

University Senate Plenary

December 8, 2023



University Senate

Proposed: December 8, 2023

Adopted: December 8, 2023

PROPOSED AGENDA

University Senate

Friday, December 8, 2023 at 1:15 p.m. via Zoom

Registration required

After registering you will receive a confirmation email with meeting details.

1. Adoption of the agenda
2. Adoption of the minutes of November 17, 2023
3. President's report
4. Executive Committee Chair's report
5. New business:
 - a. Resolutions:
 - i. Resolution to Seek to Reconcile the University Event Policy with the Principle of Freedom of Expression Embodied in the Rules of University Conduct (Rules of University Conduct)
 - b. Committee reports and updates:
 - i. Statement Regarding the Presence of NYPD on Campus (Commission on Diversity)
 - ii. Information and Communications Technology Annual Report 2022-2023

MEETING OF NOVEMBER 17, 2023

Executive Committee chair Jeanine D'Armiento called the Senate to order shortly after 1:15 pm on Zoom. Eighty-two of 97 senators were present during the meeting, along with 244 spectators.

Sen. D'Armiento welcomed everyone to the plenary, and apologized for the late start. She said the Senate is a critical arm of university governance, with a broad constituency. The presence of nearly 250 witnesses to Senate deliberations at the present meeting was important testimony to the effectiveness of shared governance. She said the Senate is a deliberative body that performs its work through committees with consultation and discussion, in an effort to understand the concerns of the entire community. She invited all present to consider participating in the work of the Senate, and also to remember that only senators can normally speak or vote at Senate plenaries.

Adoption of the agenda. The [agenda](#) was adopted as proposed (October 23 Plenary Binder, p. 2).

Adoption of the minutes. The minutes of October 23 were [adopted](#) as proposed (Binder, 3-12).

President's report. Sen. D'Armiento said President Shafik was unable to attend this meeting because of a prior engagement. But the Executive Committee met with her on November 15 to review the agenda. Sen. D'Armiento invited any senators with questions for the president to send them to her or another member of the Executive Committee, and they would make sure the question reached the president.

Executive Committee chair's report.

--Update on the October 23 Resolution to Address Institutional Failings Related to the Case of R. Hadden. Sen. D'Armiento said the resolution demanded that the University assume responsibility for decades of sexual abuse that Robert Hadden had inflicted on his patients, take action to hold accountable those in positions of authority at the medical campus during that period, and hire an external law firm approved by the University Senate to independently review this history, and to establish oversight of the faculty and the staff at CUIMC.

Sen. D'Armiento said this was an abbreviated version of the resolution's demands about the Hadden case. She was pleased to note the November 13 responses by President Shafik and Dean Katrina Armstrong of the Medical School, which included important measures beyond those in the Senate resolution. Sen. D'Armiento urged all present to read these statements.

--Overview of the Rules of Conduct. Sen. D'Armiento said many in the audience had heard discussion about the University's new event policy and the Rules of University Conduct governing political rallies and demonstrations. She encouraged all present to read an article in that morning's *Spectator* about the new event policy.

She said the Senate would now hear from its Rules Committee to help everyone to understand the Rules and their place in the University Statutes. These Rules were developed by the University

Senate with all constituencies involved. They are set out in Chapter 44 of the University Statutes. Sen. D'Armiento said the Rules and Statutes build the legitimacy of Columbia's shared governance. During contentious times, the University can rely on these procedures to help assure transparency. And when there's uncertainty about the University's policies and questions about their development and implementation, adherence to procedures builds trust in the system, which is essential to maintaining a strong Columbia community. She introduced Sen. Jaxon Williams-Bellamy (Stu., Law), co-chair of the Rules Committee along with Ms. Angela Nelson (TTOT, CUIMC), and said Sen. Williams-Bellamy would provide the overview of the Rules.

Sen. Williams-Bellamy said the Rules of University Conduct establish a framework for the regulation of public expression on campus. They also provide information on event management, a list of violations, the rights of respondents and an explanation of the disciplinary process.

Section 440, the first in the chapter on the Rules, is called the Affirmative Statement. It says that the Rules ensure that all members of the community may engage in Columbia's cherished traditions of free expression and open debate: "To be true to these principles, the University cannot and will not rule any subject or form of expression out of order, on the ground that it is objectionable, offensive, immoral, or untrue...."

The University recognizes only two kinds of limitations on the right of freedom of expression, and both are to be narrowly construed. First, the University reasonably regulates the time, place, and manner of certain forms of public expression in keeping with the University's dedication to the principles of uninhibited discourse. These Rules do not turn on the content of any message that might be expressed. Rather they are necessary, not because they would prevent any opinions from being stated or heard, but to the contrary, because they protect the rights of free speech, free press, and academic freedom. Just as all members of the university community have the right to speak, to study, to research, to teach, and to express their own views, so must they allow others in the community to do the same. The right to demonstrate, for example, cannot come at the expense of the right of others to counter-demonstrate, to teach, or to engage in academic pursuits requiring uninterrupted attention, as is true of the larger community in which the University sits. The University must protect the rights of all to engage in their callings and express their own views.

Second, the University may restrict expression that constitutes a genuine threat of harassment, that unjustifiably invades an individual's privacy, or that falsely defames a specific individual. These forms of expression stand apart because they do little, if anything, to advance the University's truth-seeking function, and they impair the ability of individuals at the University to participate in that function. The University has an obligation to assure members of its community, that they can continue in their academic pursuits without fear for their personal security or other serious intrusions on their ability to teach and to study.

...Every member of our community, therefore, retains the right to demonstrate, to rally, to picket, to circulate petitions, and distribute ideas, to partake in debates, to invite outsiders to participate, and to retain the freedom to express opinions on any subject whatsoever, even when such expression invites controversy and sharp scrutiny.... We expect that members of our community will engage in public discussions that may confront convention, and free expression would mean little if it did not include the right to express what others may reject or loathe.

Sen. Williams-Bellamy paused to highlight some of the key take-aways from this passage.

First, the Rules require that any regulation of public expression on campus must be content-neutral, narrowly construed, and limited either to the reasonable regulation of the time, place, and manner of public expression, or designed to restrict genuine threats of harassment, unjustifiable invasions of privacy, or the false definition of a specific individual.

Sen. Williams-Bellamy devoted the rest of his review to the disciplinary process, while sharing a slide that illustrated the steps in the process. He said Section 445 included a taxonomy of the people involved in the process, starting with the Rules Administrator, who is responsible for investigating complaints, filing charges, and presenting evidence to the University Judicial Board. The UJB, composed of faculty, students, and non-instructional officers, is charged to determine responsibility for misconduct, as well as sanctions. None of these three constituencies may hold a majority of the seats on the five-member panel.

The third major role belongs to the Appeals Board, which is generally populated by Deans of Columbia Schools, and is responsible for hearing appeals from decisions or sanctions decided by the UJB.

Finally, the Delegates of the Rules Administrator, who are often deans or deans of students, may warn individuals and groups whose actions may violate the Rules.

The last key person to highlight is typically called the Respondent. This is the person who is charged with Rules violations.

Sen. Williams-Bellamy said Section 446 addresses the rights of respondents and states that the Rules are designed to provide accessible, prompt, and fair methods of investigation and resolution of incidents of misconduct.

Sen. Williams-Bellamy said Section 447, entitled Pre-hearing Procedures and Investigation, describes the procedures the Rules Administrator follows in notifying the Respondent of an allegation against them, and conducting an investigation. The Rules Administrator may seek an informal resolution of the case with the Respondent. If those efforts are unsuccessful, the disciplinary process will continue.

If a charge is filed and a respondent accepts responsibility, sanctions will be decided by the chair of the UJB, in consultation with the rest of the Board. If the respondent declines responsibility or chooses not to respond, the matter will proceed to the hearing stage.

Sen. Williams-Bellamy said Section 448 establishes the process for a hearing before the UJB. The Rules Administrator presents the charges, and the UJB determines whether the Respondent is responsible for those Rules violations. If the respondent is determined to be responsible, based on a majority vote of the UJB, then the UJB sets the sanction.

Section 448 also establishes the standard of proof that the UJB uses for its determinations of responsibility—a preponderance of the evidence, which means “that a panel must be convinced, based on the information it considers, that the respondent was more likely than not to have engaged in the conduct at issue in order to find the respondent responsible for violating the rules.”

