

# THE INSTITUTE FOR ADVANCED STUDY

PRINCETON, NEW JERSEY 08540

February 19, 1975

## To the Members of the Faculty

Enclosed are the Draft Minutes of the Faculty Meeting of November 27, 1974, as well as appended copies of the two documents that were the basis of the discussion at that meeting.

I may note that in the Minutes, the parts 14(b) and 14(c) of Article 14, are referred to in the order and with the designation they had in the draft of November 5, and not with the order and designation interchanged as they occur in the final document "Procedures for the Academic Governance of the Institute", which you have already received.

Because of the importance of these Minutes as a document for future reference, it seemed difficult to compress and summarize the discussion to the extent normally done.

I would be grateful for any suggestions for changes or corrections.

I apologize for the delay.

Yours sincerely,

  
Atle Selberg  
Secretary

## Attachments

Professors Clagett, Elliott, Gilbert, Gilliam, Habicht, Lavin, Setton  
Thompson, White

Professors Borel, Gödel, Harish-Chandra, Langlands, Milnor, Montgomery,  
Weil, Whitney

Professors Adler, Bahcall, Dashen, Regge, Rosenbluth

Professors Geertz, Hirschman

cc: Dr. Kaysen  
Professor Dyson

## THE INSTITUTE FOR ADVANCED STUDY

PRINCETON, NEW JERSEY 08540

### DRAFT MINUTES

Faculty Meeting of November 27, 1974

10:00 a.m. - Board Room

Present: Professors Adler, Bahcall, Borel, Clagett, Elliott, Geertz, Gilbert, Gilliam, Habicht, Harish-Chandra, Hirschman, Langlands, Lavin, Milnor, Montgomery, Regge, Rosenbluth, Selberg, Setton, Weil, White, Whitney; Dr. Kaysen

Absent: Professors Dashen and Gödel

Absent on Leave: Professor Dyson

Chairman: Professor Thompson

1. Chairmanship. The meeting had been called by the Secretary at the written request of five members of the Faculty. Professor Milnor nominated Professor Thompson for the chairmanship. Professor Lavin seconded this and Professor Setton proposed that nominations be closed. Having been elected unanimously, Professor Thompson took the chair.

2. The Minutes of the previous meeting (October 2, 1974) were approved as revised and circulated on October 17, 1974.

3. Consideration of Articles 6 and 7 as proposed by the Committee on Appointment Procedures in the document of November 6, 1974.

Article 6 Professor Milnor opened the discussion noting that since the proposal had been circulated, the Committee had received several comments and some suggestions for changes. Two suggestions were that in Article 6, part (b) the words "supporting letters" be changed to allow for the possibility of neutral and unfavorable letters, and that in part (c) the words "outside the nominating School" be deleted from the first line to make it clear that every member of the Faculty may record his comments. A more controversial question had been raised by some of his colleagues in the School of Mathematics, who felt that the provisions for the election of a chairman of the Standing Committee on Appointments given in Article 6, part (e) were unsatisfactory.

Professor Selberg was unhappy about the type of majority required to elect a chairman. It did seem to invite the possibility of a deadlock, and there were no provisions given for resolving such a deadlock. The revision made prior

to November 6 permitting a chairman to be elected without votes from one School if he got all six votes from the other Schools, did not change the situation. Without a more substantial change there was a real possibility that the Committee would be unable to function.

Article  
6(e)

Professor Rosenbluth answered that he believed the idea of the Standing Committee represented a sort of balance between having matters decided by majority vote in the Faculty with one vote per faculty member or by the Schools with one vote per School. The Committee on Appointment Procedures realized the possibility of a deadlock, but had purposely refrained from writing in any provision for dealing with a deadlock. To leave things vague would put the maximum pressure on the members of the Standing Committee to reach agreement on a chairman. Logically, if the Committee failed, the whole procedure would have to go back to the Faculty for reconsideration. This would be such a nuisance for everybody that the Committee would in all likelihood buckle down and make a selection. An explicit provision that the whole Faculty select the chairman in case of a deadlock might provide an incentive for the larger Schools to produce such a deadlock.

Professor Selberg thought it a dangerous trend to operate in terms of schools rather than as one Faculty. The creation of the Standing Committee was in itself an indication that the Faculty is thought of as an aggregate of four schools rather than as a whole. He suggested that (e) be changed so that the chairman could be elected by an absolute majority of five votes or more, regardless of the distribution of these votes among the schools. This would significantly reduce the probability of a deadlock, and to be elected the chairman would still need support from at least three Schools.

Professor Habicht stated that though he could see the possibility of the problem just pointed out, he thought this possibility was exaggerated and would much prefer to leave the text as it was. In his opinion, it was self-evident that in case the Committee failed in its efforts to elect a chairman, it would be up to the Faculty to make the choice. There was no need to include this in the text of Article 6 (e); instead he would propose that the minutes of this meeting include a statement that it was the understanding of the Faculty that in the case of a deadlock the Faculty should elect the chairman.

There followed a prolonged discussion in which Professors Bahcall, Clagett, Geertz, Habicht, Hirschman, Lavin, Milnor, Rosenbluth, Selberg and White took part. This discussion was directed in part to the questions raised concerning 6(e), and in part to what procedure should be followed in putting these questions before the Faculty for a vote. Professor Hirschman spoke of the difficulties the Committee on Appointment Procedures had in arriving at the present formulation concerning the majority required to elect a chairman. He was much opposed to changing this, but thought it might be helpful to introduce some stipulation that the Standing Committee had to meet a certain number of times at stated intervals before it could declare that its efforts had failed. Professors Lavin and Geertz returned to Professor Habicht's suggestion to have a statement in the

Article 6(e) minutes as to the understanding of the procedure for resolving a deadlock. Professor Geertz suggested that the way in which the Faculty would resolve such a deadlock, whether by electing a chairman or by dissolving the Committee and appointing a new one, be left open.

Motion for Adoption of Art. 6 & 7 Professor Milnor then moved that the Articles 6 and 7 as distributed on November 6, 1974 be adopted by the Faculty subject to the two minor changes in 6(b) and (c) that he had described earlier. The motion was seconded by Professor White.

