

Brown University Faculty Forum
Subject: Motion 2 of the Proposed Revision to Faculty Rules and Regulations
(Tenure and Promotion)
September 21, 2010

Dietrich Neumann (History of Art and Architecture), Chair of the Faculty Forum

Members of the Provost's *ad hoc* Committee on Tenure and Faculty Development Policies:

Provost David Kertzer (Chair), Susan Alcock, Sheila Blumstein, Barry
Connors, Sharon Krause, Charles Larmore, Govind Menon, Arto Nurmikko, Tricia Rose,
Andries van Dam, Rajiv Vohra (Dean of the Faculty), and Edward Wing (Dean of Medicine
and the Biological Sciences).

Chung-I Tan, Department of Physics (testing “clickers” for Faculty Meeting voting)

The Chair of the Faculty Forum, Dietrich Neumann, opened the forum at 4:05. He reminded those present that the forum would deal only with Motion 2 of those changes to the faculty rules proposed by the Provost's *ad hoc* Committee on Tenure and Faculty Development Policies, and introduced the members of the committee present. In addition, he suggested that questions asked during the forum could be answered by any member of the *ad hoc* Committee, and not only by the Provost or Dean of the Faculty. In order to make efficient use of the time allotted for the forum, he suggested that questions from the faculty about the proposed changes contained in Motion 2 should be taken in four groups:

- 1) the timing of the tenure process were Motion 2 to be adopted;
- 2) the proposed role of the faculty member up for tenure in the process;
- 3) changes the motion would bring about in the role of the department;
- 4) changes in the role of the Dean of the Faculty.

At the close of the meeting, he explained, Chung-I Tan (Department of Physics) would lead an experiment using clickers to conduct voting, which, it is hoped, will increase the efficiency of balloting at the upcoming faculty meeting in October.

Before turning to faculty questions, Professor Neumann recognized Provost David Kertzer. The Provost reminded those present of the timeline of events surrounding the *ad hoc* Committee's report, from its release to the faculty in March, to the presentation of five motions to the faculty in May for initial review and voting. He noted that, given that Motion 2 is the longest of the five, and that it is integrated around a set of ideas that are hard to separate one from another, it was decided that the October Faculty Meeting would be devoted in full to discussion and a vote on Motion 2. It is hoped that other motions in the proposal could be voted on without a separate meeting for each one. The intention of the proposed changes, he continued, is to challenge us to ask how we can have the best review process of candidates for tenure, especially given that that is the most important decision the faculty make at Brown about who will have positions for 30-40 years. The quality of the University is equivalent to the quality of its faculty, and we want to have the strongest possible way of gathering expert advice, along with the most deliberative process, all of which should lead to the best decisions. Motion 2 has to do with how to get expert opinion

into the process and how the timing will work best.

Professor Neumann then opened the floor to questions concerning changes to the **timing** of the tenure review process.

Hal Roth (Religious Studies / East Asian Studies / Contemplative Studies) asked whether before proceeding it made sense to spend a few minutes on the rationale of the changes: why were changes being made? He said his understanding was that the rationale that had been provided by the Committee suggests that Brown tenures a higher percentage of faculty than our peer institutions, and wondered whether the suggestion is that that fact affects our quality. What are the standards, he asked, by which our overall quality was adjudicated as being below that of our peers?

Tricia Rose (Africana Studies / *ad hoc* Committee) responded that if we keep going back to the rationale for proposing changes, we will not be able to move forward to discuss the proposed changes themselves. She expressed disagreement with Professor Roth's interpretation of why the changes were being proposed, citing instead the need for high quality information in evaluating for tenure, along with the need for uniformity in the tenuring process across departments. Moreover, the procedures in place should not undermine process of hiring and tenuring; they should support it.

Tricia Serio (Molecular Biology, Cell Biology, Biochemistry) asked about the proposed change in the timing of the department's decision, which has to be made by November 15 of the candidate's penultimate year. She expressed concern that that would not leave time for departmental review of external letters. Letters would need to be solicited in spring or over the summer, which in her view would mean significant months (4-6 months) would effectively be subtracted from the probationary period for the candidate.

