TO THE MEMBERS OF THE ACADEMIC COUNCIL
FORTY-FIFTH SENATE REPORT No. 9

Summary of Actions Taken by the Senate
May 2, 2013

At its meeting on Thursday, May 2, 2013, the Forty-fifth Senate of the Academic Council took the following actions.

At the recommendation of the Board on Judicial Affairs, the Undergraduate Senate and the Graduate Student Council, the Faculty Senate approved by unanimous voice vote the amendment of the Student Judicial Charter of 1997 to incorporate the Alternative Review Process of 2013 as detailed in the two documents labeled SenD#6763.

Rex Jamison
Academic Secretary to the University
Professor of Medicine, Emeritus
MINUTES OF THE FORTY-FIFTH SENATE
OF THE ACADEMIC COUNCIL
May 2, 2013

I. Call to Order
The Vice Chair of the 45th Senate, David Palumbo-Liu, filling in for the Chair, Ray Levitt, who was ailing, called the first meeting of Spring Quarter to order at 3:15 PM.

In attendance were 34 members, 6 ex officio members and many guests.

Vice Chair Palumbo-Liu opened the session with an abundance of good news:

“Please join me in congratulating Adam Johnson, Associate Professor of English, on his Pulitzer Prize for Fiction.

[ Applause ]

“Seven faculty members were recently elected to the Academy of Arts and Sciences: Arthur Bienenstock, Professor Emeritus of Materials Science and Applied Physics; Nicholas Bloom, Professor of Economics;

Alan Code, the Ward W. and Priscilla B. Woods Professor in the School of Humanities and Sciences;

David Dill, Professor of Computer Science;

Simon Jackman, Professor of Political Science;

Peter Michelson, Professor of Physics and chair of C-RES; and

Suzanne Pfeffer, the Emma Pfeiffer Merner Professor in the Medical Sciences, School of Medicine.”

[ Applause ]

II. Approval of Minutes – (SenD#6732)
The minutes of the Senate session, March 7, 2013, were approved as submitted.
III. Report on Conferral of Baccalaureate and Advanced Degrees for Winter Quarter 2013

Five years ago the Senate approved a plan for the Steering Committee to approve the degree conferral lists electronically for the Autumn, Winter and Summer conferrals. The Steering Committee approved the conferral list for winter quarter in early April. By this administrative action all degrees can be posted, the formal voting having taken place in a timely manner. The full list of degrees conferred is available on the Faculty Senate website.

The Senate will continue to vote on the Spring Quarter degree conferrals live at the June Senate meeting.

IV. Standing Reports
A. Memorial Resolutions:

Vice Chair Palumbo-Liu invited R. Lanier Anderson, Associate Professor of Philosophy, to present a brief memorial statement in honor of James Urmson, Henry Waldgrave Stuart Professor of Philosophy, Emeritus

James Urmson (1915-2012) SenD#6754

James Opie Urmson (4 March 1915 – 29 January 2012), professionally known as J.O. Urmson, was the first Henry Waldgrave Stuart Professor in Stanford’s Department of Philosophy. He assumed this position in 1976, following his retirement as a Fellow of Corpus Christi College, Oxford. He had been at Corpus Christi since 1959.

Urmson was a member of the influential school of philosophers known as “Ordinary Language Philosophers,” that emerged from Britain, centered at Oxford, after World War II. He worked in the philosophy of language, ethics, and the history of Greek philosophy. Some of his most influential works include the essays, “Aristotle’s Doctrine of the Mean,” “On Grading,” “Parenthetical Verbs,” “Saints and Heroes,” and Aristotle’s Ethics. Although he was only at Stanford for a short period of time, Urmson had a great influence on his colleagues and students, and remained friends and collaborators with many of them until his death.

Mr. Chairman, I have the honor, on behalf of a committee consisting of Chris Bobonich, Michael Bratman, John Perry, and myself, Lanier Anderson, to lay before the Senate of the Academic Council a Resolution in the memory of the late J. O. Urmson, Henry Waldgrave Stuart Professor of Philosophy in the School of Arts and Sciences.

At Vice Chair Palumbo-Liu’s invitation, everyone stood for a moment of silence in tribute.

Vice Chair Palumbo-Liu thanked Professors Anderson, Bobonich, Bratman, and Perry.
Vice Chair Palumbo-Liu invited Mark Lepper, Professor of Psychology, Emeritus, to present the memorial statement for David Rosenhan, Professor of Law and of Psychology, Emeritus.

In attendance was Professor Brest, a member of the memorial resolution committee.

**David Rosenhan (1929-2012) SenD#6755**

David L. Rosenhan, professor emeritus of Psychology and Law, died February 6, 2012, in Palo Alto. Born in Jersey City, NJ., he received a BA in mathematics from Yeshiva College, and an MA in economics and PhD in psychology from Columbia University. Before joining the Stanford Law School and Psychology Department in 1971, he was a faculty member at Swarthmore College, Princeton University, Haverford College, and the University of Pennsylvania. He was a former president of the American Psychology-Law Society and of the American Board of Forensic Psychology, and a fellow of the American Association for the Advancement of Science, the American Psychological Association, and the American Psychological Society.

Rosenhan was a pioneer in applying psychological methods to study the practice of law, and the process of jury deliberation. One of his papers, published in 1973, On Being Sane in Insane Places, reports one of the most famous studies in the history of psychology. Rosenhan and others presented themselves to mental hospitals over a 3-year period, claiming to hear voices but with no other symptoms. All were admitted with a diagnosis of paranoid schizophrenia. The “pseudopatients” manifested no further symptoms of mental illness, and asked to be released. Nevertheless, hospital staff—in contrast to fellow patients—never recognized these “pseudopatients” were in fact sane, and treated them with powerful drugs (which they discreetly discarded). Even upon their release the pseudopatients were never pronounced sane. Instead, the usual, stigmatizing, diagnosis was “schizophrenia in remission.”

As Stanford colleague Lee Shulman, noted, “Rosenhan’s report constituted a moral outcry that the world bear witness to the consequences of wrongful diagnosis by institutions whose very design shapes errors of diagnosis.” Similar concerns were evident in virtually all of Rosenhan’s research, including studies probing the determinants of evil and altruism.

Rosenhan co-authored with Martin Seligman a widely adopted textbook on Abnormal Psychology. In the classroom, as generations of Stanford students could attest, he was a spellbinding lecturer.

To his graduate students, he was consistently encouraging of creativity and progressive independence as researchers. The lessons he cared most about were human dignity and the need to confront abuse of power. He encouraged students to consider moral and psychological dilemmas that extended beyond the scope of normal textbooks. Those of us who knew David best remember his warmth and generosity and the hospitality he and Mollie offered in their lovely campus home.
David L. Rosenhan was preceded in death by his wife Mollie and daughter Nina. He is survived by his son, Jack Rosenhan of Palo Alto, his granddaughters Cecily and Yael, and his brother Hershel of Jerusalem.

Mr. Chairman, I have the honor, on behalf of a committee consisting of Paul Brest, Lee Ross and myself, to lay before the Senate of the Academic Council a resolution in the memory of the late David Rosenhan, professor emeritus of Psychology in the School of Humanities and Sciences and of Law in the School of Law.

At Vice Chair Palumbo-Liu’s invitation, everyone stood for a moment of silence in tribute.

