

Senate for the Faculty of Arts and Sciences Board Meeting
Thursday, March 10, 2016
Environmental Science Center Room 110
6:00 PM – 8:00 PM

Attending Senate members: Chair Beverly Gage, Deputy Chair/Secretary William Nordhaus, David Bercovici, Jill Campbell, John Geanakoplos, Shiri Goren, Emily Greenwood, John Harris, Ruth Koizim, Christina Kraus, Katie Lofton, Reina Maruyama, Yair Minsky, William Rankin, Douglas Rogers, Ian Shapiro, Katie Trumpener, Vesla Weaver, Karen Wynn

Non-attending Senate members: Matt Jacobson, Mark Mooseker, and Charles Schmuttenmaer

Staff: Rose Rita Riccitelli

Guests: Michael Fischer, FAS Dean Tamar Gendler, Henry Parkes, David Post, Robert Wyman, Bethany Zemba

FAS Senate Chair Beverly Gage called the meeting to order at 6:05 PM and welcomed guests to the meeting. She announced key dates for the rest of the year: March 31st at 4 PM there will be an FAS meeting to discuss the FASTAP report; April 14th is the next Senate meeting where we will hear a report from the Diversity and Inclusivity Committee and a report from Charles Schmuttenmaer and Shiri Goren on their trip to Singapore, and where we plan to review the Senate rules; April 8th members of the Senate's Executive Committee are scheduled to meet with three members of the Yale Corporation. On April 28th the Senate is hosting a "State of the FAS" event. Ms. Gage will report on Senate activities during this year, and FAS Dean Tamar Gendler will present a "State of the FAS" address. The event is being held in Kroon Hall's Burke Auditorium and the talks will be followed by Q&A periods and a reception for all at the conclusion of the meeting.

Ms. Gage presented the minutes from the February 18th meeting for review and vote to approve. The Senate approved the minutes of the February 18, 2016 meeting minutes without objection.

Ms. Gage called for committee updates.

There was no report from the Committee on Committees.

Vesla Weaver reported on elections and noted that there will not be a general election this year as current senators were elected for either two or three year terms. However there would be an election for the Executive Committee and chair and deputy chair.

Vesla Weaver noted that it was decided early on that members of the Executive Committee would be responsible for chairing Senate committees and this requirement has put an extra burden on these individuals. The proposed change in the rules would change this presumption, and that will reduce the burden on the EC members.

Katie Trumpener agreed that it is important to have representation of non-tenured faculty. Ms. Gage noted that for now, we are considering elections for the upcoming year only.

Ms. Gage suggested that, for this election only, the election would reserve the sixth slot for a non-ladder or junior faculty member.

Ms. Gage said that an e-mail will be sent after spring break with details on the voting process with a goal to have it completed before the April 28th "State of the FAS" meeting so that the new Executive Committee can be introduced to the faculty.

Ms. Gage asked for an update from the Budget Committee.

Mr. Nordhaus reported that the committee would meet with the Provost for an historical update on the budget and also to discuss budget data. The committee will also meet to set their agenda.

Ms. Gage asked Jill Campbell, the new chair of the Peer Advisory Committee, to give an update. Ms. Campbell said that the Peer Advisory Committee has handled two substantive concerns that were brought to their attention by individual faculty, and a third less urgent concern. The committee is handling one of the major concerns on an on-going advising basis, and the other has been resolved. She noted that the advice that the committee is able to offer draws on knowledge of the institution and the resources and processes available to address concerns. The committee members are educating themselves on these resources and have also found that there is confidential information on particular cases that they do not have access to.

Ms. Gage asked for a report from the Faculty Advancement Committee.

David Bercovici reported that there would be a discussion on the committee's Parental Leave Policy Report later in the meeting and that he hoped to receive an official endorsement from the Senate on this report. He noted that at the request from Amy Hungerford, the committee met for several hours with Jack Dovidio to discuss the new FASTAP report. He noted that this is an ongoing process and that once the report is released it is advisable to have a full Senate review of the report followed by a discussion.

Emily Greenwood presented an update on the Diversity and Inclusivity Committee and noted that the eight-member committee plans to circulate a draft by April 7th and present that report at the Senate's April 14th meeting for the Senate's consideration. Ms. Greenwood also announced that the committee would distribute a Diversity and Inclusivity Survey that Vesla Weaver created. The survey will be e-mailed to all FAS faculty. The committee hopes to analyze the responses and present a draft report at the Senate's April 14th meeting.

