

MEETING OF OCTOBER 21, 2016

President Lee Bollinger called the Senate to order shortly after 1:15 pm in 104 Jerome Greene Hall. Fifty-nine of 100 senators were present during the meeting. Executive Committee chair Sharyn O'Halloran (Ten., SIPA) was absent.

President's remarks. The president addressed several issues:

Space. The president said a historic moment for the University was approaching: the opening of the new Manhattanville campus on October 24, 120 years after the opening of the Morningside Heights campus in the fall of 1896. He said universities need this kind of space to grow and thrive. People will begin moving into Mind Brain Behavior early in 2017, and into the Lenfest Center for the Arts, which will be completed next. The Forum Building, which will provide a 430-seat auditorium and meeting spaces, will open in the fall of 2017. The Business School will open two new buildings in around 2021. Uris Hall, the Business School's current home, will be taken over by Arts and Sciences, which is actively planning for the space. With these new facilities, along with the Northwest Corner building, Knox, the new education building at CUMC, and the new facilities at the Baker complex, the institution's space needs have been addressed in a major way, though by no means completely. The president said the university also must keep working on buildings it has inherited that need a lot of work, including basic offices as well as laboratories.

Fundraising. For 2015-16 the amount of cash in is \$648 million across the university—Columbia's second-best year ever. With the addition of commitments to donate in the future, the total is about \$770 million, Columbia's fourth-best year ever by that measure. The University is entering another capital campaign, and must not let up on fundraising because its endowment, now at \$9 billion, is so much smaller than those of certain peer institutions, which are in the twenties and thirties of billions of dollars.

Investment operations. Columbia's investment performance over the past decade or more has been spectacular, among the very best in the United States. Since the arrival of Narv Narvekar as president of the Columbia Investment Management Corporation shortly after President Bollinger began at Columbia in 2002, the organization for investing the endowment has been highly professional—not an operation run by amateurs, or by anybody who wants to be on the Investment Committee. Mr. Narvekar has just been recruited away to Harvard, but his longtime senior aide Peter Holland has succeeded him.

Henry Moore sculpture. The installation of this sculpture, which should have been a happy moment for the institution, unexpectedly became a point of controversy last spring. As the president confessed to the Senate in April, he learned late in the game that

many students and others were unhappy about plans to place the sculpture in front of Butler Library. The president noted that the institution agreed with the donors in the 1980s to place the sculpture there. He added that the misunderstanding was a bureaucratic malfunction that can occur in any institution despite everyone's best efforts. The president took responsibility for the mistake. Since then the committee on campus art properties has gone to work, and there has been consultation with a number of groups, including the Senate Student Affairs and Campus Planning committees. The new choice for the site of this important 20th-century work of art is between Math and Havemeyer, a place which the president said would not interfere with activities on the lawn space. Fortunately, the donors have been gracious about the shift of location.

Discussion. Sen. Ron Breslow (Ten., A&S/NS) led the Senate in a round of applause for the president's efforts to secure space for the university for years to come. He recalled the president's remark shortly after his arrival in 2002 that Columbia then had the "highest ratio of creativity to square feet." That ratio has clearly been lowered since then, Sen. Breslow said.

The president thanked Sen. Breslow. He said it's an important moment for the institution to be able to look out over several decades, and to plan for the academic use of the space it now has. Among the crucial questions to consider now: What will be the relationship between the new campus and the Morningside and Medical Center campuses? What departments and schools might move there in the near or more distant future? Then there are major questions about integrating the new campus with the surrounding communities. In some ways the whole process, with the commitments Columbia made from the beginning, has been a kind of miracle. The president mentioned some of the undertakings involved: the purchase of the land, the zoning processes, the use of eminent domain (which he recognized as controversial, but the right path to take), and finally the university's efforts to relocate the few people who lived in the zone of the Manhattanville campus in ways that would improve their lives. With the Community Benefits Agreement, the Manhattanville campus will now be a lived experience. The president said Harlem is undergoing changes, and Columbia wants to be both a good neighbor and a participant in the life of surrounding communities.

Sen. Kainen Bell (Stu., SW) asked if the president planned to make a statement about social justice issues, including such recent traumatic events as police killings of people of color, and about actions the president might take to help all students feel that they are valued and that their lives matter.