Vice Chair Palumbo-Liu thanked Professors Ross, Brest and Lepper.

Vice Chair Palumbo-Liu invited Gregory Loew, Professor (Applied Research) of Particle Physics & Astrophysics, to present the memorial statement for Richard Neal, Professor at the Stanford Linear Accelerator Center (Applied Research), Emeritus.

In attendance were Dieter Walz, member of the Memorial Resolution Committee, and Richard Neal and Lois, Professor Neal’s son and daughter-in-law.

Richard Neal (1924-2012) SenD#6709

Richard “Dick” Barr Neal, Professor at SLAC, a key figure in the design, construction and operation of SLAC’s 2-mile-long linear accelerator, died November 22, 2012, in Solana Beach, California, at age 95.

Richard Neal was born September 5, 1917, in Lawrenceburg, Tenn. He graduated from the U.S. Naval Academy in Annapolis, MD, in 1939 and served two years on the battleship U.S.S. Pennsylvania until his discharge in 1941 for a defect in his eyesight. Neal then became an engineering supervisor at New York-based Sperry Gyroscope Company.

In 1944, Neal married Gail Annette Nesbitt. Neal attended Stanford University as a graduate student in 1947. He worked on the development of systems and components for linear electron accelerators and in 1953 published his doctoral thesis, a voluminous report about Stanford’s 220-foot-long Mark III accelerator project, a precursor to the 2-mile-long accelerator.

As a result of the success of the Mark III machine as a physics research tool, Neal joined a small group of visionaries meeting in 1956 in the home of Wolfgang “Pief” Panofsky, who became SLAC’s first director, to discuss preliminary plans for a much larger electron linear accelerator, dubbed “Project M.” The group submitted a proposal in 1957 to several U.S. government agencies to build such a machine on Stanford-owned land. After several years of negotiations, the project was finally approved for construction in 1961 by the U.S. Atomic Energy Commission. The
Stanford University Board of Trustees named it the Stanford Linear Accelerator Center, or “SLAC.”

Neal was appointed associate director of SLAC and leader of its Technical Division which grew to 600 physicists, engineers, technicians and support staff. Under Panofsky’s and Neal’s leadership, the construction of the SLAC accelerator was completed in 1966 within schedule and budget ($114M).

Neal was a superb manager and technical writer. He chronicled the entire design, construction and operation of the project in a 1,169-page work, The Stanford Two-Mile Accelerator. He also authored close to 100 reports and technical papers. Neal became a member of the SLAC faculty, was elected a Fellow of the American Physical Society and a member of the National Academy of Engineering.

Neal retired in 1982 at age 65. He and his wife and daughter moved to a residential community in Solana Beach in Southern California where they lived for 30 years until his recent death. Richard Neal is survived by his wife Gail of 68 years, daughter Martha “Marti” Neal of Solana Beach, and son Richard Forrest Neal of Bonny Doon, California.

Mr. Chairman, I have the honor, on behalf of a committee consisting of Perry Wilson, Dieter Walz, and myself, Gregory Loew, to lay before the Senate of the Academic Council a Resolution in the memory of the late Richard B. Neal, Professor at the Stanford Linear Accelerator Center.

At Vice Chair Palumbo-Liu’s invitation, everyone stood for a moment of silence in tribute.

Vice Chair Palumbo-Liu thanked Professor Loew, Perry Wilson and Dieter Walz.

A. **Steering Committee**

Vice Chair Palumbo-Liu announced the results of the recent election for next year’s Senate Chair, Vice Chair, and Steering Committee members, which were verified by the Committee of Tellers earlier this week. They are:

David Palumbo-Liu, the Louise Hewlett Nixon Professor and Professor, by courtesy, of English, will chair the 46th Senate and Steering Committee.

Andrew Fire, George D. Smith Professor in Molecular and Genetic Medicine and Professor of Genetics, will serve as Vice Chair.

The other 6 members of the Steering Committee are:

Albert Camarillo, Leon Sloss Jr. Memorial Professor and Professor, by courtesy, of Education,
Yakov Eliashberg, Herald L. and Caroline L. Ritch Professor in the School of Humanities and Sciences,

David Freyberg, Associate Professor of Civil & Environmental Engineering and Senior Fellow, by courtesy, at the Woods Institute and FSI,

Hank Greely, Deane F. and Kate Edelman Johnson Professor of Law and, Professor, by courtesy, of Genetics,

Paula Moya, Associate Professor of English and, by courtesy, of Iberian and Latin American Cultures,

David Spiegel, Jack, Samuel and Lulu Willson Professor in Medicine.

“Congratulations to all.”

[ Applause ]

Vice Chair Palumbo-Liu also announced the results of the recent election to the Advisory Board.

For Electoral Group 4, School of Humanities and Sciences, Section B: Social Sciences, Sylvia Yanagisako is elected.
The first alternate is Ewart Thomas Second alternate, Shelley Correll,
Third alternate, James Fearon,
Fourth alternate, Alvin Roth.

For Electoral Group 5, H&S Section C: Humanities, Debra Satz is elected.
First alternate is Stephen Hinton, Second alternate is David Palumbo-Liu
Third alternate, Hester Gelber,
Fourth alternate, Roland Greene

For Electoral Group 7, SLAC, Earth Sciences, Special Unit and Medicine, Section A, Lucy Shapiro is elected.
First alternate, Rosemary Knight Second alternate, Mark Zoback
Third alternate, Joe Lipsick
Fourth alternate, Michael Peskin

“Congratulations to all.”

[ Applause ]
Vice Chair Palumbo-Liu turned to the Steering Committee announcements.

May 16: Professor Russell Berman will lead a panel discussion on the future of the PhD degree with perspectives from across the university. Following the regular meeting, the Senate will convene in an Executive Session.

May 30: Provost’s Annual Budget Report

June 13: Update on new programs and classes, VPUE Harry Elam. Emeriti Report

4:30 pm: President’s Reception for Senate 45 and Senate 46

B. Committee on Committees (CoC)

There was no report.

C. President

The President was away.

Provost

Vice Chair Palumbo-Liu asked Provost John Etchemendy if he had any comments.

Provost replied, “I do. Andy Fire, our colleague, has indicated that he wanted to ask a question of me. Let me make an announcement and give an explanation of that announcement, and Andy can follow up, if I haven’t answered his question.

“On Thursday last week I made an announcement that we would be putting a moratorium on the eligibility of Medical Center Line (MCL) faculty to purchase houses on campus. The Medical Center Line faculty are faculty who perform largely clinical duties and teach residents in the Medical School. The MCL line was created in 1989. Since that time, it has grown to about 450 faculty. We have at the university a total of 2000 faculty; 1550 are members of the Academic Council and the remaining 450 are in the MCL. The MCL is not part of the Academic Council or part of the Tenure line, but its members are considered faculty. They have grown over the last 20 years at a compound annual growth rate of 7.7%. The Academic Council faculty has grown at a compound annual growth rate of less than 1%; that includes both Medical School and non-Medical School Academic Council faculty. Initially the MCL faculty were not eligible for housing on campus. Over the years, housing eligibility was provided to various segments of the MCL faculty until 1997 when all MCL faculty, including those who practice at the VA hospital, were declared eligible for housing on campus.

