

**Minutes of the Faculty Meeting
November 3, 2009**

President Simmons called the meeting to order at 4:07 p.m. The customary motion to adjourn no later than 6:00 p.m. was made, seconded, and passed. The minutes of the Faculty Meeting of October 6, 2009 were approved.

Mindful of the full agenda, Professor Tan promised to deliver a brief report about the recent activities of the Faculty Executive Committee (FEC). The FEC met with faculty serving on three Organizational Review Committee (ORC) teams – Library, Dean of the College and Academic Support. The FEC Officers met with members of the Undergraduate Council of Students (UCS) and with members of the Graduate Student Council (GSC). Professor Tan noted that the GSC has much to learn about how the university runs. The FEC Officers explained to the GSC representatives the structure of the university and where the power to effect change really lies. The FEC Officers also met with the Board of Fellows. The NEASC report and its comments about tenure at Brown were the main focus of discussion. Professor Tan reminded the faculty about the upcoming Faculty Forum on tenure. The FEC met recently with a group of junior faculty and has scheduled a meeting with a second group. Professor Tan will report on the outcome of those discussions at the next Faculty Meeting. Finally, Professor Tan mentioned that the FEC had discussed with a group of department chairs, its concerns about participation in faculty governance, especially in the University Faculty Meetings, the role of university service in the tenure review, and ways to develop a culture of participation.

Professor Tan then invited Professor Andrea Simmons to report for the Committee on Nominations. The electronic ballot will be available this week for the vacant position of Vice Chair of the FEC and for a vacancy on the Tenure, Promotion and Appointment Committee (TPAC). The following nominations for committee appointments were presented:

Nominations recommended to the Faculty for committee appointments to be effective immediately:

Medical Faculty Appointments (CMFA)

Robert Hurt (Engineering) to replace David Berson (Neuroscience) until 6/30/10

Secretary of the Faculty Forum

Elizabeth Bryan (English) replacing Laurie Heller (Cognitive & Linguistic Sciences) to 6/30/10

Nominations recommended to the faculty for committee appointments to be effective January 1, 2010:

Honorary Degrees

Kenneth Miller (MCB) replacing Kerry Coppin (Visual Art) to 12/31/10

Jonathan Reichner (Surgery) replacing Jack Wands (Medicine) to 12/31/12

Carolyn Wright (Literary Arts) replacing Maud Mandel (Judaic Studies) to 12/31/12

Ethan Pollock (History) replacing Franco Preparata (Computer Science) to 12/31/12

The President called for further nominations. There were none and the slate was elected unanimously.

Professor Tan then called on Vice President for Human Resources Karen Davis, co-chair of the Brown Charity Drive, to speak. The name of the drive is “Brown Gives Green” and it will be officially launched later this week by President Simmons. VP Davis thanked Professor Tan for agreeing to serve as this year’s faculty co-chair. She summarized last year’s achievements when the funding goals were surpassed and almost \$180,000 was raised. Brown received a Campaign Excellence award. Brown Gives Green supports two organizations, The Fund for Community Progress and United Way of Rhode Island, that provide essential resources and services to individuals and families in our local communities. VP Davis recognized the difficult economic climate and emphasized how much more the community would be counting on our generosity this year. Details of two programs, *Change for Change* and the *Bookstore Roundup*, will be announced in a forthcoming letter from the President.

The next item on the agenda was a motion pertaining to the dismissal of a faculty member.

SUMMARY: Motion to amend the *Faculty Rules and Regulations* in order to clarify and specify a procedure for the dismissal of a member of the faculty

RATIONALE: Brown’s *Faculty Rules and Regulations* currently contain no explicit procedure for the dismissal of a member of the faculty. The procedures here are cumbersome, but we should expect them to be needed only very rarely. The structure of the procedure was designed to be broadly analogous to the procedures for awarding tenure. The new procedure has been shown to the Administration and the Office of the General Counsel, and somewhat revised to meet with their concerns.

MOVED: That the Faculty recommend to the Corporation that the *Faculty Rules and Regulations* be amended in Part 5, Section 11.I.A.1-14, University Regulations: Pertinent Corporation Rules Relating to the Faculty, by deleting the existing language (as struck-through below) and replacing it with the proposed new language (underlined and in bold below), effective immediately.

Section 11. University Regulations

I. Pertinent Corporation Rules relating to the Faculty

A. Conditions of Tenure and Faculty Reappointments

NOTE: The following is Part I of a statement on Tenure and Reappointments recommended by the Faculty to the Corporation on May 24, 1977 as a replacement for the statement of May 30, 1959, and subsequently amended (cf. pp. 33-34 of the September 1974 edition of the Faculty Rules and Regulations.)

On June 4, 1977, the Corporation voted “That Part I of the Statement on Tenure and Reappointments adopted by the Faculty at its meeting on May 24, 1977, be accepted and made the policy of the University.”

Part II, referring to the Committee on Faculty Reappointments and Tenure, is found in 2,VI,E, above.

For the purposes of this statement “faculty” refers only to those individuals who are primarily employed in teaching and/or research or who have tenure.

1. The awarding of tenure at Brown University determines permanent membership in the professorial faculty. It conveys both a status and a contingent right, the assurance of continuous academic employment until retirement ~~at the stipulated age.~~

2. A tenured appointment may not be terminated by the Corporation except for adequate cause and after the appointment holder has been accorded the rights of due process as prescribed in Section ~~10, I, A.,~~ **11.I.B.**

~~3. Nothing herein contained shall limit the right of the Corporation to remove any member of the Faculty for adequate cause. When a case of this sort occurs, a Committee of the Faculty shall be elected by the Faculty to advise the Corporation.~~

~~4. Adequate cause for dismissal of an individual during either a term appointment or tenure refers to demonstrated incompetence, to dishonesty in teaching or research, to substantial and manifest neglect of duty, or to personal conduct which substantially impairs the individual's fulfillment of institutional responsibilities. The burden of proof in establishing cause for dismissal rests upon the University.~~

~~5.~~ **3.** All Faculty appointments are either tenurable or untenurable. A tenurable appointment may not be changed to an untenurable appointment to circumvent the limitation on the probationary period as defined below.

~~6.~~ **4.** Tenurable appointments are, by title, the Professorship, the Associate Professorship, and the Assistant Professorship, and these three only. (See exclusions in paragraph 7 below.) The Professorship and the Associate Professorship will normally be tenured. The Assistant Professorship will normally not be tenured.

~~7.~~ **5.** Untenable Appointments

a. All appointments other than the three professorial appointments specified above are untenurable and, as such, they neither involve considerations of tenure nor are they subject to the limitation of the probationary period as defined below. They are appointments to perform specific tasks. Untenable appointments include, but are not limited to, those titled Instructor, Lecturer, Research Associate; and those with the designation "Visiting," Adjunct," (Research), "Investigator," "Senior Investigator," "Associate," and those appointments in the Division of Biology and Medicine with the title "Clinical."

b. Those appointments in the Division of Biology and Medicine with the designation of "Specialty" in a medical area, e.g., Professor of Pediatrics, are for a specific term and renewable. Such appointments do not carry tenure and are not subject to the probationary period as defined below, but individual faculty members of senior rank may be considered for a tenured faculty position with the joint concurrence of the University and of the hospital in which they are employed.

~~8.~~ **6.** Untenured faculty members may serve no longer than seven years of full-time faculty service or its equivalent in tenurable ranks at Brown University. After seven years of full-time faculty service or its equivalent at Brown University, such appointments must either be tenured or the appointment in tenurable rank is terminated, except that extensions of up to two years may be granted by the Dean of the Faculty (or the Dean of Medicine and Biological Sciences) for care of a newborn child or a newly adopted young child, or for other extraordinary circumstances. An interruption of a term of service for a medical leave,

in accordance with University policy, no matter what its length, shall not be counted as part of the probationary period.

