

FAS Senate

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

FAS Senate Meeting

Thursday, April 11, 2019, CT Hall Rm. 201

APPROVED

In attendance

Senators: William Nordhaus, Chair, Jill Campbell, Deputy Chair, Sybil Alexandrov, Arielle Baskin-Sommers, Howard Bloch, Marijeta Bozovic, Alexandre Debs, Emily Erikson, John Geanakoplos, Shiri Goren, Matthew Jacobson, Jennifer Klein, Ruth Koizim, Maureen Long, Charles Schmuttenmaer, Theresa Schenker, Mark Solomon

FASS Program Coordinator Rose Rita Riccitelli

Absent: Senators – Brad Inwood, Rajit Manohar, Nikhil Padmanabhan, Ian Shapiro

Guests: Mark Brandon, Michael Fischer, Dean Tamar Gendler, Alessandro Gomez, Yair Minsky, Jeffrey Powell, Joel Rosenbaum. Non-faculty: John Mangan

Agenda and Senate actions in bold

FAS Senate meeting

1. Welcome from Bill Nordhaus, Senate Chair

The meeting of the Faculty of Arts and Sciences Senate (FASS) was called to order at 4:02 PM by Chair William Nordhaus, who welcomed Senators and guests to the last open meeting of the FASS for the year. He explained that the final FASS meeting on May 7, 2019 will be a closed meeting, as provided by Senate by-laws, and largely organizational in nature.

2. Approval of minutes, FASS meeting, March 7, 2019

Mr. Nordhaus presented the minutes from the March 7, 2019 FASS Meeting. Deputy Chair Jill Campbell noted that, in reviewing the minutes, the Provost's Office had requested that the term "Art Schools" that appeared at several points be corrected to "Arts Schools." She will make that correction. Ms. Campbell asked if there were any further corrections or comments. There were none.

The minutes, as corrected, were unanimously approved.

3. Committee reports

Mr. Nordhaus called on FASS committee chairs to report on their respective committees.

Governance Committee: Mr. Nordhaus reported receiving a letter from the President indicating that he is forming a committee to review the decanal structure, as recommended by the Senate last year. The President, he said, welcomed the Senate's suggestions for the membership of that committee.

Faculty Advancement Committee: John Geanakoplos reported that the committee has prepared a proposal for the creation of an *ad hoc* FASS committee on undergraduate admissions, to be discussed at the May 7 meeting. The committee also recommends that next year's Faculty Advancement Committee investigate the growing demands on faculty time. Co-Chair Emily Erikson noted that the committee is preparing an end-of-year report on the committee's activities throughout the year. Mr. Nordhaus recommended that all FASS committees do the same.

Budget Committee: no report.

Nominations Committee: Mr. Schmuttenmaer provided an update on vacancies and candidates within each division in the upcoming Senate elections. He reported that there are five candidates, including one incumbent, for three openings in the Sciences; five candidates, including three incumbents, for three openings in the Social Sciences; and, thus far, three candidates for three openings in the Humanities. Humanities, he noted, needs to elect an untenured Senator. The goal is to begin the election on Monday (April 15, 2019). Mr. Nordhaus said that we should close the nominations by Monday and begin the election. A discussion followed on how to proceed if there is an unfilled seat, given the requirements by division and rank dictated by Senate by-laws.

Elections Committee: Mr. Nordhaus noted that the Elections Committee had yet to be constituted. However, Alexandre Debs has offered to chair this committee and others have agreed to serve, including Matthew Regan of the Cowles Foundation, who has taken charge of the administration of Senate elections.

Instructional Faculty Committee: Shiri Goren reported on her survey of instructional faculty membership and participation on Yale College committees. Out of 22 committees with faculty membership, 11 include instructional faculty members. Notable among the 11 that do not are the Executive Committee and Teaching, Learning and Advising Committee, both of which would greatly benefit from the perspectives of instructional faculty. The Instructional Faculty Committee will work with the Yale College Dean's Office to address the exclusions of instructional faculty from these key committees. Mr. Nordhaus suggested that the committee prepare a report, either this year or next, that recommends making these changes.

