

MEETING OF APRIL 2, 2015

In the absence of President Bollinger, Executive Committee chair Sharyn O'Halloran called the Senate to order shortly after 1:15 pm in 104 Jerome Greene Hall. Fifty-one of 96 senators were present during the meeting.

Agenda and minutes. The agenda and the minutes of February 27 were adopted as proposed.

Executive Committee chair's remarks.

Annual report of the Presidential Advisory Committee on Sexual Assault. Sen. O'Halloran said the report would be presented at the next and last plenary of the year. She said that would be the occasion to offer suggestions and guidance on the agenda and jurisdiction of PACSA.

Campus Climate Survey. The survey, which will gauge mores and attitudes on sexual issues, including sexual violence, will go out April 6. She invited Provost Coatsworth to comment.

The provost said the purpose of this survey is to make sure that the University has the kind of detailed information it needs, in anonymous form, to help it shape policy on sexual violence and make Columbia an extraordinarily safe place. All 29,000-plus Columbia students will receive an email with a 20-minute survey. The University is hoping for a high participation rate. A nearly identical survey is being distributed to 800,000 students at 26 other universities across the country. By the end of the summer, Columbia will have detailed data on its own campus, and summaries of the experience of all the others. He appealed to Columbia students to fill out the survey.

Sen. O'Halloran noted the presence of spectators from the student group Columbia Prison Divest. Many of them raised small placards in response. She encouraged them to fill out their climate surveys.

Student quality-of-life survey. Sen. O'Halloran said this survey, which is run every two years, provides ideas to the Senate Affairs Committee about issues for the Senate to address. She invited SAC co-chair Will Zvara (Stu., Bus.) to comment.

Sen. Zvara said the 2015 quality-of-life survey, successor to the first attempt in 2013, was launched in March. It had had about 8,000 completed responses--a large increase over 2013. Survey organizers will work with the Behavioral Research Lab in the Business School and with some Ph.D. students in Statistics to analyze this wealth of data. One approach will be to compare the results with those of the first survey, and to look for longitudinal trends. The hope is that the second survey was more streamlined than the first, and that the third will be better still. Next year SAC will report on this year's results.

Diversity Commission. Sen. O'Halloran said the Executive Committee created a new commission on diversity, which will function like a permanent Executive Committee subcommittee, rather like the Commission on the Status of Women, which the Executive Committee established in the early 1970s.

Sen. Jillian Ross (Stu., SEAS undergrad) said the new diversity commission will continuously affirm that diversity is a priority for the university, and will evaluate policies on race, religion, class, gender, and sexual orientation.

Sen. O'Halloran added that, like the Commission on the Status of Women, the new group will report to the Senate annually.

Speaking privileges. Sen. O'Halloran asked for speaking privileges for three nonsenators: Asha Ransby-Sporn and Gabriela Pelsinger (both students) and Prof. Todd Gitlin from Journalism. The Senate granted permission for all three by unanimous consent.

New business.

Education Committee resolutions.

Master of Science in Population and Family Health (School of Public Health). Without discussion or dissent, the Senate approved the new program.

Advanced Certificate in Population Mental Health (School of Public Health). Approved without discussion or dissent.

Advanced Certificate in Health Communication (School of Public Health). Approved without discussion or dissent.

Reports.

Advisory Committee on Socially Responsible Investing (Prof. Jeffrey Gordon, chair). Prof. Gordon said that in December he had reported to the Senate on two divestment petitions that the ACSRI was considering: one on fossil fuels and one on private prisons. The committee had since then worked on both proposals, and had reached agreement on the private prisons proposal. It put forward a resolution to divest the University's holdings in private prisons. The resolution has been reported in *Spectator*, and it was in senators' packets for the present meeting.

Prof. Gordon said the private prisons proposal was presented to ACSRI in the spring of 2014. At the time the committee was focused on a fossil fuels petition, and on its regular spring work on proxy resolutions. So consideration of private prisons began in mid-fall. The student group Columbia Prison Divest made a presentation to the ACSRI in November. The committee and CPD held a joint community forum in January, with a turnout that filled the room next door. CPD made a final, written proposal after the forum, which the committee extensively studied. A subcommittee devoted substantial time to this issue, discussing it with students; with some of the firms involved; and with other experts. The result was the resolution that the ACSRI sent to the Trustees on March 31.

