

FAS Senate

AN ELECTED BODY OF THE FACULTY OF ARTS AND
SCIENCES
YALE UNIVERSITY

FAS Senate Meeting
Thursday, April 28, 2022
3:30 PM – 5:30 PM via Zoom
APPROVED

Present: Valerie Horsley, Chair; Aimee Cox, Deputy Chair; Sybil Alexandrov, R. Howard Bloch, Nicholas Christakis, Marta Figlerowicz, Miki Havlickova, Alessandro Gomez, Mick Hunter, Matthew Jacobson, Gerald Jaynes, H  l  ne Landemore, Paul North, Maria Pi  ango, Larry Samuelson, Kathryn Slanski, Mark Solomon, Jason Stanley, Camille Thomasson, Rebecca Toseland, Meg Urry, Paul Van Tassel

Staff: Rose Rita Riccitelli

Absent: David Bercovici, Elisa Celis, Ruzica Piskac

Guests: Yorim Alhassid, Beth Bennett, Alicia Schmidt Camacho, Jonas Elbousty, Michael Fischer, Michael Fotos, John Geanakoplos, Marion Gehlker, Tamar Gendler, Larry Gladney, Jim Glenn, Shiri Goren, Maria Kaliambou, Edward Kamens, Jennifer Klein, Timothy Keiner Ruth Koizim, Elka KristoNagy, Ninghui Liang, Kathryn Lofton, Yuan Lora, Jane Lynch, Riana Maruyama, Mary O’Brian, Lauren Pinzka, Daniel Prober, Dragomir Radev, John Roemer, Timothy Robinson, Peter Schiffer, Kim Shirkhani, Hong Tang, Julia Titus, Karen VonKunes, Mika Yamaguchi, Jing Yan, Qin Yan, Orit Yeret, Jenny Zhou, William Zhou

CLOSED SESSION: 3:30 PM – 4 PM (Senators only)

Faculty of Arts and Sciences Senate (FASS) **Chair Valerie Horsley** called the closed session of the FASS meeting to order at 4 PM

Ms. Horsley adjourned the closed session of the FASS meeting at 4 PM.

OPEN SESSION 4:00 – 5:30 PM

Ms. Horsley opened the FASS meeting at 4 PM and welcomed faculty who arrived via Zoom.

Ms. Horsley presented the minutes from the February 17, 2022 FASS meeting for approval.

Aimee Cox moved to accept these minutes and **Larry Samuelson** seconded that motion. A vote was taken and the minutes for the February 17, 2022 FASS meeting were unanimously approved. **Ms. Horsley** announced that last month we sent a survey to faculty for approval to change the By-laws and increase the membership of the FASS from 22 to 25 members as well as changes to the distributional representation. She reported that 160 faculty voted with 90% approval to ensure that SEAS is still a part of this body as well as giving additional representation

to SEAS and fixing the numbers of divisions. **Ms. Horsley** also announced that FASS is having an in-person, non-formal faculty social event on May 4, 2022 and all faculty are invited to attend.

Ms. Horsley thanked Jason Stanley for starting the initiative to have us all stand in solidarity and against gag-orders on curriculum and asked him to present the *FASS Resolution on Educational Gag Orders*. **Mr. Stanley** noted that in 36 states, laws either passed or pending prevent the teaching of divisive concepts including white supremacy, concepts related to gender, concepts that would cause psychological disturbances if they were taught to students. Many of these initiatives target K through 12, and some of them target colleges and universities. He explained that it is impossible to teach for instance United States history without using a concept like white supremacy. He said that as these bills have gone through State Houses, people have recognized some of the internal contradictions. He noted that Indiana's Bill went down in flames, but it is not clear that all will pass. He said that these bills are a clear threat to all of our colleagues, and a clear threat to academic freedom. He said there are many academic senates across the country who have passed resolutions, and we have written our own that he feels is powerful, and he feels that we need to stand in solidarity against these gag orders. **Mr. Stanley** read the resolution as presented:

April 28, 2022

Yale Faculty Senate Resolution on Educational Gag Orders

WHEREAS, the Senate of the Faculty of Arts and Sciences of Yale University (FASS) was established as an elected representative body by a vote of the Faculty of Arts and Sciences;

WHEREAS across the United States, state legislative proposals are being introduced to limit discussions of racism and LGBTQI discrimination. Focusing on limiting the teaching of "divisive concepts", these laws restrict education both about historical facts, and as subject matter for multiple theoretical disciplines and approaches that grapple with these realities, past and present;

WHEREAS, academic freedom is defined by the American Association of University Professors as "the freedom of a teacher or researcher in higher education to investigate and discuss the issues in his or her academic field, and to teach or publish findings without interference from political figures, boards of trustees, donors, or other entities."