4. Presentation from the Peer Advisory Committee on proposal for university ombudsperson

Speaking on behalf of the Peer Advisory Committee, Ms. Campbell shared a one-page statement outlining the definition and benefits of a University Ombuds Office; Yale's exceptional position as the sole Ivy university without such an office; the process undertaken by the Committee to investigate the question; and its recommendation to the President and Provost that they create an Ombuds office for Yale (see Appendix A). She described the benefits that Ombudspersons may offer both to individual members of a university community and to the University as a whole; and she addressed the contention that such an office replicates functions covered by existing offices and administrative positions at Yale. She emphasized the Ombuds' defining qualities of independence, informality, impartiality, and confidentiality – features not shared by disciplinary bodies or deans that are part of the institutional structure. The committee

interviewed several individuals with extensive experience of Ombuds offices, who explained that effective Ombudspersons build relationships of trust with deans and with the President, and can provide useful reports to University leadership about patterns they observe.

Ms. Campbell noted that an Ombuds office would replace the services currently offered by the FASS Peer Advisory Committee, which is recommending the office's creation. The Committee's research this year into the professional standards and conditions of Ombudspersons revealed the limits of the Peer Advisory Committee's training, institutional mandate, and legal situation, including a lack of legal protections of the confidentiality of its communications. She reflected that the Committee is proud of the work they have done over the last four years but has become persuaded that an Ombuds office would serve the University better. While the Committee is not recommending a specific design, it recommends that all constituencies in the University are included in the Ombuds' purview (except for the Medical School, which has its own ombuds office), including faculty, students, and staff.

Mr. Nordhaus commented that this is an important proposal and an excellent one. He suggested that the FASS take time to review the proposal and that it be put on the agenda for the May meeting for a possible vote then. Mr. Schmuttenmaer observed that Yale is the only institution that he has been at that does not have an ombudsperson, and he feels strongly that Yale needs to have one. Matthew Jacobson said that during his tenure on the Peer Advisory Committee, he felt they did some really important work for individuals but also that it put the FASS in a potentially difficult position; he is very much in favor of this proposal. Mr. Nordhaus suggested that the Peer Advisory Committee circulate their proposal to the members of the FASS for comments and any further suggestions.

5. Presentation by the Diversity Committee on the Faculty Resource Committee system

Maureen Long reported on behalf of the Diversity Committee that they have been working for the last year on an informal survey on the efficacy of the Faculty Resource Committee (FRC) system. Chaired by the FAS Dean, the FRC includes the Deans of Yale College, the Graduate School, and the School of Engineering; the Chairs of the divisional advisory committees; and several additional FAS faculty members. She said the FRC was established to review requests for searches from departments and programs during the 2015/16 academic year, so it is now time to make an evaluation on how well administrators and department Chairs feel the system is serving goals of increasing FAS faculty diversity. The committee's interviews of 4 Deans and 5 department Chairs revealed something of a disconnection between how administrators and Chairs view the system. There was, however, both some praise for the system and useful critiques of it from both groups.

Ms. Long related some of the observations and views gathered in interviews with administrators and with department Chairs. From administrators, she reported, the Committee heard that the FRC and the slots system work well as instruments for gathering information across the FAS but are not yet functioning optimally as a system for managing resources; that the FRC receives strong proposals from departments, and for the most part, departments are making good-faith efforts to make progress on faculty diversity; that the FRC has the right people in the room for decision-making and coordination; that the system is neither better nor worse than the old system when it comes to the goal of growing the ladder faculty to the target number of 700; that the FRC is working well in enhancing diversity in the Humanities but less so for the other divisions; and that the FRC should be given a grade of B- when it comes to enhancing

diversity and this could be improved if departments were asked to develop formal diversity plans and the FRC was reading search requests against those plans.