The president said the question of when he or other administrators should comment on events outside the university is one of the hardest questions he faces. He said many bad things happen in the world, and one doesn't want to bombard people with statements that become almost automatic. On the other hand, some events really do seem to require a response from the institution. The president said that despite years of experience, he did not know of a logic to explain when he should say something and when not. It's a matter of feel. But he tries to reserve statements of this kind for extraordinary moments.

The president added that there are other things to do besides making statements. Should there be meetings to talk about outside events? Should there be task forces to try to figure out how the University in its teaching and research mission can address these issues better? He said Suzanne Goldberg, in the role of EVP for University Life that she had magnificently taken on, has been trying to find meaningful ways to come to terms with outside events.

He invited Sen. Goldberg to comment. She said there's no question that events in the world affect everyone at Columbia. The question for the Office of University Life is, How should Columbia engage? She has also thought about statements, issuing them periodically in response to issues in the world, most recently about police killings of unarmed people as well as about killings of police in Dallas. One of the challenges of these communications is to make sure they reach the students in various schools through their deans of students. She invited everyone to follow her office on social media, and also mentioned two university task forces. One, on race, ethnicity and inclusion, met earlier in the day to take up the same question of how to engage within the university on these issues. Another task force focuses on gender-based misconduct prevention. She invited everyone to get find out more or get involved.

New appointments to the University Judicial Board. Sen. Sean Ryan (Stu., CC), Student Affairs Committee co-chair, said SAC had undertaken a robust deliberative process, creating a rubric to figure out what qualities are most important in a member of this university-wide hearing panel to hear charges brought under the new Rules of Conduct. The group used the rubric to score applications from a number of Columbia schools, to choose candidates for interviews, and to make three strong final selections: Philip Andrioli, a law student, will be taking on the role of vice-chair of the UJB; Danny Li, from Columbia College, will replace Jack Macauley, who graduates in December; and Chris Connelly, another law student, will be serving as an alternate.

Education Committee resolutions. The president said that there were not enough senators in the room to achieve the three-fifths majority of incumbent senators needed to approve the establishment of the new Department of Emergency Medicine. He decided to wait and see if 60 senators would be in the room later [a total of 59 senators attended the Senate that day]. He asked for action in the meantime on other Education Committee business requiring a simple majority of those present.

M.S. in Accounting and Fundamental Analysis (Business School). Education Committee co-chair James Applegate (Ten., A&S/NS) said the proposed program presents accounting in greater depth than in an MBA program, for students who want to either go on to a Ph.D. or do specialized work in the private sector. He said a representative of the Business School was present to answer questions about the program.

Sen. Applegate said the present program was actually proposed several years earlier and approved by the Senate. For personnel reasons in the Business School it never launched, but the school now wants to revive it. The Education Committee took another look and endorsed the program again.

By voice vote, the Senate then approved the new program without dissent.

Adoption of the minutes and the agenda. The president asked for adoption of the minutes of September 23 and the agenda. He assumed that both were unanimously approved.

Reports

Annual report of the Presidential Advisory Committee on Sexual Assault, 2015-16 (Suzanne Goldberg). Sen. Goldberg said PACSA, which was reorganized in 2014 and which she chairs, is charged with advising the president on the prevention of and responses to gender-based misconduct. It shares its recommendations with numerous partners, including the Office of University Life and Sexual Violence Response.

Sen. Goldberg said PACSA was briefed last year by most groups working on these issues. It heard updates to Columbia's gender-based misconduct policy and procedures. She and others made presentations about the major AAU survey of students at Columbia (and many other universities) about any experiences of sexual assault, sexual harassment, and stalking that they had undergone. In addition Sexual Violence Response presented about its resources and trainings. The group also heard a presentation about the Sexual Respect and Community Citizenship Initiative.

Sen. Goldberg said the plan this year is to build on these briefings, to continue the conversations, and again to bring in experts from around the campus.

Sen. Goldberg invited senators again to look at the University's Sexual Respect website. It's newly revamped after extensive work with students in the Gender-Based Misconduct Prevention Task Force. Last year it focused mainly on improving the website.

Another initiative has been to meet the perennial challenge of collecting information on resources available in different places in a highly decentralized university. This is particularly important for issues related to sexual assault prevention and response. She distributed some handouts that had been passed out at orientation and other events.

Sen. Goldberg said the Sexual Respect and Community Citizenship Initiative began two and a half years ago, and is now in its third iteration after extensive reevaluation and revamping. The primary purpose is to link the two concepts in the group's name, the point being to think of people as members of a university community. How do we look out for each other?