“When I announced this moratorium, I also announced that for reasons of clinical necessity I’ve expanded the number of billets assigned to the Medical School by 300. The Medical School billet cap of 900 will increase to 1200. I’m very supportive of the need to extend the clinical operation. In order to be an excellent medical center in the various different specializations, you can’t have just one faculty member, one
provider of a given specialty, such that when that person goes on leave, you tell your patients, ‘Well, go down the road.’ You need to have a critical mass in order to have the kind of excellence that we aspire to. Consequently, this additional 300 will allow the Medical Center to provide clinical services at the level of excellence that we expect and hope for at the university. With the growth rate of the MCL, however, this has been a concern on the housing front.

“There are two reasons we have housing on campus. First, in the original founding grant, Jane Stanford was very clear that she wanted to have faculty living on campus in order to encourage the close interaction between the undergraduate students and the faculty. Given the configuration of the area, having the faculty actually live on campus was seen as a way to encourage that.

“Secondly, later on, particularly in the 50s, 60s, and 70s, as the housing market became more and more difficult for faculty to afford a home, the on-campus housing was expanded, in order to maintain affordable, or close-to-affordable, or more affordable, anyway, housing for faculty.

“My decision to put a moratorium on eligibility was not limited to the MCL. Earlier this year I also removed eligibility for Hoover Senior Fellows and for N-11 staff. N-11 staff are Vice Presidential-level staff, the top-level staff classification. They have been eligible to purchase on campus but no longer are. At this point, with the moratorium in place, only Academic Council members are eligible to live on campus.

“I was very hesitant to make this decision because the last thing I want to do is to send a message, particularly to the MCL, who are very valued members of the faculty, that they are, in some way or other, second-class citizens in the faculty. I do not believe that; I think that what is different about the MCL is their role. Their role is very different; they are clinical faculty, their teaching is very specialized, teaching primarily medical residents. This special role has two consequences; one is that they do not interact closely with undergraduates or graduate students. The second is that they have an annual salary about double what the rest of the faculty have on campus. Of our entire faculty, on average, MCL faculty are the most able to afford to buy houses off campus.

“As you all know housing has been a problem and I think it is the biggest challenge that Stanford faces. In the past several years, on average about 18 houses become available for sale on campus each year. Since January this year, the first four houses that went on the market were purchased by MCL faculty, and that is a predominant number of sales that have taken place on campus. It isn’t that there weren’t other faculty bidding for the houses, there were, but in the end it was the MCL faculty who purchased them. And I think that the size of the MCL has made it the case that unless we want on-campus housing to become entirely clinical faculty, then we have to change the eligibility rules.
“So I put the moratorium on purchases on campus by MCL. We’re in the process, by the way, of trying to expand the available housing on campus, but unfortunately, it takes a long time to build housing, so it will be another three years or so before we can do that.”

Professor Fire commented, “A big concern that has predominantly come up among those of us at the Medical Center has to do with individuals [in the MCL], many of whom are younger physicians. They’re not making double what the other faculty at the university make. They came to the university, or committed to come here, partly because the university is a place where they can practice medicine and be part of the community. Many of them are heavily involved in teaching medical students; quite a few of them are also involved with graduate students, some even with undergraduates as well. Many of them feel burned by this, in the sense that when they were searching around and choosing jobs they didn’t consider that they would be ineligible for this benefit.

“I don’t know that to fix that, one has to make them eligible for campus housing. But I think there is a sense that they are looking at the rest of their career and wondering where they’ll be in all this. They aren’t at the elite level in the Medical School, in terms of decision-making and salary. They’re hard-working clinicians and scholars in the trenches. So my question is really how to make whole the commitments they thought they had if they came to the university.”

The Provost replied, “I’m very sensitive to what you mentioned. First of all, of course the assistant professors in the MCL have salaries that are lower than the full professors in the MCL; nonetheless, their salaries — as assistant professors — are comparably higher than that of the assistant professors in the rest of the university.

“I’m quite sure that no commitments were made to any faculty about purchasing a home on campus. It would be insane for any department chair to commit to that because it’s something that can’t be promised. Given the small number of houses that open up, most of our faculty can’t find houses on campus and in fact, many of them can’t afford to purchase a home on campus.

“This decision is not something that is coming out of the blue. I have been discussing this with Phil Pizzo [past Dean of the Medical School] and with Lloyd Minor [Dean]. There was a committee in the Medical School discussing the housing eligibility question about MCL. It was well known, certainly among all the clinical chairs, that this was a decision that we were very likely going to have to make.

“We do not, as a matter of course in these cases, make eligibility changes and announce them in advance. In this case, for example, if we were to say, ‘Well, in six months, this moratorium would be taking effect’… then we would have to basically write off recruitment for the rest of the university, as the MCL rush to purchase all the available housing that becomes available on the campus. So that’s just not a workable strategy.
“As a matter of fact, most MCL faculty do not purchase on campus, just as most non-MCL faculty don’t purchase on campus. The problem is that most campus houses were being purchased by MCL faculty and slowly but surely, the diversity of the faculty mix on campus, was changing.

“That’s why I made the decision and that’s why it was announced without grandfathering the current MCL. We have 616 houses on campus; we’re not talking a large number, and if you take the MCL at 450 currently, and there’s another close to 300 more in the near or intermediate future, the MCL could obviously absorb all of that housing. For comparison purposes, the School of Humanities and Sciences is about 525 faculty in total, so the MCL is on its way to being more numerous than the second-largest school at the university.”

Vice Chair Palumbo-Liu thanked the Provost and said, “We’re going to have to move on because we have two reports, one of which requires a vote. Obviously this is very important issue and I’d be happy to bring it up at a later meeting, but out of courtesy to the speakers of the next two reports, we should move on.”

V. Other Reports
A. Forty-fifth Senate Student Representatives
Vice Chair Palumbo-Liu introduced the first report. “Please welcome our student representatives, Shahab Fadavi, ASSU Undergraduate Senate Representative; Robbie Zimbroff, ASSU President; Olivia Hu, ASSU Representative at Large; and Michael Shaw, ASSU Graduate Student Council Representative. Each one will report on issues of concern to the student body.”

Shahab Fadavi was the first to speak. “It’s a pleasure to be with you to discuss and share some of the highlights of the Undergraduate Senate this past year and some of the issues that we face.

“I just want to say that it was an absolute pleasure being here this past year in this room, discussing and taking part in some of the key conversations on the issues that we face as undergraduate students.

“If there is one take-away it’s to encourage you to continue to involve students and their feedback in the key discussions that you have. That will be a theme of my presentation today.

“I want to talk about three things: first, I want to talk about the Alternative Review Process, and the efforts of the undergraduates on this journey, helping build an alternative review process that was acceptable to students. It was clear from the start to us looking at statistics that Stanford, as well as the Undergraduate Senate, needed to reevaluate the way we approach sexual assault on campus.
“Forcible sexual assaults on campus have more than doubled from 10 in 2009 to 21 in 2010. In a survey in 2012, 4% of Stanford students reported being raped and 15% reported engaging in intercourse under pressure. To deal with the issue the Undergraduate Senate created an ad hoc committee for the Alternative Review Process, and I am proud to say that it was one of our biggest accomplishments this past year.