~~9.~~ **7.** Tenurable appointments which have been contracted for a specific term, may, when the term expires, either be terminated, or renewed without tenure, or changed to a tenured appointment. A first tenurable appointment may have a term no longer than three years.

~~10.~~ **8.** Recommendations to renew or not to renew contracts and recommendations to award or not to award tenure are initiated by the appointee's department, division, or program. In cases of negative recommendation, and, at the request of the appointee, he or she shall be given, in writing, the rationale of the decision made by the department, division, or program. If the appointee holds a joint appointment, such recommendations shall be made individually by the departments, divisions, and/or programs concerned. The recommendations may be reviewed by the Tenure, Promotion and Appointments Committee. Only the Corporation can grant tenure.

~~11.~~ **9.** Tenure considerations for faculty appointees who hold part-time appointments shall be in accordance with the "Resolution on Part-time Faculty Appointments" adopted by the Faculty on 21 May 1974. (See Section 10,I,C.)

~~12.~~ **10.** All recommendations must be prepared and sent forward and all reviews concluded early enough to enable the University to give notice to the appointee of the action it intends to take at least twelve months before the expiration of the term appointment, except that for persons whose term appointments at Brown University total three years or less, notice shall be given at least eight months before the appointment expires. Initial faculty appointments of a duration of one year or less, and "Visiting" appointments of whatever duration are to be considered as terminal appointments, not requiring additional notice from the University regarding possible reappointment.

~~13.~~ **11.** An untenured faculty appointee has a right to the following:

- a. A written statement of the department's, program's, or division's criteria for recommending renewal of an appointment or award of tenure and of the procedures prefatory to making such recommendations.
- b. A yearly professional evaluation by his or her Chair, together with an explanation of the department's, program's, or division's needs so far as these may affect the appointee.
- c. A conscientious documentation by the department, program, or division of his or her professional career.
- d. A review of his or her case by the tenured members of the department, program, or division sufficiently before the dates of crucial decisions.
- e. A personal appearance before the tenured members of the department, program, or division during consideration of his or her case.
- f. A recommendation from the department, program, or division about his or her renewal or tenuring made ready by the proper date; an explanation of what that recommendation will be and to whom and when it will be sent.

The failure of a department, program, or division, or of the Tenure, Promotion and Appointments Committee, or of the Administration to secure any or all of these rights to a candidate shall not be sufficient cause for renewing an appointment or for awarding tenure.

~~14.~~ **12.** Instructors and other faculty members who held tenurable rank prior to July 1, 1977, may elect to be governed by the Corporation Rules on Tenure as adopted in 1959 and subsequently amended.

B. Procedures Governing Dismissal of a Member of the Faculty

1. The dismissal of a member of the faculty during either a term appointment or tenure is a rare event. When circumstances arise that might lead to such an action, they must be handled fairly and expeditiously. It is essential to have a process that protects both the rights of a member of the faculty and the University. These procedures outline the process by which a member of the faculty may be dismissed from a term or tenured appointment. Nothing herein shall limit the right of the Corporation to remove any member of the faculty for adequate cause.

2. Adequate cause for dismissal of an individual during either a term appointment or tenure refers to: demonstrated incompetence which substantially impairs the individual's fulfillment of institutional responsibilities; dishonesty in teaching, research, scholarship, or other academic responsibilities; substantial and manifest neglect of duty; personal conduct which substantially impairs the individual's fulfillment of institutional responsibilities; or illegal activities which have a substantial negative impact on the University's operations or obligations.

The responsibility for establishing cause for dismissal of a member of the faculty with tenure or a member of the faculty during a term appointment rests upon the University Administration.

3. Basis for Action by the Dean:

If the Dean of the Faculty or the Dean of Medicine, as appropriate, independently determines that there is adequate cause to consider dismissal of a tenured member of the faculty or a member of the faculty during a term appointment, the Dean will provide notice in writing to the member of the faculty of the basis for consideration of dismissal.

Complaints against a member of the faculty should be reported in writing in a timely manner to the Dean of the Faculty or the Dean of Medicine and Biological Sciences, as appropriate. Following receipt of the complaint, the Dean shall determine whether the complaint provides credible information which, if true, would warrant dismissal of a tenured member of the faculty or a non-tenured member of the faculty during a term of appointment. If the Dean makes such a determination, the Dean shall provide notice to the member of the faculty, in writing, identifying the allegations and the reasons why the allegations, if determined to be true, may subject the member of the faculty to dismissal. If the basis for the Dean's consideration is a complaint of conduct submitted by a third party to the Dean which, if determined to be true, could warrant dismissal of the member of the faculty, the Dean shall provide notice in writing to the member of the faculty of receipt of a complaint.

When the action is informed by a complaint, the notice to the member of the faculty shall also include the name of the person(s) filing the complaint. In very unusual circumstances, the Dean may choose not to include the name(s) of the complainant(s). If so, the Dean must provide the member of the faculty the reason(s) for not divulging the identity of the complainant. The member of the faculty shall be asked to meet with the Dean to respond to the allegations. The faculty member may have an advisor or legal counsel present, who may not participate in the proceedings. If the Dean determines that it is necessary or desirable and justifiable for others to attend the meeting based on the information to be presented to the member of the faculty, the Dean will inform the member of the faculty of all other attendees in advance of the meeting. If the matter can be resolved by agreement between the parties, the Dean shall take the appropriate action and inform the President and Provost of the agreement reached between the parties. Other officers of the faculty or the University shall be informed only as may be necessary to implement the agreement or by agreement of the parties.

If, after the Dean's review and/or investigation, he/she recommends the dismissal of the member of the faculty, the Dean shall so inform the member of the faculty, the chair of the faculty member's department, the President, the Provost, and the Chair of the Faculty Executive Committee or, in the case of a hospital-based member of the faculty, the Chair of the Medical Faculty Executive Committee, as appropriate. The Faculty Executive Committee or the Medical Faculty Executive Committee, as appropriate, shall be responsible for appointing an Ad Hoc Hearing Committee (AHHC) of the faculty to conduct a hearing of the charges by the Dean. The member of the faculty has the right to request that the recommendation of the Dean not be reviewed by the AHHC by providing such a request in writing to the Chair of the Faculty Executive Committee or of the Medical Faculty Executive Committee, as appropriate. If the faculty member so elects, the Dean's recommendation will be forwarded to the Provost for the Provost's recommendation to the President. If the member of the faculty chooses to have the recommendation reviewed by the AHHC, the procedures below will be followed.

4. The AHHC

The AHHC of the faculty shall consist of no less than three and no more than seven tenured members of the faculty, appointed by the Faculty Executive Committee or the Medical Faculty Executive Committee, as appropriate. Members of the AHHC shall have had no involvement with or relationship to the member of the faculty or the circumstances under review. A chair of the AHHC, who shall retain the right to vote, shall be elected from among the members of the committee at their first meeting.

The AHHC shall not be bound by rules of legal evidence, and it may elect to admit any evidence that it deems of probative value in determining the issues, making every effort to consider any information which it deems to be both reliable and relevant in order to safeguard the rights of the faculty member to a fair hearing. All proceedings, deliberations, records and documents reviewed and generated by the AHHC, shall be maintained as confidentially as possible.

The Chair of the AHHC shall:

- (i) confirm that the member of the faculty has received written notification and supportive information regarding the alleged conduct/misconduct from the Dean;
- (ii) provide the member of the faculty with a copy of these procedures;
- (iii) obtain from the Dean a written summary of the information/documents he or she intends to present and a provisional list of witnesses, if any, to be called;
- (iv) obtain from the member of the faculty a written response and a provisional list of witnesses, if any, to be called;
- (v) determine, in consideration of the evidence to be presented and the witnesses to be heard, the schedule and location of hearings and notify all parties promptly of them. Hearings shall be scheduled not less than twenty-one (21) days after the member of the faculty receives notice of the charges, unless an earlier date is agreed upon by all concerned.

