

**Final Report of the Independent Investigation related to Campus
Climate**

November 16, 2018

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I. Introduction

Last spring, the Brandeis Board of Trustees commissioned two outside investigators to review the Athletics Department in the wake of the firing of its longtime men’s basketball coach, Brian Meehan. Amid allegations of abusive and discriminatory conduct towards players of color, the University administration and the broader Brandeis community was shaken not only by negative national publicity, but also from the realization that such conduct could occur at an institution that prides itself on being a home for social justice, inclusivity, and non-discrimination.

A. Our Charge

President Liebowitz announced in his April 6, 2018 letter to the Brandeis community that the Board of Trustees retained us to conduct a *de novo* review of the policies and procedures involved in handling the Coach Meehan situation “and any other cases that may have similar shortcomings.” The Board also charged us to review Brandeis’s systems, climate, and culture of handling complaints and recommend corrective action. To get the most urgent information to the Board, the administration, and the Brandeis community as expeditiously as possible, we

divided our work into two phases. Phase I focused on the Meehan situation, and our Summary Report was released to the Brandeis community in September.

This Phase II final report focuses on our remaining charge, which covers three general areas. First, we were asked to investigate concerns about Brandeis's responsiveness to complaints of discrimination, harassment, and abusive conduct. Second, we conducted a thorough review of the University's policies, procedures, and systems for handling such concerns on campus; we identified gaps, and we summarize below our general recommendations for fixes and upgrades. Third, we were asked to step back and place these concerns in a larger context, examining Brandeis's climate and culture and assessing how the climate and culture contributed to problems identified in the Meehan matter, and how the climate and culture can be improved to avoid similar incidents in the future. We tackle these three in reverse order in the Findings below.

B. Overview of Findings

Time and time again in this investigation, we were struck by the great institutional strengths noted in our Phase I Summary Report: a wide and deep affection for Brandeis; institutional cohesiveness; a foundational commitment to anti-discrimination, inclusivity, academic freedom, and academic excellence; and, more recently, a growing recognition of the need for organizational change and

more effective management. But we also saw how these very strengths can, on occasion, lead to weaknesses or obscure them. “Every curse has a blessing and every blessing has a curse,” as J.K. Ensley observed.

The Meehan matter, for example, was marked by misplaced institutional loyalty, a lack of diversity, disruption caused by turnover, fear of retaliation (warranted or not), a reluctance to confront and handle problems directly, and process shortcomings that had been on administrative agendas for years but could never rise to the top without a crisis. For these reasons, the April 2018 Town Hall meeting called in response to the Meehan matter was, by all accounts (including our own), an eye-opener for which many were unprepared.

C. Implications and Anticipated Next Steps

In his September 4, 2018 letter to the Brandeis community releasing our Phase I Summary Report, President Liebowitz announced “a series of actions designed to address these failings.” As we pressed ahead to finish Phase II of our charge, we saw firsthand the distress and disruption that such corrective administrative actions inevitably entail, but we do not expect similar consequences to follow this final investigation report. The very nature of the challenges at the heart of our inquiry – diversity, equity, inclusion, transparency, fairness,

consistency, and timeliness – make “failings” harder to pinpoint and solutions more difficult to divine. There are few “quick fixes.”

Since April, we’ve heard people from every corner of this institution sing its praises, but some shared stories of alienation, isolation, cynicism, frustration, bullying, and mistrust –often among students of color. These sentiments are hardly unique to Brandeis, and the solutions are equally formidable on most other campuses today. Brandeis had been working on these challenges long before the Meehan matter captured the headlines, and the administration recently began developing the additional infrastructure needed for genuine, transformative change. That progress has been slow and hard to see, in part because failures often attract attention more easily than successes do. We pull no punches on the shortcomings, but we also hope to shed more deserving light on the University’s progress in Section III(E) below.

We are lawyers and investigators, not to be mistaken for educators, historians, social scientists, management consultants, or diversity, equity, and inclusion scholars. Brandeis has experts in all of these areas already dedicated to addressing many of the issues raised below. We will not substitute our judgment for theirs. Instead, we tried to do justice to our charge from the Board by listening, learning, reflecting, and chronicling. This final investigation report necessarily

distills much into little, but we tried our best to honor all of the thoughtful people we've been privileged to meet over the past seven months.

Indeed, in sharp contrast to our Phase I investigation report, in which we identified specific lapses that accumulated in the Meehan situation, we have less to offer in the way of recommendations in this Phase II final report. It would be presumptuous for us to make recommendations on widespread challenges in higher education that are well on their way to being addressed by thoughtful administration and faculty experts at Brandeis, as we detail below.

In short, our investigation confirmed that Brandeis will inevitably struggle to meet its own exceedingly high standards, as it continues to define them. As one senior faculty member explained, Brandeis has the same problems facing other colleges and universities today, but “Brandeis’s personality and values require it to live up to a *higher* standard. It should be *better*.”

II. Phase II Investigation Strategy and Process

We have been investigating these Phase II issues from the very beginning. In his April 6, 2018 announcement, President Liebowitz invited all to come forward to provide “information about the former men’s basketball coach,” but also “concerns about the policies and practices followed in this case,” “policies and procedures more generally,” and, finally, the “wider climate at the University.”

As noted in our Phase I Summary Report, we interviewed more than 150 faculty, administrators, and students; we also reviewed in excess of 30,000 documents. Much of this work related to this Phase II final report, but we also undertook additional interviews, re-interviews, and gathered additional documents over the past few months.

Some constituencies were better represented than others. Relatively few underrepresented minority students or faculty members approached us in the first instance. Representatives from Student Affairs, the Office of Diversity, Equity, and Inclusion, and the faculty, however, helped us identify and reach out to individual undergraduate students, graduate students, relevant student groups, and faculty members of color who could offer more insight into their particular concerns.

We targeted specific questions about diversity, equity, inclusion, general process concerns, and relevant aspects of the campus climate and culture, including the role of religion. We pursued every lead, whether it pointed us towards an office, department, or individual identified as a possible source of relevant information. Many witnesses and volunteers offered additional documents and information on a variety of innovative programs and initiatives designed to benefit faculty, staff, students, and the Brandeis community more generally.

We listened to everyone who wanted to speak. We were privy to deeply personal stories and emotions as we also gathered facts and data. Tears were shed. Many investigation witnesses preferred to remain anonymous, and we have respected their wishes. But we must take note of this widespread reluctance to come forward, as we also discuss further below.

Not surprisingly, many complaints, large and small, came over the transom; some were simply beyond the scope of our investigation, but we always listened and tried to redirect these concerns appropriately. Over the entire course of our investigation, we uncovered no evidence of unlawful activity at Brandeis or that it would be tolerated by the University.

President Liebowitz urged us to hold nothing back, to “let it all come out on the table so we can do as much as we can.” We have.

III. Findings

A. Overall Climate and Culture

We begin with the most complex, subtle, and challenging aspect of our investigation because, as the Board anticipated in crafting our charge, Brandeis’s climate and culture influences how the organization handles problems like the Meehan situation today and makes plans for its future. Brandesians uniformly hoped to safeguard the best of the University’s climate and culture and, at the same

time, address its shortcomings.¹ This is a difficult challenge, and not only because culture is always the hardest thing to change. It is difficult because, as we concede from the outset, some of these widely perceived climate and culture factors are in conflict with one another. Then again, as we were instructed by one of Brandeis’s leading Jewish scholars, “The essence of Brandeis is the argument, to hold two ideas inconsistent with each other and argue until the truth emerges.”

1. Founding Principles

Brandeis is, of course, a relatively young institution, particularly when compared to many neighboring universities in metropolitan Boston. Founded by the American Jewish community in 1948 seven years after the death of its namesake, “people’s attorney” and Supreme Court Justice Louis D. Brandeis, it was the first Jewish-sponsored nonsectarian university in the United States. During the course of our investigation, we often heard – particularly from students – how Brandeis has always been dedicated to “social justice,” a label that turns out to mean different things to different people, ranging from “tikkun olam” (Hebrew for “repairing the world”) to “liberal bubble” and “freedom from micro-aggressions.”

¹ Because we addressed the role of athletics at the University in our Phase I Summary Report, we do not repeat it here.

In the words of a prestigious faculty member, “at Brandeis, you ask what ‘social justice’ is, and you get 15 different answers.”²

All agree, however, that the University’s mission was forged in an era of segregation, discrimination, and quotas that restricted access by Jewish students to the nation’s most elite universities. Some described the institution’s founding as an act of “resistance,” a protest against the prevailing view that exclusion could be compatible with academic excellence. True to Justice Brandeis’s legacy and born of its time, Brandeis’s founding principles and progressive mission remain at the University’s core to this day: anti-discrimination, inclusiveness, academic freedom, independence, and the highest standards of academic quality.

2. Jewish Roots

In meeting with administrators, faculty, and students at Brandeis, we were struck by how few brought up the University’s Jewish roots but, when prompted, immediately acknowledged their importance and pivoted to the “ambivalence” they may engender. We also heard from many faculty and administrators that President Liebowitz is re-connecting the institution’s essential Jewish values and history to its future plans in a coherent and compelling way; as President Liebowitz

² As noted in our Phase I Summary Report, the mother of one of Coach Meehan’s African-American players had complained back in 2014 that “it is a social injustice how my son was being treated.”

described it, “we are taking our founding values and projecting them into the 21st century.”

Some drew obvious connections to Jewish values including reverence for learning, high standards, and robust dialogue and debate. As one faculty member observed, Brandeis offered the first Jewish Studies department of any secular university in the country, and its faculty are leading authorities on Jewish culture.

One of the most interesting and resonant observations we heard on Brandeis’s Jewish roots came from a long-standing member of the faculty, who explained why identity-based institutions like Brandeis are different:

People at the school feel betrayed that the school doesn’t represent what it is supposed to represent, including that it should be a place of openness and openness should be valued. It’s an issue of hypocrisy. Brandeis’ struggle in this regard is not dissimilar to other identity-based institutions. These institutions often are insular and have great concern for their reputation being tarnished. These kinds of institutions often have a paramount concern for self-protection. This makes it difficult to raise issues within the institution.

Faculty and administrators alike also opined that members of the Jewish community rightly see themselves as victims of historic discrimination, making it difficult for them to recognize that they, too, could be accused of discriminating against other minority groups.

