

THE COOPER UNION
OPEN MEETING OF THE FACULTY-STUDENT SENATE

MINUTES

Tuesday, December 3, 2013
12:00-1:50pm
The Great Hall, Cooper Union

Present:

Faculty and Library Representatives: Julie Castelluzzo, Mike Essl (Chair), Atina Grossmann (Vice Chair), Daniel Lepek, Stan Mintchev (Secretary), Christine Osinski, and Sean Sculley.

Student Representatives: Emily George, Yuta Makita, Hunter Mayton, and Andy Overton.

Ex-Officio Members: Associate Dean Samantha Gregory, Associate Dean Elizabeth O'Donnell, and Acting Director Carol Salomon.

The meeting was called to order at 12:10pm.

JOINT STATEMENT FROM FSS EXECUTIVE COMMITTEE

The Executive Committee recorded a joint statement defining the scope and purpose of the open meeting, which were to address the November 18, 2013 version of a "Revised Code of Conduct" put forth for discussion at the November 20, 2013 meeting of the Committee on Academic and Student Affairs of the Board of Trustees.

It was noted that President Bharucha and Dean Dahlberg were unable to attend the meeting due to a previously scheduled fundraising trip.

The joint statement explained that the proposed draft warrants careful consideration and discussion from the community because it is a substantial departure from the current code (as in effect since July 1, 2012).

Several differences between the current code and the proposed revision were cited as noteworthy: (1) a clause stating that future changes to the code are to be entirely at the discretion of the Board of Trustees, (2) clauses detailing restrictions extending to off-campus behavior, (3) a clause stating that behavior outside the scope of the document may still be deemed offensive, (4) several clauses granting the Associate Dean of Student Affairs the authority to regulate the judicial process, including selecting student representatives for judicial panels, and (5) a new clause defining a parental notification policy.

The Senate secretary explained that the floor would be open to members of the community until 1:25PM, at which point the Senate would deliberate on recommendations for the Administration.

STATEMENTS AND DISCUSSION FROM THE COMMUNITY

Several members of the community requested a precise job description for the “Associate Dean of Student Affairs” position. Associate Dean Chamberlin was present and stated that he would obtain a job description and present it as necessary.

A member of the community then brought forth several remarks regarding the proposed revisions. It was noted that the document’s scope is too broad for it to be practical, and that it gives too much authority to the Dean of Students and the President. It was also noted that some of its goals were not achievable, specifically those pertaining to the oversight of off-campus behavior and personal integrity, as well as clauses defining offensive/insulting behavior and stalking. Members of the student community noted that the revised document is intimidating, in particular because the student body loses control over the judicial process as well as future revisions to the Code.

Several Faculty cited concerns that the proposed revisions concentrate too much authority in the administration.

Associate Dean Chamberlin clarified that the draft of the revisions came from the Executive Committee of the Board of Trustees. He noted that the language was borrowed from that present in similar documents of several comparable institutions.

A member of the community noted that the first few pages of the revision were taken directly from the code for the College of New Jersey, and questioned the applicability of this draft to the Cooper Union community.

The Associate Dean noted that certain portions of this revision might not be applicable, and that this is still a matter of active discussion.

The discussion turned to questions concerning the philosophical implications of implementing the proposed revisions. Concerns were raised that the new document limits students’ freedom of expression by broadly restricting their ability to protest institutional policy. Whereas the current Code of Conduct grants students the freedom to express views on institutional policy, the proposed revisions grant this freedom only conditionally, stating that a protest must be accompanied by respect for others; the latter notion is left undefined.

A member of the Faculty acknowledged the necessity for including administrative authority in extreme circumstances, but argued that such situations must be carefully and precisely defined. Also, a concern was raised that the proposed revisions define the Associate Dean of Student Affairs as the person whom students in mental distress should approach, and that this introduces a potential conflict of interest in light of the latter’s administrative authorities in the judicial process. Faculty remarked that such definitions would make it difficult for them to send students in mental distress to the Associate Dean of Student Affairs.

Board Secretary Lawrence Cacciatore made several remarks at the podium. He recalled the stressful atmosphere in the President's Office on the first day of the occupation in May 2013, as well as a taxicab incident involving President Bharucha in December 2012; he noted that he and fellow staffers were concerned for their safety. He remarked that he sought to have a discussion about the ideals of the Cooper Union rather than the details of the revisions to the Code of Conduct. Several members of the community expressed a willingness to initiate such a conversation under the condition that the proposed revisions be stricken and that the entire community be engaged in the process of revising the Code.

A member of the student community acknowledged that some of the recent student actions were extreme and unwise, but questioned the severity of punishments as proposed in the revised document.

A member of the Faculty noted that students should be allowed to express their views, and reemphasized concerns that the proposed revisions potentially limit freedom of expression due to a lack of precision in various sections of the document.

Vice President Harmon briefly took the podium and acknowledged a strong community sentiment indicating that the Code of Conduct should be run by the student body. However, he noted that the institution needs to revise its Code in order to make it compatible with the realities of the present; while an institution of higher education should strive for democratic governance, legal and financial constraints prevent the realization of this ideal. He suggested that the Board and Administration reach out to the various constituencies of the community as the revision process moves forward.

A member of the Faculty noted that the Code of Conduct affects the entire community, not just the students. Various reasons were cited, including the lack of specificity in its name, but also the inevitability of its implications for interactions between the student body and the other constituencies of the institution, e.g., the Faculty.

Several students noted that they felt less safe because of the proposed revisions, and commented on the necessity for the institution to discuss not just the code of conduct but also the emotional health and well being of the community at large; a student noted that revising the Code is a one-sided approach to addressing the problems facing Cooper Union.

Several statements and petitions from the students were presented during the open session.

FORMAL SESSION (FLOOR CLOSED)

The Senate moved to a formal session as scheduled.

Members noted that based on the majority of sentiment, as well as the statements and petitions entered into the record, it would be most-reasonable to recommend that the proposed revisions be rescinded, and that the process commence anew in the inclusive manner consistent with the traditions of the institution.

Motion: A motion was made to adopt the following resolution:

“The Senate rejects the proposed draft of the "Code of Conduct" received on November 18, 2013 as unacceptable in both process and content.

We ask the Board of Trustees to postpone the vote scheduled for December 11, 2013 and to honor the current procedure whereby revisions to the Code of Conduct are approved by the Joint Student Council.”

Motion passed. (11 in favor, 0 opposed)

Meeting adjourned at 1:55pm