

Minutes of the Faculty Meeting
December 7, 2010

President Simmons called the meeting to order at 4:05 p.m. The customary motion to adjourn no later than 6:00 p.m. and the minutes of the meeting of November were approved without dissent.

Professor Garcia Coll wished the assembly Buenas tardes with thanks to all for their presence and, recalling the joy of giving in tough times, brought to attention Brown Gives Green, the 2010-11 on-line charities drive, which through our pledges and the Change for Change program at the Bookstore, supports the Fund for Community Progress and the United Way. She announced the full agenda that the FEC brings to the meeting, the introduction of two motions on the tenure process along with reports from committees and from the President and the Provost. The two motions for conceptual changes to the Faculty Rules and Regulations (FR&R) with regard to timing and external letters for promotion and tenure are based on the recommendations from the Ad Hoc Committee to Review Tenure and Faculty Development Policies. The FEC has studied the motions presented by the Ad Hoc Committee and has adopted many of their recommendations for discussion and approval by the Faculty, modifying the role of the Dean in preparing the final list of external letters. Parts of these motions were presented to the Faculty at two prior faculty meetings in May and October. The motions are presented conceptually rather than as modifications of the precise language in the Faculty Rules in the hope that this will lead to clear delineation and discussion of key principles underlying proposed changes in the Rules. If and when the Faculty agrees to the principles delineated in the motions, the FEC will return to the Faculty at another meeting, proposing actual language for the Rules to implement agreed-upon principles. So this will be a two step process: a vote today on the principles of the amendments, and at the next faculty meeting a vote on the actual language of the Faculty Rules and Regulations. While the FEC has considered many others aspects of the Committee report, Garcia Coll stated that the FEC relinquishes further motions on these matters, which the ad hoc Committee may wish to bring back to the FEC for presentation on the Faculty agenda. One goal is that as a Faculty we should always be vigilant to introduce more fairness and equitable treatment into our faculty procedures. Times and pressures, internal and external, change, and they should be equally taken into consideration as well as the things we cherish and love. For those seeking tenure at our University, we hope these changes will make the process more standard and transparent. Another matter to take into consideration is that the mandate of the Ad Hoc Committee came from the Corporation. For a variety of reasons our procedures contrast with those of many other comparable and peer institutions. We should carefully scrutinize what we do and come up with a formula that we all can stand by. In order to be sure that our secretary can capture the nuances of our discussions, she asked that members please bring any amendments to any of the motions in writing to the secretary and that members state their names and departments clearly. She stated that civility is one of the cornerstones of civilization, although she has worked with primates and can affirm they can appear civil when they want to. Our discussions should reflect the respect that we have for civil debate and serve as exemplary to the newcomers to our community. We are all passionate about these issues and passions are as much a part of our human condition as rational thinking is. But when our speech silences others, or questions the integrity and the good will of the other, or represents a personal attack to undermine the debate that should not be tolerated, by us, the community. Professor Garcia Coll expressed the hope that we will breath as her yoga teachers say and do, center ourselves in the authenticity of our argument, and respond or articulate such positions with eloquence and firmly. Only then, she affirmed, will we walk

from here with a sense of satisfaction and clarity, not only because our own views were ratified, but because we listened to each other and came up with the best resolution for our institution in this place and time. She is counting, she stated, on all of you here and now and she hoped that we can all rise to the occasion.

Mr. Patterson, chair of the Committee on Nominations, presented the following candidates, all approved without dissent:

Nominations recommended to the Faculty for Committee appointments effective January 1, 2011:

Advisory Committee on Honorary Degrees

Thalia Field (Literary Arts) replacing Corey Walker (Africana Studies) to December 31, 2013

Lewis Lipsitt (Psychology) replacing Kenneth Miller (MCB) to December 31, 2013

Professor Garcia Coll presented the following motion:

Motion: The Faculty Rules and Regulations (FR&R) Sections 10.I.D.6, 11.I.A.6 and 11.I.A.7 be modified to effect the following with regard to the duration of the probationary period and the timing of review for promotion-to-tenure:

- (a) A change in the maximum duration of the first probationary contract to four years (compared to three years presently; cf. FR&R 11.I.A.7).**
- (b) A change of the maximum probationary period to eight years (compared to seven years presently; cf. FR&R 10.I.D.6.a.i & 11.I.A.6).**
- (c) A change in the deadlines for department selection of external referees and submission of documents for evaluation for promotion-to-tenure so as to facilitate a careful and timely review by both the Faculty Tenure, Promotion and Appointments Committee (TPAC) and the University Administration, specifically:
 - (i) June 1 of the year preceding the penultimate year for selection of the external referees.**
 - (ii) November 15 of the penultimate year for submission of the completed dossier and recommendation to TPAC (compared to April 1 of the sixth year; cf. FR&R 10.I.D.6.b.ii).****

Professor Larmore (Philosophy), a member of the Provost's Ad Hoc Committee, spoke in favor of the motion, noting that it was substantively like the motion proposed by the Committee, which he does not object to, and he hopes that the Faculty will approve. He stated that in his view and the view of the Ad Hoc Committee the charge of referral to the FEC was restricted to the earlier motion number two and did not extend to other motions brought or to be brought by the Committee. He stated that while he is happy to support the present motion, he feels obliged to point out that the extension of the charge oversteps its authority, and he is thus happy that the FEC is relinquishing further work on potential motions alluded to in the report. President Simmons asked that the debate remain germane to the motion on the table. Professor Dill, in speaking to the relevance of the charge to the FEC of the present motion, referred members to page one of the Agenda and the additions made to the October minutes as approved, stating that it was her intention in remarks recorded in those minutes, that the charge to the FEC in the motion to

refer be inclusive of all motions made or contemplated in discussion of the Committee report. President Simmons asked that discussion be restricted to the motion on the floor.

An amendment to the motion part C ii changing the date January November 15 in accordance with the earlier understanding of the Faculty was accepted as friendly:

(ii) January 7 of the penultimate year for submission of the completed dossier and recommendations to TPAC (compared to April 1 of the sixth year; cf. FR&R 10.I.D.6.b.ii).

Professor Sanes (Neuroscience), chair of TPAC, spoke in favor of the motion, noting the importance of the increased length of the probationary period to eight years for accommodating set-up time in the sciences and time towards manuscript completion and book publication in the humanities and social sciences. Professor Morgan (CLPS) spoke in favor of the motion, noting the earlier approval of an extended first appointment period and also the importance of additional time for the assessment of teaching. Professor Banchoff (Mathematics) asked whether the proposed change would place Brown in conflict with the longstanding support of the AAUP for seven years as the maximum. Dean Vohra stated that since the process may be completed within seven years there was no conflict. Professor Tan (Physics) spoke against the motion, stating that the increase in time would be an impediment in the recruiting of young stars who would find a faster track to tenure elsewhere, as well as a dangerously slower track towards promotion to full professor. Professor Garcia Coll stated that a maximum number of years does not prevent a candidate from pursuing, with the consent of the department, a speedier path to tenure; Professor Mowry (Molecular and Cell Biology; Biochemistry) likewise spoke in support of the flexibility proposed in the motion. Debate being concluded, the motion carried by electronic ballot with 207 voting: 170 ayes; 30 nays. The approved motion reads as follows:

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 - (i) June 1 of the year preceding the penultimate year for selection of the external referees.**
 - (ii) January 7 of the penultimate year for submission of the completed dossier and recommendation to TPAC (compared to April 1 of the sixth year; cf. FR&R 10.I.D.6.b.ii).**

Professor Garcia Coll presented motion 2:

Motion: Faculty Rules and Regulations (FR&R) Section 10.I.D.6 be modified to effect the following with regard to the procedure for selection and solicitation of external referees and the minimum number of letters of recommendation that must accompany the department's recommendation:

- (a) The number of external letters submitted as part of the dossier to TPAC be increased to a minimum of eight (compared to five presently; cf. FR&R 10.I.D.6.a.v).**
- (b) At a time consistent with institutional submission deadlines for promotion/tenure consideration, candidates shall supply their departmental promotion committee (or equivalent) with a written list of outside scholars who are appropriate evaluators of the candidate's accomplishments.**
- (c) Candidates be asked by their departmental promotion committee (or equivalent) to prepare a written list of individual scholars who should not be solicited for evaluations; this list should state the reason(s) for excluding each individual; this list should be included with the tenure dossier.**
- (d) Departments prepare and approve a list of external scholars to solicit for letters of evaluation. This list must include a minimum of three referees from the candidate's list of "appropriate evaluators"; this list is not shared with the candidate (this last clause being a change from current practice; cf. FR&R 10.I.D.6.a.v and FR&R 10.I.D.6.a.vi).**
- (e) Departments submit this approved list, including biographical information for each potential referee, to the Dean; the submission deadline to be June 1 of the year preceding the penultimate year (note date change conditional to extension of the probationary period Motion 1 (b)). The Dean will review the list in consultation with the department and may recommend to the department additional referees.**
- (f) The department is responsible for contacting the individuals on the list to ascertain each one's willingness to prepare a letter of evaluation of the candidate. The Dean shall thereafter send the referee the formal request for evaluation of the candidate. The collected letters are transmitted to the Department.**

Professor Blumstein moved an amendment to replace the final sentence of section e with the following:

The Dean will review the list with the department and, in consultation with the department, may choose to add referees, providing an explanation of their qualifications to serve.

Professor Blumstein stated that the goal of the amendment was to strengthen the process as much as possible through the role of the dean; that all would ultimately go through the department; and that TPAC would just no longer be faced with dossiers that were not full enough to provide adequate consideration, especially in cases where the small size of a department or divisions presented by a school of thought made full representation difficult. Professor Zimmerman (Molecular Pharmacology, Physiology and Biotechnology) stated that this issue had been discussed repeatedly last spring, and that nothing in the discussion had indicated that the Dean of the Faculty would provide greater wisdom than faculty closer to the field in determining the slate of referees. Professor Roth (Religious Studies and East Asian Studies) agreed with Professor Zimmerman that the FEC formulation of the motion goes precisely to the relative strength of faculty or Dean in selecting referees and that the wording of the proposed amendment, going back to the Ad Hoc Committee proposal, would allow for the arbitrary addition of letters for whatever

reason by the Dean over the objection of the department, while the current motion would allow for consultation of Dean and department. Professor Blumstein stated that these objections to her amendment did not answer the question of a department limited by size or composition to address a particular area. Professor Sanes, speaking in favor of the amendment, stated that these objections lose sight of the importance of the judgment of the Dean working with the department to represent a full spectrum of scholarly concerns, and he raised the issue of the array of policies at peer institutions giving the Dean such a role. While much of the debate suggested, Sanes stated, that this amendment represents a power grab on the part of the administration as against the department, the matter may also be considered from the point of view of the tenure candidate, whose interests are not necessarily represented by the department and who actually might benefit for the increased role of the Dean in referee selection. Professor Dreier (Philosophy) spoke in favor of the amendment, pointing out that the present procedure allows for him to supply additional referees after the TPAC process, while it is better to have such input be considered before. Professor Tan (Physics) spoke against the amendment, stating that in the three stages (department, TPAC, Provost), the early input of the Dean is important in shaping the departmental list, since his suggestions cannot simply be rejected out of hand, and that limiting that role as the motion proposes actually strengthens the later role of the Provost in review, he at that stage having the appropriate opportunity to add reviewers. Professor Kraemer (Religious Studies and Judaic Studies) raised for clarification the questions of whether the motion was intended to limit the involvement of the Dean at later stages, asking, if so, whether there is a problem of transparency. Provost Kertzer stated that the Faculty Rules give TPAC the authority to request additional reviewers, but allowed that the pressures of time rarely permit such additions. The proposal of the Ad Hoc Committee to strengthen the role of the Dean was intended to prepare a potentially fuller dossier to put TPAC in a better position to make a judgment. Professor Sheinberg (Neuroscience) spoke in support of the amendment, stating that the motion as written leaves unclear what the record would be if a department declines to follow the advice of the Dean and that the introduction of additional reviewers at a later stage only muddles the case, whereas letters added in a timely way. Professor Roth asked for clarification on the historical use by TPAC of the option of additional reviewers. Professor Ahearn (Comparative Literature and French), speaking with respect for all in the discussion, spoke against the amendment, returning to the question of how the Dean could structurally provide expertise lacking among those more expert. He reported having been told that the Dean would consult other external reviewers, a process that would not necessarily fill in evidence lacking but might reproduce deficiencies already present. Professor Valles (Physics) asked for clarification on whether or not the whole process of determining reviewers should be logged. Professors Sheinberg and Shank confirmed that all such correspondence is part of the dossier. Professor Rabson (East Asian Studies), recalling Professor Blumstein's example of the department potentially compromised by professional bias, asked whether the opposite example might also be possible, that is, should the Dean have an issue with the department. Professor Blumstein stated that the inclusion of the Dean in the process would be most useful for the department addressing internal issues and in identifying outliers that would potentially throw off the process. When debate was closed, an electronic ballot resulted in the defeat of the motion to amend: 116 nays; 84 ayes; 5 abstentions.