Others warned us that the “Jewish question” at Brandeis was controversial, a “third rail” because it concerns a sizeable and important but diminishing minority of students (a recent study indicates that approximately 27 percent of Brandeis

students identified their religion as Jewish and another 7 percent considered themselves Jewish “aside from religion”). Nonetheless, knowledgeable faculty and administrators reported that Jewish students “really like the place” and “feel like they belong,” an undeniable positive that may also carry a negative effect, perhaps engendering the jealousy of others who do not feel equally “at home.”

Although we repeatedly heard about President Liebowitz’s “clearer narrative” on “the Jewish question,” we were told that the University had for years suffered from mixed messaging on the extent to which the University is, or should portray itself as, Jewishly identified. Some non-Jewish students, for example, professed surprise at “how Jewish” the school is because they felt it had been downplayed in the application and recruitment process. Moreover, although many students wish to learn more, some simply do not know what “Jewishness means,” arriving at the campus with little more than what some described as “stereotypes.”

Still others lamented that Brandeis’s “Jewish roots” have become entangled, just as the Jewish diaspora itself has become polarized towards the conservative and progressive ends of the political spectrum (much like the broader American electorate today). As one observer commented, there is a “real rift in the Jewish community about tikkun olam,” dividing liberals and conservatives; the disagreements are “parallel to those about ‘social justice’ in many ways.” Campus conversations over Israel have also become more charged, raising questions (fair or

not) about potential anti-Semitism. This, in turn, has put fundraisers on the defensive with Jewish donors.

In the end, as one observer noted, Brandeis’s Jewish character is “definitely part of the conversation,” and “we need to know what the conflict is” between diversity, equity, and inclusion (“DEI”), on the one hand, and the fear of diluting the “Jewish dimension” of the University on the other hand. Notably, these are the very same identity questions many Historically Black Colleges and Universities are also wrestling with today. But at Brandeis, many see no disconnect between its Jewish heritage and its progressive, inclusive mission. “That’s a red herring,” one insider observed. “Judaism has many ways of expressing itself without diminishing DEI.” Indeed, one scholar suggested that institutional “ambivalence” over Brandeis’s Jewish roots created “an ethical void and administrative dysfunction” that President Liebowitz is now working to change for the better.

3. Size, Location, and Financial Resources

We were not surprised to learn of external and financial influences on the climate and culture of the University, including its location in academically-competitive (and predominantly white) suburban Boston and its rapid growth but relatively compact size (3,635 undergraduates and 2,087 graduate students). Some remarked that Brandeis feels more like a small liberal arts college than a highly complex, world class graduate research institution –one of 115 in the country with

a Carnegie Classification of “R1: Doctoral University –Highest Research Activity.” It has “a niceness culture,” one faculty member observed, which is “real, a good thing.” People “always say,” the faculty member continued, “there are good people here.” We often heard how students raved about their educational experience at Brandeis and the close relationships they developed with faculty. While “that is true,” one observer cautioned, this small-town quality may also “discourage people from complaining and confronting problems.”

We also heard about Brandeis’s comparatively modest endowment for such a complex and programmatically diversified R1 research university. Finally, we were told again and again how the University has always been budget-conscious and “lean” in its management. Others explained how the Great Recession reinforced what appeared to us to be a Depression-era mentality of great resolve coupled with resourcefulness and pride. “We make do with what we have,” one administrator explained; another remarked, “it’s sufficient. But we’re always stretched thin.” Another joked, Brandeis sometimes “keeps things together with bubble gum and string.”

4. Rigor

Brandesians of every stripe take immense pride in its intellectual rigor and the quality of its educational programs. Many indicated that it was a deciding factor, if not *the* deciding factor, in their decision to work or study at the

University. The flip side, of course, is that academic excellence and merit are not always susceptible to rigorous and objective measurement; reasonable people can and do disagree on what makes for the “best” faculty, student, or staff member. Brandeis’s focus on intellectual excellence and rigor make for deeply rewarding and lasting faculty, student, and staff relationships, but we also heard the atmosphere described at times as “intense” or just plain “tense.” “There is,” one longtime faculty member observed, “little of the everyday kind of conversation” at Brandeis.

5. Faculty

Investigation witnesses across the board also touted the quality of Brandeis’s faculty, a sentiment particularly important to the students we met. Potency matters, especially at an institution of Brandeis’s size. Many faculty members credited Brandeis’s success in this regard to enduring high standards and a foundational commitment to academic freedom. The flip side of academic freedom and prestige at a small R1 research university, we were told, is that faculty have “enormous input and power” at Brandeis.

Despite the institution’s youthfulness compared to others on the East Coast, we also heard Brandeis’s faculty characterized as “old” and “conservative,” with a significant proportion of senior faculty (with “70 over 65 years of age”) and recent, “generational” pressures as new faculty join their ranks. Some senior faculty

members, revered as they are, were on occasion described by colleagues and students as “intimidating” and “condescending.” Some remarked upon entrenched faculty peers who “won’t come to trainings” or who are “repeat offenders” where bullying and insensitive comments are concerned, as discussed in Section 6 immediately below. But we heard far more stories about “caring” and “mentoring” faculty who “went above and beyond” to help their students.

6. Antagonisms

The topic of intemperate, mean-spirited, and bullying behavior most often surfaced in several contexts: athletes, graduate students, and faculty. We learned, of course, that Coach Meehan was known to have engaged in abusive behavior towards his players.³ We were told by faculty, students, and administrators about occasional classroom incidents in which faculty would use offensive or humiliating language (such as “You should have learned that in high school,” “Your English is bad”) or would make a student feel “stupid because I ask questions when I don’t understand.” According to one DEI expert, professors (and staff) are “ill-equipped to respect cultural differences.” For example, “somebody might use the wrong Black student’s name to refer to another Black student.” We also heard stories of

³ Only two other sports teams at Brandeis reported bullying concerns to us in addition to the men’s basketball team; the administration acted promptly to address the issue in both circumstances.

faculty who were mortified, embarrassed, and remorseful when confronted with the consequences of such thoughtless comments.

We were surprised by how often the issue of faculty and administrative bullying surfaced over the course of our investigation, although we have no objective, independent method of assessing how pervasive the problem is. We initially questioned how it fit within our charge. As we learned more, however, we could see that this is an issue of currency at Brandeis and higher education in general today, and it raises predictable tensions with academic freedom. We also realized that concerns about “bullying” at Brandeis offered additional insight into how a culture that prides itself on exemplary performance, robust dialogue, academic freedom, and independence could also countenance antagonistic and unduly confrontational behavior. President Liebowitz confirmed that even though he’s “a new guy here,” he sees this as “a big issue.”

Bullying allegations surfaced most pointedly in our meetings with junior faculty and graduate students, who are particularly vulnerable because they have made substantial investments in their nascent academic careers and depend on thesis advisors and more senior faculty for recommendations, promotions, and tenure. Some described feeling as if they had “nowhere to turn,” particularly if their program director or department chair was disinclined to intervene in such matters.

Specific examples of faculty and administration bullying were not hard to come by. We heard of faculty, administrators, and even former Board members who subjected colleagues to “unbelievable” verbal attacks and abuse, “talking over” others, ignoring responses, and general rudeness –particularly towards women. Although some abusive faculty have been “called out” for bad behavior, there is currently no systematic process for addressing such problems, and there is little reason to expect those on the receiving end will be comfortable, confident, and secure enough to take such matters into their own hands. As noted in Section III(E)(1) below, however, the Faculty Senate’s Dignity at Work Task Force is looking into this issue.

7. Fear of Retaliation, Real or Perceived

We also found widespread anxiety about lodging complaints at Brandeis. Multiple explanations were offered: concerns about potential retaliation, a sense of futility in sticking one’s neck out to no avail, or simple confusion over unclear policies, procedures, and responsibilities. As noted in the introduction to this report, virtually every investigation witness asked us to maintain confidentiality to the maximum extent practicable. Although we acknowledge that this investigation itself has been stressful to many – particularly in light of administrative actions in the wake of our Phase I Summary Report – there is little doubt that a reluctance to come forward is a part of the climate and culture at Brandeis and a contributing

factor to the problems we identified in the Meehan matter. We encountered administration and faculty witnesses well-practiced in the art of carefully parsing their words, refraining from bluntness, and camouflaging their true feelings.

Because this investigation is focused on identifying problems, we often heard students, staff, faculty, and administrators explain how they (or someone they knew) chose not to raise concerns directly, even if the problems were longstanding, well-known, and significant enough to merit further attention. Many reported that even if they had steeled the courage to complain, they were stymied because they did not know where to turn for help or were afraid to confide in the wrong person.

This reluctance to complain, when coupled with cynicism about whether “anything would change,” left some feeling “alone,” “alienated,” and like “outsiders.” Understandably, apathy may follow. As one faculty member also explained, while it is difficult for even the powerful and self-assured to complain, it is particularly unreasonable to “put the onus on the underrepresented to come forward.” We found this to be particularly true for junior faculty, graduate students, students of color, and junior staff.

While we adduced no evidence of retaliatory behavior in the course of our investigation, it was beyond our charge to investigate individual concerns past or present about potential retaliatory behavior. In the end, we surmised from our

many interviews but without hard data that concerns about retaliation were far more a matter of perception than reality.

8. Indirect Communications

Consistent with its “small town” character and intensity, we heard over and over again that faculty and staff prefer to engage each other in confidential, person-to-person communications that are sometimes understood as efficient and personal ways to get things done and, at other times, viewed more cynically as workarounds, end-runs, or simple politicking. We heard more than one example of how someone with responsibility for a function would learn of an issue in their wheelhouse indirectly, discreetly, and anonymously via gossip or a trusted intermediary, complicating any responsive action that may be required. Again, such behavior is common to all workplaces, but we heard about it repeatedly here over the course of our investigation.

9. Execution and Accountability

One aspect of Brandeis’s climate and culture that seems to unite students, faculty, and staff was the expressed frustration that matters can fall between the cracks or be delayed intolerably. To be sure, these complaints were most often leveled at administrative functions that Brandesians took pains to concede are understaffed, under-resourced, and unappreciated. Nonetheless, many observed

that Brandeis's culture includes a resigned acceptance of defeated expectations in certain administrative affairs.