From department Chairs, she noted, the Committee heard without exception that they find the hiring process to be labor intensive and that there is some doubt that the FRC system as it is currently constructed will allow for the faculty size to grow to 700; that the annual application to the FRC creates a psychology that makes long-range planning less likely and short-term planning on matters of immediacy more likely; that Chairs are frustrated by the limitations on the hiring process that are imposed by understaffing in the Dean's office; and that the calendar of search request submission and replies sometimes seems poorly timed for established calendars for searching and recruiting in some fields. Chairs, particularly in Science departments, expressed confusion about how diversity hiring is supposed to work under the FRC system as opposed to the previous system. Some chairs perceive that it is easier to make diversity hires at the level of established senior stars; but if Yale wants to improve the diversity profile of the academy as a whole and of individual fields, hiring at the junior level is particularly important. She noted that both administrators and Chairs wondered if there is a way to fast-track certain cases, particularly for lateral hires of established stars; many whom the Committee talked with wondered whether the same ponderous year-long processes were needed in these cases, or could we be more flexible?

Ms. Long said that based on what they'd learned, the committee would like to make the following recommendations:

- 1) We recommend that each department be asked to develop a formal diversity plan that is appropriate to the specific department and discipline and that proposals to the FRC be read in the context of those plans.
- 2) We recommend that the FAS Dean's Office develop a set of guidelines for departments to consider when proposing hires that serve diversity goals. Observing that there is considerable confusion about what the administration is looking for when they evaluate proposals for diversity hires and how diversity hiring works with the new FRC system, the Committee asks for clearer communication about how proposals for diversity hires are evaluated and what the characteristics of successful proposals look like.
- 3) We recommend that the FRC and the Dean's office think about the time-frames and deadlines for search requests and approvals, and consider whether moving the time-line up or introducing additional flexibility might better serve the hiring system.
- 4) We recommend that the FRC continue to incentivize departments to hire faculty that bring diversity along many dimensions, and that these incentives be designed to encourage departments to hire diverse faculty across all levels, with an emphasis on junior faculty.

Ms. Long noted that the Diversity Committee is drafting a committee report and will provide it to the Executive Council soon for consideration. Mr. Nordhaus asked if the report will be ready to vote on at the next meeting, and Ms. Long replied that that is her committee's goal. Mr. Nordhaus inquired whether the committee felt that they were making recommendations only in the area of diversity, or did they also encounter issues that they thought were broader that should be raised as well? Ms. Long replied that the interviews were wide-ranging and not limited to questions related to faculty diversity. Because the recommendations are coming from the Diversity Committee, she explained, they are focused on diversity; but broader issues will come up in the report.

Mr. Nordhaus asked if there were any further comments from members of the Diversity Committee or from members of the FASS. Several Senators re-emphasized the problems created by the slow speed and cumbersome nature of the current hiring process. Jennifer Klein suggested the need for targets for diversity coming from the Deans as well as being set by departments; and John Geanakoplos asked what has changed or could change in the University's method of pursuing faculty diversity. Ms. Long said that departments now should be aware that there are positive incentives to hiring diversity. In previous years, Ms. Long observed, it seemed clearer what was required to make a diversity hire, and now with the FRC system, this is less clear. Mr. Nordhaus thanked Ms. Long for an excellent report.

6. Presentation on the Ethnicity, Race & Migration Program resignations by Matthew Jacobson, African American Studies, American Studies, and History

Mr. Jacobson said he is not giving an update – the situation is fluid, and the program's Chair Alicia Camacho and FAS Dean Tamar Gendler have been in conversations over the last weeks and have more meetings scheduled. Nor, he said, is this an advocacy statement; the goal is to provide information about the situation. He explained that the resignations of faculty in ER&M reflect the unusual circumstances of the unit - they could resign because there are no faculty who are in fact appointed in the unit. The entire faculty of the program, he said, are appointed elsewhere, with many holding appointments in more than two departments and programs; ER&M is an extra duty the faculty have taken on as a commitment to the field and to the students. This means of staffing the program, however, has become increasingly untenable, as the major has grown to become one of the larger of the small majors, with almost 100 majors. Some of the significant flashpoints are:

- the growth of the major
- the building of grievances that have come over several years
- two junior lines that were supposed to be jointly with American Studies and ER&M in 2012 but were moved; confusion over those lines harmed both of the people who held them.
- a gap between President Salovey's public statement that in 2015 he gave ER&M lines as part of the promise in the Diversity Initiative that there would be 4 lines housed in ER&M and the fact that as ER&M does not have appointing powers, the searches have been complicated by the necessity of coordination and agreement with appointing departments. Without autonomy in hiring, appointments have proven very difficult.
- all of these things came to a head when it was discovered that two hires made two years ago that were understood to be at least partial appointments in ER&M, were not. This signaled to ER&M faculty that there still are broken promises. The fight is to put ER&M on sustainable footing.