“I understand that [this issue will be discussed today]. I want to move on to another important issue. Many students have expressed disappointment at not having their feedback fully listened to by the administrators and faculty. Before I touch on this issue, I want to preface this by saying I think some of the disappointment stems from, let’s say, sensationalist reporting on some news sources on campus.”

“I want to highlight one of the most useful and helpful interactions I’ve had with an administrator over a very important issue. As you may remember, late last quarter, an article was published in the Stanford Daily on shifting class times to 8:30 AM and banning the double booking of classes. There was a huge uproar within the student community at Stanford. The following day Vice Provost Harry Elam kindly agreed to meet with me in the in the morning and that following evening he came to our committee. We held an open forum with students and some faculty as well, to express their concerns and have their questions answered. And I think that should serve as a role model, because it helped clear up questions and the following day, both the Daily as well as the Stanford Review wrote articles clearing up some of the questions that students had — and some of the misconceptions as well.

“So, [looking at VPUE Elam seated across from him, ASSU Student Representative Fadavi said], I just want to thank you, Vice Provost Harry Elam, for your support, which served as a role model for other discussions that hopefully the faculty as well as administrators will have with students including other issues such as the residential and dining enterprises.

“Lastly, I just want to discuss an issue that is very dear to my heart as an international student, and I think has widespread support amongst most undergraduates at Stanford—[need blind admission for international students]. Stanford is proud of the fact that 80% of undergraduates have some form of financial assistance. If an international student checks the box, Financial Aid, in his application for admission to Stanford, it is estimated to reduce his or her chances of getting in to about 3%. I think this is a very significant issue, because it deals with diversity on campus, and how Stanford stacks up as one of the best schools in the country — and perhaps the world — with its competitors. I hope that in the future that there will be a plan that the administration will implement for financial need for international students.

“I just want to say thank you for an incredible year and it was an honor to be here with you on these days.”

[ Applause ]
Robbie Zimbroff spoke next. “I have one small follow-up to Shahab’s comment on student–administration communication and the larger point that it was one of the central focuses of the ASSU Executive this year. It would be ignoring the truth [to fail to recognize] that, in the past the ASSU has not met [its obligatory role to nominate] student positions to university committees, so I want to say that we are making a real effort to recommit to student representatives being the vital component of the ASSU. Just yesterday both legislative bodies approved students to serve on over fifty committees across the university and we’ll be working with our successors to ensure that that is the rule and not the exception.

“My second point pertains also to sexual violence on campus. I know that you’re going to be hearing about this from the Board of Judicial Affairs. I only want to re-emphasize that there was a significant process to solicit student feedback that led to several revisions in the ARP, that I think made it a better document.

“But my main message is that the ARP is only one piece of the puzzle. Sexual violence is a huge problem on this campus and on college campuses across the country. Too often they go underrepresented and underreported. Stanford’s been a really great leader on this issue and we fully support the work of the Sexual Assault Relationship Abuse Prevention and Education office, although their name is a bit of a mouthful.

“Stanford’s leadership needs to march on. I know that this part can be really difficult, because looking out for the people who need the most help could lead to an increase in the number of reports, at least in the immediate future. And no school wants to see a rise in those but it doesn’t mean that the problem goes away, so I urge the Faculty Senate to keep in mind the students who need you most in your future deliberations, and that continued leadership is a difficult task but it’s one that we have to remain faithful to.

“Lastly, it’s been a real honor to sit in the back of this room for the year, and it’s really moving to see how far above and beyond the call of duty everyone goes on behalf of students. So from me and from the student body, thank you for all your work this year.”

[ Applause ]

Oliva Hu was next. “Thank you for the opportunity to speak here. To prepare for this meeting I conducted a brainstorming session with undergraduate and graduate students. I asked them what they would want me to say today. Everyone wrote down, amongst other themes, ‘Advising’, and so I’d like to share a brief story about my best friend and how her advisor prevented her from dropping out of Stanford.

“My friend was born in East LA, and she grew up in a neighborhood where she could hear gun shots outside the walls of her house. When she came to Stanford she no
longer had to worry about the threat of urban violence. She kept to herself and pursued her pre med requirement in order to develop her childhood dream of becoming a doctor. In January of her freshman year, however, she learned that her dad had cancer. She immediately flew home. Because her parents didn’t speak English, she was the one who met with doctors and served as translator, while also helping her two younger sisters, and working part-time to help with finances and trying to complete her studies.

“Ultimately, these visits home lasted three years until her dad passed away. Flying back and forth between LA and Palo Alto, she never fully developed a strong community here at Stanford. She was even considering taking indefinite time out to help with finances at home. In one of her classes in her senior year, her professor required every student to attend office hours. My friend was a shy student, so she had never met one-on-one with a professor before. Since it was mandatory, she finally made an effort to see him before the last day of the quarter. During their meeting he spoke to her about the class. But he also asked her about her goals and her ambitions beyond Stanford. For the first time she told someone with whom she never conversed before, her story about her dad, about the neighborhood she came from, and also her ambition to become a pediatrician.

“The professor was very responsive and offered to support her as she cried at his desk. He reminded her that she needed to set her own pace, that she was running a race with a backpack that was three times heavier than that of other students here at Stanford. All of this took no more than thirty minutes. For my friend, this one meeting meant the difference between staying in school and dropping out. It reinvigorated her determination to pursue medicine. Today my friend is in her fifth year, finishing up her HumBio requirements and graduating in five weeks.

“Her story remains unfinished, but it is one that is shared by many students across this campus. Oftentimes, we don’t like to showcase adversities that we are suffering, but knowing that someone is there to support you, especially when that someone is your professor, whom you hold in such high esteem, taking just a few minutes out to mentor, by asking a question about her goals and ambitions beyond Stanford. can go a long way.

“I hope that my friend’s story about how the role of professors in students’ lives is more than just that of a lecturer, will resonate with you. We’re all running our own races but sometimes all we ask for is a little of your time, and support to help with the weight of our backpacks. Thank you.”

[ Applause ]

Michael Shaw was the last to speak. He began by acknowledging the force of Oliva Hu’s presentation, “I don’t know how to follow that story.

[ Laughter ]
Undeterred, he went on: “Thank you Mr. Chair and Mr. Secretary for this opportunity to speak here. Ben Franklin once said that, ‘Well done is better than well-said’ Let me say that this year’s Graduate Student Council has been a paragon of efficiency. Its members have expeditiously and unanimously passed the Alternative Review Process before you today, and fearlessly advocated for the interest of students. I’m proud of their ingenuity, their inventiveness.

The Graduate School Council (GSC) members inspired, and yet time and time again, when we share our best ideas we’re told, ‘The University is already there, there’s an office dedicated to that very goal.’ People in these offices worked to increase diversity, reduce relationship abuse, to prepare us for careers outside the academy. And I applaud the university for its dedication to these most laudable goals. Yet, before I joined student government, having been for five years a PhD student here, never knew diversity officers existed, had never heard of SARA [Sexual Assault and Relationship Abuse Office], it just wasn’t a part of my life.

“I know decentralization is a recurring theme at Stanford, I know you’ve heard all this before. George Orwell once wrote that ‘The restatement of the obvious is the first duty of intelligent men.’

“As Stanford men and women, we find that student life is worth that repetition. It is precious. It is not an enough for government — student or faculty — to create a resource to solve the problem, our job is not done until our constituents know and use these resources. They are the true test of whether we’re done.