Amendment Professor Selberg offered as an amendment to this motion that in Article 6(e) the second sentence from the end should read:

"The Chairman shall be elected by a majority of five or more of the Committee members".

Vote on Amendment The amendment was seconded and a vote was called for. The vote was: 4 in favor, 15 opposed and 2 abstentions.

Professor Habicht then made the following motion:

Motion on Interpret. of 6(e) "It is the understanding of the Faculty concerning Article 6(e) that, in case of failure of the Committee to elect a Chairman, the matter shall go back to the full Faculty and be resolved by it."

Professor White seconded the motion. Responding to a question from the Chairman, Professor Habicht confirmed that the statement, if adopted, was not meant for inclusion in the legislative document, but would be included in the minutes of this Faculty meeting. Professor Whitney objected that it was impractical not to have it in the document itself. Professor Lavin suggested and Professor Habicht agreed that Professor Whitney's objection could be met by adding a footnote to the legislative document which expresses the content of his motion, if adopted, and which would refer to the minutes of this meeting for the discussion on the subject. This footnote would not be a part of the legal document, but only an appendix to explain how the document would be used in a certain situation. In response to a question from Professor Clagett, Professor Habicht agreed that the main reason for keeping this out of the document was that one would not like to write into it the possibility of failure. Professor Hirschman concurred that this was a valid reason, adding that he would also like to see some wording to the effect that a determined and sustained effort had to be made by the Committee before, in the case of failure, the matter could be brought back to the Faculty.

Professor Habicht thought that the pressure on the Committee to resolve the matter by itself would be great enough without including such a passage. Answering a question from Professor Rosenbluth, Professor Habicht elaborated that it was the sense of his motion that if the matter was referred back to the Faculty, the Faculty would resolve

Motion on Interpret. of 6(e) the question in any manner it saw fit, and not necessarily by automatically electing a chairman. Professor Borel stressed that the legislative document should contain only instructions. General comments and interpretations ought to be put in the minutes, possibly with a footnote in the document referring to them. The Director agreed with Professor Borel and added that it was impossible to have a totally self-contained legislative document. He felt Professor Habicht's motion was a solution to this problem, whatever comments were necessary to assist in interpreting the document could be included in the minutes.

At the request of the Chairman, Professor Habicht read his motion as he had reformulated it in view of the comments made:

Reformulated Motion on interpret. of 6(e) "Concerning Article 6(e) of the document "Procedures for the Academic Governance of the Institute", it is the understanding of the Faculty that, in case the Committee fails to elect a chairman, the matter will revert to the Faculty which will resolve it in any appropriate way."

Vote The Chairman called for a vote and the motion was passed. The vote was: 16 in favor, none opposed and 5 abstentions.

The Chairman asked for comments on other parts of Article 6. There were none on 6(a). In 6(b) it was suggested that the word "supporting" in the third line be deleted. In 6(c) it was suggested earlier that in the first line the words "outside the nominating school" be deleted. Concerning 6(b) Professor Milnor remarked that as this document in a way constituted an agreement between the Faculty and the Director, it was not sufficient that only the Faculty approve of it. Regarding 6(b) in particular it seemed appropriate to ask the Director to comment. The Director replied that, as far as Articles 6 and 7 were concerned, he would consider himself bound by them if they were accepted by the Faculty. While he did not think that the document as a whole could be described as an agreement between the Director and the Faculty, he thought it more appropriate to comment on this when the Governance Committee reported on the larger document.

Article 7 Professor Milnor stressed that Article 7 would not affect the next appointment in the School of Social Science as there already existed an agreement covering this.

Motion to accept Art. 6&7 Professor White moved that the Faculty accept Professor Milnor's motion concerning Articles 6 and 7 with the corrections in 6(b) and 6(c) agreed upon. Professor Lavin seconded the motion and the Chairman called for a vote. The motion to accept Articles 6 and 7 was passed unanimously.

Vote

The Chairman moved that an expression of gratitude on the part of the Faculty to the Committee on Appointment Procedures for the work on this problem be included in the minutes. This motion was passed unanimously.



Professor Rosenbluth declared that he would like to make a brief personal statement and say that he felt he was properly chastised by Professor Selberg who said he hoped we would regard ourselves more as a faculty rather than a collection of individual schools. Professor Rosenbluth would like to state that he too hoped that was the case. He did feel that the particular issue of Appointments was one in which the rights of the individual Schools might be more paramount than in the general case, but was not at all in disagreement with the general philosophy.

The Chairman said this statement would go into the minutes.

4. Consideration of the draft of November 5, 1974 "Procedures for the Academic Governance of the Institute" prepared by the members of the Governance Committee and distributed on November 7, 1974.

The Chairman asked that the Faculty proceed to consider first the Articles 13 to 16 of the draft. Professor Borel thought it would be best to discuss each article separately, since they were concerned with rather different topics. The faculty members of the Governance Committee had asked that these articles be discussed first, since they did concern the Board of Trustees in a more direct way than the other articles and it was desirable that the Faculty position on these articles could be presented at the coming meeting of the Governance Committee on December 7.

Article 13

As to Article 13 the main change from the old form was that the Faculty Liaison Committee now would not be concerned with any advisory functions towards the Director, nor serve as an organ for communication between the schools, these functions now being covered by Article 11. As no changes had been suggested, Professor Borel moved that Article 13 be adopted. The motion was seconded. After a brief discussion, it was agreed to replace the expression "a representative" in the first line of Article 13 with "one representative".

Motion to  
Adopt  
Art. 13

Vote

A vote was called for, and Article 13 was unanimously adopted.

Article 14

Professor Borel stated that Article 14 was more complicated, consisting of some older and some new parts. A suggestion had been made to change the word "will" in the second line of the article to "may" (this change was acceptable to everyone). Professor Borel went on to say that the last part of 14(a) beginning: "An appointment within an existing School..." had been added at the suggestion of Professor Adler, but had not been really endorsed or even discussed by the Governance Committee. It was therefore presented to the Faculty for discussion, but without any collective recommendation on the Committee's part.