Mr. Jacobson said the faculty have made a commitment to the juniors and seniors who are cycling through the major to continue with these cohorts. The real question, he stated, is what kind of footing the unit will be put on, and what will come out of the talks this spring that will make ER&M a sustainable venture for the faculty members who have been so invested in it.

Mr. Nordhaus asked for comments or questions. In response to questions from Howard Bloch, Mr. Jacobson articulated the differences between ER&M as an academic field and both American Studies and the approach to Global Affairs represented by the proposed Jackson School. Jennifer Klein reflected on the contrast between the founding of ER&M as a program generated by faculty interests and initiatives and the Jackson School's creation as a donor-driven project. She commented that ER&M and the Jackson

School represent very different methodological approaches to global affairs; the report on the Jackson School, she suggested, is explicit that the School will undertake a primarily economic approach to global matters.

Mr. Nordhaus asked Mr. Jacobson if this is an area that he wants the FASS to get involved in; he replied that he would like individual faculty who are interested to seek more information. The protest, he said, has to do with burdens of labor, burdens of service, and inequities. He noted that the faculty of ER&M who have been carrying these burdens are largely a faculty of color; these are just the kind of burdens, he remarked, that the FASS Faculty Excellence and Diversity reports have referred to as problems.

Mr. Nordhaus thanked Mr. Jacobson. He then moved to the last item on the agenda – the Resolution of Concern. He asked for a motion to have this proposal considered.

7. Discussion of Resolution of Concern

A motion to discuss and consider the *Resolution of Concern* was made and seconded. The Senate voted unanimously to proceed with a discussion to consider the *Resolution of Concern*. Mr. Nordhaus distributed copies of the draft of the Resolution to members of the FASS and guests and proposed a set of procedures dividing the discussion in two phases. He suggested spending the first 40 minutes in discussion and debate, during which Senators might propose amendments or other procedural steps without moving them at that time. The following 20 minutes would be for proceeding to next steps.

Senators argued for and against postponement of a vote on the Resolution. Ms. Erikson began by observing that the report was a wonderfully written resolution that accomplishes much. Suggesting that the Resolution has started a productive dialogue with the (FAS) Dean and the President, she said she would like to see that dialogue unfold a bit before the Senate moves on it. Mr. Schmuttenmaer agreed with Ms. Erikson's comments. He would like to see what the "good faith" response is from the administration. Ruth Koizim commented that, although she was heartened by the response from Dean Gendler, she found that the Dean made no reference to the deeper issues of shared decision-making and opportunities for genuine consultation. She looks forward to having the robust responses to FASS reports that the Resolution calls for, along with clarification of areas in which the administration has failed to respond to the Senate reports.

Mr. Geanakoplos affirmed that the Resolution makes some very important points. As one of the Chairs responsible for the *Faculty Excellence Report*, he was stunned at the administration's almost deliberate effort not to acknowledge the report, including in public discussions that cited the CESOF report and made no reference to the *Faculty Excellence Report*. Such omissions, he said, convey no sense of partnership. He feels that the administration is capable of partnership and hopes the Resolution may make them think more carefully about how to partner with faculty in university governance. He questioned what could be accomplished by postponing a vote on the Resolution. Ms. Klein observed that the lists contained in the Resolution provide a compendium of instances over four or five years that demonstrates that there has not been a historical change in including faculty in any serious way. Citing the handling of plans for both the Jackson School and the reduction of the book collection in Bass Library, she emphasized the importance of conveying through the Resolution that faculty need to be brought into decision-making before outcomes have been determined.

