should not come from Yale University because the copyright belongs to you the faculty and you are the ones who need to make a decision about it. **Michael Loewenberg** asked if this would include material produced before the policy goes into effect. **Ms. Aya Enimil** said it would not apply to materials produced

in the past, and she is happy to help with any questions one might have when accepting the policy. **Ms. Gage** noted that it makes sense for people who write journal articles, and less for people who write books, so in this instance we could opt out. **Mr. Yan** noted that he writes articles with colleagues from other universities and asked how this applies to these types of situations. **Ms. Aya Enimil** said that the non-exclusive license that you're giving to Yale is one that you're able to give because it's not exclusive, and it's not a transfer of copyright. She explained that when you are talking to your co-authors, you will ideally have discussed copyright and where you want to try to publish the article and, who owns it, who's going to be the 1st or last author you. She said the everyone listed as authors are considered copyright owners. **Julian Posada** had a question regarding the scholarly articles in the edited volumes and said, for example, she has an edited volume of articles to which she is a contributor with many authors and she is the editor. **Ms. Aya Enimil** said if the work is broken up in separate individual articles or chapters, then it would be covered. She said that you can make this however you want and she can share the different flavors of authors' rights, statements, authors' rights policies, and open access policies, and all have different names and different kinds of flavors that are particular to the institution. **Mr. Fischer** thanked **Ms. Aya Enimil** for bringing this issue up and taking it as far as she has, as it illustrates a topic where the Senate can have influence, a topic that affects us all in different ways. He said it's time for Yale to do a comprehensive evaluation of the rights to scholarship produced by Yale scholars: if we want the best scholars in the world to be at Yale, then we have to make Yale an attractive environment for producing scholarship, and we don't want our faculty to say, "I'm not going to use this material in my class because I lose my rights to it if I do." **Mr. Solomon** remarked that we learned much on the proposed *Author's Rights Policy* and that we can vote to accept their draft as is, or make modifications right now, or we can refer it to the Executive Council for tweaking. He asked if people prefer to vote now. **Ms. Toseland** asked what the Senate's By-laws say about this kind of situation – do we have to draft a resolution? **Mr. Solomon** noted that the Senate's Executive Council can bring forward reports, resolutions, etc. and suggests that **Ms. Bozovic**, **Ms. Gage**, and **Mr. Gomez**, take time to review the policy and suggest appropriate changes before further discussions. **Mr. Hall** asked for clarification on what exactly the Senate is being asked to do with this polic. **Ms. Urry** said she does not think we are being asked to vote the policy in—the Senate does not have that authority, and she feels we are being asked, as a Senate that represents the FAS and SEAS faculty, for our opinion on the policy. **Ms. Bozovic** said it is her understanding that they are asking for a statement from the Senate that the library can bring to the administration and say they have faculty interest in a revised *Author's Rights Policy*, which we can work on for our next meeting.

Mr. Solomon presented the minutes from the FAS-SEAS Senate's November 21, 2024 meeting minutes for comments and corrections. **Dinny Aletheiana** submitted edits to the minutes. With these edits included, **Mr. Solomon** asked for a vote on approving the minutes from the FAS-SEAS Senate meeting from November 21, 2024. The minutes were unanimously approved.

Senate's Statement on Institutional Voice

Mr. Solomon asked **Ms. Bozovic** to speak about the Senate's statement on Institutional Voice. **Ms. Bozovic** noted that a draft of the statement was presented at the December Senate meeting and she and **Mr. Solomon** incorporated some of the suggestions that were made at that meeting in the present draft, and the Senate's Executive Council has reviewed this draft for it to be presented at this meeting. **Nicholas Christakis** commented that he has seen the last version of