5. The AHHC Hearing

During the hearings, the member of the faculty shall represent herself or himself, i.e. present information and/or documents on his/her behalf. Although only the member of the faculty may represent himself or herself, the member of the faculty may have the presence and assistance of another member of the faculty and/or, at his/her expense, legal counsel. Such person may assist the member of the faculty but may not present information or testimony in lieu of the member of the faculty's participation, or participate directly in the proceedings. Similarly, the Dean may be

accompanied by a member of the faculty or staff member to assist in the presentation of the Dean's case subject to the same constraints as pertain to the member of the faculty.

Persons assisting the member of the faculty or the Dean may not engage in any behavior which has a disruptive or deterrent effect on the hearing proceedings. The Chair shall have the authority to dismiss any such persons from the hearing.

The Dean shall make the first presentation to the Committee. The Dean may present information orally and/or through written materials. Following presentation by the Dean of the allegations and supporting information/documents, the member of the faculty shall have the opportunity to make a presentation to the Committee. The member of the faculty may present information orally and/or through written materials. If either party intends to include written materials in their presentation, these materials should be submitted to the Chair at least three working days in advance of the hearing. It shall be the responsibility of the Chair to provide a secure mechanism for the committee members to review the written materials in advance of the hearing and make copies of the materials for review at the meeting. All materials presented to the Committee shall be collected at the conclusion of the meeting and secured to protect the confidentiality of the proceedings.

A party desiring to present witnesses to corroborate his/her statements may request that the committee require the attendance of such witnesses. The party shall provide sufficient information for the committee to determine how the witness's involvement in the hearing will be germane to the issues before the committee. When the AHHC determines that the witness's statements are vital to fair consideration of the issues before it but the witness cannot or will not appear, the AHHC will attempt to obtain a statement from the witness.

All testimony must be directed to the Committee. Parties may ask questions of witnesses only through the Chair of the AHHC.

6. Report to the Provost

Upon completion of the hearings the AHHC shall prepare a written report expeditiously, based solely upon the evidence and argument (oral and written) presented in the hearings and available to the faculty member and the Dean. This report shall state the committee's findings on each part of the charge, and may include recommendations. The report shall go for action and response to the Provost, with copies to the member of the faculty, the Dean, the Chair of the Faculty Executive Committee or of the Medical Faculty Executive Committee, as appropriate. Either the member of the faculty or the Dean may submit a written statement directly to the Provost for his or her consideration, within a period of time to be specified by the Provost (normally not exceeding 10 days).

The Provost shall review the recommendation of the Dean together with the report, findings and recommendations of the AHHC and following this review, if the Provost determines that the Dean's recommendation, in light of the findings of the AHHC, if pertinent, warrants dismissal of the member of the faculty during either a term appointment or tenure, he or she shall make a recommendation to that effect in writing to the President along with a copy of the AHHC's report. The member of the faculty, the Dean, and the Chair of the Faculty Executive Committee or of the Medical Faculty Executive Committee, shall receive a copy of the Provost's recommendation to the President.

7. The President's Review

The President shall consider the recommendation of the Provost and the report of the AHHC. The President may grant to the member of the faculty under review an opportunity to discuss the recommendation with the President, in person.

If the President determines that the circumstances require a recommendation to the Corporation that the member of the faculty be dismissed during either a term appointment or tenure, the President shall so recommend in writing to the Corporation. The member of the faculty, the Dean, the Provost, the chair of the AHHC, and the Chair of the Faculty Executive Committee or of the Medical Faculty Executive Committee, as appropriate, shall receive a copy of the President's recommendation to the Corporation.

8. Action by the Corporation

The Corporation has sole authority to dismiss a member of the faculty from a term appointment or tenure for adequate cause. Upon receipt of the recommendation of the President, the Corporation shall consider the report of the AHHC and the recommendations of the President and the Dean. The Corporation may also review such other information as it deems necessary to reach its decision.

The decision of the Corporation shall be final. The Corporation's decision shall be communicated to the President. The President shall notify the member of the faculty, the Department Chair, the Dean, the Provost, the chair of the AHHC, and the Chair of the Faculty Executive Committee or of the Medical Faculty Executive Committee, as appropriate, of the decision.

9. Suspension of Member of the Faculty Pending Decision

The President shall have the power to suspend a member of the faculty accused of any conduct which could warrant dismissal if there is a threat of immediate harm to the member or others or sustained harm to the University by his/her continued active employment during the intervening period. During the period of this suspension, the regular salary and benefits of the member of the faculty shall be continued.

B. C. Statement on Academic Freedom for Faculty and Students

NOTE: The Faculty voted on April 12, 1966, to recommend the following statement to the Corporation for adoption as the public policy of Brown University. On June 4, 1966, the Corporation approved the recommendation with the proviso as noted in the footnote.

1. Academic Freedom is essential to the function of education and to the pursuit of scholarship in universities.
2. Therefore, Brown University, mindful of its historic commitment to scholarship and to the free exchange of ideas, affirms that faculty members and students alike shall enjoy full freedom in their teaching, learning, and research.
3. Brown University also affirms that faculty members and students shall have the freedom of religious belief, of speech, of press, of association and assembly, of political activity inside and outside the University, the right to petition the authorities, public and University, to invite speakers of their choice to the campus,¹ and that students and faculty members as such should not be required to take any oath not required of other citizens. The time, place, and manner of exercising these rights on the campus shall be

¹Reference to the rights of students to invite speakers to the campus refers to recognized student groups.

subject to reasonable regulation only to prevent interference with the normal functions of the University.

C. D. Definition of Policies Concerning Sabbatic Leave of Members of the Faculty

Sabbatic leave is granted to members of the Faculty as recognition of notable service through teaching and scholarly contributions, and as an aid and inspiration to further achievements. Sabbatic leave is intended to provide teachers with opportunities for scholarly development and contacts which shall contribute to their professional effectiveness and to the value of their later services to Brown University. It is not intended that such leave shall be used primarily for the purposes of recreation and recuperation.²

1. Eligibility and Opportunity for Sabbatic Leave

Sabbatic leave is granted only to tenured faculty and such officers of the University as the President may nominate and in consideration of the nature and period of service with such rank of Brown University. The candidate for leave shall have served at Brown for at least six years, but nothing herein contained shall limit the right of the Corporation to enter into a special agreement concerning the time of the first sabbatic leave of a member of the Faculty or officer brought from another institution or organization.

The opportunity for taking sabbatic leave at regular intervals is not absolutely guaranteed by the University and will be granted only when the condition of the department involved, and of the University in general, is such that the absence on leave will not seriously impair the interests of the University. It is understood that consideration will be given to the special conditions in small departments, even though special expense to the University be involved.³

2. Periods of Leave, Compensation During Leave

Following six semesters in residence, a faculty member shall be eligible for a sabbatic leave of absence for one semester, and shall receive seventy-five percent of the usual semester salary during that time. The faculty member may choose instead to continue teaching for an additional six semesters, after which time the sabbatic leave may involve absence for an entire academic year (or for two semesters), during which period the professor or officer shall receive three-quarters of the academic year salary; or it may involve absence for only one semester, with full academic year salary. It is presumed that a member of the Faculty or an officer on sabbatic leave is not receiving compensation for services in another institution or organization.⁴

3. Time and Requirements of Application for Leave

Application for leave shall be made in writing, and addressed to the Corporation not later than December 15th of the academic year preceding the one for which leave is requested. The applicant must have a well considered plan for spending the leave in a manner clearly calculated to contribute to the best interests of the University. A detailed written statement of this plan, together with clear indications of its professional advantages, shall accompany the application.

²Amended by the Advisory and Executive Committee of the Corporation, December 13, 1963, March 12, 1965, January 14, 1966, and November 13, 1970.

³As amended March 12, 1965.

⁴As amended November 13, 1970.