10. Insularity

Although it was rarely identified explicitly, we came to recognize a thin but strong thread through many of our interviews. Although Brandeis was founded as a progressive, outwardly focused institution, people have come to expect it to behave in a “keep it in the family” fashion that, as noted above, could be a well-intentioned effort to safeguard an identity-based institution from reputational injury. In addition to the widespread reluctance noted above to raise and address pressing problems directly (as is so often the case in *real* families), we saw evidence of an inwardly-focused, arguably protectionist culture at Brandeis. For example, we heard of staff positions that were not as widely advertised as they could be. Relatives and friends of Brandeis employees often work at the University, as is the case in so many colleges and universities. Staff promotions from within and transfers between divisions, departments, and business units do not always appear to align credentials and talents with job descriptions and hiring needs. Some reported feeling “passed over” for less qualified candidates where the chosen candidate was believed to have had the inside track. And, as we saw in the Meehan matter, his alleged “nepotism” was widely perceived even if it remained unproven.

One corollary of insularity that we often heard about is a reluctance at Brandeis to draw attention to itself, to be aggressive in trumpeting its accomplishments. “We’re terrible at publicity,” a senior administrator noted, echoed by another colleague: “the Brandeis administration is too quiet about the progress they’ve been making.” Particularly with respect to DEI matters, the administrator continued, “it makes us seem less committed and, worse, it can raise suspicions and concerns.”

B. Diversity, Equity, and Inclusion

All of the foregoing influences on climate and culture came together, we found, when we talked to administrators, faculty, and students about diversity, equity, and inclusion (“DEI”) at Brandeis.

Indeed, DEI is something of a “Rorschach test” at the University. We lawyers are hardly trained to interpret the results, much less recommend any subsequent course of action or treatment. We can only report on the divergent perspectives and approaches to diversity that we saw alongside a widespread consensus on the continuing importance of diversity at Brandeis and its recent advances. But, as one administrator experienced in these matters observed, the University is “at a very sensitive and critical point regarding inclusion.”

1. Antecedents

It is no small irony that issues of race and segregation persist at Brandeis even though, as one leading scholar in the field noted, “Brandeis was known as a school as welcoming to Black students as HBCUs are.”

Change often comes on the heels of a crisis. Mounting campus protests in the late 1960s, particularly following the assassination of Dr. Martin Luther King Jr., led to the inauguration of the Transitional Year Program (now known as the Myra Kraft Transitional Year Program or “TYP”) and Dr. Martin Luther King Jr. Scholarships (now known as fellowships) that have been transforming the lives of promising and academically gifted underrepresented students for five decades. The 1969 student takeover of Ford Hall by a newly-founded student group, the Afro American Society, sparked more change, including the founding of the Department of African and African American Studies or “AAAS,” also celebrating 50 years on campus.

But some things didn’t change, and minority students once again occupied an administration building in November 2015, labeling their protest “Ford Hall 2015.” Few of the investigation witnesses we met who were on campus during Ford Hall 2015 could discuss today’s climate and culture without referencing that pivotal event. The student activists were new, but many of the demands mirrored those lodged back in 1969: more faculty of color; more students of color; and

enhanced efforts by administrators, staff, and faculty to understand the concerns of underrepresented students and make them feel more welcome. As one student explained, “you’re made to feel that you’ve been invited in, but at the same time you’re told not to touch anything and not to break the china dishes.”

Just as in 1969, Brandeis’s administration and board declined to meet all the demands of the Ford Hall 2015 protesters in brokering a resolution twelve days after the takeover. Brandeis did agree, among other things, to recruit more faculty and students of color, hire a chief diversity officer, and create an Ombuds office, as we discuss further in Section III(E)(2)(e) below. Students, faculty, and administrators alike, however, recounted the “sour note” on which the takeover ended when a highly anticipated “signing ceremony” to mark the end of the standoff was cancelled. We have heard varying versions of the reasons for the cancellation -- some say it was just a misunderstanding, while others hold to a more cynical view -- but, whatever the reasons, it left some feeling the administration’s commitments to the protesters were given only grudgingly, and it has left an “open wound” that has yet to fully heal.

Crisis struck again, of course, earlier this year, when complaints by current and former members of the men’s basketball team concerning Coach Meehan’s abusive behavior and racially-insensitive comments gained national publicity and prompted this investigation.

2. Perspectives

Against this backdrop of upheaval and incremental progress on issues of race, we interviewed a wide range of administrators, faculty, and students about broader diversity, equity, and inclusion (“DEI”) concerns at Brandeis. Our sample was, of course, necessarily small, but it still appeared representative, and we also sought the wisdom and guidance of faculty and administrators highly experienced in these issues generally and having deep knowledge of Brandeis’s particular climate and culture. In our interviews, a generational divide often (but not always) emerged, a tension between “old” or “traditional” views of diversity and “new” or “contemporary” approaches to diversity, equity, and inclusion.

In general, we have tried to be cautious about stereotyping faculty, students, or administrators because there is so much variation within cohorts, disciplines, and departments. We nonetheless found deep and wide acceptance of the importance of diversity, equity, and inclusion among the administrative ranks, deans and students. There is notably less consensus, however, among the faculty.

(a) Administration

Senior administrators, we found, are often well-prepared to offer a compelling “business case” for diversity, noting the importance of making the investments needed to attract talented students and faculty from underrepresented minority groups in an exceptionally competitive academic landscape. Brandeis’s Provost is considered uniquely qualified, effective, and an energetic “champion” in this area. The post-Ford Hall 2015 diversity statement she issued as Brandeis’s interim President and the related Draft Implementation Plan for Diversity and Inclusion discussed in Section III(E)(2) below became the blueprint for all that has followed.

Some senior faculty and administrators, however, appear to others as unsure “what to say, like in the April Town Hall meeting.” Likewise, students noted that in such events touching on sensitive issues of race and potential discrimination, the administration seems ill-prepared to handle, much less lead, the dialogue and emotions that emerge. Students, administrators, and faculty alike expressed disappointment at the seeming passivity of the senior administrators who attended the April 2018 Town Hall. While listening is always important at Brandeis, many felt that taking a stand was, too. Student, faculty, and staff particularly dedicated to DEI matters commented on the impact of the silence; one recalled being “very disturbed that no one stood up” to an outspoken faculty member at the event, even

if only to underscore the University's commitment to its founding principles of openness and non-discrimination. A student remarked that the "lack of facilitation" in the Town Hall resulted in students having "bared themselves" but "no one was there on the back end to catch anything," leaving them to walk away feeling "empty" and "traumatized."

We also heard from faculty and administrators that funding is always a concern at Brandeis. "Diversity is expensive," we were told. Student diversity is, according to one expert, relatively easy to address with additional financial aid and enhanced outreach efforts, all of which are costly. Moving the needle is difficult on a tight budget, particularly given the fierce competition for top students and faculty of color.

Finally, many faculty members and administrators noted the homogeneity of the senior administrative ranks at Brandeis, with only one person of color out of the 20 to 25 members of the President's Management Council ("PMC"). As one interviewee noted, "those" are our "top people." "Leadership has to lead by example." In our Phase I Summary Report, we noted "a stunning lack of diversity" in the Athletic Department, and the same is true here. Diversity within the PMC depends on getting diverse pools of highly qualified candidates, and we understand that recruiting firms retained by Brandeis have marching orders to do so. President Liebowitz readily acknowledged the problem and is committed to bringing more

diversity to the University's top management positions –according to our interviews, many are watching.

(b) Students

Unlike Brandeis's senior administrators, students generally see no need for a "business case" for diversity. Instead, today's students by and large accept the importance of DEI as a given (according to a faculty member, "my students come here for the social justice mission," which many equate with diversity, equity, and inclusion). Faculty and administrators consider many Brandeis students "activists" and expect them to "speak their minds."

Student body diversity at Brandeis is complicated. The University draws an incredible range of different people from different backgrounds although, again, a significant minority identify as Jewish or of Jewish heritage. Diversity, of course, can be complicated-- we were told that many students of color come from "highly segregated housing patterns," while a sizeable number of the Jewish students attended "conservative Jewish Day Schools." According to several faculty members, these cultural differences seem to give rise to a conflict between Black and Jewish students every year or so. As one faculty member also explained, while Jewish student representation has declined at Brandeis, the Asian population has increased dramatically, especially from mainland China. Asian students now represent 20% of Brandeis's student body, up from 7% a decade ago. The

representation of other cohorts, including LGBTQ students, has remained fairly steady; many noted, however, that students today generally require more services and assistance, and some groups require particularly more support in these troubled times.

Generally, minority students saw diversity at Brandeis as being roughly on par with other private institutions of similar size and caliber. Students also noted, however, that there is significant socio-economic diversity at Brandeis, with many underrepresented students falling – or perceived to be falling – at the lower end of the spectrum. These economically disadvantaged students are, as some student affairs experts explained, on one side of a “social divide” at Brandeis; they rarely go off campus on weekends as wealthier students tend to do, exacerbating many minority students’ sense of social isolation. Tensions were also noted within the minority student body itself. A “big issue” raised in Ford Hall 2015 was the lopsided funding and mentoring resources dedicated to MKTYP, MLK Fellowships, and Posse students discussed in Section III(E)(4) below compared to those available to other students of color. Thus, we surmised, there may be “silos” even within underrepresented minority cohorts.

Students of all backgrounds noted that although many of them enjoyed excellent relationships with the faculty, some see a disappointing lack of diversity in the faculty ranks, particularly in the STEM fields. Few students, however, had

good information about minority faculty representation in similarly situated institutions. The dearth of minority faculty, we were told, tended to place a disproportionate burden on faculty of color, an “unrecognized” but vitally important “service component” that puts these faculty members at risk of “burnout.”

We also came to understand from our interviews that students simply have less patience on DEI matters, which is understandable given their relatively short “lives” at the University. Students “want results,” we were told by seasoned faculty and administrators. Undergraduates appear to be particularly uninterested in the “process-oriented” work of committees and task forces required to carry on the business of shared governance at institutions like Brandeis. Instead, we heard, students often just wait until a problem “presents itself” and view it as a “litmus test” on the administration’s commitment to DEI. Some campus experts, however, blame the relative passivity of some students today on this generation’s “inward” focus, which, if true, only exacerbates their sense of isolation.⁴ Finally, as seasoned faculty and administrators observed, students often simply do not fully understand “how things work, how we hire people, etc.” This administrator, a participant in

⁴ See generally Saxe, Leonard; Chertok, Fern, and Wright, Graham, *et al.* “All Together Separate: Race, Ethnicity, and Religion on the Brandeis Campus.” (2016) (available at the Brandeis University Cohen Center’s Steinhardt Social Science Research Institute, <https://www.brandeis.edu/ssri/pdfs/campusstudies/AllTogetherSeparate052916.pdf>).