Mr. Nordhaus described his recent report on the FASS at the April Yale College Faculty meeting and commented that one of the ingredients of being an effective senate is communication with faculty. Despite the FASS's frequent e-mail correspondence with faculty, he observed, it has not communicated regularly with them at faculty meetings. He cited the proposed Jackson School as an administration initiative that is intimately related to the Faculty of Arts and Sciences and will have significant effects on it. Despite some FAS faculty membership in the review committee and town hall meetings about their report, the new structure proposed in the report raises question of governance that have not been resolved, especially with an initiative on this scale. This is one of the reasons, he said, that he feels the *Resolution of Concern* is useful at this time.

Alexandre Debs said that he is supportive of this Resolution and feels it is the right time to vote on it. He noted that the FASS is a new body trying to figure out the best way to represent the faculty and interact with the administration. He commented that his experience serving on the FASS has been very positive and that he is impressed with the FAS Dean's presence at almost all FASS meetings. He expressed his concern, however, about the inefficiency in the current system of having verbal responses or *ad hoc* meetings where the administration responds to our reports. The Senate makes great efforts in writing and deliberating about them, and he feels that if there were a timely written response, this would be a great basis for knowing what the administration is trying to do, how they see our reports, and what next steps they have in mind, not just in the course of the year for current Senators but also in laying out the information for the next group of Senators so they can see the written response and know where the current conversation is. He added that this is the right time to move formally on the Resolution, at the end of the academic year, so that we know what the expectations will be for the new senators at the start of the new year.

Ms. Campbell spoke next, saying that we have resorted to this Resolution because of the pattern of non-acknowledgment of faculty concerns and suppression of faculty dissent over the last 10 years, both before and after the creation of the FAS Senate. She noted a damaging pattern of administrators' recognizing and responding to faculty views that diverge from their own aims only when disruption flares up publicly and can no longer be ignored. She said that the FASS exists so there can be deliberation about different views, including dissenting views, without disruption. A reluctance remains, however, to bring varying points of view into play. She commented that for her, the Provost's presentation at the FASS March meeting was a breaking point because there was little acknowledgment in it of the *Faculty Excellence Report* and only a reiteration of the familiar response that nothing can be done to address faculty concerns. She wonders what we can do as a Senate to make University leadership see us as a resource. She continues to hope that we can find a way for faculty to share governance of the FAS and truly believes that is what will make a stronger Yale. The Resolution is warranted by the FASS's experience over four years, she said, whether we bring it to a vote now, or in a month.

Mr. Nordhaus remarked that he views one role of the FASS as defusing damaging situations. Howard Bloch asked what happens to the Resolution if it passes – where does it go and how public is it? Mr. Nordhaus replied that it would be distributed to the faculty, which includes our Dean, our President and our Provost. We (the EC and senators) have to decide whether we want to meet with the leadership to discuss the next steps and how they would like to respond to this, and whether we make it public right away or in the future is up to the FASS to decide.

Mr. Schmuttenmaer, who said he was reluctant to go ahead with this at the beginning of the meeting, said that after hearing from members of the EC and other Senators, he now supports approving the distribution of Resolution at this time. Ms. Erikson said she does not see what difference a month will make and noted that the administration is beginning to respond to our concerns; she does not see that it is necessary to rush into distribution and perhaps cut off that dialogue. Mark Solomon said he agrees with everything that is said in the document and feels that the goal is to effectuate changes in behavior. He wonders whether just getting to the point where we are right now may achieve some of those changes without the more public shaming of sending the Resolution to 825 colleagues. If changes are not forthcoming, he suggested, the Resolution could be revived. Mr. Jacobson said that he is sympathetic with Ms. Erikson's comment about the promising tone of the response from the administration; he favors going forward with the Resolution, however, because experience has demonstrated we should not rely on statements of good intentions alone. He also pointed to our responsibility to our constituency of faculty colleagues: we are answerable to the faculty at large and it is very hard to assure them that the FASS is doing good work in representing their interests and concerns when they never hear responses from the administration on that work.