4. Leave of Absence and Sabbatic Leave

Leave of absence, without pay, may be granted at any time. Such periods of leave will ordinarily not be counted as part of the consecutive years of service which are a prerequisite to sabbatic leave.⁵

5. Required Report

Upon returning to the University after sabbatic leave, the professor shall write a detailed report of his or her activities during leave, and shall transmit the same to the President in a form suitable for publication. Less formal comments supplementary to this report will be welcomed.

6. Special Sabbatic Leaves of Absence

A program of special sabbatic leaves of absence was approved beginning July 1, 1966, for untenured faculty and, in special cases, the time used for such special sabbatic leaves not to count toward entitlement under the regular sabbatic program.⁶

~~D.~~ E. Policy on Retirement Benefits

1. The Corporation policy and information on retirement benefits for faculty is available on the web at:

http://www.brown.edu/Administration/Dean_of_the_Faculty/policies/policies-faculty.html#srp

~~E.~~ F. Conflict of Interest, Statement and Procedure (the Faculty)

1. The Corporation policies and information on Conflict of Interest applicable to all members of the Brown Community, and policies particularly applicable to officers of instruction and research, is available on the web at:

<http://research.brown.edu/policies/coidisclosure.php>

~~F.~~ G. Patent and Invention Policy

1. The Corporation of Brown University approved and adopted the Brown University Patent and Invention Policy and Copyright Policy on May 27, 2005, replacing the University Patent and Invention Policy approved and adopted May 30, 1981, and is available on the web at:

<http://research.brown.edu/pdf/newpatent%20policy.pdf>

The motion on the agenda was amended to read: That the Faculty recommend ~~to the Corporation~~ that the *Faculty Rules and Regulations* be amended in Part 5, Section 11.I.A.1-14, University Regulations: Pertinent Corporation Rules Relating to the Faculty, by deleting the existing language (as struck-through below) and replacing it with the proposed new language (underlined and in bold below), effective ~~immediately~~ **upon its approval by the Corporation.**

⁵As amended December 13, 1963.

⁶Voted by Advisory and Executive Committee of the Corporation, January 14, 1966.

This motion had come before the faculty in May of the preceding semester and was sent back to the FEC for additional revision and resolution of issues raised at that meeting. Professor Tan introduced the motion by laying out its two goals: To state clearly the procedure for dismissal and to clarify the cause for dismissal. Professor Tan pointed out that the language concerning cause for dismissal was modified very slightly from the original text to make it more precise and to include “illegal activities which have a substantial negative impact on the University’s operations or obligations”. This point was illustrated in a powerpoint slide. In contrast, the lengthy description of the procedure for dismissal was an almost entirely new addition.

Professor Shank asked about the language pertaining to the evidence for dismissal. Is it the preponderance of evidence? Is there a legal definition of burden of proof that is to be used in making the decision to dismiss a faculty member? Professor Tan responded that there is no legal definition. The Dean of the Faculty must make reasonable arguments that make sense. University Counsel Beverly Ledbetter agreed that no legal standard was embedded in this process. The burden of proof rests upon the Dean and the Ad Hoc Hearing Committee (AHHC) would have to be persuaded.

Professor Daniel Smith asked if the Corporation usually approved changes to the Faculty Rules and Regulations (FRR) and why the Corporation had to approve this change. Professor Tan explained that dismissal of a faculty member was covered in a section of FRR that pertained to Corporation Rules relating to the faculty. President Simmons added that not every faculty rule or regulation is of interest to the Corporation.

Professor Wegner commented that the intent of the motion was simply to clarify the rules pertaining to dismissal. Professor Tan reiterated that the purpose of the motion was to rectify an existing situation in which the dismissal procedure was not stated clearly. Outdated language was removed, the description of the procedure had been sharpened, and cause for dismissal had been made clearer.

Dean Wetle then took issue with a statement in the existing and not-to-be-amended section of text: For the purposes of this statement “faculty” refers only to those individuals who are primarily employed in teaching and/or research or who have tenure. A lengthy debate ensued about whether and how to rephrase this sentence. Professor Burwell offered a friendly amendment: For the purposes of this statement “faculty” refers only to those individuals who have tenure or who are nontenured and primarily employed in teaching and/or research. After further deliberation of the issue and consideration of alternative phrasings, this friendly amendment was accepted by Professor Tan.

Professor Serio noted that the procedures included avenues for a faculty member to interact with those making a decision about his/her dismissal at all stages except one. She asked why the procedure was written to deny the faculty member an opportunity to meet with the Corporation Committee. University Counsel Beverly Ledbetter explained that the Corporation does not deal with appeals. It has no appellate process.

Professor Warren expressed concern about illegal activities being a cause for dismissal if they were to include acts of civil disobedience and other forms of protest. A number of comments were made and the prevailing opinion seemed to be that we have to trust the AHHC will use common sense.

Professor Shank asked for consistent use of the correct title in referring to the Dean of Medicine and Biological Sciences in the text. His request was approved.

Professor Walker questioned the language regarding the President’s power to suspend a member of the faculty accused of any conduct which could warrant dismissal if there is a threat of immediate harm to the member or others. How do we assess a threat? He recommended that the threat must be a credible one.

Professor Walker expanded further on how a suspension might impact the proceedings. He was concerned that a suspension might prejudice the proceedings. President Simmons stated that the University already has the right to remove someone from campus, for example in a situation where a person brings a weapon onto campus and expresses an intent to harm someone. She emphasized that there has to be just cause for a suspension and that a threat has to be demonstrable. She agreed that the threat should be credible and the motion was so amended. President Simmons also agreed that fair consideration is exceedingly important and that all effort must be made to prevent a suspension from preventing a fair decision from being reached. She called on Beverly Ledbetter to supply language to address this concern. The mere fact of suspension should not constitute evidence of wrongdoing was offered in response. These two friendly amendments were accepted by Professor Tan. The amended section reads: **The President shall have the power to suspend a member of the faculty accused of any conduct which could warrant dismissal if there is a credible threat of immediate harm to the member or others or sustained harm to the University by his/her continued active employment during the intervening period. During the period of this suspension, the regular salary and benefits of the member of the faculty shall be continued. The mere fact of suspension should not constitute evidence of wrongdoing.**

Professor Church was curious to know what prompted adoption of the phrase “illegal activities” as a cause for dismissal and referred to a very old case involving bad publicity. In one of the lighter moments of the meeting, President Simmons explained that bad publicity goes with the territory and cited the Columbus Day name change. She called for the need to be more confident that the Senior Administration will not go forward with minor issues.

Professor Walker pointed out that the various causes for dismissal were all qualified in some way except for one – dishonesty in teaching, research, scholarship, or other academic responsibilities. Does this mean that a little dishonesty is enough to warrant a dismissal action? He also thought the term “other academic responsibilities” is nebulous. Professor Dreier cautioned against drawing lines and spelling out precisely how much dishonesty there had to be. President Simmons echoed that sentiment indicating that it is the job of the AHHC, a committee of one’s peers, to keep a check on this. She agreed that guidelines are an important protection but that they are never fully adequate to determine if a Dean is justified in bringing a dismissal action forward. That judgment lies with the AHHC. President Simmons asked University Counsel to comment on the language regarding dishonesty. Beverly Ledbetter indicated that the phrasing was standard and common in peer institutions. Professor Tan acknowledged the concern that had been raised but also expressed the opinion that any qualification will be muddling. The procedure provides for safeguards.

Professor Shank pointed out that we already have a committee on scientific misconduct and might the inclusion of dishonesty in research in this document constitute double jeopardy. Beverly Ledbetter was asked to explain the relationship between the two procedures. A finding of misconduct by the committee on scientific misconduct, overseen by the Office of the Vice President for Research, would trigger the dismissal process. Further discussion ensued about the difference between dishonesty in research and scientific misconduct and whether or not the language for the two procedures needed to match. After consulting the online AAUP guidelines, Professor Dill informed the members that misconduct is used only for research whereas dishonesty applies to research, teaching and scholarship.