Students in the program can choose among workshops, film screenings, online options, resources for healing and resilience (particularly for students who have experienced trauma), and also independent projects. Participation has been excellent, and the numbers are steadily growing. She hoped that this initiative, along with the many other resources

available at Columbia, was starting to make an impact on the campus conversation about sexual assault.

Sen. Breslow asked if Columbia's record on issues of sexual misconduct is better than those of many other universities.

Sen. Goldberg said Columbia is the national leader on these issues. She works with many colleagues across the country, especially at law schools because law professors are often tapped to design these systems, and they're always incredulous at the innovations in Columbia's policies, such as the provision that anyone involved in the sexual misconduct disciplinary process—accuser or defendant—is entitled to a free lawyer. In addition, Columbia's level of resources is way above and beyond those of peer institutions.

But Sen. Goldberg also noted that formal reports in any disciplinary complaint process never reflect the total number of incidents on a campus. So it's hard to know actually what the numbers are, and it may be useful to do another survey at some point.

Sen. Eli Noam (Ten., Bus.) said he was glad to hear that lawyers are provided to all participants in disciplinary processes, but he had also read that Columbia does not permit people to take notes in the hearings. He thought that would be a bad idea.

Sen. Goldberg said those accounts were incorrect. Students can take notes, and so can their lawyers. She said some students also want the right to record their hearings and the investigation.

Sen. Noam asked if people can make a full transcript of their hearings.

Sen. Goldberg said most human beings couldn't do that. She said the policy forbids transcription or recording. But there are other ways to produce an adequate formal record. She explained that a student in an investigation meeting is with two professional Title IX investigators. One conducts the interview, focusing on what is likely to be a difficult and sensitive issue. The other investigator is there primarily to take notes. The student can also take notes, and can also bring an advisor. Not all students elect to have a lawyer, but they can, and the lawyer can take notes as well. After the interview, the investigators do their work, preparing a draft report that they share with the students involved on both sides. The students can offer their corrections to the record, and can enter any objections to the Title IX investigation, both during the hearing panel process and again at the appeal. So there are multiple opportunities for people to correct the record.

Sen. Noam thought this procedure meant a reduction in due process. He thought it was unnecessary, and ultimately counterproductive. He said both parties—the accuser and the accused—might want to appeal, to review the witnesses' statements.

Sen. Goldberg said she had had the same thought when she started designing this process: Why not just record the whole thing? Further thought led to the following considerations. The first priority is to ensure that students are as comfortable as possible filing a report

after they have experienced some sort of sexual misconduct. For many students, there's a fear of disclosing this information in a formal system which, though designed to protect privacy, is not absolutely confidential. There are also just general fears of disclosing this information to authorities. This is why most people don't go to the police after they have been sexually assaulted.

A related goal is to have an effective, fair, accurate system. But the better way to protect students' privacy is not to have recording, because if students record they can then—even if there's a rule against it—post those recordings to social media and other places. This has happened at other institutions. It would endanger students' privacy and have a chilling effect.

A second issue is that most students begin meetings with an investigator by asking, "Am I going to be recorded?" The reason is that they are scared. She has been told that students visibly relax when they are told they are not going to be recorded.

A third point addresses the question of how to assure accuracy in the record of a meeting. If something bad happens in an investigation, how can that be proved without a recording? The answer is that the investigative teams are professionally trained. The student is not alone in the room. He or she has multiple opportunities to participate, and has a lawyer or adviser who is also a witness.

Sen. Goldberg considered the question, Why not let students just record if they want, as a way to reduce the fear of a chilling effect? Her short answer was that once one person records the meeting, then the University also needs to have its own recording, and once there is a recorder in the room, the nature of the conversations changes.

Sen. Goldberg concluded that there is no perfect answer to this problem. There are both advantages and disadvantages to recording. Her own assessment, after conversations with advocates for survivors and a range of other people, is that on balance it is better not to record.

President Bollinger said it is important to remember that there have to be decisions about issues like this. The policy and the process are developed to address real-life experiences that people have.

Sen. Goldberg added that she evaluates these procedures by meeting regularly with participants on all sides--members of advocacy groups for survivors of sexual assault, survivors who are unaffiliated with any group, respondents to accusations, witnesses, lawyers and other advisers, and the staff who manage the disciplinary process. She also looks to the Office of Sexual Violence Response, the on-campus office with the best focus on supporting survivors of sexual violence. She also talks to colleagues around the county. In addition, this issue happens in an area of academic expertise for Sen. Goldberg. She is always looking for best practices. If this were an easy issue, there wouldn't be debate. There are trade-offs.