Professor Adler interjected that this had not quite been his understanding of the Committee's position, though he would not contest Professor Borel's statement. He thought, however, that the suggestion embodied in the last part of 14(a) was a useful one.

Article 14

Professor Borel continued that in 14(b) the situation was similar; the last sentence beginning "The provision for a ..." had not been discussed within the Committee. It originated in a proposal circulated by Professor Adler during the previous year, and at the last meeting of the Governance Committee it had been suggested that this sentence be added for consideration by the Faculty. Apart from this, 14(b) was identical with an older version which had been adopted by the Faculty. As to 14(c), some changes were suggested by the School of Mathematics. Professor Borel thought these changes were in harmony with the general tenor of the meeting of the Governance Committee, so they should not be controversial. Mainly, it was desired to make the formulation more symmetrical with respect to the Board of Trustees and the Faculty, and also to make it clear that discussion should occur at an early state. The suggested form of 14(c) was: "When major innovations are contemplated, they shall be discussed at an early state by the Board and the Faculty through the mechanism of the meetings provided for in Article 13". Professor Borel thought this revised form of 14(c) should be the basis for any further discussion, rather than the form given in the draft of November 5.

The Chairman asked if there were any comments on 14(a). Professor Adler thought the last part of 14(a) was a useful addition which would serve to delineate more clearly what was a major innovation and what was not. There was agreement that a change in the Institute which required a substantial financial commitment or in any way changed the scope of the Institute should be thoroughly discussed and voted on. However, he and his colleagues in the School of Natural Sciences felt the gradual evolution of a School in the course of normal retirement and replacement did not in itself constitute a major innovation and they would like to see some wording to that effect included.

Responding to a question from the Chairman, Professor Borel stated that 14(a) in its present formulation had been discussed in the Governance Committee, but that there was no real agreement.

Professor Geertz said that of course nothing in this document had been finally decided on by the Governance Committee, but 14(a) was discussed at some length and his impression had been that the Committee as a whole was amenable to it, including the last part. Indeed, his impression had been that the Trustee members of the Committee thought it was a good idea and the Faculty members as well, though he could not be certain of this. It certainly was discussed and they didn't object.

Professor Clagett wondered whether the disputed passage did not simply reiterate what had always been the case. At various times new areas of research had been introduced, as for instance astrophysics, and had been handled in the same way as other appointments. He thought the passage unnecessary but did not object to its inclusion.

Article 14      Professor Geertz agreed that this probably had been the practice in the past, but thought it important to define more clearly the boundaries of the "major innovation" concept.

Professor Milnor was quite satisfied with 14(a) without the last passage and thought it better to leave it to the discretion of the Faculty to decide what constituted a major academic innovation or not. The language in the last part of 14(a) was so broad that almost anything could get in through this escape clause. He preferred the text that had been accepted by the Faculty without this added sentence.

Article 14(a)      The Director commented that Article 14 as well as the other articles in the group (13 to 16) now under discussion, had been discussed at some length by the Committee on Governance, though not always in the specific form now before the Faculty. Some of these articles were re-drafted after the last Committee meeting, but the Director's understanding, coinciding with that of Professor Geertz, was that the Committee had agreed in substance with this draft. Regarding the proposed change in the language of 14(c), he agreed with Professor Borel that this was well within the spirit of the discussion at the last Committee meeting and did represent an improvement.

Professor Whitney pointed out that the form of the last passage in 14(a) made it possible for a School to justify any radical change in direction as not being a major academic innovation by first changing the designation of the School in a suitable way.

Professor Milnor felt that the last passage of 14(a) essentially negated the earlier part.

Professor Adler argued that it was right to make a distinction between evolutionary change - as represented by a School deciding, in the course of normal replacement, to make an appointment in an area not earlier represented in the Institute Faculty - and the sudden decision to redirect a School and make several appointments in a new area. Without the last passage 14(a) would give the Faculty too much veto power under the heading of major academic innovation.

Professor White inferred that of the Faculty members of the Governance Committee, Professors Adler and Geertz were in favor of keeping this sentence and Professor Borel was presumably against it. He wondered if Professor Gilliam would care to comment.

Professor Gilliam replied that he had misgivings about the last sentence of 14(a), these misgivings dissipated partly after the discussion in the Committee. He thought it might be objectionable if this would be used to change the orientation of a School step by step, but doubted that it could in fact be done as it would arouse opposition. He added that he also had a question in connection with the last sentence in 14(b), namely what the understanding of the Faculty had been when they adopted this procedure in the past.



Article 14(a) Professor Adler asked why a step-by-step change should necessarily arouse opposition. He pointed out that the Cavendish Laboratory had made several appointments outside of the traditional areas of physics research - in biophysics, solid state physics, and radio astronomy - and some Nobel prizes had been won by these appointees. He did not see evolutionary change of a school as a bad thing, and, since the faculty were agreed on a rather strict appointment procedure, any appointment could still be subject to Faculty scrutiny.

Professor Gilliam did not object to evolution, but thought that if a School wanted to make a change in direction it was better to state this openly and not disguise the move.

Professor Hirschman suggested omitting the word "substantially" in the sentence being discussed, as it would then be more indicative of the type of evolutionary change Professor Adler had in mind.

Professor Gilbert held that if the School of Historical Studies should wish to appoint someone in the field of literary history - a field never represented in the School - the School should have the right to do so. He regarded the last sentence of 14(a) as an assurance of this right which seemed absolutely necessary.

Professor Milnor, elaborating on his earlier statement, said it did not mean that he was opposed to any change in the directions of the existing schools, nor that he felt such changes should necessarily, or even normally, be opposed. But he did feel that any radical change in the Institute did concern the whole Faculty and this was the plain sense of Article 14(a) as it was originally.

Professor Geertz, though willing to delete the word "substantially", felt his School - being in the process of forming and defining itself - particularly needed this sentence to assure their peace of mind and the necessary flexibility in the development of the School. Otherwise, there was the possibility that any future appointment in the social sciences could be considered as a major academic innovation. His School needed - as the other schools had needed - the freedom to develop as they saw fit. The new appointment procedure would, as Professor Adler had remarked, anyway make it impossible for an appointment to go through without great scrutiny.

