

## **Minutes of the Faculty Meeting**

**May 3, 2011**

The meeting was convened at 4:04 p.m. The traditional motion to adjourn no later than 6:00 p.m. carried without dissent, and the minutes of the meeting of April 4 were approved. Professor Kerry Smith (East Asian Studies) delivered a Memorial Minute for Meiqing Zang, late Senior Lecturer in East Asian Studies, and the minute was approved by the Faculty by a standing vote of respect.

Professor Garcia Coll (Education) wished the Faculty “buenas tardes” and reported as FEC chair on an eventful year of change in faculty affairs, thanking outgoing past Chair Chung-I Tan and committee members and chairs for their dedicated work, and inviting faculty to the reception at the Faculty Club following the meeting. She reported that the on-line survey of the Faculty on the calendar produced larger than usual participation, which increased by over 100, and indicated a preference for beginning academic year 2013-14 on September 11, the recommendation to return to the Faculty after further study by the FEC. The Faculty Forum on the possible reintroduction of ROTC at Brown, Garcia Coll stated, indicated that this idea needs to be thought through. IRB matters continue to merit attention: the extent of IRB jurisdiction, the timing of submissions, the assurance of representation and diversity, the appointment of members and their terms of service are all under consideration. Differing information about jurisdiction and when and if and how often and in what forms one must report on planned or publishable research needs to be clarified, and the FEC will continue to work with the administration to resolve these issues. Garcia Coll recognized the accomplishments of the year and the willingness of the incoming Chair, Professor Shank, to continue the hard work of all those whose efforts and whose polemics have enabled the FEC to move forward.

Former FEC Chair Tan expressed the thanks of the Committee for the work of Professor Garcia Coll at this, her last real faculty meeting as Chair. Tan stated that she is passionate about issues, and that she does not shy away from difficult problems, as some tend to. He greatly admires her “can do” attitude—she doesn’t know any other approach—and her insistence on “let’s discuss” and “let’s poll the faculty” has proven an effective method of getting things done. Garcia Coll exercised a unique and effective leadership style, encouraging members to express opinions freely and fostering lively discussion about all issues, so that everyone spoke up about everything. All FEC members were fully engaged and each took ownership of various issues. Thanks to everyone, Tan stated, we all flourished under Cynthia. Also thanks to Cynthia, we have enjoyed more Faculty Fora than in the recent past, a record of frequency that rivals that of Ruth Colwill’s tenure as FEC chair. Tan reflected that Garcia Coll took on the tenure discussion requested by the faculty, and did a wonderful job to ensure that all sides were allowed to fully present their views. She smoothly guided the process of moving motions through faculty meetings. We will miss her calm, effective manner during faculty meetings and her signature greeting of “buenas tardes” that served regularly to remind us of the diversity that Brown so cherishes.

Mr. Patterson (Engineering) introduced nominations to the Faculty for Officers and for Committee Appointments, effective July 1, noting as well outstanding vacancies, including a humanities slot for FEC vice-chair:

Nominations recommended to the Faculty for Faculty Officer to be effective July 1, 2011:

Parliamentarian

Peter Richardson (Engineering and Physiology) to 6/30/12

Secretary of the Faculty

Stephen Foley (English) to 6/30/12

Chair of the Faculty Forum

Dietrich Neumann (History of Art & Architecture) to 6/30/12

Secretary of the Faculty Forum

Lynne DeBenedette (Slavic Languages) to 6/30/12

Nominations recommended to the Faculty for committee appointments to be effective July 1, 2011:

Faculty Executive Committee

Seth Rockman (History) replacing Evelyn Hu-DeHart (History and Ethnic Studies) to 6/30/2012

Tenure, Promotion and Appointments Committee (TPAC)

Mark Suchman (Sociology) replacing Rhacel Parnas (American Civilization) to June 30, 2012

Academic Standing (Committee on)