President Simmons directed attention to the main motion. Professor Morgan offered an amendment to the motion to replace the language of section f as follows:

The department is responsible for contacting the individuals on the list to ascertain each one's willingness to prepare a letter of evaluation of the candidate. The department shall send a standard formal request for evaluation of the candidate to each referee, conforming to the template published on the Dean of the Faculty website.

Professor Morgan referred to the rationale of the original Ad Hoc Committee recommendation as two-fold: that the imprimatur of the Dean would prevent instances of a department failing to follow a standard format in producing the letter and that there would be efficiency in centralizing the process of transmittal in the office of the Dean. But such centralization with later transmittal to the department, would, Morgan stated, create an unnecessary bottleneck. President Simmons questioned the relevance of a comment on how the possibility of an invited referee to refusing to write would be handled as irrelevant to the motion. Professor Roth stated that the record of referee refusals rests with the department, and commented that the amendment goes to the concern of the Ad Hoc Committee about increasing consistency. Professor Burwell (CLPS), speaking in favor of the amendment, stated that with such a procedure in place, bottleneck would not be a problem and the split lines of communication in the original proposal would be a potential source of delay. After an amendment to the amendment proposed as friendly by Professor Steinberg was withdrawn, the motion to amend was read, and Professor Lipscombe raised questions about another possible disposition of the process of transmittal. Debate on the amendment was closed. The amendment was approved by electronic ballot: 147 ayes; 47 nays; 6 abstentions, so that section of the main motion reads:

The department is responsible for contacting the individuals on the list to ascertain each one's willingness to prepare a letter of evaluation of the candidate. The department shall send a standard formal request for evaluation of the candidate to each referee, conforming to the template published on the Dean of the Faculty website.

Debate returned to the main motion. Professor Fausto-Sterling (Molecular and Cell Biology and Biochemistry) spoke against the elimination of the current procedure of sharing the list of potential referees with the candidate and moved to amend the motion by deleting the final clause of section 2d:

DELETE: This list is not shared with the candidate (this last clause being a change from current practice; cf. FR&R 10.I.D.6.a.v and FR&R 10.I.D.6.a.vi).

She raised the question of how the proposed procedures would address the situation of a candidate whose ground-breaking work creates generic opposition. In such a case, the opposition is not a personal or factional bias, but an underlying predisposition that would disadvantage the most creative scholars while those whose work is not fundamentally challenging slip by. Professor Hogan (Sociology) speaking against the amendment, suggested that sharing the list with the candidate is a gross violation of confidentiality. Professor Silverman suggested that a master list would be a compromise and moved to amend the amendment: the department will prepare and approve a master list of external scholars from which a final list will be drawn for the solicitation of letters of evaluation; the master list will be shared with the candidate, but the final list will not. The final list must include a minimum of three referees from the candidate's list of appropriate evaluators. The amendment was accepted as friendly. Professor Elliot addressed the misleading assumption of the procedures in the original motion section 2d that a candidate have in mind the universe of all possible objectionable reviewers, stating that the amendment as amended

