

University Senate

Proposed: September 22, 1995

Adopted: _____

MEETING OF APRIL 28, 1995

The meeting was called to order by the chairman, George Rupp, at 1:15 p.m. in the auditorium of the Schapiro Engineering Building. There were 43 of 79 voting members present, and no observers from affiliated institutions.

1. Adoption of the Agenda (Exb. 1) - The agenda was adopted as proposed.
2. Adoption of the Minutes (Exb. 2) - The minutes of the March meeting were adopted as proposed.
3. Report of the President - President Rupp responded to a complaint from the Student Affairs Committee about the spouse of an employee in University housing who is known to be distributing anti-Semitic literature on campus. He affirmed that the University takes the matter seriously and has pursued several legal and other avenues over the past 20 years trying to find a remedy, ultimately without success. He said in his judgment such cases are often best handled without resorting to a frontal attack since such a tactic may only lend fuel and aggressiveness to someone's mental illness.

SIPA will shortly be holding its first dean's day, with panels drawn from United Nations officials.

Modest signs for optimism were being seen on the state and federal fronts in regard to threatened funding cuts, including severe cuts to the indirect cost recovery rate and student aid. The President gave credit to students for their efforts through a telephone lobbying consortium.

Major steps towards improving student services are expected next year, including enlargement of faculty advising in the College, wiring for computer terminals in dorm rooms, improvements to Butler Library and the gym, and eventually the rebuilding of Ferris Booth Hall. The Teaching Resource Center will be established as soon as funding can be found.

Senator Jonathan Cole (Admin.) reported on the administration's response to date to the Senate Resolution on Columbia's Non-Discrimination Policy and Recruiting, passed at the February meeting, in which the Senate urged the administration "to redouble its efforts to oppose federal legislation that allows the armed forces to discriminate on the basis of sexual orientation." Those efforts are ongoing, but in the meantime a committee of four faculty, two students, and four administrators chaired by Vice Provost Stephen Rittenberg has made recommendations to address the problem. It was

determined from examining policies at other schools that the policy here could be modified to deny extra services like publicity, free space, and help in arranging interviews to any recruiter with discriminatory practices without technically "barring access" and risking retaliation like the federal withholding of funds. Students would have information available to them about the policies of companies recruiting on campus. The Senate will be asked to make a full review of the recommendations in the fall.

4. Report of the Executive Committee Chairman - Senator Paul Duby (Ten., SEAS) reported that most of the Committee's time had been spent going over each resolution being offered by the Sexual Assault Task Force. He explained that the rules require the Executive Committee, as the parent standing committee, to sponsor these resolutions, which it agreed to do but without implying substantive approval or prejudicing Senate discussion of the amendments offered by Task Force members and Senators Frank David (Stu., HS) and Eben Moglen (Ten., Law), which were received too late for a thorough Committee review. The Committee also concluded that rather than treating the resolutions separately, it would be more sensible to move them as a whole, subject to amendment, since they are closely interrelated. Several suggestions for minor wording changes had been accepted by Senator Martha Dore (NT, SW) on behalf of the Task Force and were incorporated in the resolution before the Senate.

Committees wishing to have summer powers may simply notify the Executive Committee, now or in the next few weeks.

The organizational meeting, at which next year's Executive Committee will be elected, is scheduled for September 8.

The Committee also decided to offer a resolution (Exb. 3) honoring Senator Frank Grad (Ten., Law) for his many years of service to the Senate on the occasion of his retirement. Senator Duby read the resolution, which was adopted with a round of applause. Senator Grad, one of the original architects of the Senate in 1969, said he still believed in the importance of the Senate and hoped it would continue.

Committee chairs were thanked for submitting their annual reports promptly.

5. Nominations to Committees - Bryan Friedman (Nonsenator, CC) was nominated and elected to serve on the Elections Commission, from which the name of David Linton was deleted.

6. Old Business

A. Series of Resolutions Establishing New Sexual Assault Policy (Exb. 4) - Sexual Assault Task Force Co-chair Senator Michael Cohen (Stu., GSAS) moved the resolutions and made preliminary comments. The

recommendations, he said, though not all unanimously adopted, were the result of over one year of interviews, study, and give-and-take.

The task force called most prominently for a new disciplinary procedure that anyone -- usually a student -- alleging to have been sexually assaulted by a Columbia student could invoke. At present the only route within the University for such complaints is traditional dean's discipline within one's own school, which some students view as inadequate in cases of sexual misconduct, owing either to embarrassment or fear of favoritism. The new procedure would allow a student to ask one of a group of neutral "gatekeeper" deans with special training to authorize a special University-wide panel consisting of (also specially trained) faculty, students and administrators to hear the case. The panel, working independently, would then make its findings and recommendations known to the dean of the accused's school, who would be obliged to justify in writing any decision to reject those results.

In addition to the new hearing procedure, a definition of sexual misconduct was proposed, in part, as follows: "Sexual misconduct is non-consensual, intentional physical contact of a sexual nature which includes, but is not limited to, unwelcome physical contact with a person's genitals, buttocks, or breasts."

The following recommendations were also included: volunteers on call 24 hours a day to assist assault victims, appropriate training for deans who handle such cases along with standardized disciplinary procedures among all schools, an accessible contact person (the "gatekeeper") to process initial complaints, and wide publication of the number and outcome of these cases each year.