Prof. Gordon said the ACSRI's adoption of the resolution required the consideration of three criteria: the sentiments of the community, the merits of the case, and the alternative of engagement. The committee used several measures to assess community sentiment, including a vote of the Senate Student Affairs Committee, which reflects student views across Columbia's 20 schools and affiliates. The ACSRI knew Columbia College students supported divestment, but the Senate SAC resolution mattered as a measure of broader-gauge student support. As for the merits of the case, the ACSRI was most influenced by the business model of private prison firms. Profits of private prison firms are positively related to incarceration levels, so the University would find itself benefiting from an increase in what the committee regarded as an already-too-high level of incarceration. This linkage was, in the committee's view, inconsistent with the university's mission and values. In the appended statement of alternative views, there was a wide-ranging discussion of alternative approaches to this issue. But there was a clear consensus on the business model of private prisons.

Prof. Gordon noted that the university's position in CCA—one of the private prison firms—was, in the course of the committee's deliberations, sold by an investment manager, for reasons unrelated to the matter under consideration. But the committee's action was not moot, partly because Columbia still owns shares in another private prison firm, but also because the committee's resolution, if adopted by the Trustees, will have a prospective effect: stock in private prison firms will not be added to the University portfolio in the future.

Prof. Gordon said the ACSRI worked hard and thoughtfully on this issue, and was proud to be presenting its advisory resolution to the Trustees.

Statement from the Senate Student Affairs Committee. Student senators Marc Heinrich (CC) and Gairy Hall (Bus.) read the SAC [statement](#). Sen. Heinrich added that SAC supported the statement by a vote of 23-0, with one abstention. He also said that Columbia sometimes moves slowly, but deserves credit for pushing this issue to its present position.

He invited Gabriela Pelsinger and Asha Ransby-Sporn, the two students from Columbia Prison Divest who had previously received unanimous consent, to speak.

Statement from Columbia Prison Divest. Ms. Pelsinger appreciated the action of the ACSRI, and urged the Trustees to act on these recommendations as soon as possible. She said that private prison divestment is just one part of a much larger, much older movement against prisons, and against the criminalization and policing of poor people, people of color, queer and transgender people, and immigrants. Her group would continue to organize against Columbia's complicity in what she called the prison-industrial complex and the violence that she said it enacts against many communities represented in the student body, and to press the institution to engage in anti-racist and anti-colonial practices.

Ms. Ransby-Sporn said that divestment from private prisons is just part of a broader movement to end all forms of incarceration and policing. She hoped that the Columbia community would treat any form of investment in systems of incarceration and policing as a socially toxic thing, whether it be racial profiling by Columbia Public Safety or Columbia's displacement of Harlem

residents in Manhattanville. She thanked all supporters of prison divestment and the movement to end racist and classist systems of incarceration and policing. She said the struggle continues.

Sen. O'Halloran thanked all the speakers so far, and invited questions on private prison divestment.

Sen. Paco Kang (Stu., P&S) noted that the divestment resolution refers specifically to shares directly held by Columbia. Would it be extended to cover third-party funds as well?

Prof. Gordon said he was not highly familiar with indirect holdings of shares, as in an index fund, which may hold every stock in the marketplace. He said that ACSRI felt that direct investment is different, because in that case the University has discretion over what is in the investment product. It is in these cases that the tension between the business model and the University's mission becomes troubling.

Sen. Kang said the University also has discretion over the kinds of funds it invests in. Index funds aren't the only ones that include private prisons in their portfolio.

Prof. Gordon said that investment managers have portfolios sometimes covering a broad range of shares, and invite investors to buy in, and the shares are being continually bought and sold. The committee thought direct holdings were the most meaningful on the relevant dimensions.

Sen. Eli Noam (Ten., Bus.) greeted Prof. Gordon as an old associate, going back to college and beyond, and added that opposition to prisons--public and private--was an abiding issue for him. He said he had no reservation about the (largely symbolic) step of divesting from private prisons. But he was troubled by the process by which the decision was reached. He said there are many grievances in the world, and if the Senate were to take them up, the results would be highly divisive for Columbia, as well as the Senate. So there has to be a way to structure issues of this kind. There should be some clear principles, so that if a particular issue arises with Iran, or Iraq, or North Korea, or Cuba, or some other country, there is a sense of how to proceed, other than by personal political preferences, or the noise level of the positions.

