

University Senate
November 1, 2002

Proposed:

mber 1, 2002

Adopted:Nove

MINUTES OF SEPTEMBER 27, 2002

President Lee Bollinger called the Senate to order shortly after 1:15 pm in the Schapiro Engineering Auditorium. Sixty-five of 92 senators were present during the meeting.

Minutes and agenda: The agenda and the minutes of April 26, 2002 were adopted as proposed.

President's report: The president said he is still trying to learn as much as he can about Columbia, but he is very happy to be at this university, in a position that enables him to meld his academic and personal interests. A number of issues have already surfaced, including an incident involving the Columbia band's halftime show at the Fordham football game, which he thought was now behind the institution. Over the next months he expected to lay out the issues that he considers critical, but said he would mention only one now—space. By itself space means nothing, he said; what matters are the academic, intellectual, and artistic issues that involve space. He praised the efforts of present and past administrators to enhance current facilities and add new ones, but said it is clear that a great deal of work remains. The critical question is how Columbia should expand—into areas adjacent to its present campuses? Into other areas of New York City? Beyond New York City? This decision will require careful, highly intelligent deliberations. There are some exciting possibilities, he said.

Sen. Luciano Rebay (Ten., A&S/Hum) called attention to a space issue from the past decade: the University's secret sale of the Casa Italiana to the Italian government. He will continue a campaign he has waged for the past eight years to rectify this error, he said.

Sen. Roosevelt Montas (Stu., GSAS/Hum) asked if a member of the Senate Education Committee could join the president's task force that is considering the mission of the Journalism School and searching for a dean.

The president said the committee was already so large that he was hesitant to add more members. He said there will be other ways to participate in these deliberations. He invited Sen. Montas to come talk to him about this question.

Sen. Joan Ferrante (Stu., A&S/Hum) said the Senate, on which she has served for a long time, had some difficult times with the previous administration. She said the Senate wants to work cooperatively with the new administration, and hoped the president would make use of this resource. The president thanked her.

Sen. Rebay called on the president to take the pledge that Jimmy Carter had made as a presidential candidate—to tell the truth always and never lie. The president willingly took the pledge.

Sen. Michael Castleman (Stu., SEAS) asked the president what the budget was for his inauguration ceremony, and how he would spend that amount of money to improve the quality of the education and research at Columbia. The president said he didn't know how much his inauguration cost, and would prefer to have as little to do with planning his own ceremony as possible. As to how he might spend that amount of money, he said Columbia is a big place, with many worthy projects.

Sen. Paul Duby (Ten., SEAS) noted that the Trustees are planning the inauguration, and questions about its cost should be addressed to the chairman of the board.

Nominations to committees: Sen. Duby, chairman of the Senate Executive Committee, presented a standing committee roster for Senate approval, along with a sheet of late changes in committee assignments that had been at the door. He praised the efforts of the Senate staff, which had helped produce a fuller committee roster and a bigger Senate—with 92 members--than Prof. Duby had seen this early in the fall for some years. He noted that two committees on the standing roster, Rules and Alumni Affairs, have been on standby for some time, but could be reactivated on short notice. The Senate approved the committee assignments.

Report of the Executive Committee chairman: Sen. Duby welcomed the president to his first plenary Senate meeting. He also welcomed new and returning senators, and urged them to get acquainted with President Bollinger at a reception outside the auditorium after the meeting. He also said a substantial Senate delegation would participate in the president's inauguration ceremony on October 3, and said stragglers could still sign up. He noted that the Trustees had decided that all classes will be canceled and all students are invited to participate. He said the academic calendar is a Senate responsibility, but he hadn't heard objections to this decision from any senators.

Sen. Duby said a few committees, including Faculty Affairs and Structure and Operations, had continued working after the last Senate session under summer powers. These committees' chairs would be reporting later in the meeting.

Sen. Duby mentioned two other items of business from last session. One was a request for nonconfidential information on the salaries of language lecturers, which was made in a resolution unanimously adopted by the Senate in March. Unfortunately, he said, the committee had not been able to obtain that information from the administration.