Sen. Goldberg said she had had a vigorous discussion at a workshop at the University of Chicago a few days earlier about the trade-offs involved in providing the best way to encourage the greatest number of students to come forward with complaints, while at the same time ensuring that students who are dissatisfied with the investigation process can raise their objections.

Sen. Noam said he has observed that not every person accused is actually guilty. He said Sen. Goldberg was focusing mostly on the needs of accusers. If there is no adequate record of the proceedings, there is no protection for the accused person. He suggested keeping a record that would be available only on subpoena by either one of the parties in case they wanted to appeal.

Sen. Goldberg agreed that she had been talking mainly about the interests of the significant fraction of complainants who don't want to be recorded. But she said there are different views in the survivor community. Many respondents and their lawyers say they don't want recordings. The reason is that when someone is recorded in a campus disciplinary hearing their story may unfold slightly, even insignificantly, differently than it might in a recounting six months later. Such minor discrepancies become important in a civil or criminal proceeding, when a lawyer confronts the person about them on the witness stand. She was confident that the overwhelming majority of defense lawyers would not want these proceedings recorded.

A senator asked if the "Enough is Enough" bill on campus sexual assault now before the New York State Senate doesn't affirm the right of participants to a full record of any proceedings, which may include a transcript or recording.

Sen. Goldberg began by saying that a more complete statement of her position was on the Sexual Respect website. She said that a petition was now going around interpreting both the recently approved "Enough is Enough" law and Title IX as saying that recording is required. Sen. Goldberg said the New York State law does not actually say that. Instead, it says that students must have access to the record on which the university relies. So if a university did record, it would have to supply the recording. Sen. Goldberg believed such an outcome would dramatically increase the chance that the recording would wind up on social media—a great risk for students on all sides. And recordings have wound up on social media. The record on which Columbia relies is the investigation report and anything related to that.

Sen. Goldberg said the same conclusion holds for Title IX. She said very few schools in the country use recordings in their investigations and hearings. One school does, only because it didn't have enough staff to handle investigations, so that was the only way to ensure that the investigation was fair.

Annual Report of the Information Technology Committee, 2015-16. Co-chair Matthew Jones (Ten., A&S. SS) said the IT Committee has an unusual mandate, focusing on the micro-dynamics of the interaction of all of Columbia's IT systems with the strategic choices the University makes. The committee takes most seriously the needs of

three sets of stakeholders: faculty, students and staff. Often the focus is on the IT challenges that staff contend with.

In the past year the committee addressed a series of quotidian issues that it considers the hardy perennials of the IT business: printing for students, the ARC system for financial accounting (which gives staff more heartburn than anything else), and the RAPS employment system. The committee makes sure these issues are on the minds of administrators at CUIT.

But the committee has also been concerned with infrastructural issues, including data transparency and the allowable scope of data that may be made available to students, rather than having them finding data willy-nilly. The committee has considered long-term plans for wireless infrastructure as well as the challenges of security and privacy for students, faculty, and staff.

In 2016-17 the committee will continue to follow these themes, including questions of student privacy and intellectual property as they relate to the increasing use of cloud services. The committee is always interested in hearing from senators about any problems with particular systems and on the strategic direction of these systems. Sen. Jones expressed appreciation for the cooperation of Gaspare LoDuca, the leader of CUIT, and for the current direction of that office toward a grand infrastructural vision suited to the greater work of the University.

Sen. Kainen Bell (Stu., SW) said the Social Work School website was recently attacked. He asked if the IT Committee knew about this and if similar things happen in other schools.

Sen. Jones said he couldn't speak to that incident. But he said such attacks are a major concern that CUIT is struggling with. Columbia has a massively decentralized user base, with everyone using different platforms as well as their own phones, so the challenge of protecting this enterprise is enormous. He said the security dimensions are only getting more serious, on the level of intellectual property as well as student privacy. These issues will require major infrastructural investments.

Officer benefits for 2017 (Michael Bloom, AVP for Benefits). Mr. Bloom based his report closely on a [PowerPoint presentation](#) that was distributed for the meeting.