Ford Hall 2015, observed with evident pride, “but” at least “people *were* listening to each other. And there was depth of emotion.”

Some African American students, we heard, particularly lack a “sense of belonging.” They, like many other racial, ethnic, and socio-economic groups at Brandeis and other colleges and universities, tend to “self-segregate,” limiting their social interactions across racial and ethnic lines (Brandeis was described by one minority student as a “Bento box,” with each group in its own compartment). We also sensed deep frustration among underrepresented students about the current direction of the country, making social justice even more “atop the minds of students of color” today. Finally, recent studies have shown that a substantial majority of Black students at Brandeis had experienced, directly or indirectly, incidents that they felt were discriminatory towards people of color. We heard about African American students who felt unwelcome, “singled out,” “spotlighted,” subject to “micro aggressions” in the classroom, and unfairly chastised for their attire or behavior. Some complained that their extracurricular pursuits are consistently devalued and underfunded.

Students of color, especially from economically disadvantaged backgrounds, often feel that the majority of students and faculty are not open or welcoming with respect to the value their life experience brings to the community. As discussed below, this feeling seems to implicate the fact that there are competing visions of

diversity at Brandeis and elsewhere, but that at Brandeis the predominant vision has been of the “melting pot,” where minority students are expected to “just blend in.” And those students want to “truly feel part of the community, not just ‘reflected’ there.” Despite these mutual and compatible expectations, the “connective tissue” is weak. “We can’t just put Jews and Blacks in a room” and expect an open and honest dialogue, one faculty DEI advocate argued. “We need to protect emotions enough to encourage them to stay in the conversation” when it gets challenging. Brandeis, the advocate continued, needs to help model the right behavior, to show how to “engage across differences.” DEI administrators gave examples of how this can be done, including better faculty training and classroom leadership skills and the Multicultural Communication and Conflict Framework training offered during the recent freshman orientation program, as discussed in Section III(E)(4)(c) below.

Accordingly, one experienced administrator reported, “there is a high degree of cynicism and skepticism” among minority students at Brandeis, especially among the seniors who witnessed Ford Hall 2015. Surely some of this cynicism is the product of high (perhaps unrealistically high) expectations for a university so widely recognized for its enduring commitment to social justice. Students acknowledged to us that Brandeis is not all that different from other schools or the

rest of the country, but they expect this campus to be a place that is “better” than others.

These frustrations about race are important but should not be overstated. When we asked minority students whether they would choose again to attend Brandeis, the overwhelming response was an enthusiastic “yes” or even, “yes, I love Brandeis.” At first, we had difficulty in squaring the students’ seemingly contradictory responses, but in the end, we came to realize that while DEI issues matter deeply to students, so do many other aspects of their overall college experience. The widespread commitment to social justice in the Brandeis student body – and particularly among students of color – surely contributes to their acute awareness of where the University falls short, but those emotions appear to be more than counterbalanced by pride in and affection for a prestigious university that has a foundational commitment to improving the lives of students and the communities they will serve.

(c) Faculty

Faculty members at Brandeis have more divergent views of diversity, equity and inclusion, as we might expect given their academic freedom, generational differences, the University’s robust culture of debate, and differing perceptions of what academic excellence actually means and how merit should be measured. Not only do faculty seem to disagree more with each other about the role of DEI at

Brandeis than students and administrators do, but their disagreements seem to be at a somewhat higher pitch. Some recognized faculty “champions” of diversity, equity, and inclusion appeared weary; one complained about feeling “used.” Because faculty are so important at “R1” research universities generally, and particularly at Brandeis given its relatively small size, dissension among the faculty ranks can, administrators and faculty alike told us, make “changing the system really challenging.”

Indeed, we learned of tensions that arose from efforts to diversify the faculty, for fear that the goal is to make Brandeis “look like the world” in its demographic “make-up.” While some faculty and administration leaders steadfastly believe that ‘what gets measured gets done,’ others equate metrics of any kind with the very “quotas” Brandeis was founded to oppose.

We also observed that some faculty simply understand DEI differently from new DEI experts in Brandeis’s Office of Diversity, Equity, and Inclusion (“ODEI”). We found no faculty members who opposed diversity. Some, however, understand and prioritize it differently. For example, we occasionally heard understated, earnest, and admittedly unpopular concerns that diversity is a “zero-sum” situation at Brandeis because an increased minority presence could “water down” the University’s “Jewish character” and even its academic excellence. Simply put, there is some “resistance” to “buying-in” and “changing their world

view.” In response, one administrator suggested, “the focus should be on how we move faculty to establish the climate on campus” because “pedagogy impacts the students.”

(d) Board of Trustees

Finally, administrators and faculty members knowledgeable about board governance all agree that diversity, equity, and inclusion do not appear to be particularly pressing issues for Brandeis’s Board of Trustees unless there is an episodic crisis or it drives curricular change, as in the 2017 controversy over updating the General Education Curriculum discussed in Section III(E)(2)(a) below.

Nonetheless, several observers noted that there is no Board member or committee charged with “DEI as an area of focus.” There is no direct (or dotted line) reporting relationship between the board and the University’s new Vice President and Chief Diversity Officer. It was brought to our attention that there is no periodic or scheduled formal reporting to the Board on DEI matters. As several experienced administrators noted, however, more is required than merely opening a new, routine communications channel. “Groundwork is required to make it successful” because the “trustees need to decide” what such reporting “implies.” The Board, one experienced administrator explained, would need to consider

“what it will do with that information,” which should also “be reported to the entire community as well.”

Finally, while in recent years the Board has made progress in terms of gender diversity (6 of 7 of the most recent board appointments have been women), there has been little change in the racial composition of the Board. Currently, there is one African-American and one Asian-American board member. We understand the Board has created a sub-committee (of the Nominating and Governance Committee) to address the need for greater diversity in its ranks. As we noted with respect to the President’s PMC, many are watching to see that this commitment translates into a more representative Board.

3. Implications

For all of these reasons, everyone we met confirmed that diversity, equity, and inclusion has long been a cherished value at Brandeis even though these concepts are understood and interpreted differently at the University. Most also agree that there is always room for improvement and that change has been incremental at best, at least insofar as African American students and faculty are concerned. In Section III(E) below, we explore how Brandeis is trying to move the needle. But there is no denying that DEI is a complex matter at Brandeis, as it is at virtually every other college and university and our country as a whole.

Some DEI experts at Brandeis explained that its “melting pot” approach to diversity was an innovative, progressive, and “noble way to think about it” when the University was conceived in the 1940s but has since become outdated. The “old” paradigm of increasing representation of certain “kinds of people” has, in recent years, been questioned by those who are more concerned about encouraging diversity across a wide variety of dimensions and identities. In other words, a new generation of DEI experts are less concerned about diversity – just “getting diverse people in the room” – than they are with understanding how people get into the room and the “power structures” that help or hinder that access. “That,” a DEI expert explained, is the “equity” part, and it’s “scary” to people.

These different and evolving views of DEI at Brandeis are more than academic. They also explain why some are satisfied with the current state of affairs at Brandeis while others at the opposite end of the spectrum are frustrated by what they perceive as institutional complacency, a comfortable assumption that we are now “beyond difference.” In the words of one administrator, “Just because we say we’re about social justice doesn’t mean we are.” “We think we’re better than we are, smarter than we are, more committed to these issues than we are, that we’ve arrived.” Again, these tensions are hardly unique to Brandeis or higher education in general, as we so routinely read in the headlines today.

As noted in Section III(E)(2) below, however, Brandeis has been building the infrastructure it needs to begin addressing these shortcomings. As one DEI expert optimistically observed, “We’re in a moment ripe for improvement. Senior leadership has to lead and speak up.” Others noted how Brandeis is “keeping pace” with other institutions in a highly competitive “market” for highly qualified undergraduate students, graduate students, and faculty. “We have vastly more programming than we did even four years ago, but students just don’t see it.”

C. Management

Our Phase I report on the Meehan matter analyzed specific lapses and missteps in the internal processes that resulted in Brandeis’s ultimate decision to terminate the coach.⁵ Although those shortcomings are easily recognized in any workplace, certain patterns emerged that turned what might have been a manageable problem at Brandeis into a far more unwieldy and damaging one. We now put these management challenges in their institutional context, drawing on the climate and culture observations noted above.

⁵ See “Summary Report of the Independent Investigation of Complaints Related to the Brandeis University Men’s Basketball Program: Part One.” (<https://www.brandeis.edu/president/letters/pdfs/independent-investigation-report.pdf>).

1. Internal Assessment

Most college and university administrations can be described by the old saw, “Everyone hates Congress but loves their own delegation.” Brandeis is no different. Administrators and faculty alike heaped praise on talented, tireless, dedicated staff who make the place work. We heard how some departments and business units function very well. But, surely because we are investigators known to be on the lookout for problems, we heard more about the “F” grades than the “As.” These “Fs,” however, are not awarded on a curve, and they often represent predictable faculty and staff grouching.

We often heard expressions of sympathy for those who had in recent years taken on new senior administrative roles at the University, noting that they “walked into” or “inherited” a “very difficult situation,” things were “in terrible shape,” or that new people were “set up to fail” because they didn’t understand that the University is “so complex.”

Notably, such management criticisms were almost invariably followed by expressions of “hope” and “encouragement” about President Liebowitz’s administration. Nonetheless, our charge is to look back at what went wrong in the Meehan matter, and some of the management problems noted there were, many confirmed, evident across the institution.

2. Potential Causes

While the symptoms of management problems can be painfully clear, the diagnosis and treatment are usually less obvious. And again, we are investigators, not management consultants. But we could see how familiar management shortcomings could lead to major failures regardless of where they arose at the University.

(a) Resources

Staff, managers, and supportive faculty explained that some management functions at Brandeis are chronically underfunded, asking people to do more with less (“bubble gum and string”). Administration observers often noted that there is no lack of ideas or “good intentions” at Brandeis –the problems arise more from “a failure to execute.” And, as one experienced faculty/administrator conceded, “when it comes to responsiveness, a lot of it comes down to resources.”