WHEREAS it is not possible to teach history or many other subjects without encountering "divisive concepts", concepts that include white supremacy and Nazism, and to excise such concepts from the historical curriculum is, in the words of W.E.B. Du Bois: "to transform history into propaganda", a transformation incompatible with the knowledge- and truth-driven mission of the university;

WHEREAS academic freedom includes the freedom to teach a wide variety of theoretical approaches;

WHEREAS Legislation that limits the ability of educators to draw on theoretical approaches addressing social inequalities is a clear and blatant violation of academic freedom;

WHEREAS educating about systematic barriers to realizing a multiracial democracy based on race or gender should be understood as central to the active pursuit of knowledge in the 21st century to produce engaged and informed citizens;

THEREFORE, the FAS Senate of Yale University resolves as follows:
We stand in frank and full opposition to any and all attempts to restrict or dictate university curriculum on any matter, including matters related to racial and social justice.

BE IT FURTHER RESOLVED

That we stand in solidarity with educators throughout the country who may be affected by this pernicious legislation, which is so inimical to the fostering of critical thought and the knowledge required to be a free self-governing people.

Ms. Horsley asked if there was a motion to approve this resolution. **Aimee Cox** made the motion and it was seconded by **Rebecca Toseland** that included suggestions that amended and changed certain phrases made by **Gerald Jaynes, Meg Urry, Sybil Alexandrov, Matthew Jacobson,** and **Hélène Landemore**. A vote was taken and it was unanimous to approve this resolution with the changes offered.

Ms. Horsley presented a second FASS Resolution – *The University’s Response to the China Initiative and Policies Related to Inquiries from Federal Agencies* for review and approval. She explained that the Department of Justice under the Trump Administration started the China Initiative in order to weed out any spies for the Chinese Government that were working in the United States. This led to FBI investigations of many Chinese scientists from all different levels that led to many Federal Agencies, like the National Institute of Health, to investigate scientists and other academics of Chinese heritage. She feels that it is not clear on the FAS Senate, how much this has impacted our community. She noted that what is clear from the conversations she has had with many of our colleagues, that it is impacting those in our community that are from China who feel that perhaps they are not supported by the University here at Yale, and that they may be investigated next even though the Department of Justice has now said that they have ended this initiative even though it seems it may still be used by some agencies. **Ms. Horsley** said that the FASS has written a resolution to support our community and provide clarity on this issue, and presented it to the faculty:

April 28, 2022

Faculty of Arts and Sciences Senate Resolution
Regarding the University’s response to the China Initiative and Policies related to
inquiries from Federal Agencies

WHEREAS, the Senate of the Faculty of Arts and Sciences of Yale University (FASS) was established as an elected representative body by a vote of the Faculty of Arts and Sciences;

WHEREAS, Yale's commitment to Excellence in Teaching and Research are core values that require attracting and retaining top faculty internationally;

WHEREAS, the China Initiative, started under the Trump Administration by the United States Department of Justice, the Federal Bureau of Investigation (FBI), and Federal agencies including the National Institutes of Health (NIH) in November 2018, has been criticized as being racially biased and disproportionate, and concluded in name under Biden Administration in February 2022;

WHEREAS, the FBI and/or the NIH investigated several Yale faculty and community members of Chinese heritage as a part of the China initiative, resulting in at least one Yale faculty member placed on academic leave by the University related to these investigations;

WHEREAS, programs like the China initiative may encompass faculty and students beyond China, as other countries can be labeled as "nation-state threats" by the United States government;

WHEREAS, Yale's recruitment of excellent faculty has been affected by reports of Yale's response to the China Initiative, causing stress within the Yale community, impacting graduate student recruitment/training and Yale's Belonging initiative negatively, and likely leading to loss of existing and future faculty; and

THEREFORE, the FAS Senate of Yale University resolves as follows:

RESOLVED, that the FASS urges the University to provide transparency regarding past and ongoing investigation of Yale community members related to the China Initiative, and the University's response to these investigations; and

RESOLVED, that the FASS urges the University to establish a committee to evaluate, define and protect the rights, privileges, and responsibilities of faculty and administration in cases involving the investigation of faculty by outside agencies.