Janet Blume (Engineering) to continue for a 3-year term to 6/30/14

College Curriculum Council (CCC)

Onesimo Almeida (Portuguese and Brazilian Studies) replacing Lewis Seifert (French Studies) to 6/30/14

Chi-ming Hai (MPPB) replacing David Sobel (Cognitive, Linguistic and Psychological Sciences) to 6/30/14

Commencement Speakers

George Kenna (Bio-med alcohol and addiction) replacing Robert Patrick (Neuroscience) to 6/30/14

Corporate Responsibility in Investment Policies (Advisory Committee on)

Vazira Zamindar (History) replacing Luiz Valente (Portuguese & Brazilian Studies) to 6/30/14

Faculty Retirement

Steve Rabson (East Asian Studies) replacing Mary Gluck (History) to 6/30/14

Chi-Ming Hai (MPPB) replacing Joan Lusk (Chemistry) to 6/30/14

### Graduate Council

John R. Steele (Egyptology) replacing Suzanne Stewart-Steinberg (Italian Studies) to 6/30/14

Alison DeLong (MCB) replacing Hernando Ombao (Community Health) to 6/30/14

Joan Richards (History) replacing Rosa Cho (Education) to 6/30/12

### Medical Faculty Appointments (CMFA)

Harold Cook (History) continuing to 6/30/12

### Standing Committee on the Academic Code

Shriram Krishnamurthi (Computer Science) replacing Alex Zaslavsky (Engineering) to 6/30/14

Stephen Foley (English) replacing Keith Brown (Watson Institute) to 6/30/14

There being no further nominations, the slates presented by Mr. Patterson were approved without dissent.

Professor Garcia Coll introduced the single motion on the Agenda, “that the Faculty amend the Faculty Rules and Regulations, Part 1, Section 2.III.d.1.a and f, effective immediately, to change the charge of the Committee on Faculty Equity and Diversity.” Professor Sanes (Neuroscience) asked when the appropriate time to call for a quorum was, and Professor Richardson as Parliamentarian replied that the call for a quorum could come at any time. Professor Sanes then asked for a quorum count; it was determined that 69 voting members were present, and that a quorum had not been met. Advised that business could still be conducted to be ratified at the next meeting, Professors Banchoff and Rosen asked about proceeding, including any possible amendments to the motion, and Professor Morone thought that if issues were so important that a quorum was called, an explanation of what was at stake in the potential vote should be offered. Professor Garcia Coll reviewed the context of the motion and suggestions that might have been forthcoming to amend it. One thing at issue is whether CFED should address only direct complaints or operate, as the motions suggests, under an open license to pursue matters of procedural unfairness, and she stated that the absence of complaint in the event of unfairness would open up further tragic consequences to an initial injustice if it created a dead end. Other matters include the timing of CFED review in relation to the Provost’s review.

Professor Hollos (Anthropology) recalled that CFED review takes place only in the event of a negative decision, and thus reviews only a small minority of cases, and stated that waiting for the completion of the review by the Provost would put the candidate at a disadvantage, pushing the case well into the summer months. Professor Rabson (East Asian Studies) agreed that waiting for a complaint was inadvisable and that all negative actions should receive timely CFED review. Professor Valente (Portuguese and Brazilian Studies) asked if a straw vote on these matters was possible. Professor Richardson read from a section of Robert’s Rules: “The only business that can be transacted in the absence of a quorum is to take measures to obtain a quorum, to fix the time to which to adjourn, and to adjourn, or to take a recess.” President Simmons commented that any motions were possible, as surely were reports, but the wisdom of proposing any motion was questionable. Professor Breuer (Engineering) offered support for the position of Professor Sanes, and stated that he found automatic review by CFED a mere fishing expedition in which new evidence could be introduced by CFED leading to a potentially open-ended process. Professor Tan reminded Professors Breuer and Sanes as chair and vice-chair of