The other item, first presented during the previous session, was a code of conduct for deans and department chairs. The Faculty Affairs Committee was hoping to get feedback from deans and some chairs before its next meeting, to help the committee shape a final version of the resolution, perhaps for the November 1 meeting.

Sen. Duby reported on the Trustees' June 1 plenary meeting, which he had attended along with Sen. Montas, and which took place hours after Lee Bollinger had become president of the university. The Trustees commented favorably on their dealings with the Advisory Committee on Socially Responsible Investing, chaired by Prof. Harvey Goldschmidt. The Trustees also devoted considerable attention to the space issues and budgetary problems at Health Sciences.

Sen. Duby said that a subcommittee of the Senate Executive Committee will deliberate with a Trustee committee to nominate candidates for the Board of Trustees. The group recommending "Senate-consulted" Trustees will have the same members as last year—Richard Bulliet, Letty Moss-Salentijn, Paul Duby, Mary Clare Lennon, and Roosevelt Montas. Sen. Duby urged all senators to suggest nominees for the Board of Trustees.

At its last meeting, on September 20, the Executive Committee took up its recurring September duties, of making appointments under the Rules of Conduct. The University Judicial Board, which hears appeals in cases tried under the Rules, consists of faculty members Peter Strauss of the Law School and Sen. Edward Mullen of Social Work, students Michael Novielli of Columbia College and Sen. Roosevelt Montas, and administrator Raphael Kaspar.

Also on September 20, the Executive Committee had exercised its authority under the Statutes to extend the current terms of the two research staff senators until January 1, to facilitate the extended deliberations of Structure and Operations on a proposal to expand Senate representation for researchers. The proposal may reach the Senate soon.

Old business:

--Late annual committee reports:

--Faculty Affairs: Chairman Eugene Litwak (Ten., A&S/Social Sciences) noted that since his committee is mandated to consider faculty grievances, it inevitably runs into conflict with the administration. Continuing the report he had started to present at the April Senate meeting, he identified what he saw as a troubling recent trend in dealings between Senate groups and senior administrators. He gave two examples.

One is the Provost's refusal to provide information on language lecturers' salaries that was requested in a Senate resolution unanimously adopted last March. One reason the Provost gave was the need to protect the confidentiality of salary information. When Sen. Litwak had explained that the Senate resolution tried to protect confidentiality by asking only for ratios between the lowest-paid lecturer and the lowest-paid assistant professor in each department, the provost replied that even ratios would reveal individual salaries in very small departments. Sen. Litwak said for such cases the committee could waive its request, or it could ask for a composite picture incorporating several departments.

Another reason for the Provost's unwillingness to cooperate with the Senate resolution, Sen. Litwak said, is the view that language lecturer salaries are not the Senate's proper business, but an Arts and Sciences budgetary matter. Sen. Litwak countered that the language lecturer title was approved by the Senate in the late 1980s, and it is appropriate for the Senate to review the experience of this rank of faculty now. The Faculty Affairs Committee also believes more generally that fairness in faculty salaries is a legitimate concern of the faculty, he said.

A second case involved a language lecturer who was terminated after only one year, possibly in violation of Arts and Sciences guidelines that seemed to require a showing of “gross failure” for any such decision. No such showing had been made in this case. More than one faculty member who has taken part in overseeing language lecturers confirmed the understanding in practice that language lecturers could be terminated after one year only if they had demonstrated gross failure. David Cohen, Vice President for Arts and Sciences, did not accept this finding, and responded by rewriting the guidelines, deleting any mention of gross failure in first-year reviews. The Faculty Affairs Committee believes this action was contrary to the spirit of the Senate resolution establishing the language lecturer title.

These incidents give rise to an important question, Sen. Litwak said: What can the Senate do about unresolved disagreements with the administration? What recourse does it have? Can it bring its findings in grievance investigations to the full Senate? Should the Senate appeal to the president and the Trustees? Should it pass a resolution condemning the actions of the Vice President for Arts and Sciences and the Provost?