Professor Borel said he was not against the last sentence of 14(a), he had only wanted to stress that it did not have the same kind of endorsement by the Committee as the major part of the other articles. He agreed that schools should have considerable freedom in choosing and changing their orientation. However, the present wording of that sentence was, as Professor Milnor had pointed out, so broad as to include almost anything. Therefore, some change - for instance the omission of the word "substantially" - was desirable.

Article 14(a) The Chairman asked if the Faculty members of the Governance Committee would agree to the deletion of the word "substantially". They all agreed to this.

The Chairman then asked if they would also agree to the deletion of "broadly".

Professor Adler preferred to retain "broadly".

Professor White said, as he understood it, the prime concern of the School of Social Science was to be the study of social change. As not all who are described as social scientists work on the topic of social change, he wondered how the last sentence of 14(a) would affect an eventual decision by the School to go beyond the subject of social change, and if this was the type of concern that caused Professor Geertz to worry about being excessively restricted.

Professor Geertz replied that he felt the School was committed and still remained committed to social change. However, as the School was in the process of defining itself, he did not wish to see future appointments hinge on the philosophical question of what social change was and whether or not this was a major innovation. It was a vague term and he thought it possible that at some time they would wish to appoint someone whose primary interest was not in social change and eventually even change the orientation of the School. As the School developed and they got clearer ideas of where they wanted to go in social science, it would be unfortunate if a narrow justification in terms of social change had to be made for every proposed appointment.

Professor Bahcall wanted to clarify Professor Adler's remarks insofar as they concerned the School of Natural Sciences. The School did not have any particular thing in mind, but would like to have the opportunity of making an appointment in a field that looked exciting when the time came for another appointment. It was in the nature of natural science that the areas that were most promising and exciting kept changing and the School wanted the freedom to adjust to such changes.

Professor Habicht was of the opinion that a radical alteration of an existing School should not be within the power of that School alone but was the rightful concern of the whole Faculty. On the other hand, he thought it ought to be the prerogative of any School to go into new fields provided this did not constitute a radical alteration of the School. So far he was in agreement with the last sentence of 14(a) and especially after the deletion of "substantially". He saw, however, a problem with the possibility that a School might have a series of such appointments, no single one of which could be considered a radical alteration, but where the total effect might well be such a radical alteration. He would like to have some guarantee that what was not allowed in one step, should not be allowed to happen in several steps within some specified period of time.

Article 14(a) Professor Lavin thought one could only ask for a certain balance in these things. He would put the emphasis on the beginning of that sentence "An appointment...". The fact that it would apply only to single appointments would tend to insure that this would be counter-balanced by the existing traditions of the School. He favored keeping the last sentence of 14(a) with emphasis on the opening words.

The Director commented on Professor Habicht's statement, that what would be a radical change if done at once, or in the course of one or two years, might not be a radical change if it were done over, say, fifteen years. It was rare that a school had several appointments at once, but recently the School of Historical Studies made three appointments in two years. Had all of these been, say, in Chinese and Japanese history, it might be appropriate for the Faculty to say that this was a radical change outside the whole tradition of the School, which ought not to be exempt from the kind of scrutiny that Article 14 calls for. He believed what was being discussed was the distinction between evolutionary and radical change. The language of the last passage of 14(a) - especially after the deletion of "substantially" - did refer to evolutionary change as being exempt from the kind of scrutiny which the earlier part of 14(a) provided.

Professor Langlands expressed sympathy for the principles involved in the last sentence of 14(a). On the other hand, it troubled him that keeping this sentence would make it impossible for the Faculty to object to an appointment on any legitimate grounds, even if it was felt that the appointment distorted the purposes of the Institute or that the merits or standards of the field involved were inadequate.

Professor Adler replied that members of the Faculty could raise objections if they had them and the Standing Committee on Appointments would have to look into the matter. That was why it was there. The question here was whether the possibility of a mandatory one-year delay should apply. He thought the main responsibility for appointments had to fall within the individual schools, even when occasionally a change of field was involved.

Professor Langlands agreed that there were circumstances under which a proposed appointment, though not considered a major academic innovation, could and should be discussed by the Faculty on grounds other than the merits of the candidate.

Professor Adler's understanding of the appointment procedures adopted was that there could be discussion of any appointment, and not just on the merits of the candidate, but also on the question whether the subject was suitable for the Institute.

Professor Clagett commented that this meant interpreting the phrase "academic merit" in Article 6(d) as including not only the nominee's standing in his field but also whether the field itself was academically respectable.

Professor White thought that Professor Adler was, in effect, calling attention to the fact that Article 6(b), adopted earlier, stated that "every Faculty member has the right to raise questions about or objections to the proposed nomination". This was not limited, nor qualified in any way.

Professor Habicht remarked that Article 6(d) met the objections Professor Langlands had voiced. As a result of what had been brought out by this discussion, he was prepared to vote for 14(a) as it stood.

Motion to  
Adopt  
14(a)

Professor Rosenbluth now moved that the Faculty adopt Article 14(a) with the word "will" changed to "may" in the second line, and retaining the last sentence, but with the word "substantially" deleted.

Professor Adler seconded the motion. Professor Weil stated that before the vote he would like to raise the question of who was supposed to enforce and, in case of doubt, interpret this legislation. The Constitution of the United States might not mean much if the Supreme Court was not there to rule whether or not something was constitutional. We were now going to vote on an article about whether something was or was not an academic innovation. The main question for him was who would enforce and interpret this? Was it the Director, the Board, or the Faculty?

There was no response to this question, and the Chairman called for a vote on the motion. The vote was,

Vote

17 in favor, 5 opposed and no abstentions.

Article 14(b)

The Chairman then asked if there were any suggestions for changes or revisions of 14(b).

Professor Rosenbluth asked the Faculty members of the Governance Committee whether the last sentence of 14(b) had been discussed somewhat with the Trustee members of that Committee, and was told that this was not the case.

Professor Adler explained that the original form of 14(b), without the last sentence, had been adopted years ago. He had then asked whether the procedure was a recursive one so that the mandatory delay could apply again and again, and had been told that this was not the case. If that was the understanding, he thought it should be incorporated in the wording, so he wanted the last sentence included.

