

**BRANDEIS UNIVERSITY
FACULTY SENATE**

Minutes of the Eighth Meeting

13 March 2008

The eighth meeting of the Faculty Senate was held at 3:10 p.m., 13 March 2008, in the Board of Trustees Conference Room. Senators present: Marc Brettler (Chair), William Flesch, Seth Fraden, Ira Gessel, Jody Gittell, Eric Hill, David Jacobson, Harry Mairson, Robert Moody, Leonard Muellner, Govind Sreenivasan. Senators absent: Catherine Mann, Richard Parmentier, David Rakowski, Ilan Troen, Malcolm Watson. Guests for parts of the meeting: Eric Chasalow, Richard Gaskins, Adam Jaffe, Margie Lachman, Robert Meyer, Dan Perlman.

Report from the Chair

Chair Marc Brettler reported that the Senate's request that the university budget a standing fund of \$10,000, to be used for access to outside legal counsel when deemed necessary by the Senate Council on behalf of the faculty, has been denied by the Provost. It was noted by one Senator that a faculty member who is also a member of the AAUP can receive half a million dollars in legal fees.

The Senate Council has scheduled a meeting with President Reinharz next week and will report back to the Senate.

The Chair reported that he has met twice with the Committee on Faculty Rights and Responsibilities to discuss a variety of matters. The committee will work with the Senate to review and refine guidelines dealing with the responsibilities and the renewing of contracts for contract faculty. Two senators, Marc Brettler and Leonard Muellner, agreed to work with the committee, with the expectation that appropriate amendments will be brought to the Faculty Meeting in early Fall 2008.

The Chair said that he will not run for the position of Senate Chair for another term and advised Senators to begin to think of suitable candidates for the position.

University Website

The Chair said that faculty have informed him that there are still some problematic issues regarding the university website. The faculty, he said, had no voice in the website's content. The Chair suggested to the Senate that Lorna Miles, Senior Vice President for Communications, be invited to the next Senate meeting to discuss how decisions get made by the Committee on Policies, and to make clear that the faculty wants more involvement in the issues that affect them. Senators agreed that Ms. Miles be invited to the next Senate meeting. Comments and questions for Ms. Miles will be sent to the Chair prior to the meeting. While discussing this issue, the Chair pointed out that many important university decisions that affect faculty are determined by the Committee on Policies, chaired by Executive Vice President and Chief Operating Officer Peter French; there is no elected or selected faculty representative on this important committee.

Committee on Faculty Rights and Responsibilities

Several members of the committee (Chair Richard Gaskins, William Flesch, Jody Gittell, David Jacobson, Robert Meyer) met with the Senate to discuss the breakdown in the system of faculty dispute resolution. As read into the minutes of the March 6, 2008 Faculty Meeting, the Committee has "deferred the review of faculty grievances pending a clear reaffirmation by the Senate and by the administration of shared principles of faculty governance." Professor Gaskins

asked for Senate support in reaffirming the authority of the committee and the integrity of the grievance system.

In a 25 February 2008 memo to the Faculty Senate, the committee stated, “At issue now is whether the Brandeis faculty can have confidence in our formal grievance process. Will faculty members now avoid that process, believing that the administration simply will not abide by Handbook rules? Can the R&R Committee continue in good faith “to render judgments,” when basic rules on substance and process can apparently be waived by administrative discretion? It is difficult to see how we can. And finally, can the Senate, as the focal point for faculty governance, find effective ways to strengthen the authority of the R&R Committee? If not, then it may be time for the Senate to explore alternative methods for resolving faculty disputes.”

The Senate’s discussion turned to what actions should be taken by the Senate. The following resolution was passed unanimously:

We confirm that the Committee on Faculty Rights and Responsibilities is an important instrument of faculty governance at Brandeis University, and we object as a Senate to the administration’s actions and statements that have undercut its authority. We call upon the administration to reaffirm that the CFRR is an important instrument of faculty governance.

One Senator asked Professor Gaskins if he thinks that the support of the Senate for CFRR in its specific difference with the administration over the Hindley affair, as well as the larger procedural and governmental issues regarding its abrogated role, can be resolved by resolutions and legalistic additions to the Handbook? Isn’t the fundamental issue clearly described by the Dean’s summary to the Senate: “The President appoints the Provost and Dean to run the University. The CFRR cannot tell the Provost what to do—it’s as simple as that. They’re just five people.” Professor Gaskins responded that making rule changes is a promising start, but much will also depend on how strongly the administration voices its support for faculty governance, and whether it can provide a candid account of its actions in recent cases. Those further steps will be important for building faculty confidence in the grievance process.