TPAC that the current Faculty Rules call for automatic CFED review of negative cases. Professor Walker (Africana Studies) as a member of CFED expressed his assurance that CFED's charge to address fundamental matters of equity and diversity was constitutionally far more than a fishing expedition but a broad based mandate for the pursuit of fairness, calling attention to the specific items in the motion that would have been under debate, revisions of sections a and f, which give substance to what CFED already does and ensure the robust pursuit of justice in our process. Professor Walker stated that conversation on these issues should not have been cut off by a quorum call. Professor Ahearn (Comparative Literature), observing that there was no quorum, urged that full discussion of these important matters continue in the fall, moving postponement of the motion to the October meeting as a date certain; the motion was seconded and was determined to be debatable. Professor Silverman (MCM) questioned whether or not the discussion would in fact continue, and President Simmons stated that standard procedures indicated that postponement to a date certain would in fact put the motion on the October agenda. The motion carried

President Simmons delivered the following remarks: "I have two items to discuss with you today: the Athletics Report and the Mayor's announcement of legislation to tax non-profits. Given the recent activity around the release of the Report of the Athletics Review Committee, I thought I would bring you up to date on where matters now stand. As you know, the Athletics Review Committee released its preliminary report on April 21. Since that time, they have had many meetings and heard comments from students, both athletes and non-athletes, faculty, coaches and other staff from the Athletics Department, parents, alumni, and others. Most commented extensively on the report's recommendation to reduce our varsity team sports from 37 varsity teams to 34 but there have also been concerns expressed about many other aspects of the report.

For example, some expressed skepticism that the recommended resources would eventually be forthcoming; whether the recommended resources were sufficient to address the needs as they perceive them; whether the number of admission slots dedicated to recruited athletes should be reduced as recommended; and whether it is appropriate to prevent teams proposed for elimination to raise funds to save these sports.

In addition, there was concern that the timing of the recommendations and particularly the implications of the recommended timing for implementation was "problematic at best." The Committee's charge from the Corporation had called for a plan for discussion at the May meeting of the Corporation. However, as the discussion proceeded, it became clear that the impact of the timing issue was substantial and problematic. To quote the committee from a letter they sent to me at the end of last week, "Many students in particular have pointed out the incongruity of having a discussion that is in part about how to align the athletic program more effectively with academic programs and priorities at the precise time that the press of academic work is the greatest - i.e., the end of the spring semester."

Given this feedback, the committee recommended that we defer any decisions about specific teams until the October Corporation meeting and suspend all organized discussion of those issues until the start of the fall semester. They also recommended that the three sports recommended for elimination - fencing, skiing and wrestling - continue as varsity programs in 2011-12. The Committee affirmed the importance of its other recommendations: An improved salary program designed to make compensation for coaching and other athletics staff competitive in the Ivy League or other appropriate market group; Improved facilities, including additional locker rooms and other support space as well as field space for field hockey and related

improvements; Selected additions to support staff and operating expenses as outlined in the report; Appropriate steps to reduce the conflicts for students between their athletic and academic commitments and aspirations; Improvements in financial aid that will help in the recruitment of students, including both athletes and non-athletes; A reduction in the number of admissions slots for recruited athletes as described in the report; A fund-raising plan to support these initiatives. For further information about the committee's findings and recommendations, I would draw your attention to the full report, which can be found on the committee web site, along with their most recent letter to me about deferring any decisions about the teams.

I accepted the recommendation to defer the decision on the suspension of varsity teams until the Fall semester and so informed the Corporation before alerting the campus to this fact through a Friday e-mail. I would be happy to answer any questions that you may have about this decision but we will again have the opportunity to take up this subject when we return in the Fall.

My second item is that you may have read that Mayor Taveras delivered his budget address last night calling for a number of steps that he views as essential to bridging the \$110 million budget deficit the city faces in the year ahead. Among the actions he called for are increased contributions from the city's colleges and universities. He stated that while he hopes agreements can be reached through negotiations with the colleges, universities and hospitals, he is simultaneously advocating for the passage of legislation that would enable the city to impose a 25% tax upon universities and hospitals.