this statement, and said that at the last Senate meeting he attended on this matter, and in several conversations he's had with colleagues, it appears that there's a lot of misunderstanding among faculty about what institutional neutrality means. He said that some think it means that faculty are now constrained in whether they can express political views on campus or off campus, and that is not the norm and the tradition of institutional neutrality outside Yale, nor what Yale's recently promulgated policy states - it's really the opposite. He said by having the institution forswear taking political stands, it increases the freedom of the faculty to express political views. Nobody says that if you are a department chair or a dean or a President, you are prohibited from expressing political views, only that you cannot speak on behalf of the institution. He wants to recommend that whatever the Senate does, it doesn't fall prey to such misunderstandings. **Ms. Bozovic** said part of what motivated the Senate's statement, which is an interpretation of the *Institutional Voice Policy*, were concerns from faculty and students that the policy was meant to deter more than it clearly was. She noted in revising the Senate's statement of support, we tried to emphasize the subtlety and significance of the Yale report for faculty colleagues, students, and university leaders, as details are often lost in summaries and media coverage. **Jason Stanley** asked if we could have agreement on what kinds of issue we do want the university administrators to speak affirmatively and politically on. For instance, he said, he is working with a legislator in Tennessee where it's illegal to teach divisive concepts at universities in Tennessee and are now deciding on criminal penalties for professors who teach these concepts. It seems to him that this is the kind of thing we want our university administrators saying we have free speech and committed to free speech in our in our classrooms. **Mr. Christakis** said that Yale has an anonymous bias response system which it's had for a while. **Ms. Gage** said that part of what this statement is for is to make that point, however she does not think we want to start enumerating in the statement the sorts of things that we want the University to comment or not comment on. I think the language is already there about being tied to the university's pretty broad mission, so it's actually not that that restrictive. She feels it gets more complicated and maybe works against us to enumerate these things rather than to just emphasize interpretively. **Mr. Solomon** said that there was one substantive change and other small edits of dates and trivia. **Michael Della Rocca** stressed that the spirit of our work is not a principle of institutional neutrality, and he's happy that that the Senate's statement recognizes this. He noted that no one's individual free speech is curtailed, and when people are speaking in their capacity as leaders, is where judgment is required. He said one thing that makes this different from a principle of neutrality is the emphasis on judgment, and that the leaders have to figure out what the best thing to do is in various situations. **Mr. Christakis** noted that Yale policy promulgated by the Institutional Neutrality Committee is actually laxer than most of our peers who have promulgated policies that don't allow for the kind of loopholes that ours does, and also ours is a kind of guidance and not even a policy. He noted there's no sanction if a department chair were to violate this rule at Yale, no mention is made, nor is there any expectation that anything bad would happen to them, and so in these respects our policy is not as strong as the policies of other elite institutions that we compare ourselves to. **Mr. Solomon** asked for a vote for adopting the Senate Statement on Institutional Voice. A vote was taken and it was unanimous in favor of the Senate's *Institutional Voice* statement.

FAS-SEAS Senate By-laws and *Public Works of the Senate* document

Mr. Solomon noted that there is tension between the Senate's *By-laws* and the document the *Public Work of the Senate*. *The Public Work of the Senate* was written after a non-approved