Professor Rosenbluth asked if this was something that was ever the understanding with the Board of Trustees or with the Director, and if they would be unwilling for example to accept an indefinite veto.



Article 14(b) Professor Geertz replied that he did not think they would object to the form of 14(b) in the draft of November 5, whether they would object to it without the last sentence, he did not know.

Professor Clagett inquired whether one was thinking here of major academic innovations initiated by the Faculty or by somebody else.

Professor Borel answered that 14(c), in the revised version he had read earlier, ought to answer this. Proposals for innovations could originate either in the Faculty or in the Board of Trustees. As to 14(b), objections had been raised to the present version. To take the worst case: A major innovation could be proposed in the Spring; if it was defeated it could be brought up again in the Fall; but, whether or not it was then defeated, the proposal could then be carried out since there was absolutely no provision that the Faculty vote was binding. In this sense, the present form of 14(b) was essentially meaningless.

Professor Geertz thought this an overly dark view of things. The main idea in adding the last sentence was just to avoid the possibility of a permanent veto.

Professor Selberg stated that when he years ago formulated the article on which the present Article 14 and in particular 14(b) was based, his intentions were the following:

1. To provide for a substantial interval during which a controversial issue would not be kept in the foreground. Thus, if and when it was brought up again, one would not have the disadvantage of positions that had been kept hardened, and the Faculty would be more likely to take a truly fresh look at the merits and demerits of the proposal.

The substantial interval he had in mind was somewhat longer than from Spring until Fall. He agreed that the language did not necessarily make the delay longer. This could be remedied by having a delay of at least a calendar year instead.

2. The article did not say explicitly whether the rule of the delay should operate only once or perpetually; he had deliberately avoided being specific on a point that one might hope would never arise. The formulation did, however, in his opinion, logically imply that it would de facto have to operate each time the issue was brought up and defeated. It was certainly not his intention that something which had been twice rejected by the Faculty should have, so to say, free sailing, and he doubted that this was the Faculty's intention at the time.

Professor Adler thought the Board of Trustees would be reluctant to accept an indefinite Faculty veto. He suggested a rewording to the effect that it could not be used to delay for more than a full calendar year.

Article 14(b) Professor Lavin found that the proposed legislation as well as the discussion was all based on the premise that there was an explicit proposal for a major innovation. The possibility of an attempt to create a major innovation without such an explicit proposal was not contemplated.

Professor Borel suggested that one permute the order of 14(b) and 14(c), so that the revised version of 14(c) would precede 14(b). This was agreed to by all the faculty members of the Governance Committee.

Professor Montgomery stated that his understanding of the old article agreed with the interpretation Professor Selberg had given. The proposed Article 14(b) represented a drastic change which he opposed.

Professor Adler suggested changing the wording in 14(b) to "no further action on the proposal shall be taken during that academic year, or without Faculty approval for a calendar year following." This would make it clear that a negative vote is binding for a calendar year unless the Faculty should change its mind.

Professor Milnor suggested two possible compromises on the last sentence of 14(b):

1. To say that the one year delay in case of a negative Faculty vote could be applied at most 2 or 3 times.
2. To make the delay apply indefinitely provided the majority voting for the rejection of the proposal was, say, 60% or more of the Faculty..

Personally, he would prefer that a majority of the Faculty should always have the power of delaying for one more year.

The Director thought the essential question was whether the Faculty should have a final veto over any change in the Institute's operations or scope, which they deemed to be a major academic innovation. He believed he could say confidently that the Board would not accept such an interpretation of the Faculty's power. What Professor Adler had suggested would be an improvement, but, regardless how this article was phrased, the most it could effect was that a Faculty rejection should not be hastily overridden by the Board; that this should be done only after due reflection and full discussion. He did not wish to express a view of the wisdom of whether the Faculty should in the end have a veto or not. But he thought he could confidently express the view that the present Board would not accept a document in which they deny or abrogate their fundamental responsibility for the Institute, and indeed, without constitutional changes much further than anybody had talked about, the Board couldn't really abrogate that responsibility. To summarize:

Article 14(b) He thought it not only helpful but wise to make sure that the delay was long if there was to be a delay. He thought Borel's idea to permute 14(b) and 14(c) was useful as was the new formulation of 14(c). But it was unrealistic to think that in this way a document could be produced in which the Board would say that they accepted that no change could ever be made in the Institute which the Faculty viewed as undesirable. That would be a very substantial constitutional change, and one on which the Board had expressed itself a number of times in the course of the past 5 years. This did not mean that he thought the Board would be wise to make changes in the face of substantial Faculty opposition.

Professor Langlands didn't think that the Faculty should have an indefinite veto, and thought it clear that it couldn't in any case. He saw, however, no point in the last sentence of 14(b), it just emphasized the impotence of the Faculty and could be omitted without changing the real state of affairs. If it was omitted, then, if the Faculty should ever express disapproval of some major innovation and the Board went ahead anyway, it would at least be clear that the Board was acting against the will of the Faculty.

Professor Adler thought there should not be any basis, if this unhappy circumstance should arise, for anyone saying that the Board had violated an agreement with the Faculty. About the old article there had been different interpretations in different segments of the Faculty. His School had been explicitly assured that the rule was not recursive. He thought this time it should be clarified, if not in the document itself, then elsewhere. He deeply regretted having voted for the old article without such clarification.

Professor Langlands repeated that he saw no reason why the Faculty should give its approval to being overridden by the Board.

The Director said he was persuaded by Professor Langlands' comment and would now propose that, as already suggested, at the end of the second sentence of 14(b) one should add "or without Faculty approval for the calendar year following". The last sentence of 14(b) could be omitted without even a footnote, since the minutes of this meeting presumably would make it clear how it should be understood. The last sentence didn't really add anything, but he thought it important to have had this discussion and made explicit what we recommend.

Professor Milnor proposed as an alternative that the language of 14(b) be left unchanged except that in the last sentence the words "only once" be replaced by "at most twice".

