BRANDEIS UNIVERSITY
FACULTY SENATE MEETING 3 – 2016-2017

MEETING MINUTES

AGENDA

Friday, November 4, 2016  
12:30 PM – 1:30 PM  
Mandel Center for the Humanities, Room 228

OUTCOMES

♦ Update & Draft Schedule for Task Forces and Subcommittees’ Work Plans: Substance & Structure  
♦ Deepen Understanding of Title IX and Consider Policy Revisions

AGENDA

12:30 P.M.   WELCOME

12:30 P.M.   Remarks from Chair & Council  
 o Council Meeting with President & Provost  
 o Faculty Representatives and Council Reports from Trustee Retreat  
 o Review and Discussion of the Council’s Faculty Handbook Legislation Proposed for December Faculty Meeting  
   o See Draft Schedule of Legislation  
 o Possible Faculty Governance Retreat – proposed for January 11, 2017

1:10 P.M.   Discussion with Bernadette Brooten and Kim Godsoe on the Task Force for Sexual Assault Response, Services and Prevention  
 o Please READ Attached Reports and Resources from Professor Brooten

1:30 P.M.   ADJOURN

Brandeis Faculty Meeting to follow at 2:00 P.M. in Gerstenzang, Room 124  
[Agenda & Attachments Enclosed]
ATTACHMENTS

- CONFIDENTIAL - Working Draft - Schedule of Faculty Handbook Legislation
- REPORT: Title IX in Dispute: Overview of Recent Arguments Put Forth by the AAUP, Faculty Against Rape, and a Group of Law Professors and Scholars by Prof. Bernadette Brooten (Oct. 28, 2016)
- REPORT: Areas that the Faculty Senate and the Committee on Faculty Rights and Responsibilities Might Consider Discussing with Respect to Revisions to Non-Discrimination Policies from Prof. Bernadette Brooten (Oct. 29, 2016)
- Summary on Task Force for Sexual Assault Response, Services and Prevention Sept ’15 – Sept ’16 (by Kim Godsoe, Associate Provost for Academic Affairs, Task Force member)
- Policy Non-Discrimination and Harassment Problem Resolution and Appeal Procedure for Claims of Harassment/Discrimination against Staff or Faculty (Draft Sept. 19, 2016)
- Policy on Sexual Harassment (Draft Sept. 19, 2016)
- Policy on Employee Sexual Assault, Domestic Violence, Dating Violence and Stalking Policy (Draft Sept. 19, 2016)
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- RESOURCE: Faculty Against Rape Title IX Report (April 15, 2016)
- RESOURCE: Title IX & The Preponderance of the Evidence: A White Paper (August 2016)
- RESOURCE: The History, Uses, and Abuses of Title IX (June 2016)
- Brandeis Faculty Meeting Nov 4, 2016 Agenda & Attachments

PRESENT: Susan P. Curnan, Chair, Jane Ebert, Elizabeth Ferry, Kathryn Graddy, Adrianne Krstansky, Sarah Mead, Paul Miller, Laurie Nsiah-Jefferson, Raj Sampath, Laurence Simon, Faith Smith, John Wardle

Joined by conference phone: Dan Bergstresser.

ABSENT: Joe Cunningham, Eli Hirsch, Thomas Pochapsky (and Kate Moran on leave fall 2016, Susan Parish on sabbatical fall 2016)

12:30 P.M.

Review and Discussion of the Council's Faculty Handbook Legislation Proposed for December Faculty Meeting

- Senators discussed the Handbook legislation proposed for the Nov 4th Brandeis Faculty Meeting.
- Prof. Wardle will read proposed language at the Faculty meeting on behalf of the Senate. The reading will include a message from Emeriti Task Force chair Emerita Prof. Sue Lanser and comments from concerned Prof. Michael Henchman, Emeritus.
- Three absent Senators have given their proxy vote to the Chair regarding any decisions or motions for current proposed legislation (Prof. Simon, Prof. Cunningham, Prof. Pochapsky).
ACTION ITEM: The Chair asked Senators to carefully read new language provided by Dean Birren for the Faculty Handbook on: “Arts and Sciences Standing Committee for Promotion to Full Professor and New Faculty Hired into Tenured Positions.” Senate Administrator Lanni Isenberg will circulate to Senators for review and comment to be returned to the Chair within the next two weeks. (Handout)

- Brief discussion ensued about how the committee would be formed and caution flag raised with regard to concentrated power of the Dean.

Council Meeting with President & Provost

- The Chair reported on a Council discussion of the retirement repairment with The President & Provost.
  - The Chair said it is a respectful process and discussion included the importance of rebuilding trust in decision making. All agree on the importance of this trust building.
  - The President has good questions about the resolution, including the impact it may have on staff in addition to faculty and how the fund is to be resourced and managed.
  - The President & the Provost will review further and get back to the Chair in one week.

- The Chair announced a new Chief Diversity Officer is starting at Brandeis on Wednesday, January 11th and suggested that the Faculty Senate consider hosting a welcome reception. The Chief Diversity Officer is Mark Brimhall Vargas.

- The Chair listed 12 topics the Council discussed with the President and Provost, including concerns at the Heller School, the International Business School and the Music Department. There is nothing for the Senate to do right now regarding any of the topics covered.

Update & Draft Schedule for Task Forces and Subcommittees’ Work Plans: Substance & Structure

- The Council continues to work on the substance and structure of the Bullying Workgroup and the Faculty Governance work plan.
- Senate Chair has inquired with the Chair of the Heller Dean Search Committee to send planned candidate presentation dates so Faculty Senate members can attend.
- The Faculty Governance Task Force has not yet been fully assembled, but there is expressed interest from Senators and other faculty; The Chair suggested organizing a retreat on Faculty Governance to be held on Wed, January 11th as the beginning of a planning process. Senate agreed with interest.