In a good discussion last spring, Sen. Litwak said, Vice President Cohen had conveyed to the Faculty Affairs Committee that there are certain prerogatives the administration will never give up. The vice president had expressed little interest in standard arbitration procedures in which, for example, each side appoints one arbitrator, and the two of them pick a third, and the three-member panel makes a decision on the issue in dispute.

With the president’s permission, Sen. Litwak invited senators, including Provost Cole and Vice President Cohen, to comment on the dilemma he had outlined.

Sen. Ralph Holloway (Ten., A&S/Social Sciences) recalled that in 1968 he had linked arms with other professors in front of academic buildings occupied by students in an effort to encourage a non-violent solution to the basic problem of that crisis, which he identified as an unanswerable administration. A solution to that problem was the creation of the University Senate a year later. Sen. Holloway commended Sen. Litwak for raising this issue.

Sen. Rebay praised Sen. Litwak as a hero for daring to challenge the establishment.

Sen. Herbert Gans (Ten., A&S/Social Sciences) asked how other universities deal with unresolved disagreements between faculty and administrators. He invited senators with experience at other universities to comment.

Sen. Litwak said the arbitration procedure he had suggested was a common solution to labor-management disputes. He did not know if it would be suitable in disputes in university governance.

Sen. Ferrante, a former chair of Faculty Affairs, said she saw no alternative in grievances where the committee gets no cooperation from the administration but to report its findings to the full Senate.

Sen. Eugene Galanter (Ten., A&S/Natural Sciences) urged senators to put their thoughts about this complex issue on paper and transmit them to the Senate office for Faculty Affairs to consider.

Sen. Edward Mullen (Ten., SW) asked the parliamentarian, Associate General Counsel Howard Jacobson, what guidance the by-laws offer on impasses between Senate committees and administrators.

Mr. Jacobson distinguished two grievance functions for Faculty Affairs. One is a mediation role. The other is a more serious role in particular types of grievances, such as a complaint that a candidate for tenure was rejected for reasons of race, ethnicity, sex, or sexual orientation, or a complaint that a faculty member's academic freedom was violated. The cases Sen. Litwak had recounted did not seem to fall into this more serious category. If mediation does not work in such cases, Mr. Jacobson said, the grievant always has the right to sue the University.

Sen. Mullen concluded that there is a gap in the by-laws on the question of how to resolve an impasse between the Senate and the administration. He suggested that the Executive Committee set up an ad hoc committee to draft procedures for handling such situations, which might become amendments to the By-laws or University Statutes.

Sen. Litwak sensed a growing distance between some administrators and his committee. In a recent grievance investigation, the Provost's office advised the grievant's department chair not to speak to the committee. Sen. Litwak was troubled even more by the attitude this advice expresses than by the procedural issue he had raised. It is in this context, he said, that senators are eager to establish cooperative arrangements with the new president.

Sen. Litwak said the Senate is charged to look into possible misbehavior of senior administrators, though it's not clear whether that responsibility belongs to individual committees. He said he was also willing to consider further elaboration of the by-laws.

Sen. Jonathan Cole, the provost, offered some context for the present discussion, noting that the administration has shared a good deal more information with the Senate on a range of issues over the past decade than it had before. He said the issue here is the Senate's scope of authority. Which issues are within the Senate's purview and which are reserved to the schools? Faculty salary issues have been left to school faculties for generations, as far as he knew. He said he would welcome a review of the limits of Senate authority, but he thought that in the disagreements Sen. Litwak was describing, the Senate or its committees were going beyond those limits.

Sen.. Carlos Munoz (Alumni) said the Faculty Affairs Committee seemed to be trying to coerce the administration to provide information. He said that in a corporate setting it is the role of the directors, or trustees, to call for such information and not of a group like the Senate. He said the Senate's recourse might be to ask the Trustees to require the administration to produce the information in dispute. Sen. Litwak agreed that a possible solution might be to go directly to the Trustees.

Sen. Gans, returning to the original topic of Sen. Litwak's report, saw no reason why private universities could not publish faculty salaries, as public universities do. He noted that Columbia's new president comes from a public university, and said that no public universities seem to have suffered as a result of this practice. The secrecy of salary information at Columbia breeds unfairness, which breeds paranoia, whose effects he has seen during his many years at Columbia.