Professor Geertz was quite happy to strike out the last sentence, but would state for the record that it was his interpretation that the delay would apply only once. Professor Milnor's proposal he would oppose; he was afraid it would be used as a device to delay any academic innovation - it was easier to get people to vote for a delay

Article 14(b) than for a rejection - everybody would try to avoid the issue for two years. An academic innovation worth making might not be around after two years. He thought one year ought to be long enough for the Faculty to make up its mind whether it was for or against.

Professor Adler said he would agree to omit the last sentence of 14(b), though he would have preferred to keep it. He hoped the minutes would record the view he had expressed as to what the interpretation of his School was.

The other members of the Governance Committee were in agreement on deleting the last sentence of 14(b), and Professor Adler read the proposed new form of 14(b) after the first sentence which was kept unaltered:

"Should a majority of the Faculty vote against the proposed innovation, no further action on the proposal shall be taken during that academic year, or, without Faculty approval for the calendar year following. Should the proposal be put forward again in a later year, it shall again be presented to the Faculty for discussion and vote before any further steps are taken."

Professor Rosenbluth commented that this sounded as if an indefinite delay was implied.

Professor Adler suggested that one could also omit the last sentence of the version just read.

Professor Rosenbluth replied he thought it better with all the sentences in it. To answer Professor Langlands' objection, he assumed that, in the spirit in which things were going, the Trustees would in fact accept this document, if it was at all acceptable to them, and would commit themselves to abide by it, and therefore it seemed to him that retaining the last sentence did in fact bind the Board of Trustees to agree at least to a one-year delay. Therefore, it was not an empty gesture to put it in.

Professor Langlands responded that it also had the effect that the delay was at most one year.

Professor Rosenbluth believed that without Trustee concurrence in some document of this sort, the Faculty would in fact be unable to institute any delay. With the last sentence in, assuming that the Board concurred, which he gathered it probably would, the Faculty would have a statutory one-year delay.

There was a brief exchange between Professors Adler, Borel and Rosenbluth about the alternative of keeping all the sentences in 14(b) and with the modification about the calendar year in the second sentence.



Article 14(b) Professor Habicht commented that, in his opinion, what was being discussed did not really matter. He explained that he was very grateful to the Director who had told very openly what he thought the intentions of the Board were. Professor Habicht did not doubt that the Director was right, but he had to say that he did not like those intentions of the Board. The subject being discussed here was major academic innovations, by definition an academic matter. Up to now, he had believed that the concern of the Board was administration, financing and of course supervising the Faculty to see that it handled its own affairs properly. But academic matters were in Professor Habicht's opinion the responsibility of the Faculty. He had now learned differently, and therefore concluded that it didn't really matter what wording was given to 14(b), and would prefer to have 14(c) included in the document and 14(b) omitted. He agreed completely with Professor Langlands: The Faculty was powerless and so ought not to bother with these things. It would have to wait and see and, if necessary, make noise in the academic world. He would much prefer that the Faculty could handle such things in complete agreement with the Board, but if there was real disagreement of interest, it had to be settled some way or other.

The Director did not wish to comment on the philosophical substance of Professor Habicht's argument. It was an important proposition. He could not agree with Professor Habicht that the whole 14(b) had no significance. He thought it useful and indeed important, that if the Board acted, it agreed to act with deliberation. That a procedure which insured deliberation was accepted by the Board was desirable. If the Board acted sensibly it should act with deliberation. In the past, where he had not acted with deliberation and where the Board had not acted with deliberation, it did not help him and it did not help the Board. On the whole, he thought more progress would be made if one did not award grades for past performance. He believed it was of significance that procedures could be agreed upon so far even though something remained unresolved, and he shared Habicht's hope that it would not become necessary to resolve differences about ultimate responsibility. Though he was accepting a great deal of what Professor Habicht had said, he could not agree that he had drawn the proper conclusion, that it didn't matter whether anything was said on this subject.

Professor Weil commented that it was the first time he had heard the Director admit that his actions and the Board's actions in the matter of Bellah were fundamentally mistaken. He hoped it would be duly recorded.

The Director replied that he hoped what was recorded was what he had said.

Professor Geertz thought the Faculty should not assume that its relationship with the Board necessarily had to be agonistic, and he thought this kind of document could be useful. He had been working on the Governance Committee towards increasing the Faculty's control of its own destiny - whatever the bylaws may say - and he would strongly advise that this be passed. It would be a step forward in Board-Faculty relationships and one in the interest of this Faculty as defining its control over its own affairs.

Article 14(b)

Professor Hirschman thought it quite important to codify some parts of the process. The purpose of this article was to foresee the possibility of a conflict and to legislate something about how such a conflict should be handled, and he thought this quite important. We could not in advance say who had full powers, we could not assume full powers, and we did not wish to say that the Board had full powers. Professor Habicht's proposal was essentially, not that half a loaf was better than none, but that no loaf was better than a tenth of a loaf. Professor Hirschman felt that one tenth of a loaf was better than none, and that was what the first two sentences of 14(b) were saying.

Professor Lavin commented that it seemed to him that the matter was really resolved by the last part of the third sentence: "...before any further steps are taken". He did not see the need for the fourth and last sentence, since the words quoted would seem to imply that the Board might proceed in the face of a negative Faculty vote. He didn't see how one could go further than that.

The Director believed this discussion largely repeated the discussion held when Professor Selberg proposed this language in the old article. The Director had at that time pointed out that it was part of his duty to report to the Board what was going on in the Faculty as well as the Faculty's views on various subjects. It was impossible to imagine that there could be a discussion of some major innovation which would so to say be kept secret. It seemed to him, and here he agreed with Professor Lavin about the force of the third sentence, that there were two stages of procedural delay; one implied by the second sentence, and only by the addition of the third sentence would two Faculty votes be prescribed. If one agreed that the Board had the ultimate power, it could act after it had observed the procedural delay. If one held with Professor Habicht, that this was an illegitimate power which the Board ought not to have, it could exercise it illegitimately after it had observed the procedural delay. Without disposing of the philosophical issue, he thought it fair to say that the proposed fourth sentence might have had some value had it been agreed to, but it did not add any necessary logical element.

