

To: Marc Brettler, Chair, Faculty Senate

Date: December 10, 2007

The Committee on Faculty Rights and Responsibilities brings to the full Senate's immediate attention a serious and urgent conflict with the Provost concerning the authority of this Committee and its role in protecting faculty rights. This conflict arises in the case involving Professor Donald Hindley, who appealed to our Committee following disciplinary action taken by the Provost in late October. On November 29 our Committee ruled in favor of Professor Hindley, and on December 10 the Provost rejected that ruling. While a number of issues remain tied to the particular facts of this case, the Senate should be aware of the following points:

- 1) The Provost continues to impose unilateral limits on the authority of our Committee, based on her own reading of faculty rules.
- 2) Her reading of those rules directly contradicts the considered interpretations reached by our Committee, interpretations that were clearly communicated to her in early November. Her actions simply ignore our power to interpret the Faculty Handbook, as provided in Section VI.D.7.a.
- 3) According to the constituted subcommittee, the Provost's actions in this case violated important faculty rights of Professor Hindley, in part through her failure to enforce basic procedures clearly laid out in University policies. We find her most recent defense unconvincing. We specifically declined to judge the underlying matter of whether discrimination occurred in this case, in part because the flaws in the investigation made it impossible for anyone to decide fairly. It is in the interests of everyone on this campus that important decisions command the faculty's confidence that procedures have been properly applied.
- 4) The Provost's actions present a threat to the academic freedom of Professor Hindley, but also other faculty and students at Brandeis. The Committee may address this matter further in the near future, having reserved jurisdiction to continue monitoring a situation we regard with the utmost seriousness.
- 5) Important parts of the Provost's latest discussion of factual and legal matters in the Hindley appeal conflict with evidence we have seen, and they lack basic foundation in legal authority. We can only conclude that it is time for faculty to suspend their concurrence in the existing discrimination policies, as they are now being applied, until we can all find a more solid footing.
- 6) We must face the possibility that our faculty dispute resolution process is breaking down. The latest conflict with the Provost over jurisdiction, legal interpretations, and complex facts may have entered the stage where further exchanges are futile, or at least too complicated for most faculty colleagues to follow in detail. There is something very serious that is now broken, and the Senate may be the only route for restoring some sense of order.

Richard Gaskins, Chair, Committee on Faculty Rights and Responsibilities