Sen. Williams-Bellamy said the important point here is that the Rules do have a standard of proof that is necessary for finding responsibility under the rules.

Section 449 covers sanctions. It requires them to be consistent across all University departments and schools. The UJB may see de-identified outcomes of similar past cases.

A non-exhaustive list of sanctions is included in the Rules; they may vary from warning and probation to suspension, expulsion, and dismissal from employment.

Finally, Section 450 handles the appeals. The right of appeal provides an additional opportunity for an independent body to review the determinations made and the sanctions imposed by the UJB. An appeal can be made to the Appeals Board on three grounds: a procedural error affecting the determination or sanction; new information that may change the determination or sanction, or a claim that the sanction is excessive. An additional, final appeal may be made to the President, who may hear the appeal at her discretion.

In sum, Sen. Williams-Bellamy said, the Rules are designed to provide accessible, prompt, and fair methods of investigation and resolution of incidents of misconduct. They apply University wide, provide for one system that governs the disciplinary process, and are designed to provide due process protections.

Additionally, he said, the Rules separate the Rules Administrator's functions of investigating and charging from the UJB's functions of determining responsibility and sanctioning, and from the function of appellate review, which is handled by the Appeals Board and the President.

All of these provisions allow for a process that is transparent, uniform, and consistent in application. The Rules Committee is also responsible for issuing guidelines for the Rules. When the Rules were revised in 2015, guidelines were written to assist the Rules Administrator, the UJB, and the Appeals Board as they investigate and adjudicate alleged Rules violations.

Sen. Williams-Bellamy said the principles he had reviewed may also assist all members of the Columbia community to better understand the content of the Rules.

He concluded by saying that the Rules Committee had noted that the university event policy that references the Rules of Conduct had recently been revised, and the committee would like to invite the Administration to meet and discuss the revisions to ensure that the policy is congruent with the University Statutes and the Rules of University Conduct.

Sen. Williams-Bellamy invited questions.

Sen. D'Armiento said the next step would be to hear the presentation on the event policy from the Student Affairs Committee before taking questions. She thanked Sen. Williams-Bellamy for his presentation. She said the document that he had shown in a slide would be available on the Senate website.

Student Affairs Committee presentation on the event policy. SAC vice chair Minhas Wasaya (Bus.) and Sen. Williams-Bellamy then made [statements](#) about recent revisions to the university event policies (Binder, 13-15), referring to [policy documents](#) showing the revisions (Binder, 16-26).

Sen. Bruce Goumain (GS), a SAC co-chair, thanked Sens. Williams-Bellamy and Wasaya for their statements, and offered concluding remarks on the university event policy discussion. He said the Senate had been reminded that while ensuring the safety of the Columbia community is important, that goal must not be achieved at the expense of free speech or the risk of an environment of fear or isolation. He said the concerns that his fellow SAC leaders had raised about the event policy demand immediate attention, and for that challenge the voices of students, faculty, researchers, librarians, and staff are essential. He urged all senators to reflect on the present discussion, and to consider ways to create a more inclusive and understanding campus environment.

Sen. D'Armiento thanked all three SAC chairs for their contributions. She said no one understood better than she how hard they had worked on these issues in the week now ending, during a difficult moment for the University. She said she could not fully express her appreciation for their work. She was hopeful about the future if individuals like our students would be leading the way.

Discussion. Sen. D'Armiento called on Gerald Rosberg, Senior Executive Vice President, to respond to the statements from the student senators.

Mr. Rosberg began by praising the student speakers for presentations that he called outstanding. He said he was glad to be present to hear them, and the principles they presented were, in his view, beyond dispute. He said that if there was a problem to address here, it was the application of those principles to the specific circumstances of the present moment, which could stir disagreement on many points. He hoped at least to convince senators that the administration acted in good faith, following the same principles. He said the administration was trying to stay within that window referred to by Sen. Williams-Bellamy as “narrowly tailored” restrictions.

Mr. Rosberg said the administration may have gotten this wrong. He said dialogue is needed about what to learn from this episode and how to make sure future episodes are handled correctly. He wanted, first, to identify as clearly as he could two things the administration did not do. Most importantly, it did not act on the basis of the views being expressed by the two student groups or on how the views were being expressed. It was convinced that it had made a content-neutral judgment.

Mr. Rosberg said the administration was not acting under the Rules of Conduct, but under the event policy, which he thought reflected the University's version of narrowly tailored exceptions relating to time, place, and manner. But as the student speaker said so effectively, this is a challenging environment that the University finds itself in now.

Mr. Rosberg said there have been prior instances involving student groups with strong feelings. But in the present case there are groups on opposite sides with a high risk of clashing, not because the event organizers want that, but because at the edges of the demonstrations the emotions are so raw that they have required a significant presence of Public Safety personnel to try to assure safety.

Mr. Rosberg said the sheer number of events had taxed Columbia's resources. The University doesn't ever want to be in a situation where it doesn't have enough people on hand, and something terrible happens. He said everyone was proud of the fact that demonstrations so far have gone extremely well. He thought that was the result of the successful implementation of the new events policies, but recognized that many people present would disagree.

Mr. Rosberg offered an explanation of the process that led to the suspension of the two student groups. He said there were indeed changes in the event policy rules. There was no attempt to hide them. The changes were made according to procedures that have always been followed, and were enacted precisely because of the conviction that Columbia was now in a very fraught moment in which it was essential to state rules clearly and predictably. He said there was no attempt to keep the changes secret, and, most importantly, there was never any suggestion that students would be accused of misconduct based on a rule that was written after the conduct occurred. Any new rules were to be applied prospectively. Mr. Rosberg said he accepted the criticism that these rules changes may not have been effectively communicated. But he said he was confident that the groups that were suspended knew about the new rules and had discussed them with the administration.

Mr. Rosberg said the University sanctioned the SJP and JVP because it felt it had achieved a significant breakthrough in the enforcement of the new rules with two other groups on both sides of the present conflict. Neither group wanted to comply with the event policies, but both ultimately did, relying partly on the administration's commitment to apply the same policies to everyone.

What happened was that SJP and JVP started announcing an event that they hadn't even discussed with the administration. The administration had a choice between having some sanction against these groups, on the one hand, and admitting that there were no rules for anybody, on the other. So it made a judgment. He recognized that many people present might consider it the wrong judgment. He said he was ready to talk more about this. He thought the action the administration took was moderate. No individual student was subject to any discipline, even a warning. He said other groups that have taken similar positions on the main issues have continued to have events, and to express the same views. Mr. Rosberg said he had tried to deliver a message to the suspended groups, urging them to come back to the table and work with the administration.

Mr. Rosberg recognized how sensitive these issues are to all present, how much they matter to Columbia's sense of itself. He said he was absolutely committed to working with the Senate as an organization, as committees, as individuals, and to try to learn from this experience. He said the idea expressed by Sen. Williams-Bellamy of the pride people take in thinking of Columbia as a bastion of First Amendment values—that was fundamentally important to him and to everyone else in the administration, and no one wanted to do anything that calls that into question. If the administration did do that, Mr. Rosberg deeply regretted it.

The administration's view was that for Columbia to be a bastion of First Amendment values, it has to be safe for people to feel that they can say really unpopular things. Those were the conditions the administration was trying to promote. He thanked Sen. D'Armiento for the opportunity to have this say, and he looked forward to hearing the responses. He anticipated some tough messages.

Sen. D'Armiento thanked Mr. Rosberg. She said she had wanted to give him a chance to explain administration actions. She knew people had been waiting to speak, and she wanted to go to discussion now. She added that there were other items of Senate business to address, and she would have to go to them soon.

Sen. Maria Martinez (Stu., CC) thanked Sen. Williams-Bellamy for his dedication to the principles underlying the Rules of Conduct, and she thanked Mr. Rosberg for his perspective as well. She emphasized her concern about the event policy. She urged the Senate to advocate for transparent

communication. She asked how the change in the event policy was communicated and justified, and how Mr. Rosberg could continue to support it, after hearing senators' objections to it.

Sen. D'Armiento said the Senate was addressing this issue, and looking for a clearer channel of communication. The event policy was changed sometime in October, and now it was only November, so the policy had been distributed widely. She was hoping not to go back to those types of questions at the present meeting.

Sen. Jalaj Mehta (Stu., SEAS/Undergrad) asked Sen. D'Armiento what she meant by not "going back to those questions."