Ms. Trumpener said that she feels that all responses should be made available to anyone who wishes to read them in their entirety, and this detail can be specified when sending out the survey.

Ms. Weaver explained that with this survey the committee is promising confidentiality at the onset and plans to draw on illustrative material, which has been anonymized. She noted that the committee is not going to be able to see the identity of a respondent.

Ms. Trumpener agreed that this type of reporting makes sense.

Ms. Gage agreed and asked that the report to the Senate be moved to three days before the Senate meeting on the Monday before the meeting, April 11th. The Senate voted to extend the deadline for receiving the report to the April 11th date.

Ms. Wynn commented that, while she understands that all the comments received will not be made public, they should be made available to the Senate. Ms. Weaver agreed and will make the full responses and comments accessible to the Senate.

Shiri Goren noted that she and Charles Schmuttenmaer are visiting Yale's Singapore campus during spring break. They consider their role as an external review committee and their agenda includes interviewing experts on the region as well as faculty who have taught classes and students who have taken classes. They also developed a list of questions to work on while there that range from faculty governance and procedures to free speech issues, and will share their experiences with the Senate at the April meeting.

Ms. Gage presented the Yale College Expansion Report that has been revised to the Senate for a vote. Ms. Gage noted that once a report is accepted, it will be considered a finished report and will be made public by including it on the FAS Senate web site and distributing it to the administration.

A motion was made by Shiri Goren to adopt the Yale College Expansion Report as a full Senate report. Christina Kraus seconded the motion. **The Senate voted unanimously to adopt the Yale College Expansion report.**

Ms. Gage introduced Bill Rankin to open a discussion on the Parent Leave Policy Report.

Mr. Rankin noted that the committee took all of the comments that were discussed at the Senate's January meeting and incorporated them into the revised report.

Ms. Trumpener noted that on page 122 it states "As delineated by federal and state laws concerning family and medical leaves, a member of the faculty may take an unpaid leave of absence to care for a seriously ill spouse, parent (natural, foster, adoptive, stepparent, or legal guardian), parent of the faculty member's spouse, or child (natural, adopted, foster, stepchild, or legal ward) who is under 18 years of age or, if older, is unable to care for him or herself because of serious illness for up to sixteen weeks in year one and twelve weeks in year two in any two-year period." Ms. Trumpener objected to this provision and requested that the report give some consideration for these special cases.

Ms. Trumpener moved as an amendment to the report that this sentence be removed from the *Faculty Handbook*. The Senate approved the amendment to the Parental Leave Report.

Christina Kraus asked about the difference in the amount of leave granted to ladder faculty as compared to non-ladder faculty. Mr. Rankin said that the recommendation is to have identical leave policy for all teaching faculty.

Ms. Trumpener noted that faculty are currently asked to take on unpaid teaching for faculty who take maternity leave during a semester. She stated that this is objectionable. Mr. Rankin noted that the recommendations in this report already address this and there is no need to add anything to the report. He also said he wants to make it explicit that if there are two faculty members at Yale who are a couple and want to take leave together, that this would be allowed. Currently this is not allowed.

Mr. Rankin then made a motion to replace the phrase on page two "to maintain continuity in their research" to read, "to maintain some measure of continuity in their research."

The amendment was unanimously approved.

Mr. Rankin pointed to page six in the report under point 5 – and made a motion to add a sentence under this recommendation adding, “If there are two faculty members at Yale that they can take leave at the same time.”

The amendment to add a sentence under point 5 - “If there are two faculty members at Yale that they can take leave at the same time” was unanimously adopted.

Ms. Gage asked if there was any further discussion. Being no further discussion, a motion to adopt the report was made by Shiri Goren, which was seconded by Katie Lofton. **The Senate voted unanimously to adopt the Parental Leave Policy Report.**

Ms. Gage introduced the Faculty Conduct Standards and Procedures Report for continued discussion, noting that this report has been revised. She said that in the three weeks since the last Senate meeting, the Executive Council has had a number of discussions with the administration regarding the Senate’s concerns with the Faculty Conduct Standards and Procedures. She noted that there are two things to consider – one is the 5-point resolution that the committee offers as a formal Senate resolution, and the other is the full report that has a number of recommendations for how this process should move forward.

Ms. Gage introduced Katie Lofton to begin the discussion. Ms. Lofton summarized the report and the recommendations.