Professor Tamassia asked if illegal activities should be expanded to include conviction for illegal activities. University Counsel explained that a conviction is presumed to be included in illegal activities so no addition is needed.

Professor Hermance congratulated the faculty on having had one of the most in-depth and engaging discussions in months. He advocated for moving forward with a vote and trusted that the issues raised in the meeting would be captured in the minutes of the Faculty Meeting which could then guide any future

action as necessary. The motion, as amended four times by friendly amendments from the floor, was passed unanimously.

SUMMARY: Motion to amend the *Faculty Rules and Regulations* in order to clarify and specify a procedure for the dismissal of a member of the faculty

RATIONALE: Brown's *Faculty Rules and Regulations* currently contain no explicit procedure for the dismissal of a member of the faculty. The procedures here are cumbersome, but we should expect them to be needed only very rarely. The structure of the procedure was designed to be broadly analogous to the procedures for awarding tenure. The new procedure has been shown to the Administration and the Office of the General Counsel, and somewhat revised to meet with their concerns.

MOVED: That the Faculty recommend ~~to the Corporation~~ that the *Faculty Rules and Regulations* be amended in Part 5, Section 11.I.A.1-14, University Regulations: Pertinent Corporation Rules Relating to the Faculty, by deleting the existing language (as struck-through below) and replacing it with the proposed new language (underlined and in bold below), effective ~~immediately~~ **upon its approval by the Corporation**.

Section 11. University Regulations

II. Pertinent Corporation Rules relating to the Faculty

B. Conditions of Tenure and Faculty Reappointments

NOTE: The following is Part I of a statement on Tenure and Reappointments recommended by the Faculty to the Corporation on May 24, 1977 as a replacement for the statement of May 30, 1959, and subsequently amended (cf. pp. 33-34 of the September 1974 edition of the Faculty Rules and Regulations.)

On June 4, 1977, the Corporation voted "That Part I of the Statement on Tenure and Reappointments adopted by the Faculty at its meeting on May 24, 1977, be accepted and made the policy of the University."

Part II, referring to the Committee on Faculty Reappointments and Tenure, is found in 2,VI,E, above.

For the purposes of this statement "faculty" refers only to those individuals who **have tenure or who are nontenured and** are primarily employed in teaching and/or research ~~or who have tenure~~.

1. The awarding of tenure at Brown University determines permanent membership in the professorial faculty. It conveys both a status and a contingent right, the assurance of continuous academic employment until retirement ~~at the stipulated age~~.

2. A tenured appointment may not be terminated by the Corporation except for adequate cause and after the appointment holder has been accorded the rights of due process as prescribed in Section ~~10,I,A.~~, **11.I.B.**

~~3. Nothing herein contained shall limit the right of the Corporation to remove any member of the Faculty for adequate cause. When a case of this sort occurs, a Committee of the Faculty shall be elected by the Faculty to advise the Corporation.~~

~~4. Adequate cause for dismissal of an individual during either a term appointment or tenure refers to demonstrated incompetence, to dishonesty in teaching or research, to substantial and manifest neglect of duty, or to personal conduct which substantially impairs the individual's fulfillment of institutional responsibilities. The burden of proof in establishing cause for dismissal rests upon the University.~~

~~5.~~ 3. All Faculty appointments are either tenurable or untenurable. A tenurable appointment may not be changed to an untenurable appointment to circumvent the limitation on the probationary period as defined below.

~~6.~~ 4. Tenurable appointments are, by title, the Professorship, the Associate Professorship, and the Assistant Professorship, and these three only. (See exclusions in paragraph 7 below.) The Professorship and the Associate Professorship will normally be tenured. The Assistant Professorship will normally not be tenured.

~~7.~~ 5. Untenable Appointments

a. All appointments other than the three professorial appointments specified above are untenurable and, as such, they neither involve considerations of tenure nor are they subject to the limitation of the probationary period as defined below. They are appointments to perform specific tasks. Untenable appointments include, but are not limited to, those titled Instructor, Lecturer, Research Associate; and those with the designation "Visiting," Adjunct," (Research), "Investigator," "Senior Investigator," "Associate," and those appointments in the Division of Biology and Medicine with the title "Clinical."

b. Those appointments in the Division of Biology and Medicine with the designation of "Specialty" in a medical area, e.g., Professor of Pediatrics, are for a specific term and renewable. Such appointments do not carry tenure and are not subject to the probationary period as defined below, but individual faculty members of senior rank may be considered for a tenured faculty position with the joint concurrence of the University and of the hospital in which they are employed.

~~8.~~ 6. Untenured faculty members may serve no longer than seven years of full-time faculty service or its equivalent in tenurable ranks at Brown University. After seven years of full-time faculty service or its equivalent at Brown University, such appointments must either be tenured or the appointment in tenurable rank is terminated, except that extensions of up to two years may be granted by the Dean of the Faculty (or the Dean of Medicine and Biological Sciences) for care of a newborn child or a newly adopted young child, or for other extraordinary circumstances. An interruption of a term of service for a medical leave, in accordance with University policy, no matter what its length, shall not be counted as part of the probationary period.

~~9.~~ 7. Tenurable appointments which have been contracted for a specific term, may, when the term expires, either be terminated, or renewed without tenure, or changed to a tenured appointment. A first tenurable appointment may have a term no longer than three years.

~~10.~~ 8. Recommendations to renew or not to renew contracts and recommendations to award or not to award tenure are initiated by the appointee's department, division, or program. In cases of negative recommendation, and, at the request of the appointee, he or she shall be given, in writing, the rationale of the decision made by the department, division, or program. If the appointee holds a joint appointment, such recommendations shall be made individually by the departments, divisions, and/or programs concerned. The recommendations may be reviewed by the Tenure, Promotion and Appointments Committee. Only the Corporation can grant tenure.

~~11.~~ 9. Tenure considerations for faculty appointees who hold part-time appointments shall be in accordance with the "Resolution on Part-time Faculty Appointments" adopted by the Faculty on 21 May 1974. (See Section 10,I.C.)

~~12-~~ **10.** All recommendations must be prepared and sent forward and all reviews concluded early enough to enable the University to give notice to the appointee of the action it intends to take at least twelve months before the expiration of the term appointment, except that for persons whose term appointments at Brown University total three years or less, notice shall be given at least eight months before the appointment expires. Initial faculty appointments of a duration of one year or less, and “Visiting” appointments of whatever duration are to be considered as terminal appointments, not requiring additional notice from the University regarding possible reappointment.

~~13-~~ **11.** An untenured faculty appointee has a right to the following:

- a. A written statement of the department’s, program’s, or division’s criteria for recommending renewal of an appointment or award of tenure and of the procedures prefatory to making such recommendations.
- b. A yearly professional evaluation by his or her Chair, together with an explanation of the department’s, program’s, or division’s needs so far as these may affect the appointee.
- c. A conscientious documentation by the department, program, or division of his or her professional career.
- d. A review of his or her case by the tenured members of the department, program, or division sufficiently before the dates of crucial decisions.
- e. A personal appearance before the tenured members of the department, program, or division during consideration of his or her case.
- f. A recommendation from the department, program, or division about his or her renewal or tenuring made ready by the proper date; an explanation of what that recommendation will be and to whom and when it will be sent.

The failure of a department, program, or division, or of the Tenure, Promotion and Appointments Committee, or of the Administration to secure any or all of these rights to a candidate shall not be sufficient cause for renewing an appointment or for awarding tenure.

~~14-~~ **12.** Instructors and other faculty members who held tenurable rank prior to July 1, 1977, may elect to be governed by the Corporation Rules on Tenure as adopted in 1959 and subsequently amended.

B. Procedures Governing Dismissal of a Member of the Faculty

1. The dismissal of a member of the faculty during either a term appointment or tenure is a rare event. When circumstances arise that might lead to such an action, they must be handled fairly and expeditiously. It is essential to have a process that protects both the rights of a member of the faculty and the University. These procedures outline the process by which a member of the faculty may be dismissed from a term or tenured appointment. Nothing herein shall limit the right of the Corporation to remove any member of the faculty for adequate cause.