“Stanford is a truly special place. It is a beacon of light in a world oft bereft; its academic reputation suffers no betters. I ask us to light that same beacon, to suffer no rivals in taking care of what President Nixon once called ‘the silent majority’ of our students. Teddy Roosevelt wrote that ‘No amount of attention to civil duties will save a nation if a domestic life is undermined,’ and that creed applies now, applies here.

“We should not forget our lives for our research. Life is truly precious, and today student life is more expensive than ever. On-campus housing — and I applaud the amount of on-campus housing you provide to our students — but it is a cost that’s risen 11% above inflation in the five years I’ve been here at Stanford. [The cost of] off-campus housing, as you know, is even worse. Health insurance rates for graduate students are going up 9.3% this year. And if you take the mandatory health insurance and the campus health services fee, even after the generous subsidy the Provost’s office gives to PhD students, it’s 8% of our pretax stipend. These numbers are in line with our peers.

“The Provost’s office has been very generous with the increases to minimum salary, to match these expenses, but the story is that we’re a community divided. Some grad students have subsidized health care, some students pay nothing at all. Some take care of their families; while families take care of others.
“Ben Chang, a doctoral student and a father on campus, told me that every family he knows is either dipping into savings, or working a second job. At Stanford we believe that all life is precious, and we want it to be axiomatic that no student at Stanford need feel undue financial stress. To that end I ask the university to permanently return all graduate housing to graduate students, and to guarantee that all families have on-campus housing as long as they’re here at Stanford and to subsidize dependent health insurance, the same as if these students were postdocs.

William Faulkner once said that, ‘Man will not merely endure, he will prevail; he is immortal, not because he alone among creatures has an inexhaustible voice, but because he has a soul, a spirit capable of compassion and sacrifice and endurance.’ We should nurture those spirits, those souls. Half of doctoral students, most of the Masters and professional students will pursue careers outside of the academy. Who will advise them on that journey? You will. But your students are scared. Krystal St. Julien, a doctoral student in the biological sciences wrote, for a long time I found myself afraid to tell my professor that I was thinking of switching fields. Students will often think it better safe than sorry and try not to rock the boat, and to avoid the conversation that might go horribly. I know you care. I know you want the best for your students. I ask you, the faculty, to allay their anxieties, to proactively reach out to your students, to point them to VPGE/CDC [Vice Provost for Graduate Education/Career Development Center] and the alphabet soup available here on campus, to find resources beyond campus, since we all know they exist, and to nurture the souls of your students, with whatever nectar they may need.

“I want to conclude with a few words on the last few weeks. I’ve said that life is precious and in the wake of tragedy in Boston, humanity has shown its finest [instincts]. My friends at MIT, where I was an undergrad, mourn the loss of a member of their community. Today, here at Stanford, I said, you’re all my MIT beavers, we’re all marathoners, we are all Bostonians. Let us remember, let us treasure the life that we here have.

“Thank you.”

[ Applause ]

There were no questions.

Vice Chair Palumbo Liu thanked the students.

[ Applause ]

B. Board of Judicial Affairs: revisions to the Alternative Review Process

Vice Chair Palumbo-Liu introduced the next report. “Our major item for business today is a presentation from the Board of Judicial Affairs on the Amendment to the Student Judicial Charter of 1997 to incorporate the Revised Alternative Review
Process, which establishes the student disciplinary process to hear sexual harassment and assault cases. This item requires a vote. Please note that only elected members can vote. Deans, ex officio members and standing guests do not vote.

“Senate approval of these changes is a necessary step towards making them policy. The Board of Judicial Affairs, the ASSU Undergraduate Senate and the Graduate Student Council have already approved these changes. If the changes are approved by the Senate they will go to President Hennessy for final approval. A draft of the motion before you summarizes the background of this item. Full, red lined, versions of the Student Judicial Charter and Alternate Review Process were sent to you so you can easily track the proposed changes. The motion must be voted on as approved by the Undergraduate Senate and Graduate Student Council.”

“This item comes moved and seconded by the Steering Committee:

At the recommendation of the Board on Judicial Affairs, the Faculty Senate approves the amendment of the Student Judicial Charter of 1997 to incorporate the Alternate Review Process of 2013 as detailed in the documents labeled SenD#6763.

Vice Chair Palumbo-Liu welcomed Professor Michele Dauber, and Jonathon York, Board of Judicial Affairs co-chairs, to explain the changes and the reasoning behind them.

With the aid of slides, Professor Dauber began her presentation.

“Thank you. Members of the Faculty Senate, my name is Michele Dauber. I’m a professor in the Law School, and I’m the faculty co-chair of the Board on Judicial Affairs [henceforth BJA]. And with me is Jonathan York, the student co-chair of the Board on Judicial Affairs, and a senior in International Relations. We appreciate the opportunity to speak about the Alternate Review Process [henceforth ARP].

“Today I will define first, what is the ARP, and then explain why Stanford needed to reform its sexual assault disciplinary process, including what our experience was before the ARP and how our peer schools have addressed this important issue. I’ll then review the ARP and our experience in the three-year pilot implementation of the ARP. Finally, I’ll cover recent changes to federal law that affect policy in this area. Jonathan will discuss student input and support for the ARP. We’ll conclude by asking your support for the ARP by voting to make it a part of Stanford’s Judicial Process.”

What is the Alternate Review Process?

“When a complaint of conduct that fits within one of these five categories--sexual assault, sexual misconduct, sexual harassment, stalking, or relationship abuse/dating violence—comes to the Office of Community Standards (formerly the Office of
Judicial Affairs), it’s handled under an alternative mechanism called the ARP. The ARP is designed to handle sensitive complaints, and it’s tailored to meet the unique aspects of these important issues.

“ARP should be distinguished from criminal or civil legal action; it is a university disciplinary proceeding. It’s unrelated to criminal prosecution. In point of fact, those prosecutions are extremely rare. In Santa Clara County, district attorneys do not tend to bring charges in college acquaintance rape cases, and rape victims often decline to prosecute for reasons that are well documented.”

*Why Stanford needed to reform its sexual assault disciplinary process*

*1997-2010 policy and experience*

“In the thirteen years prior to the adoption of the ARP, the only years for which good data exist, in ten of those years Stanford did not have a single adjudication for sexual assault or sexual violence. During the entire thirteen-year period Stanford reported 175 forcible sexual offenses to the federal government under the Clery Act, but only *four* cases went to a hearing and only *two* students were found responsible during this thirteen-year period.

“I should note that it’s impossible to know precisely how many assaults there were on campus, and how many were committed by students rather than non-students, but most people believe that the majority of sexual assaults go unreported. The 175 number likely to be an underestimate.

“[In contrast] in the three years since the adoption of the ARP [as a pilot], we’ve had 53 reports of assaults with 11 cases going to a hearing, and 7 findings of responsibility, more than triple the number of students found to be responsible in the last three years, than we had in the previous thirteen years.