Sen. D'Armiento said the Senate was upset about the communication of the event policy changes. She said she didn't want to ask Mr. Rosberg to explain, because she was not going to accept any explanation arguing that the communication was clear. She did not intend to cut off discussion that people wanted to have, and she was trying not to be unfair to Mr. Rosberg. The Senate had expressed very clearly to him that it expects to be involved. And as Sen. Williams-Bellamy had made clear, the Senate does not think the new event policy is fully aligned with the Rules of Conduct. It is prepared to work with the administration on this problem, and Mr. Rosberg has committed the administration to doing that.

Sen. Mehta asked how it could be that action was taken against student groups, but none was taken against specific students.

Mr. Rosberg said, in response to Sen. Martinez's question, that today's discussion would not be the last one on this subject. Mr. Rosberg said he knew he would be living with this issue for a long time to come, and there would be ample opportunity for further discussion. He said there was never a plan to take action against individual students.

He said the deliberation on the event policy in one case culminated in a recommendation that he was part of that the administration suspend these two student groups. The recommendation went to the senior leadership of the University, which agreed to it. The procedure was not out of the ordinary. Mr. Rosberg said he was hearing in this conversation that it's the ordinary procedures that need to be discussed, that procedures cannot be assumed to be fine as they are. They need to be re-examined, and he was committed to that re-examination.

Sen. Mehta thanked Mr. Rosberg for the response. He noted from his conversations with undergrad constituents at SEAS that students are pretty scared of University actions, partly as a result of these suspensions. He thought the administration should take this level of fear into account.

Sen. Susan Witte (Ten., SW) thanked the three SAC chairs for their time and careful attention, their comprehensiveness, thoughtfulness, compassion, and contextualizing work. She echoed Sen. D'Armiento's remark that the future is in good hands with current students working like this. She thanked them particularly for setting the right tone for the discussion.

Her question for Mr. Rosberg was about the mention of "threatening rhetoric and intimidation" from the student groups that were suspended. She asked how to square this with Mr. Rosberg's contention that the suspension was not based on the content of the group's message. She said this was a much discussed point and, she understood, a very sensitive one.

Mr. Rosberg said the reference to intimidation and threatening language was intended to describe the event and the current environment, and not to serve as a basis for the suspension. And that reference was included—perhaps unwisely—in order to say that this was not some minor technical violation in which a group of people assembled for a purpose that was inconsequential, but an example of the very kind of event that requires these processes to be prepared for the risks involved. There was no intent to insinuate that one group was threatening and another was not, and if the reference was read that way, he offered his regrets. He said his reading of the campus overall was that a large proportion of Columbia students are going about their business on campus as if all this wasn't happening. But a significant number of students on all sides of this issue felt deeply threatened by what was happening here now.

Mr. Rosberg said he felt it was important to acknowledge that Columbia has these rules because these events can be intimidating to people. Should he not have said that? The administration can't stop that sense of intimidation from happening. What is possible, he said, is to have properly content-neutral policies, and to space such events out, so the University can have Public Safety personnel there in person to counteract that sense of fear.

Sen. D'Armiento said that for the moment there were many questions, but no answers.

Sen. Erick Zent (Stu., CC) added his thanks to the three SAC chairs. He said he too was excited about the future, and glad to have these leaders. He asked what the next steps to rectify the current situation would be. He also agreed with previous speakers that a lot of students were unhappy with the way this situation was handled.

Sen. D'Armiento said the Senate had begun partnering with the administration during the present week, to address what it sees as inconsistencies between the university event policy and the Rules. She expected to report on this at the next plenary.

Sen. Ignacio Ugalde (Stu., GSAS/SS) said it was important to separate two issues: the transparency of the Rules of Conduct, on the one hand, and the current context and the need for those Rules on the other.

He thanked Mr. Rosberg for his explanation on this point, and said there had been a lot of anti-semitism since the terrorist attacks of October 7, both in the world and on the Columbia campus, and that causes many people to feel unsafe. He thought it was important to see that Columbia should not allow anyone to do whatever they want on campus, spreading fear to other students without taking into consideration that many do not feel safe.

So he wanted it to be understood that, despite what someone had said earlier, there was indeed disagreement in SAC on these issues, not consensus. And the statement the Senate had just heard was shared without sharing the content that was meant to be discussed here with everyone.

So it was not easy to respond to these statements, after discussion of other statements that considered very different issues. Those other statements were ignored.

Sen. Ignacio Ugalde also commented on discussion going on in the Chat for the present meeting. He said it's important to remember that tolerance cannot tolerate intolerance, and he worried that a lot

of the arguments in favor of free speech, which in an email chain even included the right of Neo-Nazi groups demonstrating in neighborhoods, should be taken into consideration. He said these are very important issues to understand for everyone.

Sen. Ugalde expressed disappointment that SAC would share with the Senate a statement with revisions that weren't shown to the entire group, and that students who dissented did not get to speak until long after the statement was delivered to the Senate.

Sen. D'Armiento explained that SAC did not make a statement. They were asked to present the event policy and the issues with the student groups. These are ongoing issues that the Senate has to address with the administration.

Sen. Ugalde said there was no consensus in SAC, and members weren't told what was going to be discussed in the Senate.

Sen. D'Armiento said the Senate needed to present the event policy as it had been changed. She said there was no statement from SAC. It was just a presentation on the Rules of Conduct and the event policy.

Sen. D'Armiento expressed concern that the Senate had to vote on its business items. She called for addressing those items, and then returning to the discussion at hand. She did not want to leave people out of the discussion and, in effect, suppress speech, particularly at this meeting.

Sen. Ovita Williams (TTOT, SW) said she had a statement from the School of Social Work that she wanted to read.

Sen. D'Armiento said she would prefer to address some questions and then to get Senate action items done first, then hear statements.

Sen. Rosalba Savage (Stu., SW) said she also had a statement.

Sen. Abosede George (Ten., Barnard) said she was a new senator, and appreciated Mr. Rosberg's acknowledgment that mistakes may have been made. She said decisions were rashly made, and policies were rashly made, and she appreciated the benefit of a body like the Senate, where collective thinking from various University constituencies working together is possible. Speaking as a new senator, Sen. George asked how policies like this actually get made. It seemed that the University already had a policy in place in this case, and it sounded as if someone, or a very small group, unilaterally rewrote the policy. Were the Senate and the Rules of Conduct sidestepped here?

Sen. D'Armiento replied, yes, that's what the Senate had been saying, and that's why it was partnering with the administration to make sure that everyone was clear on this point in the University's shared governance. She could assure Sen. George that the Senate was now engaged in that process.

Sen. Margaret Corn (Stu., GSAS/Hum) said that as the Student Affairs Committee was considering transparency issues and evaluating policy changes, she herself was not fully informed. She had skimmed the *Spectator* article about the changes to the event policy, and SAC had done its own investigation during the past week.

She said the allegation was that the event policy was changed around October 24. There are screenshots of the current pages in the policy. There was also an email cited that was sent around October 24, that indicated that there were “changes,” or rather that the policy had been “updated” given that the only screenshot using a wayback machine or any kind of archival site of that nature was on June 12, and there is, of course, a huge window between June 12 and October 24, including the start of the school year, which could by itself be a reasonable opportunity to re-examine policies not even pertaining to this very issue, which arose significantly later. Was the policy on October 23, in fact, the policy that was captured in June 12. It's possible that things were updated. But does that mean that the whole policy was revamped?

Sen. D'Armiento interrupted to say she needed to get to the Senate's resolutions. She said the Senate had received confirmation from the administration that the policy was changed. The dates seem to have been around October 20. She said the subject of discussion was what was changed and how does it relate to the Rules of Conduct. Of course, the administration has a right to change the event policy, but those changes must be consistent with the Rules of Conduct in the Statutes.

Sen. Corn said she was only saying that it was unclear whether the June 12 version of the policy was changed on October 24. There may have been other changes in the interim.

Sen. D'Armiento said the Senate would work with the administration to determine exactly what changes were made and when, but the point is that they were made without consultation and are not congruent with the Rules.

Sen. Avalon Zborovsky-Fenster (Stu., Barnard) said the University holds diversity to be an element of academic life that is crucial to the University's mission. She noted that she was in full agreement that free speech is also vital to the University. But she also recognized that the Senate has made other commitments and passed resolutions endorsing other values. How does the Senate and the University at large intend to balance these values? For example, what if a group of students feels that there are discriminatory statements being made against them by other students that could deter them from continuing to come to the University and being part of the campus community? She was thinking of Jewish students who are not feeling safe on campus and feeling that they could not come to a Columbia that they feel is not living up to its commitment to diversity.