document made it into the *Yale Daily News* and other places, and so the *Public Work of the Senate* document says nothing goes outside the Senate until it's approved by the Senate. The *By-laws* say that any motion that's coming up for a vote – for instance any report - should be published on our website a certain number of days ahead of the meeting so that all constituents may see it. He noted that this has not been done for many years, however had we followed this procedure, it would have benefited the discussion we just had on the *Institutional Voice* document if **Mr. Fischer** and **Mr. Christakis** had access, and maybe other people would have commented on. However, he said, transparency is difficult when dealing with controversial issues, and not so when you have reports and statements that are not controversial and lend themselves to conversation and debate, and we would not be embarrassed if they were published in the *Yale Daily News*. What the *By-laws* now say is it's the expectation that things will be published on our website seven to 10 days ahead of time at the discretion of the Senate's Executive Council, and when something should not be circulated, it would not be. He asked for comments. **Ms. Yiengpruksawan** feels that if it's an internal document we are processing through committee that has not reached a stage where it is discussed at large and ready to be voted on, it should not be circulated. However, she said, if it's something that we are going to be voting on, the Senate represents the faculty so they ought to be in on this. **Mr. Solomon** noted he believes that the *By-laws* say that this is at the discretion of the Executive Council and of the committee creating the document and therefore working documents should not be shared. **Ms. Yiengpruksawan** stressed that documents that are open for discussion then should be posted. **Ms. Gage** said that in the early stages of the Senate, we publicly posted documents before they were to be voted on. She said it seems when a document comes to the Senate for a vote, it has already been worked on by a committee and edited, and has been reviewed by the Executive Council and sometimes circulated to all of the Senators for their feedback. She feels the presumption should be that if we're going to vote on a document, she can see a policy that says any document that is being presented to the Senate for a vote is distributed to the full faculty in advance of the vote. **Ms. Yiengpruksawan** noted that this was indeed the procedure that was followed early on in the Senate. **Mr. Solomon** said that the Senate has up to four reports that are going before the Senate at its February meeting, and noted that **Mr. Wilkinson**, who was involved in the creation of the Senate, raised this issue. **Mr. Wilkinson** said it is his recollection that in the early days of the Senate, documents were circulated beforehand, and he noted that there is always a risk that someone could misrepresent the intention of transparency, however it seemed it was worth the risk when we were crafting this rule. **Mr. Christakis** said people in the Senate should be able to deliberate privately, and not every correspondence should be made public, and on the other hand, we want to have transparency. He also noted that one argument in the Senate has been that the administration is not transparent and that they prepare reports which are suddenly released. He also noted the conversation at the beginning of this meeting where we talked about how it's the same 10 people who are put on the committees all the time. So I think we should model what we preach and said we're a group of adults that are intelligent and ostensibly devoted to facts and reason, and we should be transparent, and he feels we can be brave and transparent in general. He noted that there will be other areas where we don't want to do that and he feels that the *Executive Council* should be able to meet in private. **Ms. Urry** agrees that this is a good practice to follow and recalled only one case that involved a report from a committee that the Executive Council deemed unacceptable, and so in cases like that, because the Senate has to be a consensus body, if there is a report with faulty data or mismatched interpretation or incomplete and needs more work, it's confusing to post those reports because

the report was not ready. **Mr. Fischer** said he does not think the Senate's goal is to be a consensus body. **Mr. Solomon** noted that there is an Executive Council meeting on the upcoming Monday where they will come up with a plan within the bounds of our rules, and he hopes to have upcoming reports being presented at upcoming Senate meetings published for people to see.

Committee Updates:

Science and Engineering Committee

Mr. Gomez reported the committee met and decided to contact Dean of Science **Larry Gladney** and Dean of SEAS **Jeffrey Brock** to consult with them on various issues. He noted that it is apparent that fundraising in the areas of science and engineering are driven by the report of six or seven years ago on science strategy, and it still informs whatever decision the higher ups make, including what the trustees want. One question he noted that came up is maybe after six or seven years, and also considering that there was significant input from the Medical School at the time, perhaps either the sciences might develop their own strategy report, or at least we should revisit the report. Also, he noted, that report was never commented on by an independent voice, and was an internal document. He said when you serve on a committee, you tend to promote what you know best, and an independent adjudicator would have been beneficial and he wonders if the Senate can push for something like this that is usually a decision that rests with the Provost's Office. However, he said, perhaps some version can wind up in a final document that this committee can put together. He said in the case of engineering, we have been encouraged by the Dean to do self-studies at the departmental level to work on a long-term plan, including future funding requests, etc., and where we're heading in five to ten years, with the plan commented on by a blue-ribbon panel. He noted that something similar is in the works for the sciences. **Mr. Gomez** noted a critical situation has occurred with graduate student support that is a consequence of GESO unionization causing a drastic increase in the stipends of graduate students. And, he noted, compared to our peer institutions where graduate student stipends are fully funded if they run out of money, this is not the case at Yale and they remain on the grant. He noted that Yale also has a very high overhead rate – 8.5 points higher than MIT, 3 points higher than Columbia, and 5 points higher than Princeton, while the cost of living in New Haven is certainly not higher than in some of those places. He said that the Provost's office has offered to give temporary tuition relief to offset the increasing stipend, which is clearly not enough, so we plan to work out some figures to compare with peer institutions and look at possible solutions, which at very least would be 100% tuition relief to support teaching assistants that is comparable to what is done in peer institutions. Other possibilities are changing the overhead rate and developing a professional master's program, which is certainly an option in engineering but perhaps not in the sciences. He said we discussed it this morning in his department, and that we're thinking to putting together a firm disruptive statement saying unequivocally that the situation is untenable and changes have to be made. **Mr. Christakis said he** supports all of what **Mr. Gomez** said, and he at Princeton, when the boom struck 3 or 4 years ago and the endowments went up 50%, Princeton set aside several \$100 million to fund all science PhD students in perpetuity, which was exactly what Yale should have done, so we are very different than our peers. He noted that at Yale in the humanities and sociology, you don't have to pay for your PhD student – the professor doesn't pay - whereas in the wet lab sciences they typically do, which is what's creating this problem. Therefore, he said, Yale could just expand what it does in the humanities and social sciences to cover all the other sciences and it would not be a radical