Professor Gilliam thought two things were quite improperly being put into Article 14. He thought 14(a) and 14(b) concerned academic innovations which originated within the Faculty and specifically within a single School. 14(c) before it was revised concerned innovations which originated with the Board, and called on the Board to give the Faculty notice and discuss with the Faculty any such proposal. He was not sure he liked the revision, because it would seem to impose on the Schools, working through the Liaison Committee, the need to discuss a major innovation which was merely being contemplated, presumably even before a School had passed it. 14(c) as it originally was called on the Board for discussion and information with the expectation that Faculty reaction would be taken seriously, and the Faculty was not challenging the Board's ultimate power to act as it saw fit in the end. It was awkward to appear to give Faculty sanction to something which had not

Article 14(b) been accepted by the whole Faculty. He thought this the reason some wanted to leave out a sentence from 14(b) whereby the passage of time in effect constituted Faculty approval. The Faculty would have to consider whether, in connection with 14(c), the Faculty wanted to take its preliminary discussions about innovations immediately to the Board.

The Chairman asked if some member of the Governance Committee would move the adoption of 14(b) of the draft of November 5, with the addition to the second sentence of "...or without Faculty approval, for the calendar year following", and with the understanding that in the final document it would be retitled 14(c).

Professor Adler read the text:

"All proposals for major academic innovations shall be discussed and voted on by the Faculty. Should a majority of the Faculty vote against a proposed innovation, no further action on the proposal shall be taken during that academic year, or without Faculty approval, for a calendar year following. Should the proposal be put forward again in a later academic year, it shall again be presented to the Faculty for discussion and vote before any further steps are taken. The provision for a mandatory, one-year delay may be applied only once to each issue deemed to be a major innovation."

Motion to Adopt 14(b) He then moved the adoption of this; the motion was seconded by Professor Rosenbluth.

Amendment Professor Langlands proposed an amendment to the effect that the last sentence be deleted, and Professor Clagett seconded this amendment.

Vote on Amendment The Chairman called for a vote on the amendment, the vote was:  
14 in favor, 4 against and 4 abstentions.

The Chairman then called for a vote on the amended motion. The vote was:

Vote 19 in favor, none opposed and 2 abstentions

Article 14(c) The Chairman suggested that the Faculty now consider 14(c) which would become 14(b) in the final document.

Professor Borel said that to answer a question raised earlier concerning the origin of proposals for innovations, he would now suggest the text:

"When major innovations are contemplated either by the Board or by the Faculty, they shall be discussed at an early stage through the mechanism of the meetings provided for in Article 13."

Motion to Adopt 14(c)      He then moved the adoption of this text, to be retitled 14(b) in the final document.

Professor Adler seconded this motion.

Professor Weil asked for clarification, did "by the Faculty" mean that there had been a previous Faculty vote?

Professor Borel replied that was not the case, he was thinking of something in the spirit of the Faculty-Trustee report of 1956. When it seemed to part of the Faculty or of the Board that some change might be desirable - creation of a new School or a drastic change in orientation or whatever - it should be discussed first by the Faculty Liaison Committee with the Executive Committee of the Board.

Amendment      Professor White asked if Professor Borel would accept as an amendment the insertion of the words "members of" before "the Board" and "the Faculty". Professor Borel accepted the amendment.

Professor Weil remarked that if things were done in good faith, this article would be unnecessary as it would go without saying, however, if one started saying it, it was very hard to put into precise language what one had in mind.

Professor Borel explained that he envisaged contact between the Board and the Faculty even before there was a formal proposal.

Professor Whitney suggested that after the word "contemplated" the words "either by ... Faculty" be left out. The meaning was clear anyway.

Professor Rosenbluth favored adding a sentence saying that the Faculty should be the final judge of what constituted a major innovation.

Professor Borel now proposed to amend the text as follows:

Amended Motion      "When major innovations are contemplated within the Board or the Faculty, they shall be discussed at an early stage through the mechanism of the meetings provided for in Article 13."

Professor Weil inquired how this would work in practice, whether a proposal would first be submitted to the Liaison Committee, which would then decide what, if anything, should be done?

Professors Adler and Borel confirmed this.



Vote

The Chairman then called for a vote on Professor Borel's motion as last amended. The vote was unanimous in favor.

There was at this stage (12:30 p.m.) some discussion as to whether one should decide on another time for a meeting and adjourn now or continue the meeting. It was agreed to continue. Professor Clagett had to leave but left his proxy vote to Professor Gilliam.

Motion to  
Adopt Re-  
maining  
Articles

Professor Rosenbluth moved that the Articles 15, 16 and 1 through 5 be adopted. The motion was seconded.

Professor Milnor suggested that the articles be considered one at a time, and the Chairman called for discussion of Article 15.

Article 15

Professor Borel said there was one correction, in (b.2), the second line, the "l" should be replaced by "a". The only question that had been raised concerned (b.4). The intent of this part was to assure tenure in some way for a Director when he left office; it also seemed best that the Faculty should not have to decide whether he met the academic criteria for a Professorship in the Institute. Some objection had been raised to the title "permanent professorial member"; it was an ill-defined term and one would prefer something with a clear meaning.

There followed a prolonged discussion concerning the title, in which Professors Bahcall, Borel, Gilliam, Adler, Selberg, Milnor, Whitney, Geertz, Weil, Lavin and White took part. In the end it was agreed to replace "permanent professorial member" in 15(b.4) with "member with the title of Professor".

During the discussion some questions were raised in order to clarify the nature of this appointment.

Professor Milnor pointed out that while it was stated that the former Director would not vote in School or Faculty meetings, nothing was said about whether he would attend School or Faculty meetings.

Professor Adler replied that this was a deliberate ambiguity by the Committee. This was at the discretion of the Schools. If a School wanted to invite a former Director to become associated with the School, it was its prerogative to do so. The former Director would not count as an official member of a School for the purpose of determining the School's quota of faculty appointments.

There were further questions concerning what was meant by "obligations" in 15(b.4). After some discussion it was agreed that the obligations were those normally attached to a Professorship in the Institute, with the exception that a former Director did not have to take part in School or Faculty meetings.

Vote                    The Chairman called for a vote on the acceptance of Article 15 with the amended (b.4). The vote was:

20 in favor, none opposed, 1 abstention.