She asked to hear a bit more about how Columbia balances and prioritizes these different values. Sen. D'Armiento said that would be a brilliant and necessary discussion for the Columbia community. The Senate could set up town hall dialogues on vital topics like this. She was glad to see that a dialogue was now under way, at least on the Rules and the event policy as they pertain to the Columbia community and the First Amendment. She said the Senate is committed to having these discussions together, difficult as they may be.

Sen. D'Armiento said she would take one more question, then go to the resolutions.

Sen. Jonathon Katz (Stu., CDM) thanked Mr. Rosberg for emphasizing the importance of safety for faculty and students on campus. He believed that nothing should ever surpass safety, including free speech. He said the suspension of the two student groups had nothing to do with free speech. It was a matter of following rules and regulations, and maintaining safety, which is why those groups had to be suspended. He thanked Mr. Rosberg again.

Sen. D'Armiento said the student groups were suspended not because they were unsafe, but because they broke the rules of the revised event policy.

New business

Resolutions:

Resolution to Approve the Establishment of the Tamer Institute for Social Enterprise and Climate Change (Education). Sen. D'Armiento said Sen. Letty Moss-Salentijn (Ten., CDM), co-chair of the Education Committee, would introduce Tao Tan (Alum., Nonsenator Education Committee member), who would present the institute [resolution and proposal](#) (Binder, 27-37). She said Bruce Usher, Associate Professor of Professional Practice in the Business School and the Climate School, and Dan Wang, Lambert Family Associate Professor of Social Enterprise in the Business School and co-director with Prof. Usher of the Tamer Center for Social Enterprise, were also present to answer questions about the proposal.

Sen. Moss-Salentijn then introduced Mr. Tan. He promised to be efficient to enable the Senate to return to its other discussion. He mentioned that as a former Student Affairs Committee chair, leading SAC (2010-11), he wanted to join the chorus of praise for the exceptional performance by the current SAC leaders earlier in the meeting.

Mr. Tan said his topic was the proposed transition of the Tamer Center for Social Enterprise to the Tamer Institute for Social Enterprise and Climate Change. He said a subcommittee consisting of Sens. Carol Garber (Ten., TC), Adam Cannon (TTOT, SEAS), Erick Zent (Stu., CC), and himself was appointed to review the proposal.

Mr. Tan said the subcommittee interviewed Profs. Dan Wang and Bruce Usher. Mr. Tan said the purpose of the Tamer Center, which began in 2015 with gifts from the Tamer family, was its concentration on social enterprise, which became the focus of a student-driven movement over the last few years. Business School Dean Costis Maglaras has offered strong support to the Center.

Mr. Tan said the Tamer Center was seeking Senate approval to become the Tamer Institute because the infrastructure for grants and fellowships to allow them to expand the scope of their work would be easier to establish in an institute setting. He said the goal is to be able to grow and scale the activities of the Tamer Institute in collaboration with other parts of the University, particularly the Climate School, whose dean had also provided a strong letter of support for the Tamer Institute.

Mr. Tan said the subcommittee saw this as a high-quality proposal, with an established base and a record of high student satisfaction and impact. The subcommittee was satisfied with the answers it received from Profs. Wang and Usher.

Sen. D'Armiento invited questions. There were none. She asked for and received a motion and a second to adopt the resolution to establish the institute. The Senate then approved the resolution by a vote of 68-3, with one abstention.

Resolution to Establish the Professorial Title of Professor-in-Residence (Faculty Affairs, Student Affairs) Sen. Moss-Salentijn, co-chair of the Faculty Affairs Committee, volunteered to present the [resolution](#) (Binder, 38-42), which came from the Provost's Ad Hoc Appointments Committee.

She read a short passage from the proposal: The Professor-in-Residence was “for members of the full-time off-track faculty who have distinguished themselves as scholars and scientists in public life, in industry, or a range of other endeavors, and who join the Columbia faculty late in their careers, with an appointment of up to 4 years that may be renewed once.”

Sen. D'Armiento said the red type on the text of the resolution was a friendly amendment to add the change in Statutory language that the resolution would require.

Sen. George asked how this title differed from Visiting Professor.

Sen. Moss-Salentijn said visiting professors typically have professorial titles already. The Professor-in-Residence does not bring a professorial title, but is often deserving of the title because of achievements outside of academe.

Sen. Daniel Savin (Research Officers) then made a short [statement](#) (Binder, 49).

Sen. D'Armiento assured Sen. Savin that the Senate would look at this proposal. Sen. Freyer, a co-chair of Faculty Affairs, said his committee took this commitment seriously. He said that, as he and Sen. Savin had discussed, this proposal would be considered by FAC.

Sen. Moss-Salentijn said the Professor-in-Residence title would not be a track. It is a title given to people who are coming to Columbia very late in their careers, bringing valuable experience from the outside world that they are leaving.

Sen. D'Armiento repeated that she was sympathetic to the idea of a Research Professor title, and the Senate would get to it.

Sen. Cheng Gong (Stu., SEAS/Grad) said he wanted to express student support for both resolutions to establish new teaching titles. For one thing, they will make it easier for students to identify their instructors. It would also mean recognition for faculty who dedicate themselves to teaching within the Columbia community. These are the teachers who often take on heavier teaching loads, and it is high time to appreciate their efforts. He said there would also be practical benefits for students who will receive recommendations from faculty with stronger titles.

Hearing no further discussion, Sen. D'Armiento asked for and received a motion and a second to adopt the resolution. The Senate then adopted the resolution by a vote of 69-0 with two abstentions.

Resolution to Establish the Professorial Title of Teaching Professor (Faculty Affairs, Student Affairs). Sen. Freyer said the Faculty Affairs Committee is very aware of the critical role that Lecturers play not only in the classroom, but also in developing new curriculum, mentoring students, carrying out research and providing service to the University. The contribution was never more apparent than during the pandemic, when Lecturers carried out Herculean tasks to sustain the educational program at Columbia.

He said FAC has been working to find ways to better support off-track faculty.

It was now proposing a new [title](#) available to lecturers, namely, Teaching Professor (Binder, 43-48). This title is for senior full-time off-track faculty with no less than 10 years of distinguished service.

Sen. Freyer said this title was meant to demonstrate the value that the University places on these teaching faculty. He hoped the Senate would support it.

Sen. Gong said the SAC endorsement for the Professor-in-Residence applied equally to the Teaching Professor title. Sen. Freyer appreciated the students' support.

Sen. D'Armiento said the same friendly amendment that supplied Statutory language for the Professor-in-Residence title applied equally to the Teaching Professor title.

Sen. Shelley Saltzman (TTOT, SPS), a Senior Lecturer in the School of Professional Studies for decades, said she was encouraged that the University was prepared to acknowledge the teaching mission of the University, and the inspiration that Lecturers and Senior Lecturers provide. She said it was nice to see some recognition of that.

Sen. Goumain emphasized the importance of this resolution. He thought it was particularly important to support it and to recognize the wonderful work that the teaching faculty has been doing over the years, and the amount of work that that effort requires. He said this title would help establish a better career path for Lecturers, with better protections and recognition, and provide a step forward that the whole Senate should support.

Sen. George said one obvious way for the University to recognize excellence of this kind is to create more tenure-track positions for teaching faculty. Her reservation about the present resolution was that changing the title would not change the system.

Sen. Gong said the Teaching Professor title is not new. It is just new at Columbia. Many peer institutions already have this.

There being no further discussion, Sen. D'Armiento asked for and received a motion and a second to vote on the resolution. The Senate then approved the resolution by a vote of 69-0 with three abstentions.

Sen. D'Armiento expressed relief that the Senate's regular business was complete, and she could now take statements on the issues that the Senate had been discussing previously.