(b) Roles and Responsibilities

We heard how Brandeis grew rapidly and organically, sprouting in multiple directions and creating a surprisingly complex organism given its overall size. Others explained how staff attrition and perennially stretched budgets often resulted in the reallocation of responsibilities to existing staff, sometimes haphazardly, unevenly, and without transparency. (The responsibilities of the

Office of the Provost, for example, recently almost doubled, now including Student Affairs.) Thus, we heard a refrain: people don't know "where to go," or "who to turn to for help" (or, in the words of one faculty member, "Who does what?"). While we heard that there "are good people" at Brandeis, we also heard that they may be doing the wrong job (or, as discussed below, without adequate tools). Indeed, one acclaimed staff member complained of being underemployed and underappreciated. Others have a different problem, with so many added job responsibilities that they have little time to do anything more than extinguish the biggest fires raging at the time. Backlogs grow. People get frustrated by delay. Things fall between the cracks. Workarounds ensue. Problems snowball, as we saw in the Meehan situation.

We also heard how powerful faculty members can influence management in ways that many Brandesians, particularly students, may not fully appreciate. One administrator described the Brandeis management structure as an "inverted pyramid" with faculty at the top and the administration – most notably the President – at the bottom. We heard Brandeis variously described as a "chaotic" and "argumentative" democracy, while others complained that its processes were "undemocratic." Finally, we heard faculty raise well-worn concerns about administrative bloat, growing "bureaucracies," and money directed to administration initiatives that could be better spent on faculty salaries. Although it

is impossible to sort out such priorities to everyone's liking, it must be particularly difficult to do so in an unusually complex and relatively small R1 research university.

(c) Tracking, Reporting, and Training

Better information systems and knowledge management tools could free up precious human resources, but we heard that (at least until recently) there is little funding to acquire them or bandwidth for training, so "manual processes" are commonplace at Brandeis as they are at so many other private colleges and universities. Outdated processes simply require more "manpower." Inadequate resources also, we were told, force administrators to engage in "reactive" triage decisions leaving little time for proactive risk management. Thus, tracking, trend analysis, and reporting are not, we were told, widespread at Brandeis. "There are few routinized and effective bureaucratic processes here." Senior administrators new to their positions recounted trying to "get their hands around" an office's function, but even the most basic workflow and outcome data was lacking. We surmised that Brandeis administrators rarely have time to look for problems that do not register actual, repeated complaints.

Relatively weak recordkeeping and documentation protocols were also apparent in the Meehan situation. If dots were connected, we found little tangible evidence of it. Generally, we were struck by how often matters were not reduced to

writing, how often information could have been made available to other members of the community but was not.

Finally, we heard about the challenges inherent in proactive training. “There is a ‘vicious cycle’ here and in private universities more generally,” we were told. “There is little investment in training, so it tends to be done by staff (or outsiders) at a lower level of sophistication. Thus, the training function garners little respect from those really in a position to change the culture.”

(d) Personal Relationships

We also heard how Brandeis’s “relational” or “relationship-driven” management culture is “well intentioned” and, often, cuts through red tape to get things done. People are “nice.” But “sometimes,” one faculty member observed, this positive culture gets in the way of making change. We also heard how Brandeis’s person-to-person approach leaves some feeling “outside the loop,” even if that is not intentional (it may just be insular, ‘keeping it in the family’). Administrative processes at Brandeis are, accordingly, sometimes characterized as “opaque” and “inconsistent.” Procedures are found lacking or in need of updating; gaps are filled situationally, as needed. In the words of one frustrated administrator, “It’s catch as catch can.” This is particularly true, administrators explained, because employee turnover has resulted in “so many changes in respective roles that people don’t know where to go.”

Personal relationships can also undermine chains of command, complicate feedback, and separate problems from the people designated with the responsibility for handling them. Phase I of our investigation revealed, for example, that while lower level employees in the Athletics Department were aware of Coach Meehan's troubling behavior, those details did not seem to work their way up the chain of command.

Throughout our investigation, people remarked on the importance of "loyalty" and "seniority" at Brandeis. "Seniority," a recent hire explained, "is a big deal at Brandeis –and all of higher education." Perhaps for this reason (or a desire to be "nice," avoid confrontation, or extinguish bigger fires), we were told that annual performance evaluations are not uniformly conducted or documented at Brandeis. "Merit pay increases" at Brandeis, we were told, may reflect "seniority and cost of living adjustments" more than individual performance.

Workplace relationships can also turn into wonderful friendships at Brandeis, but can sometimes leave people wondering if problems are being swept "under the rug." As administrators and faculty explained, people just "don't report people they like." And, in the case of students, they tend to like the faculty and staff at Brandeis. But under-reporting not only obscures a problem, it may also make it worse. Coach Meehan, for example, eventually came to be viewed as "untouchable," with adverse consequences for all concerned.

A consistent theme in our interviews was that because personal relationships matter at Brandeis, there is a *perception* that people trump policies even when that may not in fact be the case. As we also noted above, there is a pervasive sense that institutional loyalty and a fear of potential retaliation discourages complaints. Notably, academic freedom is central to academic excellence and integrity at Brandeis, but there is of course no corollary on the staff side of the University (or any other institution we know of).

Finally, we saw a pattern that is commonplace in busy, relationship-driven cultures. We were told “nothing seems to happen” at Brandeis until a critical mass of problems leaves senior decision makers with no option but to act. As one administrator explained, “if something’s not on fire, don’t worry about it.” Obviously, that attitude occasionally stokes dark embers into roaring fires. Equally concerning, others observed, is that silence often follows after the fire is extinguished. It’s “back to business as usual.” Brandeis is not, one observer mentioned, very good at handling “the aftermath” of a crisis or failure. Thus, many students and faculty reported feeling there was little consideration given to the need for healing after Ford Hall 2015. Rather, we heard that students were expected to go back to their lives as if nothing major (and possibly traumatic) had happened. This kind of pivotal event – even if some feel it represents a failure of sorts for the institution – also offers a unique and highly visible opportunity to

bring the community together. In this instance, however, the opportunity was missed. In a relationship-driven culture, perhaps failure is always more personal, making it difficult for University officials to provide the acknowledgment needed for closure and instilling confidence.

We would be remiss, however, if we did not underscore what we heard about the administration's response to the Meehan situation *after* the difficult April Town Hall meeting. We were told that the administration has exhibited a noteworthy commitment to open and honest dialogue, a willingness to acknowledge failures, and a commitment to change. In our Phase II interviews following the release of our Phase I Summary Report, we heard from nearly all constituencies that there is respect for the administration's forthright and decisive response to the investigation findings and recommendations.

(e) Communication and Coordination

Given Brandeis's remarkable complexity for an institution its size and its organic growth over the years, we were not surprised to hear the institution described as "decentralized" with "no reliable system for internal communication." People at times described the management function as "disconnected," "disjointed," or "Balkanized." Some institutional policies regarding discrimination

and harassment were hidden “behind passwords.”⁶ We were told that divisions, departments, and business units would stop asking an unresponsive central administration office for guidance, or they would create homegrown workarounds resulting in parallel administrative functions without any crosstalk. We were told that different rules sometimes seemed to apply to different “fiefdoms” and that faculty members are “held to a different set of rules.”

(f) Talent and Training

Finally, we heard about a very broad range of talents within the Brandeis administration. We heard about “stars,” “incredibly talented” staff who are “smarter than I’ll ever be.” And, generally speaking, we heard that many operations have all the talent they need (including HR), but they simply cannot leverage their human resources effectively given the operational limitations noted above. But we also heard occasional complaints of incompetence, people hired for jobs they were ill-equipped to handle, and favoritism –as is the case in any workplace. Others observed, with great sympathy, that talented administrators would be moved to new and more challenging positions with little training or support, almost destined for trouble.

⁶ After the spring 2018 Town Hall meeting, this issue was addressed, and the policies are now publicly available on the Human Resources webpage. (<https://www.brandeis.edu/humanresources/policies/>)

Not surprisingly, no one at Brandeis likes the foregoing management shortcomings or the effect they have on employee morale and confidence in “the system.” “Lack of trust is a major problem,” we were told. Most concerning of all was the risk of creating a perception that “the University doesn’t care,” which we certainly did not find to be the case. Instead, we found many more credible (and mundane) explanations for these problems that afflict so many colleges and universities.

D. Policies and Procedures

To begin with, it is important to note that efforts to address many of the process ambiguities and failures we identified in the Meehan matter were already underway before the players’ complained to Human Resources about Coach Meehan. Brandeis’s Non-Discrimination and Harassment Policy and the related Non-Discrimination and Harassment Problem Resolution and Appeal Procedure for Claims of Harassment/Discrimination against Staff or Faculty (“Problem Resolution Procedure”) has been the subject of a lengthy and robust internal review. Likewise, many of these internal processes will be re-assigned, integrated, and streamlined pursuant to the Brandeis Equity System/Structure Proposal still under development, as discussed in Section III(E)(2) below. Thus, although we have separately provided suggestions for improvements to the equity-related discrimination and harassment procedures for consideration by the University’s

deliberative bodies, we have built on improvements already underway before this investigation commenced.

We also acknowledge from the outset that drafting and updating university policies and procedures is a complex and endless endeavor in today's constantly shifting regulatory landscape, especially given the shared governance model central to higher education. We were told, for example, that HR conducted an internal compliance review of its policies and procedures just last year, making "sure that they're current." We also recognize that implementing policies and procedures is easier said than done, especially with the benefit of hindsight that an investigation like this enjoys. Real-world, real-time decisions and judgment calls are inevitable, with little sympathy for human lapses and mistakes.

Finally, the broad, summary goals offered below that will inform our specific process suggestions are hardly controversial, much less unique to Brandeis.

1. Goals for the Pending Problem Resolution Procedure Revisions

As noted above, we have separately provided suggestions and comments on the equity-related discrimination and harassment policies and procedures that were under internal review at Brandeis before the Meehan matter arose. Policy and procedure reviews inevitably require many decisions by deliberative bodies about

which reasonable people will disagree, but fundamental goals for addressing gaps as well as the process problems that became evident in the fulcrum of the Meehan matter will likely be shared by all:

- full compliance with applicable law and regulations;
- consistency of process for students, staff, and faculty to the maximum extent practicable;
- improved prevention education and training about the policies and procedures;
- clear and simple definitions;
- clear guidance on preventing and reporting retaliation concerns;
- clear jurisdiction and administrative responsibilities, including the role, if any, of administrators in giving advice and counsel to participants;
- clear guidance on handling cross-complaints;
- informed, individualized support for parties and witnesses during the process;
- required training for investigators, including “trauma aware” interviewing techniques and avoiding implicit bias;
- procedures for addressing potential conflicts of interest;
- clear protocols for deciding when to use outside investigators, *i.e.*, the “Special Examiner Process,” and standardized retainer letters confirming adherence to Brandeis’s policies, procedures, and practices;
- clear guidance and procedures for handling party objections to the designated investigator;

- consistency of process, including templates for communications and reporting;
- clear and realistic timelines, even when outside investigators are hired pursuant to the Special Examiner Process;
- procedural fairness, including due consideration of a party's right to review and challenge charges and evidence;
- clear lines of decision-making and sanctioning authority and assurance that independent judgment will be used;
- accurate and complete recordkeeping;
- articulated standards of review and burdens of proof;
- rubrics and standards for making determinations and sanctions decisions;
- clarity on each party's right to review and comment on investigation reports or factual summaries;
- checks and balances, including clear rights of appeal, permissible grounds for appeal, and protocols for choosing appellate decision makers and addressing potential conflicts of interest;
- protocols for sharing information about outcomes balanced against privacy considerations; and
- post-proceeding resources, guidance, and support for all parties and witnesses.