2. Adequate cause for dismissal of an individual during either a term appointment or tenure refers to: demonstrated incompetence which substantially impairs the individual’s fulfillment of institutional responsibilities; dishonesty in teaching, research, scholarship, or other academic responsibilities; substantial and manifest neglect of duty; personal conduct which substantially impairs the individual’s fulfillment of institutional responsibilities; or illegal activities which have a substantial negative impact on the University’s operations or obligations.

The responsibility for establishing cause for dismissal of a member of the faculty with tenure or a member of the faculty during a term appointment rests upon the University Administration.

3. Basis for Action by the Dean:

If the Dean of the Faculty or the Dean of Medicine and Biological Sciences, as appropriate, independently determines that there is adequate cause to consider dismissal of a tenured member of the faculty or a member of the faculty during a term appointment, the Dean will provide notice in writing to the member of the faculty of the basis for consideration of dismissal.

Complaints against a member of the faculty should be reported in writing in a timely manner to the Dean of the Faculty or the Dean of Medicine and Biological Sciences, as appropriate. Following receipt of the complaint, the Dean shall determine whether the complaint provides credible information which, if true, would warrant dismissal of a tenured member of the faculty or a non-tenured member of the faculty during a term of appointment. If the Dean makes such a determination, the Dean shall provide notice to the member of the faculty, in writing, identifying the allegations and the reasons why the allegations, if determined to be true, may subject the member of the faculty to dismissal. If the basis for the Dean's consideration is a complaint of conduct submitted by a third party to the Dean which, if determined to be true, could warrant dismissal of the member of the faculty, the Dean shall provide notice in writing to the member of the faculty of receipt of a complaint.

When the action is informed by a complaint, the notice to the member of the faculty shall also include the name of the person(s) filing the complaint. In very unusual circumstances, the Dean may choose not to include the name(s) of the complainant(s). If so, the Dean must provide the member of the faculty the reason(s) for not divulging the identity of the complainant. The member of the faculty shall be asked to meet with the Dean to respond to the allegations. The faculty member may have an advisor or legal counsel present, who may not participate in the proceedings. If the Dean determines that it is necessary or desirable and justifiable for others to attend the meeting based on the information to be presented to the member of the faculty, the Dean will inform the member of the faculty of all other attendees in advance of the meeting. If the matter can be resolved by agreement between the parties, the Dean shall take the appropriate action and inform the President and Provost of the agreement reached between the parties. Other officers of the faculty or the University shall be informed only as may be necessary to implement the agreement or by agreement of the parties.

If, after the Dean's review and/or investigation, he/she recommends the dismissal of the member of the faculty, the Dean shall so inform the member of the faculty, the chair of the faculty member's department, the President, the Provost, and the Chair of the Faculty Executive Committee or, in the case of a hospital-based member of the faculty, the Chair of the Medical Faculty Executive Committee, as appropriate. The Faculty Executive Committee or the Medical Faculty Executive Committee, as appropriate, shall be responsible for appointing an Ad Hoc Hearing Committee (AHHC) of the faculty to conduct a hearing of the charges by the Dean. The member of the faculty has the right to request that the recommendation of the Dean not be reviewed by the AHHC by providing such a request in writing to the Chair of the Faculty Executive Committee or of the Medical Faculty Executive Committee, as appropriate. If the faculty member so elects, the Dean's recommendation will be forwarded to the Provost for the Provost's recommendation to the President. If the member of the faculty chooses to have the recommendation reviewed by the AHHC, the procedures below will be followed.

4. The AHHC

The AHHC of the faculty shall consist of no less than three and no more than seven tenured members of the faculty, appointed by the Faculty Executive Committee or the Medical Faculty Executive Committee, as appropriate. Members of the AHHC shall have had no involvement with

or relationship to the member of the faculty or the circumstances under review. A chair of the AHHC, who shall retain the right to vote, shall be elected from among the members of the committee at their first meeting.

The AHHC shall not be bound by rules of legal evidence, and it may elect to admit any evidence that it deems of probative value in determining the issues, making every effort to consider any information which it deems to be both reliable and relevant in order to safeguard the rights of the faculty member to a fair hearing. All proceedings, deliberations, records and documents reviewed and generated by the AHHC, shall be maintained as confidentially as possible.

The Chair of the AHHC shall:

- (iv) confirm that the member of the faculty has received written notification and supportive information regarding the alleged conduct/misconduct from the Dean;
- (v) provide the member of the faculty with a copy of these procedures;
- (vi) obtain from the Dean a written summary of the information/documents he or she intends to present and a provisional list of witnesses, if any, to be called;
- (iv) obtain from the member of the faculty a written response and a provisional list of witnesses, if any, to be called;
- (v) determine, in consideration of the evidence to be presented and the witnesses to be heard, the schedule and location of hearings and notify all parties promptly of them. Hearings shall be scheduled not less than twenty-one (21) days after the member of the faculty receives notice of the charges, unless an earlier date is agreed upon by all concerned.

5. The AHHC Hearing

During the hearings, the member of the faculty shall represent herself or himself, i.e. present information and/or documents on his/her behalf. Although only the member of the faculty may represent himself or herself, the member of the faculty may have the presence and assistance of another member of the faculty and/or, at his/her expense, legal counsel. Such person may assist the member of the faculty but may not present information or testimony in lieu of the member of the faculty's participation, or participate directly in the proceedings. Similarly, the Dean may be accompanied by a member of the faculty or staff member to assist in the presentation of the Dean's case subject to the same constraints as pertain to the member of the faculty.

Persons assisting the member of the faculty or the Dean may not engage in any behavior which has a disruptive or deterrent effect on the hearing proceedings. The Chair shall have the authority to dismiss any such persons from the hearing.

The Dean shall make the first presentation to the Committee. The Dean may present information orally and/or through written materials. Following presentation by the Dean of the allegations and supporting information/documents, the member of the faculty shall have the opportunity to make a presentation to the Committee. The member of the faculty may present information orally and/or through written materials. If either party intends to include written materials in their presentation, these materials should be submitted to the Chair at least three working days in advance of the hearing. It shall be the responsibility of the Chair to provide a secure mechanism for the committee members to review the written materials in advance of the hearing and make copies of the materials for review at the meeting. All materials presented to the Committee shall be collected at the conclusion of the meeting and secured to protect the confidentiality of the proceedings.

A party desiring to present witnesses to corroborate his/her statements may request that the committee require the attendance of such witnesses. The party shall provide sufficient information for the committee to determine how the witness's involvement in the hearing will be germane to the issues before the committee. When the AHHC determines that the witness's statements are vital to fair consideration of the issues before it but the witness cannot or will not appear, the AHHC will attempt to obtain a statement from the witness.

All testimony must be directed to the Committee. Parties may ask questions of witnesses only through the Chair of the AHHC.

6. Report to the Provost

Upon completion of the hearings the AHHC shall prepare a written report expeditiously, based solely upon the evidence and argument (oral and written) presented in the hearings and available to the faculty member and the Dean. This report shall state the committee's findings on each part of the charge, and may include recommendations. The report shall go for action and response to the Provost, with copies to the member of the faculty, the Dean, the Chair of the Faculty Executive Committee or of the Medical Faculty Executive Committee, as appropriate. Either the member of the faculty or the Dean may submit a written statement directly to the Provost for his or her consideration, within a period of time to be specified by the Provost (normally not exceeding 10 days).

The Provost shall review the recommendation of the Dean together with the report, findings and recommendations of the AHHC and following this review, if the Provost determines that the Dean's recommendation, in light of the findings of the AHHC, if pertinent, warrants dismissal of the member of the faculty during either a term appointment or tenure, he or she shall make a recommendation to that effect in writing to the President along with a copy of the AHHC's report. The member of the faculty, the Dean, and the Chair of the Faculty Executive Committee or of the Medical Faculty Executive Committee, shall receive a copy of the Provost's recommendation to the President.