Sen. Noam thought issues of this kind should be taken out of the Senate as much as possible. He was content for the ACSRI to make its decisions because of his confidence in the membership of that committee. But he opposed having every issue in the world eventually come to the Senate for resolution on its moral, economic, and political implications.

Prof. Gordon said these were fair concerns. But he said the committee's work of assessing community sentiment was an attempt to understand which issues are divisive. If there were significant disagreement about the private prison divestment proposal, then the criterion of consensus in the community would not be satisfied, and that would be an important consideration for the ACSRI against recommending divestment to the Trustees. Secondly, he said, the committee is a representative one, reflecting broad community sentiment, and outlier views are probably screened out. But he said any government's process includes making judgments that are based on hard thought and good faith.

Prof. Gordon said the divestment tool has been rarely used--a point noted in the Student Affairs resolution. He suspected that this divestment decision may be the baseline against which future proposals will be evaluated.

Sen. Heinrich, the incoming chair of Student Affairs, said SAC was aware of the issue of distinguishing the present case from many other issues that might arise. He stressed that SAC is the only body that represents all students across the university, and it has a responsibility to take up issues that matter to a broad segment of the student body. He appreciated Sen. Noam's concerns, but expressed confidence in SAC's judgment. He said this isn't just undergraduate student sentiment--SAC consists overwhelmingly of graduate students of one kind or another. Twenty-three of 24 members of *this* group felt strongly enough to vote for this resolution.

Sen. James Applegate (Ten., A&S/Natural Sciences) said he had been in the Senate for a number of years now, and issues like this come up fairly regularly. He believed that taking the name of the University as endorsing one's own view is a self-interested act--something to avoid at all costs. He said he would expect everyone to agree with him if the self-interested act were a profit-making business venture--a pharmaceutical drug, for example. But he thought the situation of political causes was fundamentally similar. He said he was not endorsing or opposing any political cause. He said the University should be a place where such issues are debated, but the University's name should be off limits for the endorsement of political causes.

He recognized that Columbia does not exist in isolation, and must take a position on many issues--for example, affirmative action in college admissions. He said there is now a committee doing an extremely good job at a task Sen. Applegate believed the University should not be doing. If there were a better compromise, he would be advocating for it.

Sen. Kurt Roeloffs (Alumni) made a point that was inaudible. His second point was that the present divestment resolution did not go far enough. He said many investment managers run socially responsible portfolios that make it possible to screen out certain classes of investments. He said that if the University reaches the point where it's willing to make this rare resolution of divestment, it should make use of all the different investment managers that are available to a very sophisticated large endowment like Columbia's.

Sen Zvara (Stu., Bus.) noted interesting messages on placards across the room, including "Crime Is Invented," and "Occupied Palestine is an open-air prison." He said private prison divestment could open the floodgates for other issues. He wondered whether divestment from the state of Israel was next on someone's agenda.

Prof. Gordon said that issue did not figure in the committee's deliberations. The committee was focused instead on incarceration levels in the United States, which are historically high, and high by cross-national standards.

Statement on fossil fuels from Sen. Paige West (Fac., Barnard), and Prof. Todd Gitlin of Journalism. Prof. Gitlin began by reading the following statement:

What is an investment? An investment is a vote of confidence. It's an act. And in particular, the confidence that a company has a good and plausible plan for many happy returns. So what is the business plan for fossil-fuel corporations? It is to explore for and acquire reserves, and to extract and to "pump" carbon dioxide and other chemicals--greenhouse gases--into the atmosphere, at no cost, or little cost, to the company itself (minimal cost, I should say), all the while relying on and lobbying for government subsidies that enlarge its profit prospects. More than \$1.2 trillion is spent worldwide, according to a UN agency report, in aggregate, for this purpose--government subsidies, to lower the costs of carbon fuel pumping. All this to buoy a catastrophic "project." Understandably, the companies wish to continue business as usual, and to resist efforts by the world's governments to rein in our runaway addiction to fossil fuels. Because if governments come to their senses, the businesses, as matters stand, will suffer.