Often, useful guidance to parties, witnesses, investigators, and decision makers comes in the form of published FAQs that can be updated as needed without a full policy review.

We also suggest, as the University implements plans to reorganize the Office of Equal Opportunity (“OEO”) and re-assign some, but not all, responsibilities for anti-discrimination/harassment policies and procedures from HR to the OEO (as set forth in Section III(E)(2) below), that Memoranda of Understanding (“MOUs”) be negotiated internally to clarify and dovetail roles and responsibilities in advance. In our Phase II investigation, we found some misunderstandings between HR and the nascent OEO as to jurisdiction going forward that the MOU drafting process should eliminate. Finally, we suggest that Brandeis develop better tracking for discrimination and harassment complaint resolution processes and reporting. Periodic “after action” reviews can also help confirm that the foregoing goals are being achieved.

E. Administration and Faculty Initiatives and Solutions

In our interviews, we quickly grew accustomed to Brandesians identifying a problem and then immediately offering a suggestion to address it. At this University, we found, ideas are rarely the problem. The challenge is almost always in the execution, the shortcomings noted in Section III(C) above that, in one form or another, befall every workplace. As one senior faculty noted, things can “come out half-baked.”

We summarize below key programs and initiatives that faculty, administrators, and students specifically raised with us over the past seven months

that relate to problems we identified in the Meehan matter. Our investigation confirmed that change was in the works at Brandeis long before the Meehan situation spotlighted the need for it. Although we identify many such initiatives and advances, this Phase II investigation report is in no way intended to serve as the final word or an exhaustive catalog of the manifold efforts to make Brandeis a better place.

1. General Administration Efforts

(a) Strategy and Approach

With its new administration, Brandeis has been particularly busy translating the institution's mission into strategies that guide planning, program development, and management initiatives. From dozens of interviews, we began to recognize certain key themes that address many of the climate, culture, management, and policy development issues noted above. Our perspective is necessarily short, because we interviewed relatively few former faculty, administrators, and students.

Sometimes, the smallest comments offered in passing can be the most telling. We heard professors young and old remark that the new administration is “a breath of fresh air.” President Liebowitz was very rarely criticized, even anonymously (although he may still be in a long administrative “honeymoon”). One observer noted that he has “high level of transparency and a moral compass.” President Liebowitz is also praised for bold strategic moves and small (but

important) gestures such as encouraging “more interaction” and friendly chitchat among colleagues. Although it is not an administration initiative, President Liebowitz himself praised the efforts of the Faculty Senate’s Dignity at Work Task Force, charged with developing a draft policy on workplace bullying and other forms of disrespect and aggression and procedures for adjudicating grievances.

The biggest takeaway from dozens of interviews with knowledgeable and experienced faculty and administrators is that the administration is actively engaged in listening, building trust, and breaking down barriers that prevent engagement across divisions, departments, business units, student groups, and other cohorts. There is a sense that dots are being connected, that outreach, better “client service,” collaboration, and transparency are more important than ever. This work is far from done (and, in truth, will never be finished). But there is a shared optimism that it represents a new beginning at Brandeis.

Accountability, tracking, measurement, and consistency also appear to be moving up the administration’s agenda. Some reported a newfound willingness and enthusiasm to tackle longstanding problems. Senior administrators told us that the key to success in the future will not be “more bodies” – that is, the same “organic” growth of the past – but new strategies and smart investments to leverage Brandeis’s existing talent and improve the University’s ability to recruit the highest quality faculty and administrators when needed. Thus, even though we heard

predictable faculty grumbling about the growing “bureaucracy” in higher education, we also heard faculty praise, for example, the administration’s efforts to streamline its senior VP ranks.

Finally, senior administrators frankly acknowledged that diversity is lacking in the President’s Management Council and the Board of Trustees, and extra efforts will be required to recruit exceptionally talented underrepresented minorities for these important leadership roles.

(b) Specific Operational Initiatives

Prior to the release of our Phase I Summary Report, Brandeis had engaged an outside expert consultant to provide guidance and advice on revamping the Human Resources function at the University, which of course came under much scrutiny in the Meehan matter. Again, we heard from many that HR had a long history of management turbulence, resource deficits, and antiquated information technology that should not be blamed on its new leadership. Recently, the consultant took on the role of interim Vice President. Working with the former VPHR and the existing team, the office has re-focused on meeting customer needs through better service and support.

The University is also implementing Workday, a cloud-based financial management and human capital software platform. Integrating and automating previously disconnected HR data and practices across the University is expected to

not only bring more consistency and speed to Brandeis’s HR function (particularly with respect to promotions, retirements, complaints, and other processes), but should also liberate precious HR resources that have long been bogged down in the error-prone and “tedious” “manual data entry” currently needed to transfer local information into the University’s PeopleSoft server. Talent currently consumed by these paper-based tasks will have more time to consult and advise on HR matters. Although the precise jurisdictional parameters of HR and ODEI with respect to complaints and investigations will be hammered out in connection with the Equity Proposal and revisions to the Problem Resolution Procedure, administrators agree on the need for better tracking and reporting for all complaints, not just the Title IX matters currently managed with Maxient software.

Another widely praised administration development is the Brandeis University Staff Committee (“BUSAC”) launched earlier this year. BUSAC knits together administrators from across the University to improve the work environment through policy improvement, professional development, training, recognition, and wellness. It gives staff members “a voice.” BUSAC also has DEI-related responsibilities with a particular focus on recruiting and retaining staff of color. According to one enthusiastic supporter, “it works.” It has been described as a “very sophisticated group.” District representatives “have visibility” within their

respective units, and BUSAC also serves as a “great informal body” for administrators to “check on rumors, fact or fiction,” and “exchange information.”

2. Enhanced DEI Functions

Knowledgeable faculty and administrators recounted the time, effort, and emotions involved in adopting the University’s December 2015 diversity statement in the wake of the Ford Hall protest earlier that year

(<http://www.brandeis.edu/president/past/lynch-letters/2015-12-01.html>). While student protests surely brought these issues to a head, Brandeis has quietly worked to build the infrastructure it needs to enhance opportunities for students and faculty of color at Brandeis.

The current Dean of Students recalled how he had come to Brandeis in 2005 to fill a newly-created position, Assistant Dean of Student Life for the Support of Diversity. He soon became immersed in the work of the Provost’s Diversity Steering Committee, comprised of faculty and students. The new Associate Dean created the Community Prejudice Response Task Force (“CPR”), bringing together representatives from Community Living, campus police, the Chaplaincy, and students to learn “what’s happening” and provide “proactive programming.”

In 2013, Recommendations of the Provost’s Steering Committee on Campus Diversity Issues included, among other things, establishing a position of Senior Vice President for Diversity/Chief Diversity Officer, reform the faculty search

process and identify potential new diverse faculty, engage in Target of Opportunity and “Critical Mass” hiring strategies, pursue strategies to increase diversity at undergraduate, graduate, and post-doctorate levels, continue POSSE, TYP, and MLK scholar programs; and conduct a comprehensive review of the curriculum to address needs for including diverse knowledge and perspectives.

Thus, we found a solid record of Brandeis’s efforts to understand and meet its DEI needs before Ford Hall 2015, even if the students were not fully aware of those initiatives or satisfied with the institution’s progress. Ford Hall 2015 just “gave it the energy,” as one senior administrator explained.

The December 2015 Draft Implementation Plan for Diversity and Inclusion at Brandeis (“Draft DEI Plan”) however, was designed to do more than merely “respond” to the protest. It is a “living document” outlining the University’s goals for increasing the recruitment and retention of underrepresented students, faculty, and staff of color; enhancing excellence in teaching and learning; creating inclusive communities that provide professional development and support; and, finally, for holding the community accountable for results. The Draft DEI Plan is, above all, “a *plan*, with dates, metrics” and designated responsible parties to implement it, as one Ford Hall 2015 participant described the document.

(a) New General Education Curriculum

A little over a year after Ford Hall 2015, Brandeis appointed a Task Force on General Education to examine the need for updating the University's curriculum to better "prepare our students to navigate and succeed in a rapidly changing world." According to a September 5, 2017 Task Force report, discussions with faculty, staff, students, and alumni highlighted perceived deficiencies in, among other things, educating students in engaging in civil discourse, "contributing to community, national, and global relationships," and understanding "the meaning and importance of social justice and inclusion in its many forms," including issues of gender, race, ethnicity, environmental concerns, and "the nature and roots of inequity in the United States and the world." Final recommendations were approved by the faculty Undergraduate Curriculum Committee; after difficult deliberations on the merits and the procedure, the final General Education Curriculum was approved by the Board in January 2018.

A number of faculty and administrators noted to us, however, that implementing the new General Education Curriculum will be challenging, requiring particular efforts by the faculty to modify classes and develop new ones. As one faculty member observed, "not all faculty supported it, but it passed, so the faculty as a whole has to figure it out" even though "not all faculty have to teach to the requirements."

(b) Central Office for DEI

Brandeis hired its first Chief Diversity Officer (“CDO”) and Vice President for Diversity, Equity and Inclusion in January 2017. The position reports directly to the President. In that role, the VPCDO is responsible for developing the Office of Diversity, Equity, and Inclusion (“ODEI”) and ensuring that the goals of diversity and inclusion are embraced across the Brandeis campus. In the meantime, the office of the VPCDO developed a new Diversity, Equity & Inclusion website (<https://www.brandeis.edu/diversity/resources/index.html>), easily navigated with information on “Who We Are,” “What We Believe,” and “What We Do.” The site also offers a history of DEI at Brandeis, updates, information, events, resources, and links to multiple campus offices and organizations.

