

**BRANDEIS UNIVERSITY
FACULTY SENATE**

Minutes of the Tenth Meeting

1 May 2008

The tenth meeting of the Faculty Senate was held at 3:10 p.m., 1 May 2008, in Hassenfeld's Levine Ross Conference Room. Senators present: Marc Brettler (Chair), William Flesch, Seth Fraden, Ira Gessel, David Jacobson, Harry Mairson, Robert Moody, Leonard Muellner, Richard Parmentier, David Rakowski, Govind Sreenivasan, Ilan Troen, Malcolm Watson. Senators absent: Jody Gittell, Eric Hill, Catherine Mann. Guests: Adam Jaffe, Judith Sizer.

Report from the Chair

The Chair reported that the campus-wide event on free speech and the classroom, tentatively planned for 1 May, has been postponed until the fall semester. The Chair also distributed to Senators a pamphlet, "Brandeis Counseling and Rape Crisis Hotline," which is now available for students and faculty.

Firearms Policy

Robert Moody, a member of the Firearms Policy Committee, reported that the committee, composed of faculty, staff, students, and Executive Vice President and Chief Operating Officer Peter French, had held three meetings during the year. Their deliberations, he said, were thorough and thoughtful. The committee met with the Waltham Chief of Police to ensure that sensitivity training and psychological testing of the Brandeis campus police force will be reviewed regularly. He said there are strict guidelines that officers must follow, and that firearms will be used only as a last resort. Edward Callahan, Director of Public Safety, will be in charge of testing and retesting of officers.

One Senator asked if the policy will be reviewed regularly. Professor Moody responded that although the policy will not be reviewed, how the policy is carried out will be. Another Senator asked what the status of the confidential report is, and who will have access to it. Professor Moody said the committee has submitted its report to Peter French, who will inform the faculty. He added that all officers on campus who have passed the training will bear arms while on duty, but that those arms cannot be removed from campus.

Council Meeting with the Provost

The Chair reported that the council had met briefly with the Provost, and that a further meeting will be scheduled. The Senate will then discuss with the Provost appointing faculty members for membership on various committees. The Chair also reported that, in accordance with the Handbook, the Senate Council dealt with mediating a dispute involving a faculty member this semester.

Statement about the Grievance Process from the Committee on Faculty Rights and Responsibilities

The Chair read the following statement submitted by Professor Richard Gaskins on behalf of the Committee on Faculty Rights and Responsibilities:

The CFRR is still discussing the issue amongst ourselves, but it seems highly unlikely that we will make any progress toward restoring the

grievance function, and certainly not this semester. We have identified specific issues of difference on which there seems to be little chance for movement. It is always possible to make another attempt next fall, but my guess is that the same barriers will be present then.

Faculty Senate Resolution in Support of the Committee on Faculty Rights and Responsibilities

The Faculty Senate made the following statement at the 3 April 2008 Senate meeting: “The Faculty Senate is interested in the Provost’s response to the resolutions that were unanimously passed at the 13 March 2008 Faculty Senate meeting.” As a result of the Provost’s response at the 10 April 2008 Faculty Meeting, the Faculty Senate approved the following resolution in support of the judgment of CFRR:

The Faculty Senate supports, as a matter of principle, the recent judgment of the Committee on Rights and Responsibilities, which found serious violations of the Faculty Handbook in a grievance case concerning Professor Donald Hindley. We are especially concerned by the Provost’s rejection of the committee’s claim to jurisdiction in that case, and ask her to join us in reaffirming that jurisdiction, along with other points of interpretation contained in the committee’s memorandum of December 19.

The Faculty Senate accepts, based on the facts as we know them, the judgment that the Provost’s actions have violated Professor Hindley’s faculty rights, including the right to academic freedom and the right to be treated fairly under University policies.

The Faculty Senate affirms the Handbook provision that authorizes the Committee on Faculty Rights and Responsibilities to interpret the Faculty Handbook on behalf of the faculty. We recognize that unanticipated situations may arise where the Provost must contravene the Faculty Handbook. Nevertheless, in such cases the contravention must be acknowledged as such and cannot be based on a claim to an alternate interpretation of the Handbook. We note that the Provost, as chief academic officer of the University, is responsible for ensuring that the Handbook is observed.

We regret that this recent case has damaged the collegiality of our University, its academic and intellectual function, its faculty governance procedures, and its public reputation.

During the discussion, Senators expressed concern that the administration failed to provide a precise justification for contravening the CFRR’s interpretation of the Handbook. Although the Provost said that her actions were based on state and federal law, and that CFRR does not have jurisdiction, she never stated which law. When the Senate requested funds for an independent counsel, the Provost responded that the faculty has access to the University’s General Counsel. Two Senators noted that the very fact that General Counsel Judith Sizer would be attending the second half of the Senate meeting to explain the law behind Turnitin.com’s anti-plagiarism software suggested that she might have explained the legal context of the Hindley procedures, and any legal justification that the administration might cite in support of its claim that it had to abrogate the Handbook. It was also noted that the faculty members of the newly formed

Committee to Revise Human Resources Policy, Jody Gittell and Govind Sreenivasan, should be informed of the University's interpretation of the law.

The motion was passed 12 for, 1 abstention.

One Senator explained his abstention by indicating his identification with the document submitted by an absent Senator that concluded with the observation that the proposed statement for adoption by the Senate does not further the objectives of the Faculty Senate given the extant statements already approved. This Senator observed that the Senate should voice its concern for the continued suspension of the activities of CFRR and urge the Administration and CFRR to reach an agreement such that CFRR can return to its important work.

University's Integrated Plan

Given the importance and far-reaching implications of the Integrated Plan, Senators agreed that there should be faculty representation on the IP Committee.

The following motion passed unanimously:

The Senate should have a representative at all meetings discussing the Integrated Plan.

Faculty Health Benefits Post Retirement

The Chair reported that he had been told by Scott Bemis, Vice President of Human Resources, that in no case are health benefits paid to retired faculty members after the age of 65. This is the current universal practice and there are no exceptions. The Senate will consider gathering data from other universities on this subject.

Turnitin Plagiarism Detection Software

Dean of Arts and Sciences Adam Jaffe and General Counsel Judith Sizer attended the Senate meeting to discuss the use of Turnitin software for plagiarism detection. The Dean described the pilot test for the service, which took place during spring 2007. A committee composed of faculty and LTS representatives looked into possible detection services, and Turnitin, agreed to provide the University with free services for a semester in order to run a pilot test. There was, he said, no consensus in the responses to the service as deterrence to plagiarism. The Dean said he looks to the Senate to make a recommendation to either move ahead or to set up a broader discussion. It is ultimately, he said, a faculty decision.

Senators expressed concern about copyright and privacy issues for students, since papers reviewed by Turnitin software would become part of a database for other papers to be checked against. Senators asked what obligation faculty would have to inform students of the use of the software in their classes. The Dean said faculty would have to make its use known to students on the course syllabus. Another Senator asked if the University would be in legal danger if the software's assertion of plagiarism were disputed. Ms. Sizer said that, in such cases, the courts tend to support the university as long as appropriate rules have been followed. When asked how many other universities use plagiarism software, the Dean said that about 8,000 schools, including high schools, do, though most of Brandeis's peer institutions do not.

The Chair thanked the Dean and the General Counsel for consulting the Senate on the subject.

The following motion passed 12 for, 1 abstention:

That the Committee on the Support of Teaching and the University Curriculum Committee be convened to consult broadly with faculty and students and to make a recommendation to the Dean.

The meeting adjourned at 5:00 p.m.