Theresa Schenker said she is not sure whether we should go ahead with the Resolution now or wait a month; she suggested, however, that if we do wait, we could achieve the goals we have set out. She added that she does not think this is a shaming document – it is friendly, it is all true, and she does not see it as problematic to send it to the faculty and let them know that these are our concerns in working on their behalf. Ms. Koizim noted that this Resolution will not be a surprise to our colleagues on the faculty; it sets out clearly and with a respectful tone issues that many if not all faculty members at Yale have been deeply concerned about for at least a decade. She said the goal is not to shame anyone, the goal is to say we have waited for changes and we have not seen results. Ms. Goren stressed that we are not an angry body that is looking for recognition or credit. Our concern arises from watching the huge erosion in the status of faculty over the last decade, which will not get resolved in a month, or tomorrow, so we need to reflect how we can best move forward to try to shift the perception that faculty as a constituency is not as significant as we feel we should be – we are not being used as a resource intellectually or in other ways.

Mr. Nordhaus recalled that 4 or 5 years ago, we had the first discussions of a faculty Senate in this room, with many faculty and the President Designate in attendance; in the course of the conversation one of the items that came up was the role of the faculty Senate as a sounding board, a resource for consultation and discussion when ideas were in the making or not decided on. He said the experience that is most disappointing for the Senate over the last four years is the lack of opportunity to respond as a sounding board and for true consultation. He said with respect to responses to reports, the glass is half empty/half full depending on what you look at – there have been responses but not the kind that we would like.

Mr. Nordhaus asked FAS Dean Tamar Gendler for her reflections on the *Resolution of Concern* discussion. Dean Gendler said when she received the electronic copy that was sent to President Salovey, Provost Polak, and herself, their response was one of surprise. She noted that Yale has never had a tradition of offering written responses to written reports: at Yale College Faculty meetings for decades, when a committee has given a written report, the university response has been through actions rather than through providing a written reply. She recognizes that the FAS Senate is proposing to change that practice, but she reported surprise that the proposal took the form that it did, given that the topic had not

been discussed by the FAS community. She noted that this is uncharacteristic of the Senate, which is highly deliberative body which tends to engage in consultation before it puts something forward in final form. She said she believes the goal is to bring us to a point where there is strong trust between faculty serving in administration and faculty who are serving as members of the FAS Senate so that those in former role and those in the latter role will consult with one another as a matter of course. She noted that it was not obvious to her that this document is the best way to achieve that goal. She recognizes the frustration that the document expresses and would like to figure out how to be responsive to the FAS Senate's labors. She noted that a good portion of what has been done in the FAS Dean's office over the past years on each of the topics that the Senate has written about has been shaped by the work of the FAS Senate. She said if framing our actions differently will help us work more closely in the future, she welcomes that opportunity.

Mr. Nordhaus moved to the voting phase to consider the question of whether to postpone the vote. Mr. Schmuttenmaer moved to postpone the vote until the May meeting. The motion was seconded. Mr. Nordhaus asked if there was further discussion. Ms. Schenker said that she appreciated Dean Gendler's take on the tone of the Resolution and suggested the wording and tone be looked at carefully. Mr. Nordhaus then asked for a vote to postpone consideration of the Resolution to the May 2019 FASS meeting. There was a request for a written ballot and a written vote was taken. The vote was 9-8 in favor of the motion to postpone the vote until the FASS May 7, 2019 meeting and the motion was passed.

Mr. Nordhaus suggested that the document be returned to the Executive Council (EC) and asked people who have any wording, timing strategy, or other suggestions they wish the EC to consider, to send them via e-mail to him and he will share them with the EC and will plan to have this on the agenda at the FASS May 7, 2019 meeting for further deliberations. Mr. Schmuttenmaer said that he wants it to go to a vote in May and not delay it any further. It was noted that we cannot determine this action at this time. Mike Fischer noted that the FASS May meeting is a closed meeting and therefore a vote should not be taken if faculty are not invited and present. Mr. Schmuttenmaer responded that this does not present an issue because the FASS members are the ones voting and the results will be conveyed to the faculty in the same way as if it were an open meeting.