So an investment in these companies is a bet that the governments will not come to their senses, at a time when our most powerful institutions are in default. Is that the bet that the university wishes to make? I will not try to review here the powerful arguments against the view that divesting from fossil-fuel companies is likely to endanger the endowment's return. As all the stock prospectuses say, past results are no guarantee of future results. Is there any evidence that engagement with fossil-fuel corporations has any leverage on their business plans? None whatever, while there is ample evidence to the contrary. The destructive practices of the carbon corporations are not incidental to their business model; they *are* their business model.

There is another imperative in play here, and that is for the university to stand up to defend reason. If there is to be a chance of limiting global temperature increases, to the two-degree Centigrade increment, beyond which catastrophe looms, by general scientific consensus, then roughly two-thirds to 80% of existing fossil-fuel reserves have to be left in the ground--have to be left in the ground. The science is clear. In its main outlines, it is settled. And yet the carbon combustion complex, which, at present, the university invests in, proposes to order more reserves, drill more, pump more, and endanger more. This project flies in the face of all we have learned from our research, and what we teach, and our commitment to service. All of it.

I don't have to tell this body, I'm sure, about the ice cap melts, the droughts, the ocean acidification, the extreme weather, the sea-level rises. All of that is the fruit of business as usual. Only in certain precincts of the U.S. Senate and the *Wall Street Journal* is there any doubt of what two and a half centuries of fossil-fuel bounty have done and are doing and will do to the planet.

So the question is, what Columbia says to the larger world through its investment policy. We work on an island, but no university like Columbia is an island. Columbia's motto is not, "We help melt the ice caps." It is "In thy light shall we see light."

Sen. West said senators had seen the faculty letter in their packets calling for divestment from fossil fuels. She and Prof. Gitlin wrote the letter, along with some colleagues, and circulated it.

Some 200 faculty have signed it. The group was now proposing that the ACSRI take up this proposal in a serious way in the next couple of months.

Speaking personally, Sen. West said she had been in the Senate for almost a decade, and she would now be stepping down. One feature of this body that she appreciates is its unique role in providing a forum where all constituencies come together and take part in the governance of the institution. She continued to believe in the importance of faculty and student governance, and discussions of divestment--no matter how they turn out--are a vital part of the process.

On another personal note, she said she has worked for 20 years on the island of New Guinea in the tropical Pacific, and the people she has worked with are dying because of climate change. That was a key reason why she sought divestment from fossil fuels.

Prof. Gordon thanked his colleagues for their statements. He said the ACSRI is, of course, aware of the faculty letter. A subcommittee on fossil-fuel divestment is hard at work on this challenging issue. There are different positions in the community as to whether divestment is a good idea, as well as on the scope of the divestment proposal, and on the questions of alternative approaches, including various forms of engagement. A final question is whether the University should be focusing on fossil-fuel firms or on governments as the most effective forum for taking action.

Prof. Gordon said the ACSRI is deliberating on this complex series of considerations. None of this is to deny the gravity of climate change and the potential harm, which was likened in one meeting to an oncoming train. So offering advice as to what to do in this complex situation is a challenging assignment. He added that the capacity of the ACSRI is finite, and the group had focused so far this year on private prisons. It would now move on to fossil fuels. He stressed the point this is not just a decision taken once. The creation of a fossil-fuel subcommittee reflects a continuing commitment to think about how Columbia should address this issue through its investment policy.

Prof. Gordon said the ACSRI will be working on this issue for a while. He could not commit to producing a report this semester, but the committee may have some advice for the Trustees, on procedural as well as substantive issues.

Sen. O'Halloran thanked Sen. West and Prof. Gitlin for their presentations, and thanked Sen. West for her decade of service to the Senate.

Sen. West thanked Sen. O'Halloran, and thanked the committee for its work on fossil fuels. She added that the oncoming train of climate change is already here.