“When we started to grapple with the problem, some concerns emerged. There were some aspects of Stanford’s process that were not well-suited to addressing the unique aspects of sexual violence. The Student Judicial Charter of 1997 was designed to address cases where a professor accuses a student of cheating but was not designed to handle sexual assault cases. And the charter is intended to protect students in that kind of a case against accusations from more powerful faculty members. That is, it gives a lot of procedural rights and protections to students that are not bilateral, that are not given to the faculty member, who is accusing them of cheating, because it’s trying to equalize a power imbalance. In a peer-to-peer harassment or assault case, that is not necessarily an appropriate model. One of the specific issues we found to be inhibiting use of this process by alleged victims was that our process was a mock trial type process. It involved cross-examination of the alleged victim by the alleged attacker; it had no right to appeal for the alleged victim, and it had a very high burden of proof—beyond a reasonable doubt—to meet by alleged victims.
“Our goal was to address those concerns and create a more welcoming process for victims while maintaining a high level of protection for the rights of accused students. We also kept foremost in our mind the goal of preserving a safe learning environment for all students and maintaining a student-run judicial process, which is an important Stanford tradition.”

Comparison to experience of peer schools

“The Clery Act is named after Jane Clery, a freshman at Lehigh University who was raped and killed in her dorm. Her death led to a reporting requirement that all colleges and universities that receive federal funds have to meet certain reporting requirements for campus crimes, particularly sexual assault. The Act was implemented in 1990.

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<th>Princeton</th>
<th>Harvard</th>
<th>Yale</th>
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<td>93</td>
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Note: There may be slight differences in reporting techniques among universities. Reporting methods may lead to inflated estimates under certain circumstances; however, most experts regard Clery statistics as an underreport of the true incidence of campus sexual assault.

“Stanford is about average, in terms of the number of assaults we report when compared to peer institutions roughly similar in size. Most of our peer schools report 10-12 sexual assaults per year, on average. Harvard is an outlier with an average of around 20 reported assaults per year, but I think this is a function of Harvard’s data-collection mechanism. There isn’t any reason to think that Harvard has more assaults than peer schools.

“Our experience with having very few cases come to a hearing is similar to the experience of our peer schools. The fact that few cases were being charged became a national civil rights issue in the past few years for many campuses. The Department of Education Office for Civil Rights [henceforth OCR] issued a guidance in the form of a ‘Dear Colleague’ letter in 2011, and then launched investigations into the low number of hearings, given the number of campus assaults reported through the Clery Act. The OCR is the federal agency charged with interpreting and enforcing Title 9, and in this ‘Dear Colleague’ letter, OCR made it clear that in order to comply with
Title 9, schools *must* use the Preponderance of Evidence standard, which means, ‘more likely than not.’ Before this letter from OCR was sent, many colleges used Clear and Convincing Evidence, [a standard of proof] in the middle between Preponderance of Evidence and Beyond a Reasonable Doubt, which is the highest burden of proof. Stanford was using that last standard, one of the few schools in the country to do so.

The 2011 “Dear Colleague” letter has led to heightened scrutiny of university hearing practices that are regarded as unduly invasive or unreasonably unresponsive to victims. Several schools, including Yale, were subjected to public federal inquiries that concluded (just as we did) that its hearing practices were preventing women from coming forward. Last month OCR announced that it’s opened new investigations into inadequate sexual assault policies against Occidental and Swarthmore College.

“The Yale report concluded that most students who are victims of rape never report it to any official source, and of those who do report, ‘Most choose not to go through a formal investigation and adjudication,’ which was exactly the situation that we had at Stanford prior to the ARP.

“Fortunately at Stanford we were able to avoid public inquiries due to our proactive work on this issue with the ARP dating back to 2009.”

*The 2010-2-12 ARP pilot: policy and experience*

Our goal in the design process was to develop and implement a process that would:

1) provide a high level of due process protection for accused students;

2) give victims an appropriate opportunity to have their concerns addressed;

3) ensure a safe campus and learning environment;

4) deliver an appropriate high-quality learning experience for all the students involved, because our judicial process is supposed to be an educational process, and

5) preserve the student-run judicial process that is part of our Stanford tradition.

Finally, the overall goal of any student disciplinary process is to reach accurate judgments and our data suggests that we are reaching accurate and legitimate judgments.

“Instead of a mock-trial process, we have a series of private interviews. We use five reviewers, three students and two faculty or staff, to decide responsibility. Each party listens to the other party’s interview with the panel by telephone and submits questions via email during two breaks taken for that purpose. The panel asks these questions, rather than having direct cross-examination by the accused student of the
accuser. The reviewers make findings using that legally-required Preponderance of the Evidence standard. Four of the five reviewers must agree on a finding of responsibility. Both parties have equal and bilateral rights to appeal at every point in the process.

“The thing to notice [in this slide] is these shaded cells, [which] indicate the procedural protections for students at several points in the process. There are lots of chances to appeal, lots of chances to respond, lots of protections for accused students.

Recent changes in the law that support the ARP.

“By the time of the ‘Dear Colleague’ letter in 2011, Stanford was fortunately well ahead on the issue in addressing most of these requirements in the ARP. We were gratified when the guidance was issued, because it indicated that our interpretations of the law were on the right track. The key changes required by Department of Education were the Preponderance of Evidence standard, and the disfavoring direct cross-examination of the alleged victim by the alleged perpetrator. The parties have to have equal rights to appeal, and the individuals making the decision have to have training. The schools were expected to begin trying to resolve these complaints within 60 days. One of the key issues of our process prior to the ARP was that it took a long time to resolve.

“The general direction of the ‘Dear Colleague’ letter was recently approved by Congress, in the Violence Against Women Act Reauthorization. It included a section that had previously been a free-standing piece of legislation known as Campus SaVE, or Campus Sexual Violence Elimination Act. The direction of this federal legislation validated our efforts on the ARP. It’s clear that having an effective campus rape
policy is viewed by the federal government as a civil rights issue, and we can be proud that Stanford has been a leader on this issue.

“While we were definitely moving in the right direction with the ARP we had to make a couple of changes to bring it into line with Title 9. These were the change to Preponderance of Evidence standard of proof and the change to make all the appeal rights bilateral. It’s important to point out that if the Faculty Senate does not approve the ARP, Stanford will have to start over, basically, and create a new policy that does comply with the Title 9 and Campus SaVE, because reverting to the Student Judicial Charter, that is, to what we were doing pre-ARP, no longer complies with federal law.

“Through our new process I think we have been able to achieve the goals that we’ve set for ourselves; many more students are coming forward, and many more who come forward are going to a hearing.”

In closing, Professor Dauber reviewed the statistics about the increase in number of assaults reported, adjudicated and findings of responsibility. “We only have three years of data; it’s really too early to be entirely certain, but I think we’re on the right course. In particular the fact that a third of accused students were found not responsible suggests that our process is accurate and fair, and that accused students’ rights are being fully protected. Panelists are well trained, and they’re taking their responsibility seriously.

“We attribute our success in part to the extensive training that we provide to our panelists. We plan to continue to collect data, monitor the process, and enhance our training as we go.

“I’m now pleased to turn over the remainder of the presentation to Jonathan, who will discuss student support for the ARP.”

Student input and support for the ARP

Jonathan York took over. “Thank you, Professor Dauber.