The Provost responded that it differs by field whether summer is a good or bad time to solicit letters; for some fields it is in fact better. Under the current system a number of departments already begin the process during the spring or summer. The guidelines would be that, since the department must decide by November 15, letters should theoretically be in by October 15. When they should be solicited is not specified, but the Dean of Faculty needs to be notified in the spring about the process. The changes address existing concern that there be enough time for TPAC to come to a decision that isn't rushed at the end of year.

Professor Serio countered that moving the rush to the department by pushing everything earlier is a big change, and opined that the new timeline would not be an improvement for that reason.

The Provost noted that it was for that reason that the proposed changes give the candidate an additional year.

Peter Shank (Bio Med Molecular, Microbiology & Immunology) asked what the timing of TPAC deliberations and decisions would be. Would they meet in January?

Dean of the Faculty Rajiv Vohra noted that under the current procedures, even when TPAC asks for materials by February 1, it is not always case that documents are in good order, which is to say that the process can easily take longer than the current deadline already.

Professor Shank asked whether the new timeline would wind up dictating that meetings take place when the University will be closed.

The Dean of the Faculty noted that meeting times have yet to be worked out, as will the

specifics of how TPAC's work and schedule will change.

Nancy Khalek (Religious Studies) asked for clarification about IV page 7, namely whether the new date of May 1 for submitting the list of names is earlier by several months?

The Dean of the Faculty responded that this would be the May 1 preceding the December date, yes, adding that the May 1 date is only about the list of names and is the same calendar year as the other documentation submitted.

Nancy Khalek noted that the list of who writes for a candidate would now also be compiled several months earlier.

Rajiv Vohra responded that the University was aiming at least to get started in the process by having the names submitted by then.

Gregory Elliott of Sociology asked if he understood correctly that the spirit of Motion 2 was to give new faculty time to establish bona fides as tenurable members, so having the extra time would allow them to produce and to demonstrate that they have a credible research program and plan for future.

The Provost answered that the primary gain for candidates in terms of time, namely the change that gives candidates an extra year, is actually in a different motion. Motion 2 is about the process of soliciting and getting evaluator letters.

Both Nancy Khalek and Greg Elliott expressed concern that there were two different motions treating issues surrounding the timing of the process, since if one of them passes and the other doesn't, the result could be chaotic.

The Provost answered that he would be happy to deal with the voting on both motions at same time and did not consider the fact that they were in two separate motions a huge issue.

Nancy Khalek noted that it makes a difference to the candidate in preparing the dossier if the process starts off earlier; if the one-year extension doesn't get voted in, the candidate is looking at a timeline for putting together documentation that is shortened by several months.

Provost Kertzer disagreed that it was going to be problematic, but said he will entertain the idea of putting together the two timing questions for voting.

Reda Bensmaia (French Studies) asked about the number of letters that would now be required; he understood the rationale for moving from five to eight letters, but noted that it is common in certain fields in certain years that it is difficult to find the requisite number of letters needed; eight therefore seems high considering that it not mandatory for those solicited to write to accept. What happens, he asked, if the process yields only six or seven letters in a given year?

Provost David Kertzer responded that the original proposal was for 10 letters, at which time this concern was initially voiced. Eight was thus a compromise. Yes, he conceded, it can be difficult to find all eight, but given the magnitude of the decision, five seemed not enough. He noted that the University should be looking not only at experts in the candidate's subspecialty, but also at the broader mix of prominent scholars in the given field.

Steve Rabson (East Asian Studies) commented on the Motion's provision that would discontinue the practice of sharing the list of suggested names with the candidate; now, if the candidate objects to one or more of the names on the list, that candidate can respond to and discuss the names in the context of the university's internal review; if we take away that option, the only way any candidate who is ultimately denied tenure can have access to

those names would be by suing. Doesn't this open up road to that?

Dietrich Neumann commented that the Motion gives the candidate the right to provide names.

Steve Rabson answered that part IV section 10.1B under the prop changes note that the practice of sharing the final list with the candidate will be discontinued.

James Simmons (Neuroscience) noted two features of the Motion: 1) the candidate doesn't see the final list submitted by the Department; 2) the Dean gets to add names the candidate didn't know were under consideration. He added that he understands others may disagree, but he has seen instances in which there was a reduction in the transparency of tenure process due to abuse of the system. He is not saying the Dean is responsible, but considers this sort of "secret fact" means a reduction in transparency that interferes with the honesty of process.