Sen. Applegate said it is one thing to say, Leave the fossil fuels in the ground; the train is here. But the world is addicted to fossil fuels for a reason. It's not possible to walk away from this problem. Of the seven billion people now on the planet, roughly one-fifth live at a level of Western affluence that the other four-fifths very much aspire to, and there's a rough proportionality between a year spent at a level of Western affluence and a certain amount of carbon dioxide emission, because we burn fossil fuels to generate the energy that powers our

lifestyle. Talking about divesting from fossil fuels without talking about how to reduce carbon dioxide emissions, while simultaneously expanding the number of people to be supported in a Western lifestyle by a factor of four or five, is, in many ways, a hollow exercise. The real task at hand is to figure out how to support people at the highest level of affluence, while reducing the amount of fossil fuels needed by a factor of ten or twenty. This is an engineering problem, not a political problem. To get something done, he said, forget the petitions; change majors to engineering.

Sen. West said she and her colleague should have a beer and pursue this argument. She believed that the question of divestment is a political issue. She said many people are addressing the issue in the way Sen. Applegate had described, and many are thinking about how to reduce the ideology of affluence--a goal many on campus are pursuing. She said one goal of the campaign to divest from fossil fuels--which Sen. Applegate seemed deeply opposed to--is to announce that Columbia University, the most important research institution in the United States, is saying it doesn't want to profit from an enterprise that is killing the planet. That is indeed a political statement, she said, but continuing at current consumption levels is also a deeply political action.

Prof. Gitlin said addictions work because they feel good. They're convenient. People who are addicted benefit. He said an important reason why the fossil-fuel industry is so powerful is that it has seen to the creation of laws to protect it. An oil-depletion allowance and other laws make it cheap to pump oil, and the companies are incessantly lobbying to increase the profitability of their operations, and of their acquisition of future reserves. It didn't just happen that the world became accessible via fossil fuels. This civilization has been developed, in no insignificant part, by political projects, by lobbies, by enormous aggregations of wealth. The heroin wasn't just lying around, Prof. Gitlin said. Somebody picked up the needle and started selling it.

Sen. Robert Pollack (Ten., A&S/Natural Sciences) recalled that he was charged in 1983, as Dean of Columbia College, to chair a committee on the policy that the University should have on divestment from South Africa. He asked the Senate office to make this report available. That committee, co-chaired by himself and law professor Louis Henkin, concluded that the University teaches by its actions as well as by its classes, and recommended that the University teach the abhorrence of apartheid by divesting. The Trustees' nuanced and unexpected response was to say, We cannot afford to do that unless and until we see a political reason in which South Africa behaves so badly *after* this discussion, that we must. In the summer of 1985 there were further crackdowns by the South African government, and Columbia divested.

Sen. Pollack did not recommend following a similar path here. He thought it was a false dichotomy to choose between divesting from fossil-fuels corporations, on the one hand, and reconsidering our uses for carbon-based fuel. He said both approaches are worth pursuing. He asked Prof. Gordon to assess the idea that, given the politics of the situation, the University might actually make money by moving its investments out of carbon fuel, and dedicate that money to making itself less carbon-dependent.

Prof. Gordon said he thought the ACSRI was deciding *not* to make a recommendation on economic grounds. He noted that some, taking a position like Sen. Pollack's, had made the

“stranded assets” case--that eventually the resources in the ground will be unusable, and companies will suffer serious losses. He noted that he was chairing a committee on socially responsible investing, and this was its agenda. He said it may well be that a financial fiduciary could divest from fossil fuels for economic reasons, and one colleague, Patrick Bolton, has developed an index model that would replace high-carbon-footprint firms with low-carbon-footprint firms, with the same economic results, plus an option, when the world decides that carbon is expensive.

But Prof. Gordon said it is not within the mandate of his committee to offer that kind of advice to the Trustees. That doesn't preclude action that might be taken with the guidance of investment advisors for other such action.

Sen. Kang said that many criticisms of the fossil-fuel industry--their lobbying for maximum profits, tax breaks, and their bad impact on the environment--are no less true of, say, the agricultural industry, which is also responsible for carbon and other kinds of pollution. His concern was where to stop after fossil fuels. Should Columbia go after agricultural corporations like ConAgra and Monsanto? This could be the start of a slippery slope, Sen. Kang said.

On the question of private prisons, Sen. Kang said, he voted for divestment because he saw it as a strong moral issue that affected a disproportionate number of disadvantaged people and racial minorities. He was not convinced that fossil-fuels divestment meets the same moral standard.