Ms. Horsley opened the floor for discussion. Mr. Jaynes noted that the original document contained a lot of dialogue that may bring up legal issues. Ms. Horsley noted that every time she applies for a grant with the NIH, she signs a waiver that says that I have reported everything accurately, I will take all responsibility for everything I say in this document, and then I press the "yes" response, and a lot of us feel that we could be making mistakes here and we don't want to be doing things wrong. So it opens questions about if we really have to do all of this, and how are we protected against the kinds of things that the China Initiative has brought out. **Jing Yang** thanked **Mr. Samuelson** for taking on this issue and he feels that it will be an ongoing issue so this is not a one-time resolution. He explained the impact that the China Initiative has had on one particular Medical School faculty member and how the investigation of this person and how

Yale handled it internally has caused a negative view of Yale. He noted that this impact has caused difficulty in recruiting junior faculty to Yale and thus has damaged Yale's reputation. He said that we need to think about what we need to do next in order to not let this happen again, in addition to what the FASS says in this statement. **Mr. Jaynes** noted that the way this Resolution is written, it is doing two distinct things, and if this is correct, there should be two distinct declarations. One, he said, is to give our solidarity and the FASS's protection of the rights of our colleagues from China, and the other is the points that were made by **Ms. Horsley** which seem to be two distinct issues. Mr. Gomez agreed with Mr. Jaynes and suggested removing some text to make it more focused on the abuses that various administrations may take on foreigners, etc., etc. **Mr. Jaynes** noted that we are the Faculty Senate and one of our duties and roles is to protect the rights of our faculty. And, he added, especially when a particular group is being singled out. Mr. Samuelson pointed to two WHEREAS paragraphs that address two different points – the first one states that we are facing an increasing burdensome and dangerous environment and we need the University to help us deal with it, and in the other WHEREAS paragraph is basically saying that the University has been screwing up and is negatively affecting Yale's excellence, and this is a quite different assertion. Meg Urry feels it is okay to have two separate points in one statement and she feels that this statement is fine as is. **Mr. Samuelson** still feels the statement needs more changes. **Ms. Horsley** explained the reasoning behind the language used in the Resolution to protect current faculty and postdoc of Chinese heritage from being singled out and having the Federal Government come in and search their computers and look at their research data while others of non-Chinese heritage are not subjected to these searches. She said there are things happening that we don't know about, and these are things that we need to be aware of and the University needs to let us know about these things. She said it is impacting all of us and a lot of people are suffering in silence and she feels that it is really important that we stand up and address these issues. **Mr. Gomez** said he agrees with what **Ms. Horsley** just said, but the focus of this document has been the China Initiative and for that reason he would jettison the paragraph where "the Federal Agency has increased reporting responsibilities, etc., etc.," which is true, but it would be covered by the committee that would be established to review cases in which we are persecuted, abused, etc. **Ms. Horsley** agreed. **Mr. Jaynes** said that to him, the important part of this is the statement of the protection of the rights of faculty under investigation, and in particular for this case and suggested edits to the last two sentences.

James Rothman, Chair of Cell Biology and **Haifan Lin's** chair spoke next. **Mr. Rothman** thanked **Ms. Horsley** and the FAS Senate for their support with issuing the Resolution that was motivated by **Mr. Lin's** suspension. **Mr. Rothman** commented that as **Mr. Lin's** colleague in the Department of Cell Biology, along with others in the department, have serious doubts that there is any problem here, and as we all know, the Department of Justice has stopped its investigation. **Mr. Rothman** noted that there has been some confusion in the Daily News about **Mr. Lin's** status, and he noted that he has been targeted specifically by the NIH under their execution of what has been called the China Initiative. He also said that **Mr. Lin** is limited to who in his lab he is able to speak with, and so he has not been fully restored. He also noted that Yale's internal investigation of Mr. Lin continues beyond the point where the Department of Justice has found no problem. He said you could get the impression from some of the statements made that the situation has returned to normal, however this is not the case. The thing that concerns us as a

department and beyond the personal situation of **Ms. Lin**, is that he was suspended before the investigation was completed, and what this means for a laboratory scientist is that his laboratory of about 20-25 innocent students and postdoctoral fellows were suddenly severed from their source of advice and guidance every day, and it's as close to a death penalty that you can afford to a scientist. He said that perhaps this sort of penalty would be warranted if the investigation showed some wrong-doing, but how can it be afforded before the investigation is complete? Mr. Rothman again thanked the FASS Senate for addressing this issue in its Resolution. He then spoke about the responses from the University and noted that they said that it is within their rights to act as they did, and he said, if you read the Faculty Handbook, they are probably right. So, he noted, that the last part of the Resolution speaks to the concern of what does the Faculty Handbook really allow and what are the rights of faculty who have been accused on whatever basis by a third party, with hopefully a better solution should this type of occurrence happen again. **Ms. Horsley** asked if there were any other comments or concerns. There were none. She then presented the resolution and asked if there was a motion to present it to the FASS Senate for a vote. **Mr. Samuelson** made the motion and **Mr. Jaynes** seconded the motion. A vote was taken and the "Resolution Regarding the University's response to the China Initiative and Policies related to inquiries from Federal Agencies" was unanimously passed.