Tricia Rose (Africana Studies / *ad hoc* Committee) responded that the Committee was careful about trying to figure out what peers do in this situation, noting that most of our peers use 12-15 letters. The object was to get a large enough number for reasons Dean of the Faculty Vohra had previously stated, namely if the letter writers know that the candidate is aware they are writing, it can reduce the authenticity of the letter produced. What we are hoping is to extend the range and number of letters and resources for contact about the candidate.

Sheila Blumstein (CLiPS / *ad hoc* Committee) commented that people write letters with the assumption that what they write is privileged, and that the letters are not seen by the candidate; if that anonymity is not guaranteed, there could be refusals to write.

Ross Kraemer (Religious Studies / Judaic Studies) said he had no issue with not letting the candidate see the final list, but was dismayed that the candidate should be asked to come up with a list of who is inappropriate, noting that if he had to, he didn't think he could; it is an onus to place on the candidate to imagine the universe of inappropriate people; it would be better to give the candidate a wide universe (by providing a fuller list) and let them narrow it (we might invite them, is there anyone to whom you wish to object?).

Andrea Smnmons (CLiPS) said she didn't see anything in the text of the motion that says the candidate's own letter about letter writers is part of the tenure dossier.

Provost David Kertzer said that the assumption would be that it would go in.

Dean of the Faculty Rajiv Vohra added that it is part of the current rules that letters from candidate do go into the dossier.

Provost David Kertzer added that the list of outside reviewers would not be shown to the candidate.

Timothy Herbert (Geological Sciences) said that at both ends of spectrum (of total anonymity vs. openness) there is danger, whether of biasing a positive or negative outcome; anonymous review always has some dangers, but we accept on balance that it is healthier and gives candidates a role. In addition he noted processes like this are never completely anonymous, citing the example of NSF grant reviews, where it can be obvious who the reviewers might be.

Richard Stratt (Chemistry, serving on TPAC) commented on the question of whether TPAC would know about objections; the assumption is that they would know. He noted that there is no current requirement that names the candidate suggests be in the dossier, something that would be guaranteed in the motion.

Ruth Colwill (CLiPS) commented on looking at procedures like NIH applications in terms of

transparency: it can affect how candidates lay out their research plans if they don't know who is looking at their files. Not knowing any of the letter writers means also not knowing who may have been the career influences on those who write. She also asked whether Motion 2 would apply to the process when a candidate requests early review for tenure, or whether Motion 2 would become the policy used for promotion from Associate to Full Professor.

Jerome Sanes (Bio Med Neuroscience / serving on TPAC) disagreed with Ruth Colwill's comment about NIH, saying that while it is true that the roster of the study section is published as public information, nonetheless an applicant does not know specifically who reviews your particular dossier. On the number of letters, he commented that in current practice the number of letters that come in for a promotion from Assistant to Associate is already many more than five; the average is more like 8-10. Departments complain about the difficulties the process creates, but in practice the number of letters is already at the level stipulated in the motion.

Edward Ahearn (Comparative Literature / French Studies) said he thinks the way the discussion has been organized in the forum (categories of timing and roles of specific actors in the process) can obscure fundamental issues. In particular he noted that according to the motion the Dean is able to add names to the list furnished by the department. In the original version of the motion the Dean was supposed to be able to subtract names from the list as well, which incurred a lot of objection; in his view the most threatening aspect of the proposed changes is the reduction of the faculty role and what he sees an excessive increase in the role of the administration. He asked why the Dean could be thought to have the best access to scholars in the field rather than the faculty in those fields themselves.

Philip Rosen (Modern Culture and Media) spoke to the argument about candidates having to imagine the universe of discourse and come up with names of those who should not be asked to write letters. He asked if he was correct in thinking that if that provision were not there (if, for example, that particular wording were rejected), does the entire procedure the motion describes for soliciting letters fail?

Andries van Dam (Computer Science / *ad hoc* Committee) responded that provision simply provides for the candidate to have input.

Philip Rosen agreed, but said that either candidate has to be able to see a list, or sees nothing. He would like the candidate to see a list of who might write.