Ms. Gage emphasized the importance, when the new set of Faculty Standards and Procedures are written, that the FAS have an opportunity to review them, to discuss them, and vote on them. One of the most important details to consider is what the role is for the FAS in forming its own policies when they are asked to participate in policies that have been formed university-wide, and what their vote may mean

Ian Shapiro noted that the current set of Faculty Standards and Procedures were specifically written to solve problems in the Medical School and feels that there should be one committee to create a set of Faculty Standards and Procedures specifically for FAS and a separate committee to create them for the Medical School.

Ms. Gage opened the discussion by noting that the Senate had two options on the Faculty Conduct Standards and Procedures report from the committee. One option is the five-point resolution and the other is the more detailed report, to be commented on and considered separately or together.

Ms. Trumpener asked if we have a sense of how the rest of the University has responded to this report.

Ms. Lofton said that, outside of the Medical School, there was not an extensive discussion from other parts of the University among faculty. She also believes that the Medical School has already set up a procedure to deal with issues of misconduct.

David Post commented that there was a very broad conversation about the issues and how they impacted individuals across the entire University. Additionally, there was a desire to have a set of uniform standards and procedures across the University because we have faculty moving among units.

Ms. Gage noted that she posed this question to a member of the Faculty Advisory Council at the Medical School and it appears that they have not discussed the Standards and Procedures or made recommendations about them. Ms. Gage noted that there do not seem to be discussions such as those in the Senate elsewhere in the University.

Dean Gendler confirmed that no other units in the University have had conversations like what is happening in FAS.

Mr. Nordhaus noted that this is a very fine report and that the Senate has been engaged in creating this report over the last six months. He emphasized that point #2 in the resolution states that we do need standards. More important is point #1, which emphasizes that the standards need to be tailored to the problems – dereliction of duty by the faculty and the problem of bullying. These are the problems that administrators have mentioned time and time again. He stated that it is clear that we need another committee to look at the standards as well as the procedures and that the FAS should be deeply involved in this process. His preference would be for an FAS committee; however he also realized that the University administrators believe that this is a University-wide issue.

John Geanakoplos agreed that the resolution makes sense and supports the resolution. However, he disagreed with the recommendation in the full report of having a separate tribunal to deal with all of the complaints and did not feel that this is a good idea. This process excludes the deans and chairs from dealing with these problems. He points out that some complaints can be solved easily within departments and schools by the deans and chairs who know the parties involved, and if they are excluded from the process, simple problems can accelerate unnecessarily.

Mr. Shapiro noted that there was unanimity on the five-point resolution, and that the Senate should adopt this resolution. There was not unanimity on the rest of the report. In his view, which he noted is a minority view, these are not a good set of procedures because we still do not know what kinds of misbehavior we are addressing, so that most of the nine points on pages two and three should not be included in the report. He believed that a new committee should be formed to design the procedures once this committee has solved the problems with the standards themselves.

Ms. Lofton said that there are two votes to consider – one is on approving the five-point resolution, and the other is approving the report itself. She stated that the report outlined the committee's findings and therefore can serve as a record for future committees to consider and have as a background for their work. She also noted that, if the more egregious problems that were reported could have been handled in a day, that they would have been. However these were intractable and have to do with hierarchal relations of a nature that could not be handled by deans and chairs.

Ms. Trumpener made note of how we received the Faculty Standards and Procedures and that it was presented in a way that was a *fait accompli*. The FAS Senate committee was formed to ask the question of what these procedures mean. For those who are bothered by serial faculty bad behavior, we know that what had been in place to address these problems did not work and did not result in any substantive changes. And the deans and chairs that were supposed to address and resolve these problems were not successful in protecting against egregious and repetitive misconduct on the part of their faculty.

Yair Minsky commended the committee and noted that they were able to be critical of an

ongoing process in a very constructive way, which was a difficult charge. He also believes that the standards need to come first before considering the procedures.

Ms. Greenwood noted that the committee has been told that deans and chairs themselves have been habitually harassed and intimidated and bullied and therefore have not been able to intervene and penalize colleagues who have committed egregious infractions, and this in itself is a crisis. She held that there must be a comprehensive re-evaluation of the standards.

Ms. Wynn addressed the point Mr. Harris and others raised on the specifics of the nine points. The Senate report is not trying to do the work of a new committee – it is simply making suggestions for that committee to consider.

Douglas Rogers commented that he would like to understand fully Mr. Harris' concerns about having a review panel. Mr. Harris stated that he is concerned that too many incidents will be funneled to this panel and that there should be a way of separating the more routine and less drastic misconduct cases from the more important cases. He feels that we need more data on what the kinds of cases will arise. This information will help separate incidents into two classes, where the chairs and deans can handle some, and the others that cannot be handled by chairs and deans are handled at a higher level.