More discussion of the event policy, the Rules of Conduct, and related issues. Sen. Ovita (TTOT, SW) thanked Sen. Williams-Bellamy and other student senators for their clear overview and their passionate call for transparency and direct communication, including all voices across the University. She then read a statement to the University Senate drafted by a committee of faculty, administrative staff and administration from the School of Social Work:

The School of Social Work upholds a mission to interrogate racism and other systems of oppression standing in the way of social equity and justice. As such, we are angered by the unfair, unjust decision to suspend Students for Justice in Palestine and Jewish Voice for Peace as recognized organizations for their advocacy on behalf of over 11,000 Palestinians in Gaza who have been murdered, and the millions more displaced by the State of Israel. Further, by including Jewish Voice for Peace in this ban it punishes solidarity between Palestinian and Jewish activists, who recognize that the struggle against anti-semitism is not in opposition to the safety and freedom of Palestinians; instead, they are inextricably bound together. Columbia University would do well to follow their lead. We demand that Columbia

reverse this ban, and allow these students the right to exercise free speech and support of oppressed people.

More urgently, we remind the Senate that Columbia University was the first Ivy to divest from South African apartheid. In light of this historical precedent, and in consideration of Columbia University's past and current commitment to knowing and doing what is right, we call on the Trustees to uphold the values of our campus and abide by the successful yet disregarded 2020 Columbia College referendum to divest from companies and institutions that profit from Israel's military occupation and apartheid system, a system described at length by organizations and bodies worldwide, including Amnesty International, Human Rights Watch, B'Tselem, the United Nations, and many more. We have references for this as well. For this purpose we demand that the Advisory Committee on Socially Responsible Investing furnish a report examining all University investments and companies and institutions profiting from Israeli apartheid.

Finally, as has been undertaken by the University when considering divestment initiatives in the past, we request the University to call a faculty and staff referendum considering the question of divestment from Israeli apartheid.

In recent years Columbia University has expressed its commitment to our Fourth Purpose to "advance human welfare," and we demand that the University abide by this express commitment.

Sen. Williams said this statement now had 31 signatures with more expected as the statement gets circulated more widely.

Sen. D'Armiento thanked Sen. Williams for the statement.

Sen. Savage (Stu., SW) then read her statement on behalf of Social Work students:

Good afternoon members of the Senate and friends sharing this space. Thank you for the opportunity to share the sentiments, frustrations, and ideas of students from the School of Social Work. I would also like to thank the entire Student Union, who dove into this project with me with no hesitation and almost no time on the clock, and all who shared their experiences.

While I regret that I cannot share all the answers, there is a strong consensus. That consensus is that we chose to attend Columbia School of Social Work, not only because it espoused values of social work that we as students are encouraged and expected to embody, but also because Columbia states that it is a leader in social justice that supports social movements. Today, many CSSW students feel silenced and censored, bullied, and gaslit. We feel confused about how we are seemingly punished by what you have taught us to do: to use our organizing skills and educational tools to push for social change.

While the students' experiences and voices vary widely, the solidarity, illuminated by our survey, is that this situation, its handling, mishandling, or refusal to handle, is disrupting not only our educational spaces and experiences but our mental and overall well-being. The tension is also felt virtually and is affecting online students. I want to share a couple of the statements by some of the CSSW students:

“I have not been able to focus in classes at all because I want to actually put my education to good use like activism and advocacy to dismantle systems of oppression.”

“Current events have contributed to physical illness, which has impacted my ability to engage fully in my education at CSSW and in my practicum placement. The tense environment at CSSW is palpable for me, and most days that I need to be there I am counting the hours until I can leave. The fear to speak openly and the lack of conversation/discourse is eerie, and leads to me feeling far less secure in the environment.

To this:

We respectfully but vehemently are requesting space and support to express our grief and sadness, with particular care to ensure they are accessible and available to those who need it. We request that students not be penalized for their absence in class because they are exhausted, are protesting and organizing, and/or don't feel safe on campus. We request that professors reconsider their workload, reduce assignments, and be flexible with due dates and grading. Additionally, we request that student groups that have been suspended, including SJP and JVP, be reinstated. No person or group should be silenced or threatened with sanctions for exercising their inherent right to advocate, express their outrage, and demand better.

You have taught us well. In fact, the machine is machine-ing. CSSW has introduced many of us to our power, directed our passion, and encouraged us to do what social workers do—do right by our communities, raise the voices of the oppressed, and level the disparity wherever and in any way we hold the privilege to do so.

. While this interaction isn't exactly the most pleasant one, I hope that somewhere deep inside you are proud of the courage, passion, and tenacity of every student at CSSW. I will close with this.

Glenn E. Martin said that “those closest to the problem are also those closest to the solution,” and this is what we are asking you to consider—the voices of students who are bringing in relevant and valuable insight before making unilateral decisions that affect us.

Sen. D'Armiento thanked Sen. Savage for the statement.

Sen. Wena Teng (Stu., CC) spoke next, adding her thanks to the three SAC chairs for their conceptualizations of the current situation. She reminded everyone that the Rules of University Conduct date back to 1968, when campus protest against the Vietnam War and plans for a gymnasium in Morningside Park spearheaded major changes at Columbia, including the University Senate and the senators representing the student body at the present meeting.

She said those senators had already established the crucial importance of academic freedom, but there also needs to be a recognition of academic freedom in relation to the health and well-being and safety of all of Columbia. She wanted to emphasize that there is a vital link between academic freedom and the existence of safe spaces on campus for all members of our community, which can take the form of campus organizations, classrooms, religious spaces, or affinity groups.

Sen. Teng said these spaces remind us of how we relate to one another. And as a history major, she couldn't help but see threads between what happened in 1968 and now. And while history may not necessarily repeat itself, it does often rhyme.

Sen. Teng said her question was similar to Sen. Zent's. But she also highlighted some of the questions mentioned in the chat. She hoped that Mr. Rosberg could shed some light on these questions. She said she believes that hate speech should not be tolerated, but wondered what the "threatening rhetoric" was that got the two student groups suspended. She also asked who the members of the Special Committee on Campus Safety are, and how they were chosen. Does the committee have student representation?

Sen. D'Armiento said these were important questions, and senators are talking with the administration about the answers. She said Mr. Rosberg had said students were suspended for violations of the event policy. She affirmed that so far there had been a wonderful student population of nonviolent protest. There has not been violence at demonstrations on campus, so there should be nothing in the suspension that relates to that.

Sen. D'Armiento asked Mr. Rosberg to respond to these questions. She had been speaking for him, repeating some of his past responses, to try to keep the meeting moving.

Mr. Rosberg said he wanted to talk about rhetoric but without inflaming the issue more. He said the administration was dealing with a situation in which opposing groups each think the other is engaged in genocide. He recognized that judgments about threatening rhetoric can be partly in the eye of the beholder. But that's the problem—people hear that kind of rhetoric, whatever its intent, and take it very much to heart. He said again that that was not the reason for the suspensions. But he asked everyone to be honest with themselves about how fraught the current environment is.

Sen. D'Armiento said there was real concern, which Mr. Rosberg had tried to allay, that students could be suspended. The concern was also raised in Sen. Williams-Bellamy's presentation and would be the subject of further discussion when senators sit down with Mr. Rosberg.

She asked Sen. Teng whether this answer was helpful. Sen. Teng said it was. She repeated her second question: Who are the members of the special committee? How and when were they chosen? Is there student representation?

Mr. Rosberg said this question would be a subject of much discussion in coming weeks, and was the subject of further unfortunate misunderstanding. He said the group he had referred to previously is an administrative coordination mechanism that had been meeting daily since October 7, the date of the Hamas attack, to make sure that all administrators involved were sharing all relevant information with each other. That group includes people from University Life, Public Safety and, most importantly, the Provost's Office. The committee was, in this instance, trying to manage the safety environment. But he understood that there have to be changes in the safety committee. Faculty members were already being added. And there would be discussion about how to make this committee as transparent as possible. But he repeated that the committee was merely an administration coordination mechanism, not a policy-setting body for the University.

Sen. D'Armiento said a senator had called in the chat for adding students to the committee. She said the Senate would be working actively with Mr. Rosberg on that committee and would make sure that Senate constituencies are represented, including students.

Sen. Applegate said he had been a senator for a long time, serving on the Executive, Education, and Faculty Affairs committees. He had discussed parts of what he was about to say with many people, but the words were his. He said we live in a society of laws, not one of arbitrary power. In order for that to work, our rules and procedures must be followed by all parties at all times.

He said freedom of expression is a right and privilege in our community. He regarded himself as a member of the Columbia community first, and a passionate partisan engaged with controversial issues second. He tries to consider carefully what his words may mean to other members of the community. The fact that the Rules of University Conduct permit him to say something does not mean that it is a good idea for him to say it.