Article 16            Professor Habicht proposed that in Article 16 the words "as described in the Introduction to this document" be added at the end, since it might not otherwise be clear who the parties were. They were not described in any of the 16 articles, but were described at the bottom of page 2 of the Introduction as "individual Faculty members, School, the whole Faculty of the Institute, Director and Trustees".

Professor Borel opposed this addition because it was agreed by the Governance Committee that the Introduction was not to be a part of the legislation, but purely descriptive of the general background of the new document.

Professor Geertz thought Professor Habicht's object could be attained by simply repeating the sentence from the Introduction as a part of Article 16.

Professor Borel found this misleading, as "the parties concerned" were not the same for all articles. For Articles 1 through 12, Article 16 would call for consultation between the Director and the Faculty; and for Articles 13 through 16, Article 16 would call for consultation between the Board, the Director and the Faculty.

Professor Adler agreed and added that it had been discussed at the meetings of the Governance Committee whether this should be made more explicit in the articles themselves, but they had decided it would be simpler to leave it with the understanding Professor Borel had expressed.

Professor Habicht said he would be happy, in the light of what had been explained, if Professor Borel's statement was included in the minutes, and that perhaps a footnote - which as a footnote would not be a part of the legislative document - could refer to the explanation in the minutes of who the parties concerned were in the various articles.

The Director thought Professor Borel's statement quite fair. He did not wish further to complicate the subject, but he did wish to point out an inappropriateness in making a distinction between articles that concerned the Board and such that did not. Some articles had procedural implications for the Board, others not. But, for the sake of the argument, if the Faculty should conduct its business - as described in Articles 1 through 12 - in a totally absurd way, it would be the Board's duty to intervene.

Since this was a legislative document and not, as the original articles started out, simply a description of current practices, it seemed to him that the Board should take note of the whole document as

Article 16      well as of the articles procedurally involving the Board. It was appropriate for the Faculty to change the regulations for long-term members or visitors, but when it had done so, presumably the Board would be notified of it. He wanted to underline the inappropriateness of making an elaborate formal distinction, and he thought the Board would and should take note of the whole document.

Professor Borel agreed that the Board would certainly take note of the whole document and they would take note of any modification.

Vote              The Chairman asked that these observations be recorded in the minutes, and called for a vote on Article 16. The vote was unanimous in favor of adoption.

Articles              The Chairman asked if anyone had questions concerning Articles 1  
1-5,8-12              through 5 and 8 through 12 or about the Introduction.  
Introduc.

Professor White inquired whether the designation "permanent member" currently used for some that were not faculty members, would be dropped and the term "long-term member" or "member with long-term appointment" used; he assumed their status would be covered by Article 4.

Professor Adler said the "long-term members" currently in his School were 5-year members and so clearly in a different category from those currently listed as "permanent member". He suggested that the way someone was listed, could be left up to the School of which he was a member.

The Director explained that there were two non-professorial permanent members of the Institute - Bernard Lewis and Julian Bigelow. Article 4, when it was drafted, was meant to refer to certain controls on appointment procedures, and the question of titles was not given any attention.

Professor Borel wondered whether it was not somewhat unfortunate that one person could be listed under two headings, ought there not to be some uniformity in this?

Professor Geertz thought the School of Historical Studies and the School of Social Science could get together on this.

There was at this point some discussion of whether one should postpone the consideration of the remaining Articles to a later meeting. It was finally agreed that in view of the difficulty of arranging another meeting, and in order to complete this before December 7, the Faculty would try to complete this now.

Professor Borel said his School had raised the question whether there ought not to be a stipulation that when visitor status is granted beyond a duration of 2 or 3 years, the Faculty be notified to permit questions or discussion if desired.

Articles 1-5,  
8-12, Introduc.

Professor Adler suggested adding to Article 5 the sentence:

"If a visitor is invited for a period of more than two academic years or three separated terms, the Faculty shall be notified to permit questions and discussion if desired."

There was a brief interchange about what the term "visitor" implied.

The Chairman asked if the members of the Governance Committee agreed to the addition in Article 5. This being the case, he asked for comments on the remaining articles; as there were none, he asked for comments on the Introduction.

Professor Whitney proposed that where the terms "scientists and scholars" and "science and learning" were used, they be replaced by "scholars" and "learning" respectively.

Professor Milnor commented that, whereas the Introduction said that "none of the visiting members are degree candidates", the School of Mathematics had on some few occasions had members who were degree candidates elsewhere. He asked if the passage in the Introduction was meant to include this.

It was agreed that this was not the intention.

Professor Gilbert thought it better on page 1, line 4 from the bottom to say "apprentices" instead of "apprentice scientists and scholars".

Professor Lavin suggested that one put a period after "apprentice", leaving out the rest of the sentence.

This was agreed to.

Professor Langlands inquired about Professor Borel's earlier remark that the Introduction was only descriptive.

Professor Adler agreed that it was the opinion of the whole Committee that the introduction was descriptive, and was not meant as a part of the legislation.

Professor Borel thought the minutes should record this.

Professor Whitney returned to Article 2 and said he believed that Professor Morse once had an assistant for more than two years. He suggested that on page 3 line 3 from the bottom one should insert the word "normally" in front of "exceeded".



This was agreed to.

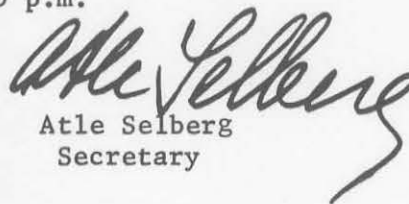
Vote

The Chairman now proposed that the Faculty approve the Introduction, the Articles 1 through 5 and 8 through 12 with the corrections and changes recorded (this had been moved and seconded earlier), and called for a vote. There was 1 abstention, the rest of those present voted in favor of adoption (as some Faculty members at this stage had left, and as no count was taken, the number of votes in favor remains subject to some uncertainty).

Motion

Professor Langlands moved that the Faculty praise the members of the Governance Committee for their work on this matter. This was seconded and adopted unanimously.

The meeting adjourned at 1:05 p.m.

  
Atle Selberg  
Secretary