“Stanford students have been involved with the design and implementation of the ARP from the very beginning. The drafting process started in the summer of 2009 with a committee comprised of faculty, students, and staff. Since then two undergraduate and two graduate student councils reviewed the ARP, provided their input, and we made changes accordingly. In the spring of 2012, the BJA approved a draft of the ARP in February that incorporated changes proposed by the ASSU subcommittee. That was the version that was approved, unanimously by both Undergraduate and Graduate Student Council.
“The subcommittee made a number of changes to the ARP to meet student needs and concerns. Professor Dauber spoke about the need to comply with the Standard of Evidence as required by the Office of Civil Rights. In collaboration with the ASSU we also built in a guarantee that the standard of proof would be reviewed should the federal government choose to amend the policy in the future. We felt that this was something that students wanted to make sure that the policy would continue to be under review and monitored as necessary.

“The subcommittee’s revision of the ARP increased the number of the panelists from 4 to 5, following direct input and recommendations from students. It also includes a clearer definition of when an individual’s sexual history is admissible. It creates a panel advisor for procedural issues to advise the students who are reviewers on the case. It also proactively provides support resources to students going through the process. We wanted to ensure that even as the process remains non-confrontational--that’s a major goal--we wanted to ensure that each student still has the opportunity to propose questions and to have them answered. So, as was mentioned, we have breaks in the hearing process to have questions answered via email in real time. And finally, the ARP strengthens the appeal rights of both parties.”

BJA co-chair York, then showed several slides on which were individual student comments about the revised ARP.

“These are some things that students had to say about the ARP that speak for themselves. It’s important to note that students have really felt, throughout the process, a high level of engagement with the administration, and with the BJA. Camille Fletcher, a law student and, I think, a member of the Student Council said, ‘We definitely spent the time, put the effort in, and did our best to think through all the issues.’ Shahab Fadavi, who spoke earlier today, was quoted in the Daily as saying, ‘It’s a huge victory that we finally have something on paper.’ Mona Thompson, a senior, mentioned that she feels much safer, that victims feel more comfortable [because the barrier of entry is lower] so that students don’t feel that they’re running into a brick wall by reporting. It’s not just a matter of personal safety but of creating a safe campus environment, a safe learning environment, for all students. Finally, Kristina, who was one of the first students to go through the ARP process, said, ‘When they changed the [standard of proof to] Preponderance of Evidence, I just remember weeping I was so happy.’
Partial List of Student and Stanford Community Support

- Fraternity and Sorority Life
- Department of Public Safety
- Department of Athletics, Physical Education, and Recreation (DAPER)
- Office of Diversity and Access, Title IX
- Graduate Life Office
- Office of Sexual Assault & Relationship Abuse Ed. and Response (SARA)
- iThrive
- Office of Alcohol Policy and Education
- Sexual Harassment Policy Office
- Residential Education
- Womens’ Community Center
- LGBT-CRC

“We’re thrilled with the reception the ARP has gotten throughout the campus community. This is a partial list of offices and organizations that have expressed their support for the ARP so far. I’m personally very excited to have the support of Fraternity and Sorority Life, the Department of Athletics, and the Office of Alcoholic Policy and Education.

“So, we’re almost there. We’ve come a very long way, through a lot of iterations and a lot of feedback. Before I close I want to recognize some members of our community who have really given a lot of time and effort to bring us to where we are:

Cathy Glaze, the Dean of Students in the Law School, and a former BJ co-chair;

Brandon Jackson, now an alumnus, who was a former student co-chair of BJA.

Lauren Schoenthaler, the Senior University Counsel who spent a lot of hours with us on this.

Laurette Beeson, Assistant Dean of Graduate Life, Jamie Hogan and Koren Bakkegard, especially, for their help from the Office of Community Standards

Chris Griffith, our Associate Vice Provost for Student Affairs. I want to especially thank Chris, she’s been very dedicated, tirelessly working to create a safer and better Stanford community.

“This policy was unanimously approved by both student bodies and by the Board on Judicial Affairs. We look forward to your vote and to eventual approval by President Hennessy.
“Professor Dauber and I will be happy to answer any questions.

“Thank you.”

[ Applause ]

**Question and Answer Period**

Vice Chair Palumbo Liu opened the floor for questions.

Professor Tom Wasow was first to comment. “This sounds like a great improvement and a no-brainer that we should vote for it. On the other hand, one of the students mentioned 4% of the student body says they’ve been raped. And that comes out to something like 250 as opposed to (175) say, if you take the average.”

Professor Dauber replied, “I don’t know where those numbers came from. The fact is that numbers on sexual assault on college campuses are really high.”

Professor Wasow rejoined, “Well, let’s just take the number you had then, about 20% of assaults go to the process. That’s a big improvement over 3%. But where could it be?”

Professor Dauber: “There are two things I would say. First of all, it’s hard to know how many sexual assaults occur on campus. It’s likely to be an underestimate because most victims don’t report it at all. As victims become more comfortable with our process that number may go up. However, for some sexual assaults, it may be an overestimate of what’s actually happening on campus, relevant to our disciplinary process, because there may be double-counting; if the student reports to an RA [Resident Assistant] or an RD [Resident Dean] and they report to another person, both of those reports may be counted. In addition, some assaults take place on campus, but aren’t committed by students; some assaults take place by students on other students, but not on campus. So I wouldn’t get too focused on the number as a super accurate depiction. It’s the best number we have and the one we report to the federal government. I agree with you that what we’re striving for is to have more reports, to the extent that there are more incidents that are going unreported, and more hearings, because we want a safe campus climate, and a safe campus community.”

Provost Etchemendy commented, “First of all, I think the ARP is a wonderful process and is an immense improvement over what we had before. I want to particularly thank Michele, and all the staff for the work that they put into this, into designing it and shepherding it through. But I particularly want to thank the students, and Jonathan, and not just Jonathan, but several years worth of student leadership that have been pushing for this, and making sure that not just the ARP goes through, but also pushing for the creation of the Sexual Assault and Relationship Abuse [SARA] office, which we’ve recently created. Three years back, at one of our peer institutions back east, many of the male students, were marching around campus shouting
absolutely objectionable misogynist things. It makes me so proud that at the same
time, our students were pressuring the university, pushing forward this process, and
the SARA office. The difference was just so extraordinary, and I think we should be
very proud of our students and thank them for what they’ve done.”

[ Resounding applause ]

Professor Bob Dutton was next: “The faculty and staff all have to go through training.
What are the students required to do? I think that if it’s if nothing, that everybody’s
who’s going into the workplace anywhere has to do it.”

Jamie Pontius-Hogan [Assistant Dean, Office of Community Standards] answered,
“Students, as well as the faculty and staff panelists, go through training online as well
as in person. Recently, we had the Public Defender and the District Attorney from
Santa Clara County visit us as experts including folks from the SARA office. We do
some extensive training.”

Professor Dutton clarified that he meant training in general for the students, not just
those who serve on a panel.

Ms. Pontius-Hogan replied, “Some of that [education] takes place through residential
education in the dorm life early on. But there is still a lack of it. I think this is a very
important point and there is certainly more work to be done.”

Professor Dauber added, “I think that’s part of what we have in mind with Angela
Exson’s, [Assistant Dean of Student Life and Director of the SARA Office] excellent
leadership, and the SARA office that Provost Etchemendy mentioned as well.”

Professor Caroline Hoxby commented, “I want to congratulate you and all of the
other students who have worked on this. It’s wonderful to hear how much unanimity
there is about the way that this has improved things.