Sen. Applegate said rights and privileges in the community come with obligations and responsibilities. He said he does not censor himself, but he does edit his words carefully out of respect for other members of our community to try and make his meaning as clear as he can, and to try to cultivate a culture of respectful disagreement, and to be the best listener he can be.

He said politics is not about defeating enemies or winning arguments. It is about finding, nurturing and expanding common ground. It is about the idea that someone you agree with two thirds of the time is your friend, not your enemy.

Sen. Applegate said he had long felt that any issue debated off campus can be debated on campus, and the Columbia community can do that not only as well as people off campus, but a lot better. The community had done this in the past, and he had had the privilege of participating in some of it. The community could do it again if people work together and listen respectfully to each other.

Sen. Susan Bernofsky (Ten., Arts) said Mr. Rosberg had previously answered a question about the suspension of two student groups by saying who did not do it. Could he tell the group who did?

Mr. Rosberg thought he had answered this question before. The decision to suspend the student groups came as a recommendation during the process of dealing with student groups. He said he and others were involved in formulating a recommendation that went to the senior leadership of the University, which approved it.

Sen. Susan Bernofsky asked if the senior leadership was Mr. Rosberg and the president.

Mr. Rosberg said the senior leadership is more people than the president and himself. He said the senior people in the University made the judgment that this suspension was the right action to take in these circumstances.

Sen. Bernofsky said she was not satisfied with the completeness of Mr. Rosberg's answer, but she thanked him for the partial response.

Sen. Witte said some people in the chat and other senators have called for a longer conversation. She said she would welcome a chance for further discussion of the Rules of Conduct and the event

policy. She said people keep talking about “safety.” She said Mr. Rosberg had spoken about “threatening and intimidating” rhetoric. She said that as a woman who has worked at Columbia for 30 years, she has watched many people experience a lack of safety. She said safety looks many ways. There’s physical, emotional, psychological, health, and environmental safety. Besides religious minorities, there are LGBTQ students, racial and ethnic minority students. International students, female students, students with disabilities—the types of safety make for a complex dynamic. Sen. Witte said people are not talking about what we mean by safety. Decisions are being made that are one-sided in terms of someone's perception of safety—a situation she considered highly problematic. She asked for a more sophisticated conversation about what we mean by safety with regard to the rules and the current temperature on campus, because, indeed, we want everyone to feel safe enough. But safety is often also associated with a very dominant perspective of what it means to be safe if you have power and privilege in a community, and many of us do, and many of us do not. And it's not the same for each of us. But the term is being used as a dominant construct, and that's very dangerous, specifically right now.

Sen. D'Armiento said this was not the end of the discussion. She said senators had just had difficult conversations and had remained respectful of each other. And so senators need to do this more. The Senate can set up a town hall meeting. She said leaders of the different committees could make a plan to come together again and have a conversation.

She said senators have made clear that they have questions and are trying to get answers from the administration. But senators represent all of their constituents and need to speak for them and with each other. She called for a plan to formulate another meeting, outside of the plenary, so the Senate doesn't have to worry about other business.

Sen. Wasaya said he thought everything everyone had said was important to hear. He said the discussion in the chat, which some people were saying resembled a second meeting on the side, was important to note as well. Could the chat be archived? He would love to see everyone's comments on the record.

Sen. D'Armiento said the Senate could consider that idea.

Conditions for bringing New York City police on campus. Sen. D'Armiento said Sen. Witte's remarks about safety had reminded her of the need to talk about the issue of the presence of police on campus, which is addressed in Section 444f. of the University Statutes, which sets the conditions for a decision by the president of the University to bring police on campus. Except in emergencies, the president must consult first with the Senate Executive Committee. The Senate was now discussing this provision with the administration.

Sen. D'Armiento said that with regard to the NYPD she could state that the administration has been following the procedure set forth in the Statutes very tightly since November 15, when it had last consulted the Senate on whether to bring police of campus.

She said the Executive Committee did approve of a plan to bring the New York Police Department on campus on October 12, after it had been informed that it was necessary and that there could be serious issues otherwise. But since then, the University has engaged with the Executive Committee to discuss bringing police on campus only once, on November 15.

Sen. D'Armiento said she would arrange for conversations to make sure that the University is following Section 444f.

Mr. Rosberg agreed that this subject needed more discussion. He said Sen. D'Armiento's paraphrase of the relevant passage in the Statutes was not entirely accurate. He also said the understanding of the Rules of Conduct needed to be clarified. He thought there was some misunderstanding of how these procedures work. That was another good reason to talk these issues through.

Sen. D'Armiento said she would consult with Senate legal advisers on the correct interpretation of the Rules and the event policy, and come to the next meeting on this subject prepared.

Sen. D'Armiento said a colleague had said that many issues are couched in the language of safety. She said there is nothing that we do in life without risk, but it is necessary to mediate the risk and judge whether the actions that we're taking diminish our principles. Sometimes we think there's a risk, but it doesn't exist.

Sen. Susan Bernofsky suggested seeking a commitment from Mr. Rosberg to unsuspend the two student groups now that the Senate had established that the policy used to suspend them involved an end run around established procedures, such as consulting the Student Group Adjudication Board.

Sen. D'Armiento doubted the Senate would want to put on paper that statement about an end run. Sen. Bernofsky said you can't blame a girl for trying.

Sen. D'Armiento said again that the newly implemented university event policy, which senators had stated earlier in the meeting is not aligned with the Rules of Conduct, would be the subject of the next meeting with the administration, with the goal of making the event policy and the Rules congruent with each other.

She said the administration's answer, which she would allow Mr. Rosberg to repeat if he chose, is that the two student groups have only to commit to the present event policy and speak with the administration and their advisors. She suggested that Mr. Rosberg might tell her what the student groups need to do in this situation.

Mr. Rosberg said the administration certainly believed from the start that the event policy and the Rules address different things, that they're different aspects of a single large problem. But he understood the concerns about how these pieces fit together, and definitely wanted to talk about that issue in connection with the suspension. He said it was not his goal to have anyone under suspension. Nothing would please him more at this point than finding a way to solve that problem.

Adjourn. Sen. D'Armiento said she would now end the meeting, repeating her promise to continue discussions with the administration and to hold another Senate discussion on issues that had emerged in the present meeting. She wished everyone a wonderful Thanksgiving and adjourned the meeting.

Respectfully submitted,

Tom Mathewson, Senate staff

University Senate

Proposed: December 8, 2023

Adopted: December 8, 2023

63-0-5: In favor-opposed-abstained

**RESOLUTION TO SEEK TO RECONCILE THE UNIVERSITY EVENT POLICY
WITH THE PRINCIPLE OF FREEDOM OF EXPRESSION EMBODIED IN
THE RULES OF UNIVERSITY CONDUCT**

WHEREAS the University Senate Rules Committee produced the Rules of University Conduct in the years immediately following the campus upheavals of 1968, using the First Amendment as the founding principle, as interpreted over a period of decades of U.S. Supreme Court decisions, and codifying the result in Chapter 44 of the University Statutes; and

WHEREAS the Rules Committee is steward of the Rules, revising them from time to time with the approval of the full University Senate, most recently in 2015; and

WHEREAS there is now a pressing need for the Rules Committee to restore procedures that are essential to the intended functioning of the Rules;

THEREFORE BE IT RESOLVED that the University Senate approve the recommendations set out in the attached report.

Proponent: Rules Committee

Committee on the Rules of University Conduct
Overview of the Rules of University Conduct and University Event Policy
December 6, 2023

The [Rules of University Conduct](#) Committee “shall have jurisdiction to review and recommend revision of rules of University conduct, as well as the means of enforcing those rules.”

(University Senate By-Laws Sec.4.k.viii.)

The Rules of University Conduct are contained in Chapter XLIV of the University Statutes and establish both a framework for how the University may engage in the regulation of freedom of expression on campus as well as a code of conduct and adjudication process that apply to all individuals on campus.

§ 440, titled Affirmative Statement, establishes the regulatory framework with which the University must comply. To begin our analysis, this section provides that:

“Every member of our community therefore retains the right to demonstrate, to rally, to picket, to circulate petitions and distribute ideas, to partake in debates, to invite outsiders to participate, and to retain the freedom to express opinions on any subject whatsoever, even when such expression invites controversy and sharp scrutiny”

This guarantees to members of the Columbia community the right to engage in a broad range of activities related to free expression and establishes the scope of activities that merit special protection from University regulation.