7. The President's Review

The President shall consider the recommendation of the Provost and the report of the AHHC. The President may grant to the member of the faculty under review an opportunity to discuss the recommendation with the President, in person.

If the President determines that the circumstances require a recommendation to the Corporation that the member of the faculty be dismissed during either a term appointment or tenure, the President shall so recommend in writing to the Corporation. The member of the faculty, the Dean, the Provost, the chair of the AHHC, and the Chair of the Faculty Executive Committee or of the Medical Faculty Executive Committee, as appropriate, shall receive a copy of the President's recommendation to the Corporation.

8. Action by the Corporation

The Corporation has sole authority to dismiss a member of the faculty from a term appointment or tenure for adequate cause. Upon receipt of the recommendation of the President, the Corporation shall consider the report of the AHHC and the recommendations of the President and the Dean. The Corporation may also review such other information as it deems necessary to reach its decision.

The decision of the Corporation shall be final. The Corporation's decision shall be communicated to the President. The President shall notify the member of the faculty, the Department Chair, the Dean, the Provost, the chair of the AHHC, and the Chair of the Faculty Executive Committee or of the Medical Faculty Executive Committee, as appropriate, of the decision.

9. Suspension of Member of the Faculty Pending Decision

The President shall have the power to suspend a member of the faculty accused of any conduct which could warrant dismissal if there is a credible threat of immediate harm to the member or others or sustained harm to the University by his/her continued active employment during the intervening period. During the period of this suspension, the regular salary and benefits of the member of the faculty shall be continued. The mere fact of suspension should not constitute evidence of wrongdoing.

B. C. Statement on Academic Freedom for Faculty and Students

NOTE: The Faculty voted on April 12, 1966, to recommend the following statement to the Corporation for adoption as the public policy of Brown University. On June 4, 1966, the Corporation approved the recommendation with the proviso as noted in the footnote.

1. Academic Freedom is essential to the function of education and to the pursuit of scholarship in universities.
2. Therefore, Brown University, mindful of its historic commitment to scholarship and to the free exchange of ideas, affirms that faculty members and students alike shall enjoy full freedom in their teaching, learning, and research.
3. Brown University also affirms that faculty members and students shall have the freedom of religious belief, of speech, of press, of association and assembly, of political activity inside and outside the University, the right to petition the authorities, public and University, to invite speakers of their choice to the campus,⁷ and that students and faculty members as such should not be required to take any oath not required of other citizens. The time, place, and manner of exercising these rights on the campus shall be subject to reasonable regulation only to prevent interference with the normal functions of the University.

C. D. Definition of Policies Concerning Sabbatic Leave of Members of the Faculty

Sabbatic leave is granted to members of the Faculty as recognition of notable service through teaching and scholarly contributions, and as an aid and inspiration to further achievements. Sabbatic leave is intended to provide teachers with opportunities for scholarly development and contacts which shall contribute to their professional effectiveness and to the value of their later services to Brown University. It is not intended that such leave shall be used primarily for the purposes of recreation and recuperation.⁸

1. Eligibility and Opportunity for Sabbatic Leave

Sabbatic leave is granted only to tenured faculty and such officers of the University as the President may nominate and in consideration of the nature and period of service with such rank of Brown University. The candidate for leave shall have served at Brown for at least six years, but nothing herein contained shall limit the right of the

⁷Reference to the rights of students to invite speakers to the campus refers to recognized student groups.

⁸Amended by the Advisory and Executive Committee of the Corporation, December 13, 1963, March 12, 1965, January 14, 1966, and November 13, 1970.

Corporation to enter into a special agreement concerning the time of the first sabbatic leave of a member of the Faculty or officer brought from another institution or organization.

The opportunity for taking sabbatic leave at regular intervals is not absolutely guaranteed by the University and will be granted only when the condition of the department involved, and of the University in general, is such that the absence on leave will not seriously impair the interests of the University. It is understood that consideration will be given to the special conditions in small departments, even though special expense to the University be involved.⁹

2. Periods of Leave, Compensation During Leave

Following six semesters in residence, a faculty member shall be eligible for a sabbatic leave of absence for one semester, and shall receive seventy-five percent of the usual semester salary during that time. The faculty member may choose instead to continue teaching for an additional six semesters, after which time the sabbatic leave may involve absence for an entire academic year (or for two semesters), during which period the professor or officer shall receive three-quarters of the academic year salary; or it may involve absence for only one semester, with full academic year salary. It is presumed that a member of the Faculty or an officer on sabbatic leave is not receiving compensation for services in another institution or organization.¹⁰

3. Time and Requirements of Application for Leave

Application for leave shall be made in writing, and addressed to the Corporation not later than December 15th of the academic year preceding the one for which leave is requested. The applicant must have a well considered plan for spending the leave in a manner clearly calculated to contribute to the best interests of the University. A detailed written statement of this plan, together with clear indications of its professional advantages, shall accompany the application.

4. Leave of Absence and Sabbatic Leave

Leave of absence, without pay, may be granted at any time. Such periods of leave will ordinarily not be counted as part of the consecutive years of service which are a prerequisite to sabbatic leave.¹¹

5. Required Report

Upon returning to the University after sabbatic leave, the professor shall write a detailed report of his or her activities during leave, and shall transmit the same to the President in a form suitable for publication. Less formal comments supplementary to this report will be welcomed.

6. Special Sabbatic Leaves of Absence

A program of special sabbatic leaves of absence was approved beginning July 1, 1966, for untenured faculty and, in special cases, the time used for such special sabbatic leaves

⁹As amended March 12, 1965.

¹⁰As amended November 13, 1970.

¹¹As amended December 13, 1963.

not to count toward entitlement under the regular sabbatic program.¹²

~~D.~~ **E. Policy on Retirement Benefits**

1. The Corporation policy and information on retirement benefits for faculty is available on the web at:

http://www.brown.edu/Administration/Dean_of_the_Faculty/policies/policies-faculty.html#srp

~~E.~~ **F. Conflict of Interest, Statement and Procedure (the Faculty)**

1. The Corporation policies and information on Conflict of Interest applicable to all members of the Brown Community, and policies particularly applicable to officers of instruction and research, is available on the web at:

<http://research.brown.edu/policies/coidisclosure.php>

~~F.~~ **G. Patent and Invention Policy**

1. The Corporation of Brown University approved and adopted the Brown University Patent and Invention Policy and Copyright Policy on May 27, 2005, replacing the University Patent and Invention Policy approved and adopted May 30, 1981, and is available on the web at:

<http://research.brown.edu/pdf/newpatent%20policy.pdf>

Noting that it was now after 5 p.m., President Simmons suggested moving immediately to the report from the Provost. Provost Kertzer began with a reminder about the impending decision on whether or not to renew the special retirement plan which expires on June 30, 2010. The University engaged an outside consultant to review the plan and the matter is currently before the Committee on Faculty Equity and Diversity (CFED). It looks very unlikely that the current plan will be continued. It has not worked as an incentive to retire. Only one third of eligible faculty opted for the plan which is not different from the proportion of faculty retiring nationally. Faculty have other more pressing concerns such as health care and phased retirement. CFED is considering these alternatives. The Provost wanted to give the faculty warning that the current plan will not be renewed.

Provost Kertzer turned next to the NEASC report which will be released to the community tomorrow. Using a powerpoint presentation, he reviewed the main and largely positive findings of the committee chaired by University of Pennsylvania's President, Amy Gutmann.

Under Planning and Evaluation, the committee commented that: 1. "Brown's big ambitions necessitate a strong, central, organizing focus, and PAE provides just such a focused and guiding force." 2. Ambitious faculty expansion plans have created strains in some areas: Library, IT, graduate programs, research administration, staff support. 3. Evaluation methods appear to be strong, but more should be done to measure faculty quality in research and teaching as well as student learning outcomes.