Ms. Lofton agreed with what Mr. Harris said and offered a resolution: "Any appointed committee that is charged to work further on these matters must include a serious and thorough account of the kinds of misconduct that occur at Yale that these procedures address."

Mr. Nordhaus commented that the five points in the resolution cover the central points that we have been concerned about, that there is a need for standards, that the current standards and procedures are unacceptable, that the FAS has to be centrally involved, that the panel has to look at the standards as well as the procedures, that the Senate does not accept that the standards are a fait accompli and cannot be reopened, and that they come to a vote of the FAS. There are other areas about the composition of the committee, what the charge is to the committee, the evidence, and whether the procedures will follow the ones already in place at Yale or will look to other institutions such as the AAUP. However, these are subsidiary to the five key points that the committee has prepared. He made a motion to adopt the resolution. Mr. Shapiro seconded the motion.

Ms. Lofton moved to amend the resolution to add a sixth point to read: "Any appointed committee that is charged to work further on these matters must include a serious and thorough account on the kinds of misconduct that occur at Yale."

Mr. Minsky suggested changing the word "include" to "provide." The amendment was changed to read: "Any appointed committee that is charged to work further on these matters must provide a serious and thorough account on the kinds of misconduct that occur at Yale."

Mr. Nordhaus accepted the suggestion as a friendly amendment, and Mr. Shapiro also accepted the amendment.

Ms. Gage presented the six-point amendment for discussion and vote.

Mr. Geanakoplos noted two concerns – one about data gathering, which the new amendment addresses, and the second that that it is unclear what kinds of misconduct require extraordinary

measures. He suggested that the next committee should determine what types of misconduct require “extraordinary measures.”

Ms. Lofton suggested using the term “significant” instead of “extraordinary.” She then re-read the sixth part of the resolution to read: “Any appointed committee that is charged to work further on these matters must provide a serious and thorough account on the significant misconduct that needs to be addressed in the FAS.”

Ms. Trumpener commented that she would like the amendment to be worded differently.

Ms. Gage pointed out that point #2 addresses Ms. Trumpener’s concerns.

Ms. Trumpener said she would like to see what range or severity of conduct would merit investigative action.

Ms. Lofton responded that the resolution includes Ms. Trumpener’s point.

Ms. Gage asked that the Senate decide either to vote on the resolution or table it until the next meeting.

Mr. Shapiro called the question on the six-point resolution. Douglas Rogers seconded the motion.

Ms. Gage called for a vote to close the discussion. The motion to close debate was passed. Ms. Gage then called for a vote on adopting the six-point resolution.

Ms. Lofton read the sixth part of the resolution: “Any appointed committee that is charged to work further on these matters must provide a serious and thorough account on the significant misconduct that needs to be addressed in the FAS.”

Ms. Gage asked for a vote on the six-point resolution. **The six-point resolution on the Faculty Standards and Procedures was approved unanimously.** She then asked for a motion to vote on the report.

Mr. Rankin was asked if it was still possible to remove the middle of the first paragraph and leave in the first and last sentences of that paragraph.

Mr. Rogers asked for another sentence to be added – another principle to be added to the section on procedures that says: “Clear guidance must be given on the difference between informal and formal procedures as well as on the appropriateness of each for various situations that may arise.”

Ms. Gage noted that the Senate is discussing the report with two friendly amendments – one is the deletion of much of the first paragraph under review procedures on page two, and the other is the addition on page three of a point #10 to reflect the need to distinguish between extraordinary misconduct and routine misconduct. Point #10 was re-read by Mr. Rogers: “Clear guidance must be given on the difference between informal and formal procedures as well as on the appropriateness of each for various situations that may arise.”

Ms. Greenwood noted that all cases of misconduct are very serious and none are acceptable.

Ms. Gage asked if there was a motion to vote on adopting the report. Mr. Rankin moved to adopt the report as amended. Christina Krauss seconded the motion.

Mr. Shapiro pointed out that point #5 referred to a review panel. Mr. Rogers suggested it read that any review panel recommended by any committee must be drawn from the faculty elected.

Ms. Gage then asked for a motion to vote to adopt the report that includes three amendments: One is the deletions to the paragraph under review procedures, two is amendments to points #5 and #7, and the third is point #10.

A vote was taken and the vote was unanimous to adopt the Faculty Standards and Procedures report with the associated amendments.

Ms. Gage adjourned the meeting at 8:10 PM.