Perhaps most important of all, the ODEI website is consolidating all DEI efforts at the University and framing them in a historical context. This addresses the longstanding frustration that Brandeis has not effectively publicized its “combined effort” on so many DEI fronts. ODEI’s 2018 Diversity Update also takes a bold step providing hard data and a summary chart tracking Brandeis’s progress towards each specific goal in the Draft DEI Plan.

(c) ODEI Outreach and Training

In January 2018, Brandeis hired a new Director of Diversity, Equity, and Inclusion Education, Training and Development who reports directly to the VPCDO. This new position is responsible for, among other things, developing DEI training curricula for students, staff, and faculty. One of the new Director's first initiatives was to engage with faculty search committees on the importance of DEI, recognizing and mitigating the effects of implicit bias, and implementing recruiting best practices. Perhaps unique to Brandeis, the Director reviews many job descriptions and postings to assure that they use "modern" language and cast the widest net for excellent candidates.

ODEI has also partnered with other offices at the University on a variety of initiatives, including: sharing and discussing foundational concepts in diversity, equity, and inclusion; sponsoring DEI-related faculty research; encouraging "curricular transformation" through more inclusive course syllabi, content, pedagogy, and assessment practices; enhancing mentoring support for faculty of color; sponsoring guest speakers on DEI issues; sponsoring faculty professional development "boot camps" of particular value to junior faculty of color; funding memberships in minority faculty organizations; and facilitating other DEI-related faculty and staff workshops.

Finally, at the suggestion of the Student Union, ODEI formalized its relationship with the student community with the creation of a student “counterpart” to the VPCDO – the Student Union Diversity Officer – who also chairs the Student Diversity Advisory Council (“SDAC”). SDAC is charged with the responsibility for, among other things, helping hold the campus “accountable to its existing diversity, equity, and inclusion goals.”

(d) New Office of Equal Opportunity

ODEI is developing an Office of Equal Opportunity, to be staffed by a new Director as part of a broader Equity System/Structure Proposal (“Equity Proposal”) developed by a representative group of faculty and staff to re-evaluate the compliance infrastructure and processes at Brandeis. The group studied other university compliance models and concluded that Brandeis should centralize its equity compliance functions, particularly the discrimination and harassment processes previously handled by HR, Student Affairs (and, if faculty were involved, in consultation with the Provost’s office and the relevant dean). The goal is to streamline functions and make them more consistent for faculty, staff, and students alike.

Under the Equity Proposal, discrimination and harassment investigations will generally be handled in the OEO under the new Director, who reports to the VPCDO. Thus, all Title IX-related functions currently handled by HR and Student

Affairs will shift to OEO. Two Student Affairs employees currently investigating and managing Title IX matters will be re-assigned to OEO, and plans are under review for staffing investigations of equity-related complaints involving faculty or staff.⁷ Although the intake and investigatory functions in equity-related matters will be centralized in OEO, Brandeis has traditionally decentralized final decision-making and disciplinary authority to supervisors and their superiors.

Administrators explained that while decentralization at this end-stage of the process has many virtues, it also raises consistency and fairness concerns that will need to be addressed.

Revisions to Brandeis’s equity-related policies and procedures will also be required, most notably the Problem Resolution Procedure discussed in Section III(D)(2) above. All equity-related policies and procedures will also need to conform to the new administrative structure. Many faculty and staff remarked on the perception – which to us, seems to be more prevalent than the reality – that different rules apply to different people at Brandeis, a “proportionality and

⁷ These changes, as well as the new web-based resources described in Section III(E)(2) below, are directed to a longstanding concern that there is widespread confusion and uncertainty at Brandeis about where and how to report complaints of discrimination and harassment. One administrator described the problem as follows:

“Right now, the equity compliance function is split into the HR side for staff and faculty, and the student [Rights and Responsibilities] side for the student-on-student complaints. Also, there are very different processes for these two sides of the house. Therefore, as things stand now, when a complainant comes in, the office to which the complaint is brought may have to point the complainant in a number of different directions and send them elsewhere. The result of this is that the institution can seem insensitive and uninterested in the problem.”

consistency” problem that the Equity Proposal and the separate Title IX Task Force convened four years ago squarely aims to address, perhaps through the release of aggregated data to the Brandeis community.

(e) Ombuds Office

Brandeis’s new Ombuds function arose out of Ford Hall 2015, although it serves a slightly different function than the “advocacy” role or independent “alternative dispute resolution” mechanism envisioned by some of the protesters. It is a small but “important” office at the University according to faculty, students, and administrators alike. The office has a part-time “anchor” ombudsperson from outside the University who works with two other “on call” administrators already employed full time at Brandeis. The VPCDO hopes to obtain central funding for a full-time, benefits-eligible position.

Few recent initiatives at the University have garnered such widespread praise, perhaps because a central, avowedly neutral, informal, and confidential problem-solving function for *anyone* at Brandeis with *any* problem is particularly valuable at such a complex, decentralized, relationship-driven institution. According to one ombudsperson, “the message is out about the ombuds role, and [it] has been well socialized.” We heard directly from those who have consulted the Ombuds, and they uniformly reported positive experiences.

The Ombuds office supplements rather than supplants existing University gateways for faculty, student, or staff services. Students of color, for example, may prefer to consult the VPCDO, the Dean of Students, or other representatives in Student Affairs. We heard, however, that the Ombuds office has played a particularly valuable role in helping graduate students address problems with their advisors when their program directors would not intervene.

Although the Ombuds office does provide general “feedback” to University officials on trends, some senior administrators suggested that the office could collect more extensive (but fully anonymized) data on the number of visits, the categories of concerns raised, and the types of resolutions facilitated. Ideally, we were told, the Ombuds role would become a full-time position for a person of “standing and stature” who gathers trend data and serves as an “early warning system” reporting directly to the President, like the highly-regarded Ombuds office at the Massachusetts Institute of Technology.

(f) New Reporting and Support Gateways

Brandeis’s Communications Office also just launched a new “Reporting at Brandeis” website (<http://www.brandeis.edu/report/index.html>) that supplements many other complaint portals on the University’s webpage.⁸ This new webpage is

⁸ Including, for example, “Get Help Now” Sexual Misconduct and Title IX webpage (<https://www.brandeis.edu/sexual-misconduct-title-ix/get-help-now/reporting.html>); the “Report It” webpage for submitting Community Standards Reports, sexual misconduct, “I Care” tips, academic integrity issues, and bias-related incidents (<https://www.brandeis.edu/studentlife/srcs/reportit.html>); and the “Emergency Services and Urgent

designed to be particularly simple, offering “clear, easy to follow options” for reporting “any kind of discrimination or violence on campus.” The navigator offers three paths, depending on the user’s status as a student, faculty member, or staff member. As one contributor explained, a goal of the “Reporting at Brandeis” project was to counter the “implicit message on campus” that if a complaint is below the Title IX level, then there is no clear reporting mechanism” –people “don’t know what they can report, where, when, how, and what will happen if they do.”

In a related effort, Brandeis developed a “Support at Brandeis” webpage (<http://www.brandeis.edu/support/>) that, again, tries to connect users to appropriate University resources as quickly as possible by asking threshold questions and directing users to best options from a wide array of support services. The Communications Office is also working to develop a more general “reporting aggregator” like the “Independent Investigation” webpage (<https://www.brandeis.edu/independent-investigation/how-to-report.html>) developed to share information about and offer users an easy way to report concerns of any kind.

Assistance” webpage (<http://www.brandeis.edu/emergency/>) that offers information about the Brandeis Confidential Complaint Hotline and Employee Assistance Program, among others.

(g) Enhanced Divisional DEI Capabilities

After Ford Hall 2015, many departments “wanted to go on record” with statements of support, and they were “strongly encouraged to do so” by the interim President, now Provost. The statements were “revealing,” we were told, because there was significant variability in commitment and proposed corrective action. Even departments seen as “progressive bastions” were reportedly at times “unable to see their own piece of the problem.”

In addition to these local “statements,” some schools followed through with more tangible DEI enhancements. The Heller School for Social Policy and Management, for example, created a new Office of the Associate Dean for Equity, Inclusion, and Diversity in response to a specific demand from the Ford Hall 2015 protesters (many of whom were Heller students). The new Associate Dean “is examining everything they do [at Heller] to promote more diverse students,” although the role has no formal or “dotted line” reporting relationship to the VPCDO. (“The Heller School really is unto itself,” we were told.)

3. Additional Faculty-Related DEI Initiatives

Although recruitment of underrepresented minority faculty members began in earnest in the late 1960s, their representation on Brandeis’s faculty – like its student body – had changed little over the years. However, since Ford Hall 2015, change is more evident. The Draft DEI Plan announced a goal of doubling the

underrepresented faculty by 2021 (in this context, “underrepresented” faculty were defined as Black, Latinx, and “Two or More races”).

Specific undertakings to enhance faculty diversity at Brandies include: expanding outreach to underrepresented faculty and staff candidates of color; enhanced training on implicit bias for faculty search committee chairs; adding “diversity representatives” to faculty search committees and gathering those representatives periodically to share information and experiences; introducing a new “target of opportunity” program and revising related hiring processes accordingly; implementing “cluster hiring” to attract a critical mass of diverse faculty to a particular department, division, or school; and developing improved faculty mentoring programs.

The results of all of these efforts, we were told, are encouraging. The benchmark starting point is October 2015 and the date for this goal to be achieved is the 2021-22 academic year. The data since 2015 are as follows:

- For full-time Black faculty, the baseline in AY 2015 was 14 faculty members. As of the fall of 2018, there are 21 Black Faculty members.
- For full-time Latinx faculty, the baseline in AY 2015 was 15 faculty members. As of the fall of 2018, there are 17 Latinx faculty members.
- For full-time Asian American faculty, the baseline in AY 2015 was 31 faculty members. As of the fall of 2018, there are 37 Asian American faculty members.

Brandeis’s faculty diversity goals are not easily achieved, particularly in a competitive landscape for the highest quality faculty of color. The bar is high, requiring Brandeis to hire 4-5 Black or Latinx professors each year. Over the most recent two-year period, however, 30% of the faculty hires have been Black or Latinx, creating a net increase of nine since 2015. Increasing faculty retirements are also expected to create additional hiring opportunities in the coming years, particularly after what one faculty member described as a dry spell of “not hiring anybody.” Overall, Brandeis currently has 21 self-identified Black faculty, with nine hired after Ford Hall 2015.⁹

Faculty members and administrators also remarked on the challenges of not only attracting highly-sought after faculty, but also undertaking the episodic (and often expensive) “retention” efforts required to keep the best professors from being hired away by other colleges and universities. Indeed, during the 2015-18 time period noted above, the University lost two Black faculty members to competing institutions.