Sen. David Cohen, Vice President for Arts and Sciences, said Sen. Litwak's account was missing some important context. In the present disagreement over the language lecturer's grievance, which Sen. Litwak had portrayed as a dispute between the administration and his committee, Vice President Cohen had actually supported a decision by the faculty in a department. In the Arts and Sciences, faculty also play a key role in salary decisions, which are largely made by department chairs.

Sen. Litwak acknowledged the role of faculty in some decisions, but offered a different perspective on the language lecturer's grievance. He said the department chair had repeatedly sought and received the advice and backing of the vice president's office in the handling of the termination of the language lecturer.

Sen. Litwak said the picture of salary allocation as a zero-sum game—in which larger increases for one group can only come at the expense of another group—has typically hampered the quest for fairness in salaries. Is another picture possible? Sen. Litwak touched on the larger issue of discretionary funds that are allocated to particular priorities, like a new private elementary school, other buildings, or expansion projects. He asked how high a priority faculty salaries are. He said he was embarrassed to find that Columbia ranks behind NYU in average salaries for full professors, and some \$20,000 on average below first-ranked Harvard. Sen. Litwak called for some new procedure for adjusting the University's priorities.

--Housing Policy: Sen. Duby said last year's report was available at the door, but last year's chairman was not there to present it.

--Structure and Operations: Chairman Richard Bulliet (Ten., A&S) said the committee is continuing the work it began last spring, a review of a proposal to expand the Senate role of research officers. On September 25 the committee had come close to an agreement on a proposal that may be ready for the Senate on November 1.

Since the founding of the Senate in 1969, Sen. Bulliet said, the research staff has grown phenomenally, both in numbers and in importance to the University. In a meeting with Law School professor Frank Grad, one of the Senate's founding fathers, the committee learned that there had been no elaborate system or algorithm for the original apportionment of Senate seats, but a somewhat improvisatory response to perceptions of the composition of the University at the time.

Sen. Bulliet praised the ad hoc researchers' committee for its hard work and cooperation. He cautioned that since a resolution expanding the Senate role of researchers would change the

Senate by-laws and the Statutes, it will require a super-majority of three-fifths of the full membership of the Senate to pass. He asked senators to cooperate by making an extra effort to attend the Senate meeting where the resolution comes up.

Sen. Stephanie Neuman (Research Staff, Morningside), a co-chair of the ad hoc researchers' committee, thanked Structure and Operations for its work, and hoped for a successful outcome on its legislation at the next Senate meeting.

Sen. Munoz suggested that some algorithm for allocating Senate seats might be useful. If the present initiative will simply add seats, new requests for seats from other constituencies are likely, with the possibility of enormous expansion in the Senate roster.

Sen. Bulliet agreed that such requests are possible, and will deserve consideration in their turn. But he didn't anticipate claims in the near future as compelling as the researchers', and so he didn't expect vast increases in the size of the Senate. He opposed the idea of an algorithm requiring the removal of some seats in order to add others, noting that it might make it impossible to act on valid requests like the researchers'. He also did not think a small addition of research seats would significantly disrupt the balance of a Senate that has chronic attendance problems in any case.

Sen. Ferrante, Sen. Bulliet's predecessor as chair of Structure and Operations, noted that the committee had presented a reapportionment proposal in the spring of 2001 that had redistributed the 42 tenured Senate seats, taking several from the Arts and Sciences and reallocating them to Health Sciences and other constituencies. In the same legislation, it had also added one student seat, raising the Senate's total voting membership to 102.

Provost Cole said he strongly supported legislation expanding the Senate role of researchers, but added a cautionary note about further diversification of Columbia's already unusually diverse Senate. He imagined a future situation in which the Senate might adopt a resolution affecting a particular constituency—the faculty, say—with a valid vote of a majority of those present, at a meeting without a single faculty member present. He suggested considering some specific guidelines for Senate votes affecting particular constituencies.

There being no further business, the president adjourned the meeting at about 2:35 pm.

Respectfully submitted,

Tom Mathewson, Senate staff