Sen. West said that in the Pacific alone there will be 500,000 climate migrants in the next 50 years. She said this is basically both a “culture-cide” and a kind of genocide, and it's directly related to fossil-fuel consumption. She recognized the point that Columbia can't divest from everything, but supported what Sen. Pollack had said--that Columbia should teach by example, not just in the classroom. And one way to do this kind of teaching is to offer ways to stop this genocide and this culture-cide. She said there is good data to show that the effects of fossil-fuel consumption present the same clear choices that students addressed in voting on private prisons.

Sen. O'Halloran thanked all participants for their contributions to the discussion.

Rules Committee. Co-chairs Christopher Riano (Nonsen., NT, SCE) and Zila Acosta (Stu., Law) gave a progress report on the committee's current project of revising the Rules of University Conduct. Mr. Riano acknowledged the contributions of Sens. Angela Nelson (Research Officers), Jared Odessky (Stu., CC), who was too busy finishing his senior thesis to join the group at the front of the room.

Referring closely to a [PowerPoint summary of proposed Rules changes](#) that was projected on the screen, Sen. Acosta described the new University-wide, internal disciplinary process that the committee was considering.

Mr. Riano offered a few comments. He said the ability of any member of the University community to file a complaint is an important feature of the Rules. The committee has tried to open that process up somewhat. Another important principle for the committee has been that

because the Rules apply to every member of the university, there should be a single disciplinary procedure for everybody. Another important question was the composition of the University Judicial Board, which is broadly representative of the University community, with at least one faculty member, one student, and one member of the library, research, or administrative staff.

Sen. Acosta resumed her summary of the Rules revisions, using the summary projected on the screen.

Mr. Riano said one problem with the current Rules is the narrow range of sanctions allowed. He said the new disciplinary system for gender-based misconduct offers a model of broader range of sanctions, and the committee adopted this approach, with gradations of sanctions.

Mr. Riano outlined next steps. On April 17 the committee will hold an open forum on the Rules, with a draft of proposed changes that can be circulated to the community.

Sen. Pollack noted that the first page of the summary included the tab "Complaint Filed," in the passive voice. He asked who files the complaint, and whether the complainant can do it anonymously.

Sen. Acosta said that question was still up for debate.

Sen. Pollack said any student can file an anonymous complaint about a professor on Courseworks. Could such a complaint trigger the Rules process?

Sen. Acosta said it could not.

Sen. Heinrich made two points. The first was to urge the Rules Committee to remove any ambiguity about the fourth and fifth seats on the University Judicial Board, and to allot those seats explicitly to students and faculty. He said such an allocation was particularly important, given that the Appeals Board consists entirely of administrators.

His second point concerned warning letters that were sent by deans to campus press who were covering a recent demonstration. He expressed urgent concern about the apparent lack of press protection. He said he was not speaking for all of SAC on this point, but he called for a system by which press could be certified and protected from such warnings. He said this issue gave him pause in voting for revised Rules.

Sen. Noam said it was hard for senators to evaluate the proposed Rules changes without having a document in front of them. He said the changes had zipped by in the present summary, and the devil is in the details. He and some other senators had serious due-process concerns, and he needed to see more specific language.

Sen. Acosta said the committee didn't have a document yet because it has not had a chance to vote on one. But there will be a document before the April 17 town hall, and the committee will also invite concerned people to meet with them to discuss it. He offered to have another Senate

meeting to discuss an actual document. The goal is to present a proposed revision at the May 1 plenary for a vote.

Sen. O'Halloran asked to have a draft to circulate by the following Monday. She said the Student Affairs and Faculty Affairs committees should meet and discuss that document, and offer concrete feedback.

Sen. Samuel Silverstein (Ten., P&S) offered several comments.

1. It should be clear that the Rules cover any Columbia-sanctioned event, on campus or off; athletic events away and field trips are common occasions for bad behavior.
2. There should be a mechanism for dean replacement on the Appeals Board, in case a member turns out not to be a neutral dean in a particular case.
3. There should be some consultation with General Counsel about the question of whether honors or degrees can be revoked.

Sen. Acosta said this possible sanction was still under discussion in the committee.