I met with the Mayor recently and assured him of our appreciation of the significant challenges that the city is facing, and I affirmed our interest in being an important partner in improving the city. In particular, I offered to strengthen our contributions to the public schools and to continue to assist in developing the Jewelry District in ways that will advance the knowledge economy. I subsequently asked Dick Spies to work with a member of the Mayor's team to try to reach a mutually beneficial agreement that will be manageable for Brown and strengthen the city over the long term. In response to his request for a large unrestricted cash payment to the city, I made it clear that Brown is not in the position to write a blank check to the city that is multiples of our payments under the existing MOU. We already went down this road when we, together with the other private colleges in Providence, signed that agreement with his predecessor in 2003 to provide \$50 million to the city over 20 years. We have learned that this is a slippery slope that will forever be subject to subsequent demands based on the economic fortunes and political ambitions of successive administrations.

Today, in addition to the many contributions that our students and faculty make in the schools, and the economic activity generated through employment and purchasing, the University makes direct payments to Providence in the form of voluntary payments, property taxes and fees such as permitting. This totaled more than \$5.5 million last year.

The city faces overwhelming challenges and Mayor Taveras is seeking to make some very tough decisions regarding the schools, union contracts and staffing and personnel. I am confident that there are things that we can do together to support the city's efforts. But whatever we do must be legally sound, protective of Brown's rights under its charter, and not a prescription for an endless succession of such payment demands in future years. In terms of the legislation itself, we will certainly work together with our partner institutions to fight attempts to threaten our tax exempt status. Taxing colleges and universities and the students they serve is, we believe, not the right course to solve the city's problems—particularly when there is so much we can accomplish working cooperatively.

Finally I would like to join Chung-I and others in citing the work of the FEC officers and members over the past year. I thank Cynthia Garcia Coll for being so open and effective, for making sure that everyone knows how to say “good afternoon” in Spanish, and for her great generosity of spirit and firm leadership. I also express my thanks to Rajiv Vohra, and I am trying hard not to be angry that I am losing him on my staff. He has served in extraordinary ways, taking situations that were frustrating in the administration of faculty affairs that were frustrating and moving business along towards clarity, reliability, and effectiveness, and, among other things, he has left with his example of the pronunciation of the word “co-ROL-la-ry.” For these virtues and others we recall gratefully his presence in University Hall.”

Inviting questions for herself and for Vice Presidents Spies and Klawuun, the President remarked on the passionate testimonials heard from students and alumni on the value of athletics in a Brown education and beyond the college years, make one realize the concern that the current pragmatic call for the cutting of teams like fencing and skiing would represent the disappearance of institutions of importance and value. Professor Miller (Biology) questioned one specific recommendation, the reduction of the admissions slots, asking what the rationale was. President Simmons stated that the current size of the applicant pool and the resulting diminution to 8.5% of the number admitted made it difficult to reserve places specifically for athletes, when qualified athletes could just as well compete in the general pool. Vice President Klawuun reiterated the issue of the reserving of slots in the increased pool and addressed the possibility of those who walk on to athletics teams as of potential value. Vice President Spies said that this issue had received more debate than any other, stating that Brown is proud of all of its athletes, and there is no one who shouldn't be here. The goal is to achieve the right balance in the pool. Asked by Professor Miller about how the number of slots reserved compares, Spies stated that the earlier reservation of 225 slots was second highest in the Ivy League while 195 would be the second lowest. Professor Sanes asked about the relation of reduced slots to teams eliminated, wondering if the teams remaining would be hurt by the reductions. President Simmons said that the goal was to redistribute according to strength. Professor Sanes asked about whether the ability of some teams to raise money while others could not introduced an unfair bias in planning. Vice President Spies said that individual fund raising potentialities were only a part of the larger athletic budget which embraces the indirect costs of some 37 teams. President Simmons observed that the presidents of real university athletic powerhouses lived in different worlds, and that what Brown is trying to accomplish the integration of programs across the university in service of academic programs. All needs must be considered but not all needs can be met. In the end, the academic community must decide.