In the regulation of the aforementioned activities, § 440 first mandates that “the University cannot and will not rule any subject or form of expression out of order on the ground that it is objectionable, offensive, immoral, or untrue.” It continues on to add that permissible “regulations do not turn on the content of any message that might be expressed.” These provisions of the Affirmative Statement announce a broad content neutrality principle for the University’s regulation of free expression on campus. This is to say that the University must tolerate speech and forms of expression that many or even most in our community might find abhorrent. This also implies that some mechanism for assessing the University’s motivations behind a given regulation or its application will be necessary to ensure that it is free of content based prejudice.

The Affirmative Statement continues on to assert that the University Statutes recognize “only two kinds

of limitations on the right of freedom of expression, and both are to be narrowly construed.” As such, any regulation of free expression on campus must fall into at least one of these two categories.

“First, the University reasonably regulates the time, place, and manner of certain forms of public expression.” The reasonableness standard invoked here is to be given a narrow construction; as such, given that the Rules are strongly modeled on the United States Supreme Court’s jurisprudence on the First Amendment’s right to freedom of expression, we read this as imposing the same standard of strict scrutiny that is used to review state regulation of free expression. This is to say that University regulation of free expression must be narrowly tailored to achieve a compelling and legitimate University interest. To be narrowly tailored, a regulation must be the least burdensome or least restrictive means reasonably practicable to achieve the corresponding University interest. That is to say that, if there is a reasonable alternative to a given regulation that is less restrictive, the regulation is invalid.

“Second, the University may restrict expression that constitutes a genuine threat of harassment, that unjustifiably invades an individual’s privacy, or that falsely defames a specific individual.” This provision announces three standards for when the University may restrict three types of speech of low expressive value. First, to be genuine, a threat of harassment must be discrete, identifiable, and actionable. To be clear, any threat of harassment is speech of low expressive value, but simply being of low expressive value is not worthy of sanction on its own. The genuine standard allows the University to regulate a form of speech that is both of low expressive value and has sufficient potential to produce actual harm. Second, the inclusion of the word “unjustifiably” in the second class of low value speech implies that there are some instances where intrusion into an individual’s privacy has sufficient expressive value to be justified. As such, this justifiability standard requires that the expressive value of the speech be weighed against the potential harm that would result to the targeted individual. Thirdly, the final class of low value speech requires a factual determination that the content is false. But, in keeping with the prohibition on content based restrictions, a determination that the expression is also targeted at a particular person and actually harmful to that individual is necessary as well.

This concludes the regulatory framework mandated by the Rules of University Conduct. The next several sections of the Rules are given over to a taxonomy of definitions and a classification of the types of individual misconduct that violate the Rules’ code of conduct, which we believe is of little utility to reproduce here. Instead, it is of more worth to take a moment to review the due process protections codified in the adjudication procedure outlined in the later sections of the Rules.

University Event Policy Recommendations

The Rules Committee has reviewed the University Event Policy (as of November 16, 2023). In reviewing the University Event Policy, the Committee has sought to distinguish between events that have the primary purpose of recreation or entertainment and events that have the primary purpose of public expression. Recreational events do not fall under the purview of the Committee's recommendations, but expressive events do. For these events considered expressive in nature, the committee has developed the following recommendations:

1. Special Event criteria for events of public expression:

I. Credible threats to physical safety, genuine threats of harassment, and reasonable concerns of unjustifiable invasions of privacy or false defamation are permissible grounds for the administration to postpone an event until proper accommodations can be made.

II. Reasonable regulation of time, place, and manner:

A. If there is another event already scheduled:

1. If the prior scheduled event has the purpose of public expression and the proposed simultaneous event is a counterprotest, then the criteria from Paragraph 1(I) apply and the counterprotest should be assigned to a different location so that the two events do not interfere with each other and the possibility of conflict is minimized.

a) If the proposed event is of a different subject, the first event scheduled takes precedence and reasonable efforts should be made to accommodate the second one (such as sufficient distance between the two, etc.).

2. If the prior scheduled event has the purpose of recreation/entertainment, such events should be protected, as they serve the vital University function of social life. As such, if the Administration reasonably believes that activities that would be considered disruptive under guidelines to be issued by the Committee at a later date would occur, this would be permissible grounds for a postponement of the proposed public expression event.

III. Promptly upon learning of a proposed event that it deems to raise the concerns listed in Paragraph 1(I) or 1(II)(A)(2), the Administration will notify the event organizers to attempt to reach an agreement about the time, place, and manner of the event that assuages the Administration's

concerns. Simultaneously, the Administration will notify an independent board, that must include student representatives, that will if necessary assess whether the Administration can permissibly order the proposed event postponed.

- A. If the Administration and the event organizers reach an agreement, the board will be notified that it does not need to make a determination.
- B. If no agreement is reached, the board will be notified that it needs to make a determination. If the board deems the administration's reasoning permissible under the framework above, the event will be postponed.
- C. If no agreement is reached and the board deems the Administration's reasoning impermissible, the event must be allowed to proceed.
- D. Decisions by the board can be appealed by either the administration or the organizing group.
 - 1. An independent appeals board would hear all appeals.

2. Violations of the Event Policy:

I. If a group fails to give notice of an event or violates an order of postponement and proceeds with a disallowed event, the organizing group(s) can be sanctioned under the appropriate procedures (e.g. SGAB, etc.).

- A. Individuals though should only be sanctioned for substantive violations of the Rules of University Conduct, subject to the adjudication process contained therein.
- B. Disallowed events or events held without notice should not be required to disperse unless a Delegate, in the proper exercise of their authority under the Rules of University Conduct, finds that the Rules of University Conduct are being violated and orders the assembly to disperse.

- 3. The University Event Policy must specify to whom notice must be given and who is the decision maker.
- 4. Recognize a distinction between events that have the primary purpose of recreation or entertainment and events that have the primary purpose of public expression. Recreational events do not fall under the purview of the Committee's recommendations, but expressive events do.
- 5. Recommend that the ten-day advance notice requirement contained in the [University Event Policy](#) be reduced to three business days.

University Senate Commission on Diversity

Statement Regarding the Presence of NYPD on Campus

Last revised December 4, 2023

Today, we are here on behalf of the University Senate's Diversity Commission to implore the administration to not only remain resolute in its commitment "[to enhance the quality of life for the Columbia community by maintaining a secure and open environment where the safety of all is balanced with the rights of the individual](#)"¹, but to bring attention to existing policies and the University's recent harmful deviation from them.

We would like to thank President Shafik, University administrators, and members of the Senate for their collective contributions, valuable feedback, and continued commitment to upholding diversity.

The Diversity Commission is tasked with identifying best practices and recommendations to support the University's [Diversity Mission Statement](#) to recognize and draw upon the talents of a diverse range of outstanding faculty, research officers, staff, and students and to foster the free exploration and expression of differing ideas, beliefs and perspectives through scholarly inquiry and civil discourse. We also aim to illuminate the experience of our constituents and work to alleviate harm done based on differences. As such, over the past years, the Diversity Commission has collaborated diligently with other communities and administrators to further support and develop various initiatives across the University.

Today, we specifically would like to highlight and remind the University Senate of [Section 444.f. of the University Statutes](#), our constitution. The genesis of said statute resulted from the social and political discord that reverberated through our community in 1968, a situation further addressed in 2020 and 2021 with regard to ongoing racism, marginalization of BIPOC communities, police brutality, and the murders of George Floyd, Breonna Taylor, and Ahmaud Arbery, with the Commission on Diversity's "[Report on Columbia University Public Safety and Restorative Justice](#)"²." As a result of this and other work on the

¹ (<https://publicsafety.columbia.edu/content/community>)

² The Commission's April 2021 *Report on Columbia University Public Safety and Restorative Justice*, opened in noting that "In the summer of 2020, concern about police violence and accountability, as well as the structural nature of racial discrimination within criminal justice institutions at large, rose to the forefront of American public discourse. Such concerns were raised largely in response to the killings of George Floyd, Breonna Taylor, Ahmaud Arbery, and countless others by police and vigilante actors. The consequence has been a national call for change in approaches to policing and public safety in general, including demands for accountability and transparency in addressing racism and its effects within institutions. Institutions of higher learning have been among those to take seriously this national call for redress of racial injustice and, on July 21, 2020, the Office of the President of Columbia University released a statement entitled, "*Columbia's Commitment to Antiracism*," locating this community in response to the national public discourse and setting out actions to be taken.

university climate, and efforts to increase diversity-based justice, President Bollinger [announced](#) in January 2022 the creation of the [Inclusive Public Safety Advisory Committee](#), recognizing that the presence of law enforcement is not reassuring to all students, tacitly conveys a threat where one may or may not exist, and took measures to acknowledge the lived experience of its diverse community by setting measures that confirmed these members were seen and heard.