8. New business

Mr. Nordhaus asked if there was any new business. Mr. Geanakoplos said that it was voted not to make the *Faculty Excellence Report* public at the time it was approved for fear that it might leak to the press and cause Yale damage. He now proposes to permanently file the report on the FASS website during the summer, when it is least likely to be noticed, so that future FASS's have access to it and its many recommendations, which may occupy the FASS for several years to come. He proposes posting the full *Faculty Excellence Report* on the FASS website, alongside the other FASS reports, having honored our commitment not to release it at a time when it could have done damage to Yale. Mr. Schmuttenmaer made a motion to vote on putting the *Faculty Excellence Report* on the FASS website. Mr. Nordhaus asked for a vote from the group to approve voting on the motion. As this topic was not on the day's agenda, a 2/3 majority vote was required in order to move to a vote on the motion. A vote was taken asking for permission to vote on Mr. Geanakoplos's motion and it passed the 2/3 majority required. Mr. Geanakoplos then repeated his motion to place the full *Faculty Excellence Report* on the FASS website on or before June 30, 2019. A vote was taken and the motion passed.

A motion was made to adjourn and the April 11, 2019 FASS meeting was adjourned at 6:00 PM.

Appendix A. Proposal for the creation of an Ombuds office (revised, April 30, 2019)

After a year of study by the 2018-19 Peer Advisory Committee, the FAS Senate recommends to the President and Provost that they create a University Ombuds Office for Yale, to serve University faculty, students, and staff (other than the Medical School). Yale alone among Ivy League Universities lacks such an office; the overwhelming majority of other universities also provide an Ombuds Office, many of them long-standing. In their independence from institutional structures and their flexibility, Ombudspersons perform a unique function in organizations. They have been shown to provide significant benefits to universities.¹

Definition. The essential features of a University Ombuds Office are independence, impartiality, informality, and confidentiality. The work of an Ombudsperson entails communications and outreach; issue resolution; and identification of areas for systemic change and issue prevention. The Ombuds' role includes: listening; providing information about relevant resources, offices, and procedures; developing a range of responsible options; and (with permission) engaging in third-party intervention. The Ombuds also serves to advise University leadership of trends, issues, and concerns in the University community, including potential future issues and concerns, without breaching confidentiality or anonymity.²

Benefits. An Ombudsperson supplements, but does not replace, existing formal channels. Yale has developed several robust offices and official bodies for addressing important areas of concern for members of the University community, including discrimination and harassment (the University-Wide Committee on Sexual Misconduct, Office for Equal Opportunity Programs, Dean of Diversity and Faculty Development, and Dean's Designees). These groups and individuals provide avenues of recourse for concerns that fall in several key areas; but they do not cover the great variety of kinds of conflict or difficulty that may arise for faculty, students, and staff. Furthermore, many conflicts, irregularities, or difficulties are best resolved through the informal means that an Ombuds may provide. Some individuals will seek guidance only with the assurance of confidentiality. The Ombuds' independence from institutional structures also prevents concerns about consultation affecting academic relationships or evaluation. Finally, Ombudspersons can benefit the University as a whole by reporting to University leadership about patterns they observe, so that systemic issues can be addressed.

The Committee's process of inquiry. The Committee undertook interviews with several individuals with special knowledge about the function of Ombuds offices or about Yale's existing means of recourse for members of the community experiencing conflict or difficulty in the University setting. It also reviewed the structure and presentation of Ombuds offices at numerous universities, including peer institutions (see examples, over). For a more general understanding of the functions of the "organizational ombudsman" it consulted published literature; and it reviewed several studies of the effects on organizations of Ombuds offices.

(chart below)

¹ For data and discussion of these benefits, see Charles Howard, *The Organizational Ombudsman: Origins, Roles, and Operations – a Legal Guide* (Chicago, IL: American Bar Association, 2010), xviii, 177-87, and Appendix 14.

² Adapted from Howard, 75, and the International Ombudsman Association Standards of Practice (Howard 65-66).

Ivy plus schools with an Ombuds office	Ivy plus schools without an Ombuds office
Brown University Columbia University (establ. 1991) Cornell University (establ. 1969) Dartmouth College Harvard University MIT Princeton University Stanford University University of Chicago University of Pennsylvania	Yale University