According to one dean, Brandeis’s recent minority faculty hires have been particularly impressive, not only bringing outstanding academic credentials to their departments, but also contributing new voices, perspectives, and backgrounds.

⁹ During this period, the University lost two Black faculty members to competing institutions.

“And that,” the Dean explained, “is how we change the [faculty] culture –by bringing in people who are fabulous.”

4. Additional Student-Related DEI Initiatives

(a) Admissions and Financial Aid

The Draft DEI Plan seeks to increase applications from underrepresented minority students by 5-10 percent annually starting fall 2017. Of the 40-45 such students typically enrolling at Brandeis each year, we were told, many “come through one of the programs such as TriO, Posse, or MLK.” The details of those impactful programs are beyond the scope of this report, but they, along with the Myra Kraft Transitional Year Program participants, have brought a steady stream of underrepresented minority students to Brandeis for many years.¹⁰

¹⁰ The highly successful national Posse Foundation was launched by a Brandeis alumnus to enhance college success by developing multicultural teams, or “posses,” who participate in training programs to prepare them for enrollment in top-tier universities. Posse Scholars are chosen in a “dynamic assessment process” involving local nominations, interviews by the sponsoring Posse Foundation, and final interviews and selection in group interviews involving the finalist’s preferred schools. Posse Scholars receive full-tuition merit scholarships and enhanced mentoring and tutoring support.

The Dr. Martin Luther King, Jr. Fellowship is no longer restricted by race; awards are made to approximately ten freshmen each year, selected on the basis of academic achievement, extracurricular participation, community involvement, and demonstrated financial need.

The MKTYP is a unique “bridge” program that lasts an entire year, giving approximately 20 students annually far greater opportunities to adjust to college life and take non-credit courses than they might otherwise have in a traditional pre-college summer program; approximately 80% to 90% of TYP students continue into Brandeis’s four-year undergraduate program, where they receive ongoing, enhanced individual and group mentoring. Although the program is open to all, the selection criteria (academic potential dampened by personal and socio-economic challenges) yield a relatively high percentage of underrepresented minority students.

TriO is a federally-funded program for low-income, first-generation college students of any race, but, again, the selection criteria qualify a relatively high percentage of minority students. TriO students receive professional advising, tutoring, academic and cultural enrichment opportunities, workshops, peer mentoring, career and graduate school support, computer resources, and access to dedicated library facilities. Brandeis, we were told, has a “very high commitment” to TriO, with 150 students in the program.

In addition to TriO, MLK, and Posse, and MKTYP, the office of Undergraduate Admissions has taken a multifaceted approach to increasing the pool of qualified underrepresented minority high school students applying to Brandeis. Schools compete aggressively for top students, particularly students of color. Brandeis has for years worked hard to recruit excellent students from all backgrounds; “Ford Hall 2015,” we heard, “didn’t actually change what we are doing” because “we had already been focused on increasing minority representation in the applicant pool.”

The Admissions office has increased staffing, in part to meet the needs of its expanded outreach to previously untapped high schools and community colleges with significant cohorts of underrepresented minority students. Advertising in community-based organizations and funding campus visits have attracted more qualified students from disadvantaged backgrounds.

Outreach for underrepresented minority graduate students has also increased, in part to help fill the “pipeline” for future faculty. The Provost asked each graduate program to submit an “action plan” for enhancing diversity, and some schools have been more successful than others. A majority of students in the International Business School, for example, are women. Others, like the Heller School, are trying to improve minority student enrollment by, among other things, appointing the new Associate Dean for Equity, Inclusion and Diversity. The

Graduate School of Arts and Sciences developed a three-year pilot program offering Posse alumni a full ride scholarship, plus living expenses and ongoing mentoring support.

“Affordability,” one senior administrator observed, “is the biggest challenge for schools like Brandeis,” both because the University competes for top students who have attractive offers from other top schools, and also because many underrepresented students simply do not know that Brandeis may be “a lower cost option than a public university.” A recent \$50 million gift to the University’s endowment earmarked for financial aid has allowed Brandeis to help eliminate the “gap” between the cost of attendance and a proposed financial aid package. This enhanced financial aid “packaging” has, for the first time, allowed Brandeis to focus financial aid dollars on meeting the full financial need of under-resourced and underrepresented students. Eliminating “gapping” not only helps attract excellent students of diverse backgrounds to the University, but it also enhances their entire undergraduate experience (and post-graduation options) by reducing the financial burden, anxiety, and stress of paying for college.

Generally, we were told, the total number of Black and Latinx undergraduate students per class has grown in recent years even if their proportional representation in the larger student body has not increased commensurately given other admissions trends. The most recent 2018 admissions cycle, however, showed

significant gains in recruiting and enrolling underrepresented students due to improved “packaging.” “We yielded 70 more than expected, up 4 percent,” President Liebowitz noted. Next year, the administration plans to eliminate gapping for “all four classes, and we’re very proud of that.”

(b) Academics

In addition to the enhanced mentoring and support offered to the largely underrepresented student populations who come to Brandeis with assistance from the Posse Foundation, MKTYP, MLK Fellowships, or TriO, Brandeis offers additional innovative programming that helps students succeed, and these efforts are having an outsize impact on minority students.

The Brandeis “Science Posse” borrows from the Posse Foundation “group model” to enhance retention of underrepresented minorities in STEM fields. Brandeis faculty and administrators developed a pilot Posse STEM model leading to a broader initiative with ten other prestigious colleges and universities.¹¹ Posse STEM scholars are mentored by Ph.D. students, with a particular focus on “gateway classes” in Chemistry and Biology that are not required in the first-year curriculum but are often taken early, bowing to perceived peer pressure on freshmen to prove that they “have what it takes.” These classes, however, have

¹¹ Epstein, Irv; Godsoe, Kim; and Kosinski-Collins, Melissa. “The Brandeis Science Posse: Using the Group Model to Retain Students in the Sciences.” 2 Athens J. of Ed. 8 (2015).

been found to disproportionately “weed out” students of color, many of whom could, with encouragement and support, prove themselves “perfectly qualified” for graduate programs including medical school. There is also a related, broader effort at Brandeis to train faculty on eliminating implicit bias, questioning whether the “bell curve” is an appropriate measure of success in foundational courses, “flipping the classroom” with more project-based learning, and enhancing research opportunities.¹²

Brandeis’s pilot Galaxy Program borrows elements of the Science Posse program to provide enhanced mentoring and encouragement to approximately 20 first-generation, low-income students interested in science, and initial results on retention are promising. Brandeis hopes to continue and, eventually, expand the program to “any first-year student who wishes to participate.”

This year, Brandeis was one of 33 schools selected from a pool of 594 colleges and universities to receive a HHMI Inclusive Excellence Initiative grant to help fund Science Posse, the Galaxy Program, additional workshops on implicit bias, develop lower-level practicum courses to strengthen vital qualitative skills,

¹² While these initiatives are impressive, we heard from students, faculty, and administrators alike that there are significant cultural challenges and disparities in the classroom, including professors who are intolerant of perceived deficiencies in the high school preparation of some students of color (especially in the quantitative aspects of the gateway STEM courses), disparities in opportunities to work in prestigious faculty laboratories, and perceived segregation within student study groups. There are a number of faculty members in STEM fields who are dedicated to addressing these disparities, which are by no means exclusive to Brandeis.

and encourage more faculty collaboration on enhancing student performance and retention.

(c) Community

At Brandeis, the Dean of Students is responsible for “the educational experience of the students outside of the classroom.” Although the current Dean of Students does not have a formal DEI role at the University, the office is deeply involved in these issues and advancing the interests of students of color. The Dean of Students, like the VPCDO, is a highly visible and frequent point of contact for minority students.

DEI-related programming facilitated by or in conjunction with ODEI, the Dean of Students’ office, and registered undergraduate and graduate student organizations is extensive and beyond the scope of this report, but several programs were repeatedly mentioned as exemplars for engaging across differences at Brandeis. Brandeis Bridges is a student organization that encourages collaboration between members of the Jewish and Black communities on issues of race and religion; the group also arranges travel to relevant destinations including Israel, the antebellum South, Chicago, West Africa, and Brazil.

This year, freshman orientation included new DEI training entitled, “Multicultural Communication and Conflict Framework.” The program was designed to provide students a “framework” to facilitate conversations on difficult

issues, including religion. “Now,” we were told by a senior administrator, “we have an entire class of students who knows how that works.” Plans are currently under discussion to offer a similar program to faculty and staff, and also to develop new DEI-related programming on “cognitive empathy” skills and additional offerings for students of color during the freshman orientation process. Students also remarked on the success of the “This is Our House” program offered by the Dean of Students, encouraging community members to “support their peers.”

We had often been told that student relationships with University police were strained in the past, but they have greatly improved under the leadership of the Dean of Students. Likewise, we heard praise for the “Freedom Team,” a “terrific program” organized by the Dean that “brings together Waltham’s mayor, police chief, and others in the community around race issues” and, as President Liebowitz noted, “seeks to strengthen our community through action and dialogue, to ensure that all feel welcome and heard.”

IV. Conclusion

We took Brandeis’s pulse for seven months. Our investigation uncovered deep emotions, shared commitment, sincere disagreements, and wide consensus on the need to move forward. We also heard how Brandeis is “at a crossroads,” an

“inflection point,” on the cusp. Some confided a palpable sense of history in the making.

Indeed, many considered the decision by the Board and the administration to release our Phase I investigation Summary Report to the entire Brandeis community as historic and unprecedented. Justice Brandeis famously noted in 1913 that “sunlight is the best disinfectant,” but transparency alone does not explain the reaction to the leadership’s act of candor, humility, and reflection. Publishing the report had an outsized impact at Brandeis precisely *because* this institution is committed to social justice in its many forms.

We found that activism, not insularity, is at the heart of this educational community. Brandesians are rightly skeptical of mere talk. On this campus, actions are *expected* to speak louder than words. And, as noted above, we saw Brandeis taking decisive action on all fronts, particularly those raised in our Phase I Summary Report and this final investigation report. Not one of the problems we identified is unique to Brandeis. But this institution is in a unique position to address them now.