Tricia Rose (Africana Studies / *ad hoc* Committee) said she didn't think everything falls like dominoes if that one provision is not adopted. She added that the idea is to exclude those you think would be particularly hostile. It is also meant to insure that outliers, who would be detrimental to the process, would be excluded. All those involved have an interest in that: the department, the candidate and the university.

Philip Rosen said he could imagine a concerned candidate going through the roster of all those in the field, trying to guess whom to exclude.

Tricia Rose said it is not a given and depended on how one thought of the process. Yes, the candidate needs input, but no, he/she does not need to imagine the whole field of experts; isn't the process actually meant to result in garnering a range of people from across the field who will assess the candidate's work fairly? From that point of view asking the candidate for names to exclude makes sense.

Philip Rosen commented that part of the anxiety about this question relates to Brown's

history.

Dore Levy (Comparative Literature / East Asian Studies) said that what we are seeing here is part of a generational shift; the reason for a candidate's right to review the final list (as well as the reason peer institutions do not have this), was that Brown was slapped with a consent decree in the past. She considered that what had been said so far about how the candidate would choose to exclude anyone was really an idealized version of how it might go: contemplating how your colleagues in a field may respond to the idea of your promotion. It seems that in that ideal world it may be possible for a candidate to assemble a list. For example, if you espouse post-colonialism, you don't want someone who disagrees fundamentally with that idea. However, she added, there may often be personal reasons to exclude someone, and this can be a dangerous document for a candidate to produce and give reasons about. If the university is hoping to capture eight letters, and is having a hard time doing it, it would be embarrassing to write that you don't want a given person on the list because you refused to sleep with that person at some point in the past.

Tricia Rose answered that the candidate can just request the name not be there, but doesn't have to say why.

Dore Levy countered that the pre-emptive list will be limited; if you have to start thinking about everyone you've offended it gets difficult. She was not convinced that procedures at other institutions yield better results, saying it was not as though they're correct and we're wrong.

Tricia Rose responded that the process should guarantee as much input as possible from a variety of sources. Currently none of the names the candidate suggests have to make it onto the final list. The proposed motion offers more checks and balances, which now are not really guaranteed.

Dore Levy said that both Comparative Literature and East Asian Studies provide for a ratio of half the names to come from the candidate and half from the department.

Tricia Rose said that that is not currently a university-wide requirement.

Gregory Elliott (Sociology) noted the example of a colleague who is extremely well respected for research and contributions to the field, but writes terrible letters that are unhelpful and can be destructive to a candidate. It is well known that that person will provide a dangerous letter, but only within the discipline, so if that person is added to the list by the Dean on the grounds that s/he is a well-respected expert and should therefore be on the list, the candidate is then effectively in danger. This is why he thinks it is not a good idea to have letters added by the administration.

Sheila Blumstein (CLiPS / *ad hoc* Committee) responded that in the proposed motion, if the Dean suggests someone be added to the list of writers, that request goes back to the department, whose objection (if there is one) then becomes part of the tenure dossier. Currently the Provost can solicit the input of outside scholars on his own, so the proposed motion is more transparent than what we currently have. She said that if there is not sufficient breadth and depth in the letters, TPAC cannot make an informed decision, adding that sometimes the letters currently don't provide enough information to make that decision.

Greg Elliott suggested it was better to let TPAC respond reactively whenever that is the case, and say if the information was not sufficient.

Sheila Blumstein answered that the department would have the same amount of control as it does now.

Greg Elliott raised the idea that, should the Dean want to add names, he could propose names to the department, which could then respond.

Kevin McLaughlin (English) noted that currently TPAC and the Provost have the right to solicit additional outside letters after the case has left the department without consulting or commenting. The motion we are considering could mean that there would be an obligatory consultation between the Dean and the department.

Provost David Kertzer responded to the concerns expressed by the previous several speakers. He said TPAC does currently have the ability to get additional information, although it has not for the most part exercised that right. What the proposal is trying to do is provide fuller information for both the department and for TPAC.

He noted that the provision in the motion for the Dean's involvement in soliciting letters does not imply that the administration has the same kind of field expertise possessed by the department, but said that the consultation process it would create was important. The motion would ensure that the Dean meet with the chair or head of tenure committee for the candidate, at which point the Dean could ask questions about substantive issues. A common approach that's out there is for the Dean to send out a list of potential names for comments among those in the field and use that to ascertain who else might be added. The information yielded by this process would go back to the department. We're trying to preserve a system where department gets to see the consultation in action.