A question was raised about the relation of payments to the city to the tax base. Vice President Spies rehearsed some potential equations, and President Simmons expressed reservations about committing monies under one elected mayoral administration only to have a similar or larger request return after the results of another election. She recalled the royal charter of 1764 and its exemption of the university from taxes, and the longstanding legal support for the exemption of educational institutions from normal taxation, stating that standing legal opinion would indicate all payments to the city would be voluntary, the question being how much.

Provost Kertzer recalled that in earlier days even faculty members were exempt from property taxes. He expressed his thanks to Professor Vohra for his service as Dean of the Faculty. He noted that a search committee for internal candidates for this position was hard at work and that further nominations are welcome; that following the discussion of professional masters' programs, possible proposals were being taken to the next stage; and that he was in

close contact with his successor about the transition. He added his own thanks to Cynthia Garcia Coll and the FEC, as well as to Chung-I Tan, who appears to be taking on China after five years of attending every faculty meeting.

Dean Bergeron gave a preliminary report for the Committee on ROTC. The committee was formed in January 2011 to review existing policies. She introduced committee members, thanking them for their work: Leslie Bostrom (Visual Art); Andrew Campbell (Molecular, Microbiology & Immunology); Catherine Lutz (Anthropology & Watson Institute); Kenneth Miller (Biology); Robert Pelcovits (Physics); Philip Rosen (Modern Culture and Media); Thomas Webster (Engineering); Chaney Harrison, '11.5; Samuel Howard, '14; Sean Dinces, GS; Stephen Lassonde (DOC, staff). She called attention to the continued updating of the committee informational website and to the calendar of actions pursued by the committee, including meetings with the Community Council, the UCS, the distribution of FAQ sheets, a panel discussion of ROTC organized by CASPAR, a Faculty Forum, and an undergraduate survey, and 57 letters from faculty and staff. Among the arguments against the return of ROTC were: military culture is inherently incompatible with Brown's mission as an educational institution based on free inquiry; the military's exclusion of transgender individuals is in conflict with Brown's anti-discrimination policies; the military is a sexist and potentially dangerous environment for women; ROTC scholarships lock students into post-graduate work for the military; ROTC's presence on campus will tacitly condone the wars in Iraq and Afghanistan; there is no evidence that Brown graduates would liberalize the military; a large and powerful institution like the military might have undue influence on Brown's academic policies and priorities. Argument heard in favor of the return of ROTC include: the aims of the ROTC program are consistent with Brown's mission of producing lives of "usefulness and reputation; the presence of ROTC at Brown will enhance campus political diversity; ROTC scholarships could enhance the financial aid available to students of need; the presence of ROTC could reduce the cultural gap between elite private universities and the military; the presence of ROTC could address the inherent classism of the all-volunteer force; our military branches would benefit from having cadets of the caliber of Brown undergraduates in their midst; Brown graduates with their commitment to social justice could change the culture of the military from within. The 929 responses to the alumni survey indicate 76% approving the return of ROTC to Brown as a host campus; 20% opposed. But percentages do not indicate the complexity of the responses recorded in over 300 pages of prose responses. An undergraduate survey drew 1180 responses to a different question: What kind of relationship is it important for Brown as an academic institution to sustain? About 30% favor less of a relationship than now; about 30% more; and about 30% for the current relationship to remain. Of the twenty people present at the Faculty Forum, about ten spoke: 8 against; one for; one divided. Dean Bergeron reviewed the charge of the committee, which was asked to address the following questions: Are the 1969 Faculty resolutions still appropriate at Brown? Do those resolutions reflect a bias against military science and military officers or are their requirements consistent with academic policy in regard to other courses, curricula, and faculty qualifications? What are the conditions that the military would require to bring ROTC back to campus? Would there be sufficient student interest to warrant a unit on campus, or is the Providence College program more appropriate in view of the level of demand today? If a campus unit is feasible, what would be required to enable this reinstatement?