Ms. Horsley introduced **Kathryn Lofton** to speak about the Instructional Faculty Report and other points of interest. **Ms. Lofton** spoke about the Instructional Faculty Working Group that she and **John Mangan** co-convened two years ago that has sought to address Handbook-related issues connected to the question of instructional faculty. She noted that the work of the committee has been prograded by the extraordinary report that the FASS Senate put out on the Status, Pay, and Condition of Non-ladder Faculty, and noted that that the report was co-authored by Shiri Goren, Emily Greenwood, and Ruth Koizim and approved by the FASS in 2017. She noted that there was an enormous amount of work that went into this report and work that was received by the FAS Dean's Office and John Mangan has taken leadership to respond to the many excellent suggestions that were contained in this report. She mentioned some of the progress that has been made so far - certain instructional faculty can now be PI's, which was not the case before; we were able to get short-term disability for part-time instructional faculty. She stressed that we do care and want to attend to instructional faculty. **Ms. Lofton** spoke of hierarchy and its importance in an institution, and how it protects certain individuals from certain forms of group competition, it's how we manage power so it's not concentrated in a single area, but it is also a way that we can express frustration if we can rationally justify why we are frustrated noting that in the last two years that she has learned why instructional faculty are, quite rationally and justified to be as frustrated as they are. She said that Yale does do a lot better than many other institutions in thinking about instructional faculty, but if we are going to be leaders, this should be an area that we care more about. She noted how important it is to this community that we do attend to and care for our instructional faculty. **Ms. Lofton**, as a historian of religion, said that she is very interested in questions of hierarch. She recommended that all senators read "How Institutions Think" a book by theorist Mary Douglas that speaks to why hierarchy is a necessary form of organizing communities. She did note that Yale does do a lot better for their instructional faculty than many institutions, so if we are going to be leaders in this area, then we should care more about them, and so we need to attend to this population to make sure their issues do not slip away into the unknown. She stressed how

important it is to have the FAS Senate continue to pay attention to the issues relating to instructional faculty. **Ms. Lofton** talked about two issues that they have worked on – phased retirement and emeritus status. She reported that after extensive research of programs at other universities, having long conversations with members of the Provost’s Office, and having the FAS Dean’s Office do a detailed budget breakdown, she said that they are completely supported by the FAS Dean’s Office for phased retirement and emeritus status for instructional faculty. She said that we presented the findings to the Provost’s Office and they have asked to take the next five months to do research University-wide on whether moving towards such a phased retirement and emeritus status could be made for a larger group of people. She said that the promise is that we will have a report by November 2022 of the findings, with the hopes that 2023 could be the first year that we see phased retirement for instructional faculty. She noted that the FAS Dean’s Office is ready to begin talks with FAS faculty who are interested in these options in the near future. **Ed Kamen** thanked **Ms. Lofton** for the passion with which she speaks about the welfare and status of the instructional faculty. He then commented, noting that he is in phased retirement as a ladder faculty member and said this is a generous program with respect to the benefits and welfare of the faculty member who can opt for it, although it also can have deleterious effects on our teaching and research programs. He therefore asked that in planning for a phased retirement program for instructional faculty, that there be careful consideration given to how it may affect teaching in any given program, especially in small departments and programs. He also spoke to the space issue and noted that there is an inconsistency in the manner in which office space is assigned to instructional faculty, and asked as part of the ongoing review of the status of instructional faculty, that attention be given to the refining and increasing equity and fairness in the assignment of instructional faculty office space that provides all faculty members with the demonstration of the dignity that they deserve as invaluable members of our faculty. **Ms. Lofton** responded that this process gives us an opportunity to look carefully to the issues that **Mr. Kamen** is concerned with for all faculty and departments and programs, and not only for instructional faculty. Concerning space issues, **Ms. Lofton** noted that the issue of space equity comes at a time when there is a space crisis on central campus so that all of us are going to be scrambling over the next few years to locate the excellent faculty we are recruiting. **Jennifer Klein** asked when the inequities in course loads will be addressed as it seems to be one of the burdens that instructional faculty carry – a larger and unequal course load across programs and departments. **Ms. Lofton** said that this is a complicated issue and is being addressed along with the other issues for instructional faculty. **Ms. Horsley** thanked **Ms. Lofton** and **Dean Gendler** for their work on behalf of instructional faculty. She then adjourned the meeting of the FAS Senate at 5:25 PM.