In addition, the Faculty Senate unanimously passed the following resolution:

The Faculty Senate, representing the faculty, supports the following interpretations of the Faculty Handbook:

1. Section VI.D.7 does not mean that the interpretive authority of CFRR is limited only to the Faculty Handbook.
2. Section II.C.1 enumerates rights belonging to the faculty which may be considered by CFRR in a variety of contexts, including the dispute resolution process.
3. The preamble to Section VII of the handbook concerning dispute resolution, which discusses “matters on which decision and appeal processes are guided by a separate legal procedure provided by university regulations” does not exclude CFRR from taking up appeals from disciplinary decisions under current university policies for discriminatory harassment.
4. Section VII.A.2ii of the Handbook concerns suspension of penalties when a Dean’s or Provost’s decision has been appealed. Any exceptions based on legal necessity must be specifically justified.

In addition, the Senate proposed unanimously that the Faculty Handbook Section VI D 7a be revised to include the following addition, indicated in bold: “The Committee on Faculty Rights and Responsibilities, **acting on behalf of the faculty**, interprets provisions of the Faculty Handbook.”

Arts and Sciences Reinvigoration Plan

Dean of Arts and Sciences Adam Jaffe and members of the Dean’s Faculty Advisory Committee (Senate Chair Marc Brettler, Eric Chasalow, Margie Lachman, Dan Perlman; Bulbul Chakraborty and Thomas King were absent) attended the meeting to discuss the next stages of the A&S reinvigoration plan. Prior to the meeting Senators had received copies of a proposal for possible structural and organizational changes to Arts and Sciences, and a compilation of the thoughts of the four School Councils, and those of Interdepartmental Program Chairs. The Dean said that while there are differing views among the different groups, two themes have emerged. One is that there is a general sense that some of the issues raised regarding possible structural and organizational changes are important and merit exploration, and second, that the School Councils should have a greater role in coordinating and implementing curriculum and policy. The Chair asked the Dean what the committee proposes to do, and if the Senate agrees, when would it be implemented. The Dean said September 2008. The following is the committee’s proposal:

We propose that the Dean meet with the four School Council Chairs, and then with each Council, to consider an enhanced role for the Councils along the following lines:

1. Each Council would review, discuss, integrate and prioritize its constituents’ 3-year curriculum plans before those plans are submitted to the Dean.
2. Each Council would review and discuss its constituents’ proposals for new faculty hires, and present an integrated hiring plan for the School to the Dean.
3. Each Council would be invited to review policies relating to faculty workload in the Schools, and propose School-specific adjustments to those policies for the Dean’s consideration.
4. To effectuate this increased Council role, the position of School Council Chair would be enhanced. The Chair (appointed by the Dean after consultation with the Council, as specified in the Handbook) would be someone other than a Department Chair, and would receive some form of compensation or work relief for undertaking the role. The four Council Chairs would also then constitute an “A&S Council” that would advise the Dean on overall policy and resource allocation decisions.

We propose a two-year experiment along these lines, whose success would be evaluated by the Councils, the Dean, and the Senate in the Spring of 2010.

Questions raised by Senators included concern about departments giving over authority and autonomy to the School Councils. The Dean’s hope is that a Council chair will be better able to discuss, evaluate and prioritize departmental needs within any one school. There are many overlaps in departmental requests. For example, he said, currently there are 15-20 searches each year. Everyone will benefit if two needs can be met with one slot. In addition, the council model will better distill and organize information for the Dean to evaluate. This is a less ambitious plan than the former Strategic Plan, he said, but deals in a fair way with the five groups whose opinions were sought.

When asked the dollar cost of the change, the Dean said 0-\$20,000, depending on whether

particular courses taught by the Council Chairs would need to be replaced.

What would be the selection process of council chairs? The chairs would be chosen by the councils in consultation with the Dean, who said he would be personally active in the selection.

How will the process move forward? The Dean will meet with the existing four School Chairs and convince them that it's a good idea.

Is the Dean asking for the Senate's endorsement? The Dean said that if he learned that the Senate thought the proposal was a bad idea, he would not proceed. If the Senate does not take a formal position, he will go forward.

Do all four schools have to agree? If three agree, the Dean will work with the chair of the fourth to understand the concerns, and work to include that school.

Will department chairs still have access to the Dean? Yes, chairs are welcome to see him directly.

Will having schools make all their requests in tandem not lead to a situation in which a large department persuades the school that its four greatest needs are all more important than a small department's most pressing need. Isn't there a risk that small departments will be marginalized if they stop having the same direct access to the Dean that large departments do? The Dean observed that this was not intended to favor either large or small departments, and that the risk of tilting the balance could go in either direction. That is, small departments currently not given much attention by the Dean might be in a stronger position within a School Council than they are in direct relation to the Dean. The Dean's intention is to monitor this experiment and address as we proceed any problems of this kind that might arise.

The Chair thanked the members of the committee. The Senate will have a full discussion of this matter at its next meeting.

Handbook Amendments

An amendment to bring Rabb School programs within the scope of the Council of the Graduate Professional Schools was passed by the Senate by a vote of 6 for, 1 opposed, 2 abstaining.

An amendment to allow non-tenured faculty to serve on the Faculty Senate in at large positions and as representatives of the Heller School and the International Business School (with the caveat that no more than half of the Senate may be non-tenured) was passed by the Senate.

The meeting adjourned at 5:20 p.m.