ACTION ITEM: Faculty Senate Administrator, Lanni Isenberg, will circulate a “save the date” calendar invitation to the Senate and Faculty for January 11, 2016.

Faculty Representatives and Council Reports from Trustee Retreat

- Dan Bergstresser provided a report out from the Board of Trustees meeting and two-day retreat.
1. The new Executive Vice President of Finance, Stew Uretsky, gave a preliminary report of his first six weeks at Brandeis and is trying to complete a financial analysis of the entire University.

2. Marketing research expert Mark Neustadt described the importance of aligning the marketing message to all audiences, highlighting that the University is a non-sectarian liberal arts school with Jewish roots and values. Mark Neustadt said that Brandeis University stands out in terms of satisfaction among its graduates and noted that Brandeis social life ratings were low among study respondents/participants. Some key points from Senate discussion:
   - The Faculty Senate can reach out to Mark Neustadt to learn more and Faith Smith suggested the Faculty Senate do so in tandem with students about how they are feeling.
   - Senators requested access to a copy of Mark Neustadt’s report.
   - The NEASC report is coming up and this report should be useful.
   - One Senator asked if the report reflects how the Brandeis community sees the University today and in the past and if it incorporates the voice of the alumni.
   - The Chair said that the report incorporated voices from various university levels, e.g., Administration, Faculty, Staff, Students, Alumni, etc.

3. The Tuesday evening dinner of the Board of Trustees meeting focused on free speech and university policy.
   - Several Senators shared personal reflections on the Table Talks.

   o The Chair reported that the Center for Youth and Communities at the Heller School held the first Faculty Senate Leaders Think Tank meeting in October to discuss academic freedom in today’s context. The group of eight college and university senate presidents will meet again in December to discuss faculty governance.
   o In response to a question about it, the Chair responded that she is working closely with Provost Lisa Lynch on assembling the Task Force and defining its charge and the Faculty Senate is not on the Task Force on Free Expression, though two Senators are, Tom Pochapsky and Raj Sampath. The Senate is expected to lead the change on the Governance Task Force. One Senator requested that the Senate make sure to have non-tenure faculty represented on the new university Task Forces.

1:20 P.M.
Discussion with Bernadette Brooten and Kim Godsoe on the Task Force for Sexual Assault Response, Services and Prevention

   o The Chair introduced the topic by reminding the Senate that we are about to launch our Workgroup on Bullying at the Workplace and there is a connection between that and this Task Force. Indeed, at the recent UAC meeting, it was recommended that the two groups meet to review policy revisions.
   o The representatives from the Task Force made the following points in a rich dialogue:
Faculty should be directly involved in the process related to the response to sexual assault and asked that the Senate review the policy changes proposed and respond to the Task Force working with Steve Locke, University Counsel. Discussion ensued.

The representatives to the Task Force responded to questions about the goals of the Task Force work. The goals are to make sure Faculty have as many rights as students and vice versa and that Faculty are not treated more leniently than students.

The representatives reported the following current conditions (confirmed by Linda Shinomoto, Director of HR):

- Students are treated more stringently about sexual harassment matters than faculty.
- Faculty are treated more leniently than staff about sexual harassment matters.
- Protections for faculty are strong than for staff.

Senators described cases involving the Human Resources Director and Title IX coordinator regarding penalties for offenses.

The representatives said there is a gray area between situations that fall under Free Speech and Title IX deserving of faculty attention.

One Senator inquired about situations that might involve Deans in cases.

The representatives responded that if a Dean is accused of an offense of this nature, then the Human Resources Director talks to higher level administration members.

One Senator indicated that such a case might cause a staff or faculty member to be fearful of raising an issue.

One Senator brought up the concept of generational norms, especially in terms of race, ethnicity, disability, international status, etc.

The representatives said that the Task Force has been reviewing how Title VI (race discrimination) and Title IX (sexual harassment) connect.

The Chair inquired about intersectionality with other task forces, e.g., Bullying policy and tested the Task Force interest in meeting for a joint review of policies.

One Senator asked about looking at how other institutions are handling the topic.

The representatives responded that the Task Force is looking at intersectionality and has looked at “Black Women's Blueprint”, “A Long Walk Home”, the Asian Task Force on Domestic Violence and a range of ethnic groups focused on the matters the Task Force is reviewing.

The representatives said that the Problem/Resolution document produced with the University Advisory Council has good suggestions, but the Task Force would like to see further review by the Senate and the Committee for Rights and Responsibilities.

The representatives addressed a commonly asked question about instances of false accusation claims, a potential hindrance to people who are already scared to come forward, a particular concern for tenure track faculty and other contingent faculty.

One Senator asked how situations where students are harassing faculty are addressed. The representatives said that those matters are addressed in the student rights and responsibilities.

A Senator clarified that the concern is what about protection of a contingent staff who may be falsely accused.
The representatives will get clarification about the process and protections if students accuse faculty.

The representatives said that the harassment policy covers both the accused and the accuser.

One Senator asked how evidence is evaluated. The representatives responded that instead of following the criminal law "beyond a doubt" rule, Title IX uses the common civil law concept of "preponderance of evidence."

The Chair said that conversation with the Task Force will continue. Supportive documents are attached with a summary memo from Task Force Representatives.

**ACTION ITEM:** The Senate and Task Force representatives agreed it is in the best interest of policy reviewers to hold a joint meeting, including Steve Locke, to examine the policy revisions. The co-chairs of the Workgroup on Bullying Policy agreed to report to the Senate in this review.

The meeting adjourned at 1:45 p.m.

Respectfully submitted on November 8, 2016 by Lanni Isenberg.

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