The task force was split on defining two things -- the role of the gatekeeper at the front end of the procedure, and the role of counsel during the hearing itself.

A third area of dispute, the role of the Trustees in the approval of a new disciplinary procedure, had also emerged. The task force had been assured by General Counsel that as long as the procedure were a species of dean's discipline, there was no need for the Trustees to approve an exception to their formal disciplinary power. In addition, there was no reason to believe that the new procedure fell under any of the four categories explicitly mentioned as reserved to the Trustees in the description of Senate powers (Section 25, University Statutes).

Senator Emily Juda (Stu., CC), on behalf of the Rape Crisis Center and Take Back the Night, moved several amendments. The first would change resolution 4 as follows: "...the accused will receive...a directive not to communicate with the complainant..violation of which [may] shall result in immediate disciplinary action..." There was no second for this amendment.

The second would change resolution 5 as follows under the criteria according to which the "gatekeeper" decides whether a charge is valid: delete (2), which narrows the scope of the procedure basically to campus, unless it is changed to include off-campus. There was no second for this amendment.

The third would amend (4) to delete the 90-day limit as the time permitted from the alleged incident to the filing of the charge, and instead permit the filing of a charge until "the day after the accused's graduation." This amendment was defeated by voice vote. It was then moved by Senator Steve Ross (NT, Journ.) and seconded to set the limit at 180 instead of 90 days. This compromise amendment passed by voice vote.

Senator Moglen then moved his amendments (Exb. 5).

The first set an expiration date for the resolutions unless approved by the trustees by January 1, 1996. The trustees should be asked to give their formal approval because of potential legal liabilities the University might face if it makes "arbitrary" changes to its disciplinary system.

The second amended the "gatekeeper's" criteria to help insure that a true prima facie case exists before a hearing is convened.

The third replaced sections in Resolution IV that prohibit cross-examination and independent investigation to insure that the due process rights of the accused are respected.

After discussion, each resolution was defeated by voice vote.

Senator David then presented his amendments (Exb. 6).

The first would call on the Trustees to approve a new procedure detached entirely from dean's discipline. Without this provision, he argued that students' original and basic demand that there be a University-wide venue for adjudicating sexual assault complaints would be subverted. This amendment was defeated after discussion by a vote of 19-22.

The second, like Senate Moglen's, sought to strengthen the criteria used by the "gatekeeper," but was defeated by voice vote.

The third, which sought to remove deans' discretion in accepting the panel's judgment or hearing an appeal, also failed by voice vote.

Senators David and Camilla Taylor (Stu., Law) then offered an amendment (Exb. 7) that would grant active participation of counsel with certain safeguards to prevent the system from becoming too formal, legalistic and thus unappealing to accusers seeking some action short of criminal prosecution. This amendment failed by a vote of 20-21.

The proposed resolutions were then passed by voice vote with some nays and two abstentions. The new procedure would therefore go into effect on July 1 substantially as proposed for a three-year trial period.

B. Resolution on Consolidation of the Student Affairs Committee and the Student Caucus (Exb. 8) - An insufficient number of senators (fewer than three-fifths of all incumbents) was present to enact this proposed By-Laws change. No action was taken.

C. Resolution on Term Limits for Committee Chairs in the University Senate (Exb. 9) - An insufficient number of senators (fewer than three-fifths of all incumbents) was present to enact this proposed By-Laws change. No action was taken.

D. Resolution on Term Limits in the University Senate (Exb. 10) - An insufficient number of senators (fewer than three-fifths of all incumbents) was present to enact this proposed By-Laws change. No action was taken.

E. Resolution in Support of the Speech Program (Exb. 11) - Also passed, with a few nays, was a resolution, endorsed by both the Student Affairs and Faculty Affairs Committees, calling for a reversal of the recent decision by the University to eliminate the speech program.

7. New Business

A. Resolution Concerning Summer Powers (Exb. 12) - This routine resolution, allowing the Executive Committee to act, if necessary, on behalf of the Senate until September, was moved by Senator DUBY, seconded, and passed unanimously by voice vote.

B. Resolution to Convert a Certificate Program in Prosthodontics to an M.S. Degree Program (Exb. 13) - A resolution to convert a certificate program in prosthodontics to an M.S. degree program was approved, subject to review (if found to be necessary) by the Executive Committee of the Graduate School of Arts and Sciences. Senator Eduardo Macagno (Admin.), GSAS dean, said he thought all M.S. degrees required his school's approval, but others expressed doubt on this point.

8. Annual Committee Reports - Due to the lateness of the hour, the annual reports listed below were received without discussion.

A. Budget Review (Exb. 14)

B. Education (Exb. 15)

C. Physical Development (Exb. 16)

D. Libraries and Academic Computing Facilities (submitted in March)

E. Faculty Affairs (Exb. 17)

F. Alumni Relations (Exb. 18)

G. External Relations (Exb. 19)

H. Community Relations (Exb. 20)

I. Student Affairs (Exb. 21)

J. Rules of University Conduct (Exb. 22)

K. Status of Women (Exb. 23)

L. Structure and Operations (Exb. 24)

M. Housing Policy (Exb. 25)

There being no further business, the meeting was adjourned at 4:05 p.m.

Respectfully submitted,

William Phipps

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