On the worry that several faculty members had expressed about biased letters, the Provost remarked that there is also concern about a possible other outcome, namely one in which TPAC winds up being thought of as an enemy. Hence the desire is to come up with names that will be universally positive and yield enough information.

Dietrich Neumann suggested that the discussion had moved on of its own accord to the roles of department and the Dean of the Faculty in the process, which would be the topics for the remaining time.

Ross Kraemer (Religious Studies / Judaic Studies) raised a question about the procedures for generating and reviewing the list of letter writers. He said that in some fields major theoretical and methodological issues may not be apparent to an outsider, and that it was this more than personal issues that could, if not understood, create the potential for unhelpful letters. He suggested the process should guard against inadvertent unawareness of that sort of situation. He does not think that the candidate should be able to strike a reviewer unless there is a serious personal issue. He does not see in the motion language that provides for the department to object in writing to any suggestion of a name added by the administration ("consult" not being the same thing), hence TPAC would have no official record of any departmental objection to a name were there to be one. He asked why this step could not happen at earlier stage to allow the candidate to register objections. He said it is less an issue of striking a proposed name, than to ensure that both TPAC and the department would be maximally aware of all the pertinent issues.

Dean of the Faculty Rajiv Vohra answered that it is not the intention to remove the department from the discussion. He noted that copies of all documents with any relevance to the case would become part of the dossier, and that the department will be aware of all names.

Ross Kraemer suggested making the text of the motion about the consultation process between the department and the Dean more explicit: for example, are minutes taken of that meeting?

Harold Roth (Religious Studies / East Asian Studies) inquired about the relationship between the proposed procedures for obtaining more letters (with the potential involvement of the Dean of the Faculty) and a previous suggestion by Sheila Blumstein (CLiPS / *ad hoc* Committee) that Motion 2 would offer more transparency than existing procedure. Currently, he noted, the Provost can solicit additional letters with no feedback from the department; would the new procedures replace this function?

Provost David Kertzer replied that none of what is in the motion deals with that level of action. He noted that TPAC currently has that ability (i.e., to solicit letters on its own without consulting the department), although it does not generally use it. He said that it was correct that the proposed motion would not affect the Provost's procedures, which are not transparent.

Harold Roth asked to clarify: does this mean without consultation?

David Kertzer noted that there is consultation with department; he meets with the department chair or head of the tenure committee to discuss the situation. However, he said, the Provost can then talk to whomever he likes.

James Valles (Physics) asked how frequently the Dean of the Faculty and Provost have done that; under what circumstances does it occur now?

Provost David Kertzer answered that it may happen when there is a divided TPAC vote, although it is not a matter of course. Disagreement in TPAC will trigger some response by the Provost. When that happens the first thing is for the Provost to meet with the department chair to go over the dossier, talk about the file and letters, and try to understand the situation. The Provost may contact the letter writers, for example if TPAC sees omissions in them. In that instance the Provost may talk to reviewers by phone. However, in the case of an enthusiastic positive response by both the department and TPAC this never occurs.

Coppélia Kahn (English) remarked that in her time serving on TPAC there were at least three close votes, but TPAC never sought any additional information; the process ended there. She noted that in practical terms there was not enough time to do so. There is a spring rush to address all the tenure cases on the agenda, and some of the timing changes are meant to give TPAC a little more time to address the information in the dossier better, and give the committee a practical amount of time to respond properly, which it cannot always do now. TPAC is trying its best to get as much information as possible, which is what the motion is about: getting more information to TPAC, so the committee has a more complete picture.

Luiz Valente (Portuguese and Brazilian Studies / Comparative Literature) asked for clarification about why sections 3 and 4 under 6a had been completely struck.

Dean of the Faculty Rajiv Vohra replied that they had been moved and become sections 9 and 10, not removed, and could be found on page 7.

Nancy Khalek (Religious Studies) asked about those candidates in departments where they might be the only ones in their specific field. She said that the process of consultation might still not mitigate the potential for misinformation; what is reason for the candidate not seeing a final list of who will be approached?