After the conclusion of the report, Sen. Greg Freyer (NT, Public Health), a member of the Faculty Affairs Committee, expressed concern that by the time people are ready to offer input on next year's benefits, it's already too late. He asked if there was a mechanism for feedback to the Benefits Office about what faculty or other officers would like to see in the way of benefits.

Mr. Bloom said his office normally solicits that information through the Benefits Subcommittee of the Faculty Affairs Committee. That group suggested creating new salary bands and tiers to make the premiums more affordable for people at the low end of

the salary spectrum, and his office adopted the suggestion for 2017. He said HR is regularly looking to this subcommittee to offer suggestions, and trying to act on them. Last year, the group requested coverage for Applied Behavioral Analysis, a therapy for children with conditions along the autism spectrum; the University introduced this benefit for 2016.

A senator asked how the switch from Express Scripts to Optum as the vendor for prescriptions might affect Columbia officers. Mr. Bloom said the plan design, including prices, would remain the same.

The senator asked if Columbia officers would be required to use certain pharmacies. Mr. Bloom said there would be no such requirements.

Sen. Daniel Savin (Research Officers) asked if officers whose prescriptions are now with Express Scripts will need new prescriptions written for the new vendor. How will the current medications be carried over to the new provider?

Mr. Bloom said Express Scripts will send a file to Optum Rx, the new vendor, which will take over any prescriptions that are open as of January 1, 2017. He encouraged anyone whose medications were down to a two- or three-week supply to refill the prescriptions with Express Scripts, so that there will be no shortage at the time of the transition.

Sen. Eli Noam (Business School) asked about the cost of the benefits package. What are current trends with these costs? How do those costs compare on a per-officer, per-faculty basis with those of peer institutions?

Mr. Bloom said health care costs are now rising at a rate of around 7 percent. The rate was about 6 percent in the previous year. So medical costs seem to be accelerating. Most of Columbia's plan designs are very competitive with those of peers. Officer contributions are also very competitive, actually on the low end of the spectrum.

Ombuds Officer's Annual report, 2015-16 (Joan Waters). Ms. Waters based her report closely on a [PowerPoint presentation](#), as well as a poll that she invited senators to take on their phones on the spot.

At the end of the report, Sen. Savin said there appeared to have been 500 unique visitors to the Ombuds Office in 2015-16. How has that number been trending in the recent years?

Ms. Waters said she had collected two full years' worth of numbers. There were about 375 unique visitors in her first year, and about 525 in the second. About a third of the visitors in each year come back. The larger the number of issues that come to the surface, she said, the better prepared her office will be to address them.

Sen. Victor de la Pena (Ten., A&S/NS) asked if the Ombuds Office conducts investigations, or do she and her visitors just talk.

Ms. Waters said her office does not conduct investigations, does not file reports, and does not participate in any formal proceedings. It's just conversations, about how to address visitors' concerns, whom to talk to, what are available resources and options. Visitors leave the office to deal with their issues on their own.

Sen. de la Pena, a member of the Faculty Affairs Committee, asked if Ms. Waters mentions the committee to visitors as a resource. She replied that she mentions the committee when she thinks it's appropriate.

She said she hasn't had many opportunities to mention the committee, but she was aware that it is a resource for faculty members. Many of her conversations with visitors are about where people can feel most comfortable, and whether they're comfortable expressing their views in a non-confidential environment.

Sen. de la Pena asked what Ms. Waters meant by the term "non-confidential." She said her conversations with visitors are confidential, an opportunity for them to figure out whether they're comfortable speaking to someone in a non-confidential place.

Sen. de la Pena asked if the Ombuds Office deals with tenure cases. She said people who are concerned about the tenure process and their chances for tenure do discuss those issues with her.

Sen. de la Pena said the Faculty Affairs Committee has tenure issues in its mandate, according to the Senate By-laws and University Statutes.

Ms. Waters said her office doesn't supplant that function in any way. When people come to her and ask where they can go with a particular problem, she'll list a number of options, including the Faculty Affairs Committee.

Ms. Waters said she disaggregates any data about a visitor's school, gender, role in the University, and years of service; she does not keep records about who spoke to her about what and when. Any notes she takes she also shreds every couple of weeks. She does not keep records for the University; any notes she takes are her own. She keeps the information in a disaggregated way and pulls it back together for annual reports. Otherwise she keeps no records or data.

The president thanked Ms. Waters for her report, and adjourned the meeting at around 2:30 pm.

Respectfully submitted,

Tom Mathewson, Senate staff