4. What happens to the respondent's record, if the respondent is found not responsible? Does it go into some file that can ultimately be subpoenaed? What happens to the evidence, the videotapes?

Mr. Riano said that issue was addressed in a draft now circulating within the committee. He said he preferred not to say more until the committee had voted.

Sen. Silverstein said it was not necessary to present his fifth comment now.

Sen. Soulaymane Kachani (NT, SEAS), in response to Sen. Pollack's last question, said the scope of the Rules does not include what professors say in classrooms. He said the Rules apply to disruptions of larger University events.

Sen. Kachani's second question was, What will happen to dean's discipline under the new Rules? Does it no longer figure in the Rules of University Conduct? The committee's summary seemed to suggest that the Rules Administrator will not be able, anymore, to refer specific disruptions to dean's discipline.

Sen. Acosta replied that deans reserve the right to bring any student under dean's discipline. But now the Rules Administrator will no longer refer cases under the Rules of Conduct to dean's discipline. So in theory someone could be brought up on charges through both processes, especially if they're breaking the rules of their own school. If, say, a law student breaks the rules of the Law School, the dean could charge the student under Law School rules, but in addition, the student could be disciplined under the Rules of Conduct. The committee was still seeking feedback from deans about how this might work.

Sen. Acosta said the committee was also getting feedback from deans on the scope of the Rules.

Sen. Kang expressed concern at a situation in which anyone can bring up complaints, and at the same time the standard for a finding of guilt is only a preponderance of the evidence. He said such a situation could be weaponized and used against people in a punitive way.

Sen. Pollack said that if one set of rules requires that complainants be identified, but the new one does not (as dean's discipline does not), why is the committee taking the Rules in this direction?

Sen. O'Halloran thanked all participants for the discussion.

Faculty Affairs Committee. Sen. Letty Moss-Salentijn, the co-chair, said the committee would report on two issues.

[A Proposal to Strengthen the Appointments of Nontenured Faculty with Long Service to the University.](#) Sen. Greg Freyer (NT, Public Health), a member of the Faculty Affairs Committee and co-chair of the Senate Nontenured Caucus, presented the proposal, which he said had been in preparation for a year. Though the language of the proposal that had been distributed called for policy changes to be applied equally to both campuses, Sen. Freyer said the rules the committee was proposing were meant--at least for the time being--for the Morningside campus. He recognized that the Medical Campus lives under different rules.

Sen. Freyer pointed out that the number of off-track nontenured faculty, on the Morningside campus alone, had doubled since 2003, to nearly 400. These faculty play major roles in service, teaching and mentoring. He would argue, in fact, that their service to the University is probably indistinguishable from that of tenured faculty, and that many, if not most, of these faculty make long-term if not lifelong commitments to this University. However, unlike tenured faculty, they exist on one-year contracts--although multi-year contracts are options for some. These faculty members are entitled to only one year's notice of nonrenewal, a timeframe that allows little time to obtain a new academic position.

Sen. Freyer said the nontenured caucus was seeking the following changes in the current rules:

--After seven years of service there will be a major review, which is already common practice. After that time, faculty would get a two- to five-year review. But starting at seven years of service, they would be entitled to eighteen months' notice of nonrenewal. Faculty on multi-year contracts would at each stage be entitled to the same notice.

--After 12 years of service, faculty would receive another major review. If it goes well, they could expect another review in five years, and would be entitled to 24 months' notice of nonrenewal. Sen. Freyer added that on the Medical Campus similar faculty are only entitled to six months' notice of non-renewal, which for most faculty seems egregious. But this situation seems to be one the committee can't tackle for the time being. That's why the committee expected to limit its present proposal to the Morningside campus.

Sen. Silverstein said many of the faculty Sen. Freyer was talking about may be on grants. What would happen if their grant were funded after they had received 24-month notice of nonrenewal? Would they be rehired?

Sen. Freyer welcomed the question, but he said it was mainly about the Medical School, and the current proposal was focused on Morningside.

Sen. O'Halloran understood that Faculty Affairs was concerned for the time being with Morningside, but would continue to study this issue.

Sen. Freyer said Faculty Affairs was simply looking for comments at this point.