provides a possible solution and thus should be approved. Professor Roth noted that the amendment would appear to codify current practice. Professor Burwell questioned the effect that the knowledge of the list of referees would have upon the solicitation of referees and their execution of the evaluation in light of that shared knowledge. Professor Blumstein expressed agreement with Professor Burwell and added that a long list required to anticipate potential refusals further extends the potential risks of a lack of confidentiality. Professor Kraemer (Religious Studies and Judaic Studies) stated that it was impossible in some fields for a candidate to imagine the total universe of potentially hostile reviewers and that reviewers would not necessarily feel that their confidentiality was being compromised as long as neither the final list nor the actual letters are shared. Professor Fausto-Sterling agreed that confidentiality is a red herring when the letters are not shared. When the question of the number of letters from the candidate's list to be included was raised, Professor Shank stated that three was the minimum number while clearly more could be included. Professor Steinberg questioned whether a candidate who was truly original and creative would in fact be unrecognized for achievement by external reviewers and by TPAC raised the possibility that a list of potentially hostile reviewers might be a list of everybody. Debate on the amendment closed, and the amendment failed by an electronic ballot: 103 nays, 82 ayes.

Discussion returned to the main motion. Professor Roth spoke in favor of raising the number of referees from five to eight, which he finds in light of actual practice on TPAC to be entirely reasonable. Professor Tribe (Modern Culture and Media) raised questions about whether the procedures in section D sufficiently guarantee adequate representation among the final referees of those chosen by the candidate and asked, given potential refusals, how procedures might address this potential lack. The question was called, and the motion carried by electronic ballot: 128 ayes; 40 nays; 6 abstentions. The approved motion reads as follows:

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year (note date change conditional to extension of the probationary period Motion 1 (b)). The Dean will review the list in consultation with the department and may recommend to the department additional referees.

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President Simmons stated that while she would return with a longer comment, she would observe for the moment that the matters concluded today had been through a thorough process of consideration in meetings and fora, in faculty meetings themselves and in consultations of the FEC and the Ad Hoc Committee; while for many the results were less than hoped for, she stated, one does not, in the process of governance, always get what one wants, but what is always preserved in process is the consensus to hold together. She reported on the establishment of the search process for a new Provost in light of David Kertzer's announcement that he will return full time to the faculty upon completion of his five year term as Provost at the end of this academic year. After consultation with the appropriate committees and other members of the community, she reports that the following members of the faculty have agreed to serve upon the search committee, which she will chair: Professor Wayne Bowen (Molecular Pharmacology, Physiology and Biotechnology), Professor Joanna Cain (Obstetrics and Gynecology), Professor Melani Cammett '91 (Political Science), Professor John Donaghue PhD '79 (Neuroscience), Professor James Dreier (Philosophy), Professor Karen Fischer (Geological Sciences), Professor Andrew Foster (Economics), Associate Professor Ralph Rodriguez (American Civilization), Professor Jimmy Xu (Engineering and Physics). After due consideration, she reported, student members from the appropriate representative bodies will join the committee: Heather Lee (President, Graduate Student Council), Sunil Hebbar MD'12 (President, Medical Student Senate), Diane Mokoro '11 (President, Undergraduate Council of Students). She invited nomination for the search, which is open to candidates from both outside and within Brown, and she welcomes especially careful consideration of whom among our colleagues might be called upon to serve. She also welcomed suggestions about the position itself. The deadline for nominations is January 15. There being no questions, President Simmons called the attention of the faculty to the meetings with Corporation members representing the Committee on Academic Affairs that have been scheduled for Thursday, December 10; questions are to be addressed to Russell Carey.

Provost Kertzer called attention to the process now underway to identify outstanding scholars in the humanities as candidates for six designated chairs in the new initiative. Professor Fausto-Sterling asked about the timing of the process, and the Provost responded that while a deadline of December 12 has been established, the process would be ongoing and that he expected consideration to extend over the coming months.

Professor Walker (Africana Studies) reported for the Advisory Committee on Honorary Degrees, commending the collegial conduct of the advisory process with the Board of Fellows and their grateful acceptance of the recommendations of the committee. There will once again be an annual solicitation of a diverse list of candidates representing a broad spectrum of academic, civic, and professional achievement.

Due to changes in the academic calendar, the committee proceeded early this year. Professor Walker thanked current members for their diligent and expeditious work and announced the election of a new chair, Professor Gregory Tucker (Physics).

There being no Old Business, nor any New Business, the meeting was adjourned at 5:52 p.m.

Respectfully submitted,

Stephen Merriam Foley
Secretary of the Faculty