change and would increase the power of the students. Right now, he noted, students are beholden to their lab and PI, and if they had their own funding, if the relationship didn't work out with the PI, or the student wanted to switch labs, they would be free to switch labs. He noted that we've created a kind of indentured class of people which is not a wholesome thing for Yale to be doing. **Mr. Solomon** and **Mr. Gomez** agreed with **Mr. Christakis**.

Governance Committee:

Ms. Gage reported that the committee has been working on the *Faculty Handbook* and trying to do a comparison of changes that have been made, the Provost Office's explanation of the changes, and noting whether they match up. She noted that mostly things look good, however there are cases where it seems bigger changes have been made than are being acknowledged. She noted another issue is defining what the *Faculty Handbook* is exactly. It has evolved over time from being a handy document for professors to be informed of university policy, that has become a contract that's just handed down from one side to the other with faculty not having much advance notice or having a say in the kinds of changes that are being put in the Faculty Handbook. She said the Senate's report will be about these comparisons and the question of how changes are made, what the *Faculty Handbook* is for, and what role the faculty themselves ought to have in weighing in and being consulted about what goes into it. The committee is also working on a report for our new Dean intended to be helpful and instructive. She said Senators were asked to speak to colleagues - chairs, officers, and department people - about their experiences over the last ten years with the FAS Dean's office and reflect on how well things are going, what areas have been really useful, where we've seen great improvements, and what areas are still points of frustration. She noted that the report is not intended to be a formal survey but a sense of faculty experiences with the FAS Dean's Office.

Peer Advisory and Ombuds Committee:

Maria Piñango reported that this committee is working on the arguments for having an ombuds office at Yale. She noted that there was a report voted on and approved in 2019. She said the committee is building on that report to convey that an ombuds office is something that is important and necessary, and report on specific issues that we've seen and what we've learned from our peer institutions. She said they found issues that are handled in the Ombuds offices at our peer institutions are widely distributed across units at Yale. **Ms. Piñango** asked **Ms. Yiengpruksawan** to talk about the *Faculty Handbook* issues that she has been working on and give a sense of where we are. **Ms. Yiengpruksawan** said she has been looking at patterns over the last 10 years, specifically the appeals process, noting that appeals take many forms and faculty members feel that they have been discriminated against. She said that there has been a specific pattern since 2015 and noted there is a certain inadequacy to this appeals process, and that's where the Ombuds idea and notion surfaced and was taken up by the Senate in 2016. **Ms. Yiengpruksawan** detailed disputes that have taken place, and concluded by saying that an ombuds office would present another way of approaching appeals and makes sense in this instance. **Mr. Solomon** suggested adding cases to the report where people have had experiences where an ombuds office would have helped, and these can be anonymous accounts. **Mr. Fischer** referred to a message from Graduate School **Dean Lynn Cooley** who said that the Graduate School is hiring a person to help students who have concerns, navigate the various systems to get help with their concerns, which, he noted, is another reason to consider an ombuds office at Yale. **Mr. Solomon** adjourned the meeting at 5:40 PM.