In Section 444.f., the University Statutes ensure that when external bodies, namely the NYPD, of particular interest at present, are being considered to support the safety efforts of the university, the President collaborates with the Executive Committee, to secure approval. The only exception to this policy involves a clear and present danger where the president would bypass this consultation with the Executive Committee and act to ensure campus safety in conjunction with an external body, in this case, the NYPD.

We believe the labor put into this policy was not only necessary and prudent in 2020 but persists today in the context of current global conflicts and will continue to be a valuable compass to, in our president's words, "create space for our scholars to fill with their own moral and intellectual conversations, an essential function in a world in which that space is narrowing, (Office of the President 2023)". The space that President Shafik spoke of has felt narrower of late for scholars who do not feel reassured by the presence of police, for those from marginalized communities with a long history of suffering at the hands of police, and for those whose anxiety and fears were confirmed by their presence.

Our understanding is that on the day of the large October 12 protest, the Executive Committee approved the police presence, but in subsequent days, approval was not sought. It was during that period that the police presence escalated and was of particular concern. NYPD helicopters hovered above our campus, by one account, twenty-two NYPD officers were seen on College Walk, and another reported ten more across from Low Library. This excessive presence made our academic environment, one that boasts its support of free speech, dissenting opinion, and free exchange of ideas, instantly transform into more of a police state, extinguishing any idea of a safe space for any member of this community. In addition to our scholars and faculty, we also must consider the impact of these actions on our community and the steep cost to taxpayers and our neighbors.

As not only our Columbia community, but the world, continues to bear witness to chaos, crises, and uncertainty, we must remain true to our resolve of our guiding principles, and use our platform to express, debate, and advocate in a manner that is inclusive of all in our community. Our collective concern is not only representing and protecting diverse members of Columbia but also the significant deviation from existing policy by the administration.

It is clear that social justice violations in existence for hundreds of years in this country are inextricably intertwined with the history of this university. We must acknowledge this history and recommit to adhering to the policies put in place to redress in some way the wrongs of our past and present. These concerns remain paramount today. No entity should be able to unilaterally overlook our existing policies.

As students, we are taught that we hold the resources and power to change the world. What is administration showing us if the very same entity that empowers us, takes our power away? Only that we are subject to the whims of authority. Does that not align with this country's hideous past?

We must remain vigilant of the policies that were crafted by those guided by this very institution to ensure that all faculty, staff, and students feel safe. Undermining adopted policies with impunity only sets our community back. We specifically seek to be part of the solution and amended relationships with all communities that have been impacted by the institution. We believe that is our obligation as not only faculty and scholars but as members of this community.

We echo the sentiments of past senators on the Commission on Diversity in hoping that one day we will no longer need this commission as the work being done here will be a natural and casual consideration alongside all others. Today, however, is not that day and we will continue to urge the university to hold fast to its promise of inclusivity of all members. Thank you for your time and consideration.

**INFORMATION AND COMMUNICATIONS TECHNOLOGY POLICY COMMITTEE
ANNUAL REPORT FOR 2022-23**

The IT Committee held seven regular meetings last year, along with its joint annual meeting with the Education committee and another end-of-year meeting with the Education and Student Affairs committees.

Here are the main topics and guests at those meetings:

September 30, 2022. The committee discussed the need for new forms for faculty and students to fill out instead of the current plethora of PDFs. Web Forms are currently replacing these and were discussed in more detail at the November 4 meeting. We also discussed the importance for students of getting access to Adobe Pro, Zoom Pro, and Google Collab Pro . Another issue was a problem on the uptown campus with *duo factor authentication* for certain programs or platforms.

November 4, 2022. There was a short presentation from Sen. Bruce Goumain (Stu., GS) on student problems with the registration process, which University Registrar Barry Kane promised to discuss later in more detail, focusing on a new version of Vergil being created to improve course searches.

EVP for Research Jeannette Wing and her group described a collaborative strategic planning effort to address research computing needs that they were currently working on with the faculty-led Shared Research Computing Policy Advisory Committee (SRCPAC), with the Columbia Medical Center, and the Zuckerman Institute. She also asked to hear from faculty about current problems with research computing, particularly having to do with High Performance Computing (HPC) and the Cloud. CUIT VP Gaspare LoDuca also mentioned the need for training researchers in the more advanced uses of computers to work on their grants.

EVP for Finance and IT Anne Sullivan and her team presented new work on CU Concur for travel and expense management, pointing out how world travel was finally growing after the pandemic. Her team is offering training systems and has published multiple “Quick Guides” for many new staff and faculty who want to use Concur now that the pandemic is over.

December 16, 2022. There was a discussion with Registrar Barry Kane about some students’ SSOL outages during early spring registration in November and the search functionality of the current version of Vergil, which is currently being upgraded. The new version will be available in Spring 2024. The old directory of classes is also being replaced by something better.

Next there was a talk by Prof. Christopher Marianetti, retiring chair of SRCPAC, about faculty involvement in that system. An important addition had been programming “boot camps” to explain

to faculty how to use the system to visualize their data. The expenses of Cloud Computing for faculty and finding Columbia funding to buy into clusters outside Columbia was also discussed. Another topic was the loss of staff at SRCPAC as well as at CUIT and Rascal during the pandemic, and what could be done to address this problem. There was also a follow-up discussion on replacing PDF forms, with Sen. Adam Cannon (TTOT, SEAS) presenting the FormAssembly services to CUIT.

January 27, 2023. The IT Committee met with Chad Neal, Chief Information Officer of CUIMC who provided an update on the three-year Wi-Fi upgrade project at the uptown campus.

Iddo Drori, Adjunct Professor of Computer Science, gave a presentation about a process he has been developing to use ChatGPT to administer and handle basic preparations for a course, including the work of producing and grading homework exercises for students. He noted the usefulness and also some of the limitations of this process

February 17, 2023. Maneesha Aggarwal, AVP for Academic, Emerging Technologies and Research Services, discussed several projects funded by industry partners that the Emerging Technology Consortium members are pursuing, including a technological innovation for use in monitoring blood pressure in pediatric surgery and an effective new way to combat air pollution in an extremely hot urban setting by planting trees and vegetation using Virtual Reality data provided by a surveying drone.

There was also a presentation on technical and pedagogical issues related to Courseworks by Center for Teaching and Learning Executive Director Catherine Ross and her group.

March 24, 2023. Gaspare LoDuca and Barry Kane spoke at some length on their years-long, comprehensive effort to upgrade the Student Information System and revamp the registration process.

May 1, 2023. At the annual joint meeting of the IT and Education committees, five faculty and members and administrators discussed the educational implications of ChatGPT, identifying the system's strengths and weaknesses, including the opportunities it provides for students to cheat on their work. Information on how to combat this problem was also discussed. The presenters were Computer Science professors Zhou Yu, Vishal Misra, and Julia Hirschberg, along with Catherine Ross (CTL) and Victoria Malaney-Brown, Director for Academic Integrity for CC and SEAS.

May 2, 2023. The IT Committee met jointly with the Education and Student Affairs committees to hear a presentation from Senior Vice Provost Soulaymane Kachani on Columbia Online, a new venture encompassing all of Columbia's major online educational initiatives, intended "to ensure the richest and most dynamic educational environment possible for Columbia's students, as well as learners outside the University."

At the end of the year, we said good-bye to my co-chair of the last decade, Prof. Matt Jones, who left Columbia for another university. He brought his steadfast skepticism and wide-ranging perspective as an historian of science to our experience of our technological moment.

We would like to offer again our particular thanks to Gaspare Lo Duca and to Barry Kane, who have always shared their time and energy unstintingly with our committee. Our meetings were as stimulating last year as ever!

Respectfully submitted,

Julia Hirschberg, Chair, IT Committee

INFORMATION AND COMMUNICATIONS TECHNOLOGY COMMITTEE 2022-23

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| | | | |
|-------------------|-------------------|----------|--------------------------------|
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