She then reviewed the 1969 resolutions: ROTC shall not have status of department or academic program. ROTC instruction will not bear credit. No ROTC officer shall have ex officio faculty status. No Brown degree should be conditional on completion of ROTC. ROTC shall not

proscribe any course choices by students. Any [new] ROTC program must be brought to faculty for approval. ROTC shall be viewed as an extracurricular scholarship program sponsored by the Department of Defense.

Dean Bergeron reported that the committee accepts the 1969 resolutions as a sound basis on which to reconsider our relationship with ROTC. Every member of the committee recognizes the importance of Brown's anti-discrimination policies, and is concerned over the discrepancy between our policies and those of the U.S. military with regard to transgender individuals. The question of how best to address that discrepancy has been the subject of much debate. The committee recommends that we continue our cross-institutional arrangement with the Army ROTC program at Providence College. On the question of whether Brown should continue conversations with the U.S. Navy to see if Brown students could participate in NROTC through a similar cross-institutional relationship, the committee remains divided, with a slight majority in favor. One more meeting of the committee is planned in May to review and analyze feedback from a poll towards the compilation of a full report for delivery to the President and release to the community.

Chaplain Cooper-Nelson asked whether the extension of an inquiry to Naval ROTC was a matter of continuity or an expansion. Professor Miller (Biology), a member of the committee, reported that after spirited discussion members of the committee has renewed respect for one another and for differing points of view. Some favor the continuation of the Army ROTC Brown-Providence College relationship, which had been grandfathered in before the lifting of Department of Defense discrimination policies; others ask in light of new policies whether the Navy program should receive fresh consideration, such as affiliation with another campus like MIT. After some discussion of the impact of the Solomon amendment in relation to past practices, Professor Ahearn asked if any proposal to negotiate a new contract with the Navy would be brought to the Faculty, and Dean Bergeron replied that as the committee documents on FAQs shows, Resolution 6 of 1969 would demand that any such contract involving curriculum and faculty appointments would have to be brought to the Faculty for a vote. Professor Ahearn said that he understood this to be true, and yet was further concerned that any continued negotiation with the Navy in advance of Faculty consideration would potentially put the University in a compromised position, and further discussion revealed that while many peer institutions have NROTC programs that do not conform to such items as Article 10 of the U.S. Military Code, preliminary discussion with the Assistant Secretary of the Navy has revealed that the Navy is not eager to establish new NROTC programs; President Simmons remarked that the committee was not in position to negotiate a contract but merely to make inquiries and that any new arrangement with properly be brought to the Faculty. Professor Miller stated that the committee has done considerable fact-finding about policy and that they were unanimous in insisting that any changes proposed that would affect the 1969 resolution would perforce be subject to Faculty review and approval. Professor Ahearn expressed his thanks for the clarification.

Professor Cherry (Archaeology and Classics) presented the report for the Academic Priorities Committee and Dean Bergeron for the College Curriculum Council. Professor Valente (Portuguese and Brazilian Studies) asked whether the CCC has unilaterally changed policies about the implementation of departmental topics courses, and Dean Bergeron replied that there was no policy change, but a good faith effort to bring Banner protocols into conformity with existing policies and that the online proposal system being developed will expedite such issues. Professor Keith Brown (Watson Center) presented the report of the Standing Committee on the

Academic Code, highlighting how the understanding of code issues among students going through the hearing process suggests the need for further institutional clarification in respect to cultural issues and technological change.

There being no Old Business or New Business, the meeting was adjourned at 5:52 p.m.

Respectfully submitted,

Stephen Merriam Foley  
Secretary of the Faculty