Tricia Rose (Africana Studies / *ad hoc* Committee) replied that in order to get eight letters, the department would need to approach something like 16 people, and it would not know which of them would consent finally to write. She asked how many people would need to be on the initial list so that it would not be obvious who the final letter writers would be. She reminded everyone that the candidate is able to recommend names as well.

Nancy Khalek (Religious Studies) said she was not opposed to the motion, except for the possibility that the Dean of the Faculty could solicit extra letters on his own; she suggested that it raised the possibility of bringing into the process a potentially harmful voice, one the department might not itself know about.

Tricia Rose (Africana Studies / *ad hoc* Committee) answered that, if your department is going to review you, then it has to know about the “snake pit.” She said she didn’t know how a department could hire someone if it could not figure out how to review that person’s work.

Nancy Khalek said she was not persuaded that seeing a longer list of 16 names was too dangerous. The candidate would get to voice an objection, not strike names. It would be easier than having the candidate object to potential names in advance.

Andries van Dam (Computer Science / *ad hoc* Committee) said that it is a problem of numbers: to get eight letters and not have the candidate know the final list, the department must solicit something like 16 people. If the candidate could object to specific names, that initial list would have to be as long as (perhaps) 25, which is hard to imagine doing in many subfields.

Susan Smulyan (American Civilization) noted that if a field is that small, it will be hard to get enough names in it anyway.

Ruth Colwill (CLiPS): if there is a negative vote, the candidate is not told who in the department voted against tenure (though the candidate is given the numbers). She is puzzled why the proposal does not add to that provision notifying what the vote is in a positive case? A “positive” vote of 7-6 is really like a negative vote, and candidate needs to know to prepare.

Provost David Kertzer replied that the proposed motion changes current rules, which suggest that only a split negative vote get reported, not a split positive vote. The Committee thought that it was better not to report the actual votes, especially in a small department with only three tenured members; the candidate would simply be told that dept voted no.

Dean of the Faculty Rajiv Vohra confirmed this, saying that if a vote is positive, it doesn’t tell you whether it is a strong positive or not; current rules only reveal the number of votes in a negative vote. The proposed motion shifts the focus away from the number of votes; in recent years we have tried to make clear to all candidates that, even though they have been informed of a positive vote, they should be aware that the fact of its being positive doesn’t tell you exactly what the number for/against was.

Gregory Elliott (Sociology) said he thought that will increase the candidate’s anxiety.

Rajiv Vohra responded, asking whether a 7-6 vote didn’t already do that.

Gregory Elliott responded that at least then one knows that is on the cusp.

Ruth Colwill asked why it wasn’t being fixed.

Sheila Blumstein (CLiPS / *ad hoc* Committee) suggested the faculty need to remember that the department may be the body that recommends tenure for its candidate, but that it is ultimately the university’s decision. The Dean of the Faculty has to respond to the Provost and to other academic officers. This is why it is important that TPAC have the most detailed information possible. Yes, the motion allows the Dean to propose some names, but if doing so means additional letters are written, the letters would not be secret; all letters go to department and to TPAC as well, and the department in its own prose can respond to all the letters produced as a result of the process. In other words, it results in shared governance. Tenure is from the university, not from the department.

Melinda Rabb (English) asked how the motion was changing the Dean of the Faculty's role in TPAC, and said she sees a shift in role of the administration. She wanted to understand better the role of the Dean.

Rajiv Vohra replied that the motion is not doing anything to alter TPAC's role.

Richard Stratt (Chemistry) said that the Dean has a university-wide view that TPAC does not have, and that the proposal does not change that.

Provost David Kertzer noted that until a few years ago ConFRaT (which then became TPAC) was chaired by the Dean of the Faculty. At that time half the voting members were deans, whereas now all voting members are faculty, and deans non-voting.

At this point, the time allotted for discussion having elapsed, Dietrich Neumann turned the proceedings over to Chung-I Tan (Physics), who conducted with all present a test of "clickers." Their use is planned for conducting the voting at the October Faculty Meeting electronically, as it would give instant feedback on the vote count. Faculty present at the forum were able to try out the clickers prior to their use at the October 5 Faculty Meeting.

Dietrich Neumann then adjourned the forum.

Respectfully submitted,
Lynne deBenedette (Slavic Languages)
Secretary of the Faculty Forum