Under Organization and Governance, the committee noted the following: 1. Corporation members are "deeply loyal" and "very knowledgeable." 2. Corporation works well with senior leadership team. 3.

¹²Voted by Advisory and Executive Committee of the Corporation, January 14, 1966.

Corporation would benefit from adding more alumni of the Graduate School, esp. Ph.D.'s. 4. Effective faculty committee structures: APC, URC, etc. 5. Need to encourage more faculty involvement in playing leadership roles (committees, etc.).

Under the area of emphasis: Undergraduate Education, the committee complimented the advances made in writing, advising, and concentration reviews. Brown should "make a stronger effort to ensure that all students are exposed to the life and physical sciences before graduating." Provost Kertzer noted that 6% of students graduate with no math or science and 15% with only one math or science course. There was concern about unevenness of support among interdisciplinary concentrations (IR as example) and we are urged to develop more direct measures of student learning outcomes. Provost Kertzer mentioned the e-portfolio initiative by the Dean of the College.

Under the Graduate School, the committee is "greatly impressed by the tremendous progress that has been made and commends the University for its decision to place greater emphasis on graduate education as the PAE enters its second phase." The committee encourages Brown to continue along path of building world-class graduate programs. It was noted that graduate student life (academic and social) needs attention, and graduate students should be made to feel on a par with undergraduates in university life.

Under IT and Library, the committee praised leadership. "Expanding access to information resources to support new research ambitions will be a challenge for Brown and its Library." Library is world class and supports undergraduate education but needs attention to support graduate programs. As CIS implements strategic plan, we must be mindful of fast-moving developments. High-performance computing is key to future competitiveness in key research domains.

Finally, the Provost addressed the NEASC committee's comments on Faculty Promotion and Tenure. He began with a statement about the high rate of tenure and promotion: "Brown has historically promoted faculty into the tenured ranks at exceptionally high rates when compared to its peer institutions, and especially when compared to the rates at those institutions of the stature to which it aspires. Overall, in recent years nearly 70% of entering assistant professors go on to receive tenure. 87% of tenure-track faculty who have stood for promotion and tenure have been successful, leading to a situation in which 73% of the Brown professoriate are tenured (full and associate professors)." He continued with other comments from the report about tenure standards: "Although the faculty conceptually acknowledges and accepts the idea that more rigorous tenure standards (and consequent higher rates of failure) are consistent with an advancing research university profile, most of the faculty members with whom we spoke, appeared to reject the insinuation that Brown's system might be in any way lax." "Some members of the faculty who spoke with the team endorse a move toward greater rigor, but they appear to be a minority voice. However, as Brown continues to implement the vision articulated in the PAE and to place greater institutional value and emphasis on research, this minority voice must become considerably more forceful and lead to productive campus-wide discussions over tenure and promotion standards."

Provost Kertzer announced that an associate professor from Applied Math, Govind Menon, has been added to the ad hoc faculty committee on tenure and faculty development. Professor Menon received his PhD in 2001. This committee was formed at the request of the Corporation Committee on Academic Affairs in response to the recommendation in the NEASC report for a collaborative review of tenure standards. The Provost indicated that the ad hoc committee would have meetings with the FEC, CFED, and TPAC, and there would be a Faculty Forum. He expects that the ad hoc committee report will be discussed by the Full Faculty in the spring semester.

The post-visit NEASC schedule was described. President Simmons provided a formal response to the report in July 2009. The NEASC report will be released to the Brown community on November 4 through the website: <http://www.brown.edu/Project/NEASC/>. The Commission on Institutions of Higher

Education (CIHE) will meet to review the report and response on November 19. The formal NEASC action letter is expected in December or January. The Provost concluded his report with a quote by the NEASC committee indicating its tremendous respect for the Brown community and the exceptional undergraduate experience.

Professor Hermance asked how the faculty will discuss the student assessment. The Provost called on the Dean of the College to answer. Dean Bergeron explained that this is happening at the department level and in the reviews of the concentrations. This process emerged from the report of the Task Force on Undergraduate Education. Professor Hermance questioned whether this approach would be satisfactory for assessing students in interdisciplinary courses. Dean Bergeron clarified her position further by stating that the student assessment focused on the outcome of a course of study, not a single course. Professor Hermance expressed a desire for full faculty discussion of what students should learn.

Vice President for Research Clyde Briant spoke at the request of the FEC to provide an overview of his office. He prefaced his comments with the statement that all parts of the office need to be robust and active to advance the research enterprise. The last 6 months have seen a lot of progress in advancing Brown as a research university. Using a powerpoint presentation, VP Briant quickly summarized the major accomplishments of the last 6 months noting high performance computing and a number of research initiatives and partnerships (e.g., IBM - Computation; Draper – Energy; MBL – Environmental Science; Establishment of OSCAR). Katherine Gordon has come on board to head up the Technology Ventures Office (TVO) and Brendan McNally is the point person for a team of entrepreneurs at the RI-Center for Innovation and Entrepreneurship (RI-CIE). Other activities of OVPR mentioned were large-scale proposals (CTSA, Math Institute, etc) and reports by the Research Advisory Board (RAB).

Information about strategic planning activities can be found at:

http://research.brown.edu/ovpr/ovpr_strategic_planning.php.

OVPR is proud of its record with ARRA funding. One hundred and seventy proposals were submitted and 74 awards to date have been made totaling \$31M in new funding (visit <http://research.brown.edu/stimulus/> for more information). There has been a substantial increase in the workload for the Office of Sponsored Projects (OSP). The first quarter of FY10 saw 49 additional proposals and 105 additional awards compared to same period in FY09. VP Briant observed that grants.com is unforgiving of missing fields and other clerical errors. His staff spends about 3 hours per proposal and that ten additional weeks of work have been added by the increase in proposal submission. His office is looking at a staffing plan and considering how to stage the work in an orderly fashion. The imposition of a 5 working day rule for proposal review by OSP is a direct result of these demands. They need time to ensure that the proposal meets institutional policies, that the proposal is correct stylistically, and that the work can be supported as stated.

VP Briant highlighted the progress made in developing an Interinstitutional Authorization Agreement (IAA) with hospitals so that there will be one IRB of record on joint research projects. He also highlighted the key changes in the new Conflict of Interest policy adopted by the Corporation last year. There is no minimum for reporting, a larger conflict of interest review board, a clear statement of what does not need to be reported, and an ability to request specific individuals who should not review COI forms. The RAB report and the new COI forms are available for review on the OVPR website. VP Briant concluded his report with a description of various OVPR outreach activities.

Professor Simmons asked how the OVPR was helping faculty to meet OSP's new rule of 5 working days for proposal review. Faculty should contact OSP staff for assistance with forms and activities. They are there to help faculty and to work with departmental administrative staff.

Professor Tamassia expressed the view that OSP is severely understaffed, has been helpful to him in the past, but that more flexibility is needed in the internal deadline.

Professor Dreier asked for more information about which option in the RAB report had been adopted by OVPR. VP Briant explained that the recommendation not to change anything was adopted. The basic process was the right one to use and therefore there was no change to the process. Thus, despite two years of considerable concern from faculty in the Social Sciences about the policy requiring faculty to serve as principal investigators (PIs) for undergraduate independent research, undergraduate students may not serve as principal investigators on research projects needing IRB approval.

Dean Wing alerted VP Briant to the increasing need for the OVPR to be prepared for a rise in institutional partnerships and research collaborations. VP Briant acknowledged the concern and reported that they had been able to give an extra day to the physics department to submit a proposal involving 12 institutions.

The meeting continued with reports from the Committee on Academic Standing and the Committee on Faculty Equity and Diversity. Professor Shank asked if the academic warning status of a student is available to the advisor and if it appears on the student's record in Banner. Academic warning is signified on the internal academic record.

There being no Old Business and no New Business, the meeting was adjourned at 5:56 p.m.

Respectfully submitted,

Ruth M. Colwill
Secretary of the Faculty