Sen. O'Halloran said long-term nontenured faculty on Morningside are mainly not on grants. They may be long-term lecturers who suddenly get a notice of nonrenewal.

In response to a question from Sen. Noam, Sen. Freyer affirmed that the proposal concerned full-time faculty, and not adjuncts.

Sen. Noam asked if the nontenured faculty member might have a mix of tasks, perhaps including research, administration, and teaching.

Sen. O'Halloran recognized the possibility that the faculty member might be an administrator for a grant program. What impact would those conditions have on a 24-month notice of nonrenewal?

Sen. Freyer said full-time faculty perform other duties as well, serving on committees, directing a graduate program, and carrying out other tasks.

Anonymous comments in course evaluations and Title IX investigations. Sen. Moss-Salentijn spoke to a statement she had prepared for the committee. She said the issue arose a year or so ago in a grievance from a faculty member who had been accused, anonymously in a Courseworks evaluation, of creating a sexist environment in his class. The University responded immediately to this situation. It is required by Title IX to investigate any complaint of discrimination and sexual harassment, regardless of whether it's made anonymously or brought to the Office of Equal Opportunity and Affirmative Action. But in this case the professor was suspended at the beginning of the spring semester from teaching one of his classes before an investigation had been carried out. After three weeks, when he was found, for very fortunate reasons, not to have committed the offense he was charged with, he had lost his class and also, in fact, some of his reputation.

Sen. Moss-Salentijn made clear that the anonymous comment that led to the professor's suspension was not in an open course evaluation. In the spring of 2012, three years earlier, the Senate discussed a student proposal to encourage open course evaluations. There was a big debate at that time about whether to make public only aggregate, quantitative information, or to put all the information out in the open, including qualitative comments. This was in part a response to off-line course evaluation sites like CULPA, and a conviction that if the University managed the evaluation process, the whole enterprise would be more workable.

Sen. Moss-Salentijn noted that some institutions do post only aggregate data, and some post more than that. In this case, the school that the grievant was teaching in did not post qualitative

comments on the web. This was not the issue Sen. Moss-Salentijn wanted to raise. Her primary concern was to reopen the discussion on open evaluations for a very simple reason: that they provide a possibility of having baseless comments that can, in fact, be proved to be wrong, in a public location. That is dangerous for the reputation of an individual. When the Senate discussed the issue of posting evaluations on the web, the problem of Title IX investigations wasn't yet on the radar. People did not realize how such problems could arise, and how much that could influence what faculty do in the classroom.

In the grievance Sen. Moss-Salentijn had described, the class was, in fact, recorded in its entirety, so it turned out to be easy to demonstrate that the accused in fact had not committed the offense he had been anonymously charged with. But what if there had been no recordings? Then the investigation would have pulled in people who would have to be deposed and questioned. It's a hurtful, damaging process, and the accused person may still not be able to get to a result.

Sen. Moss-Salentijn said her report was not connected to any action item at the present meeting. Her committee first wanted senators just to consider this problem. Faculty Affairs was troubled about this, despite the provost's willingness to work collaboratively, and his decision to make significant changes in the kinds of responses his office will make to filed complaints. But the committee believes that the issue will not be easily resolved, with the risk of conflicts with federal authorities, on the one hand, and the risk of damaging, false accusations, on the other.

Sen. Moss-Salentijn asked to reopen the whole question of open evaluations. She was supportive of the release of aggregate, quantitative information. But she worried that openly providing anonymous qualitative information could harm the interaction in the classroom, and create a dangerous situation.

Sen. O'Halloran suggested that some members of Faculty Affairs meet with representatives of Student Affairs to discuss this issue. She said the issue Sen. Moss-Salentijn had raised was one the Senate had not contemplated, and one that could have significant impact on both faculty and students.

Libraries Committee. Sen. Art Langer (NT, SCE) presented the report, referring closely to a [PowerPoint presentation](#) projected onto the screen.

At the end of the report, Sen. Lisa Northrop (Fac., Barnard) made an inaudible comment. Sen. Langer welcomed her point, and said his committee would address it later.

Sen. O'Halloran thanked Sen. Langer for his report, and adjourned the meeting.

Respectfully submitted,

Tom Mathewson, Senate staff