“At the end of the day, though, we would like it to be true that it’s not just about
reporting, it’s about these incidents not occurring, because regardless of whether they
go to adjudication some students are probably very unhappy. I’m wondering whether
the Senate at some point could hear a report by someone from the BJA on ways in
which we could improve the situation.”

Professor Dauber nodded, “You’d like to hear more information on prevention. We’re
very lucky to have Angela Exson. Angela's office oversees the education efforts for
students regarding sexual and relationship violence.”
Professor Mark Zoback provided some perspective. “My compliments as well, both for bringing it to us and on the process you used to get there.

“I would like to remind the Senate that prior to the major revision of the Student Judicial Charter in 1997, the student body was asked to approve lowering of the burden of proof and it was widely rejected because we had a dysfunctional judicial system, about which the faculty, administration, and the students all agreed. Nobody was using it, and they had no confidence in the system; it wasn’t working and serving anybody very well. When the Student Judicial Charter was revised, our hope was to revisit the issue of burden of proof, once confidence was built in the system and the students would realize that with a lower burden of proof there would be a fairer process to consider the case. I’m extremely proud of the fact that this has largely come from the students, and is supported by students, and they’re embracing a lower burden of proof, because in fact they have confidence with the system. I think the numbers will improve as confidence in the system [improves], to reflect what’s happening on campus. As a veteran of these affairs I am very pleased to see where you’re at today.”

Professor David Spiegel noted, “I thank you for this because there is shame in silence, and I think this will really help people by allowing them to fairly air [reports of assaults]. Two questions: What are the kinds of sanctions that have been proposed? Number two, since this is a community, not just an individual set of problems, how are the results communicated, or are they, how do you balance personal privacy versus letting the community know that there are consequences?”

Professor Dauber replied, “The typical sanction for finding of responsibility for sexual assault is that the person has to be off-campus for a 3-quarter suspension. They can’t be on campus until the victim matriculates.”

Lauren Schoenthaler, staff Counsel, added, “That’s the average. There’s no standard sanction, but the average is three quarters, plus having to stay away from campus until the victim graduates.”

Professor Dauber continued, “If the person responsible was beginning the junior year when it occurs, he would have to stay off-campus the junior year. We would not accept transfer credit if earned somewhere else during that year.

“In terms of what happens later: it’s not on the transcripts and we don’t communicate this information to anybody.”

Ms. Schoenthaler corrected the statement, “There are certain professions that require a person to disclose whether s/he was subjected to a college disciplinary process.”

Professor Dauber, “But in terms of how would the community know? The community does not know; should not know. And that’s our process.”
Professor Jonathan Osborne had the next comment. After congratulating the speaker, he asked about confidentiality. “In the sense that if you’re sexually assaulted it’s a humiliating process, so you need to be assured that it will be confidential and I’m sure it is, within the process, but to what extent is the person who’s accused bound by issues of confidentiality? If there’s any sense that this incident is going to be more broadly spread, that’s going to stop people from coming forward.”

Jonathan York answered this question. “There’s a very extensive bias check. All reviewers will be asked if they’re familiar with those who will be going through the process. Before that those who are going to be in the hearing, meaning the accused party and the reporting party, will be asked if any of the reviewers are familiar to them. So before any of this begins there’s a cross-bias check. The purpose of that is to assure both students that their story won’t be dispersed among people that they know, or to a community that they know.”

Ms. Schoenthaler added, “There’s an obligation of confidentiality within the system. If someone is attempting to intimidate or embarrass the witness, that can be a separate exacerbating factor. I will say, there is a natural barrier for people who are accused to talk about it, and I think that’s probably the greatest incentive we have to keep the matter confidential. Historically, it has not been a problem at Stanford, where people are talking about this issue outside of the process.”

Professor Robert Rabin asked, “How are the investigators selected and how much discretion do they have? What if an investigator declines to go forward, what happens?”

Professor Dauber responded, “If an investigator who looks into the case decides there’s not enough evidence to begin a case, the alleged victim can appeal that decision and have an evidentiary review, which is in front of a panel. That’s part of the appeal process that we built into the ARP. And we’ve had a few of such appeals.”

Professor Rabin wanted to know who was the investigator.

Professor Dauber replied, “The investigator was Jamie Pontius-Hogan.”

Professor James Campbell commented, “My reading of this is that the statute of limitations to this particular allegation is unchanged, and I wonder if you could speak to that. I’m thinking particularly of cases where the either the victim or the alleged perpetrator have graduated.”

Professor Dauber, “There is a two-year statute of limitations. That’s a change made in 2008 and approved by the Faculty Senate and by the ASSU at the time. I think the basis for that was the feeling that oftentimes victims experience trauma and it takes them awhile to come forward. So that is unchanged. If they have graduated they’re not subject to Stanford discipline.”
Jonathan York added, “[After graduation] they’re not subject to an honor code in a hearing. We want to separate this from the formal judicial process outside of Stanford. This is a pedagogical process to ensure a safe campus environment for the student.”

Professor Olav Solgaard had another question about the statute of limitations. “First of all, I don’t understand why we need a statute of limitations. We’ve already been told that it doesn’t apply after students have graduated, so why do we need these two years? And why is there an imbalance between the non-ARP and ARP statute of limitations? The statute of limitations starts running at the date of the alleged misconduct in the ARP cases, while in the non-ARP cases it is the time that is was discovered.”

Ms. Schoenthaler responded, “I think there wouldn’t be a need [to define when the statue begins], because you can count on the head of a pin the number of sexual assault cases that aren’t known to the victim at the time they occur. I suspect the thinking was that there wasn’t any need, but I’m not sure there was all that much thought put into that issue. I think that’s something we can consider, although it has not been an issue, or come up in our experience at Stanford. There wasn’t an issue where someone says, ‘Gosh I would have reported this to you but I didn’t know.’ So it’s unlike not realizing for six months that $3000 has been illegally taken out of your checking account. We haven’t had a similar experience of delay regarding the sexual assault and sexual harassment side.”

Vice Chair Palumbo-Liu, “We are out of time and we need to move to the vote. The copy of the motion is at your seat.”

“This item comes moved and seconded by the Steering Committee.”

At the recommendation of the Board on Judicial Affairs, the Faculty Senate approves the amendment of the Student Judicial Charter of 1997 to incorporate the Alternate Review Process of 2013 as detailed in the documents labeled SenD#6763.

Said the Vice Chair, “All in favor, please say ‘Aye’.”

[Resounding Aye]

“Opposed?”

[Silence]

“Abstentions?”

[Silence]
Vice Chair Palumbo Liu pronounced, “The motion passes by unanimous voice vote.”

[Thunderous applause]

Vice Chair Palumbo Liu added, “Thank you very much Michele and Jonathon, and everyone for their participation.”

VI. Unfinished Business
There was no unfinished business.

VII. New Business
There was no new business.

VIII. Adjournment
A motion to adjourn was seconded and passed unanimously. The Senate adjourned the meeting at 5:00 PM.

Respectfully submitted,

Rex L. Jamison, MD
Academic Secretary to the University
Professor of Medicine, Emeritus
### May 2, 2013

**Meeting of Senate XLV**

**RECORD OF ATTENDANCE**

<table>
<thead>
<tr>
<th>Name</th>
<th>Unit</th>
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</thead>
<tbody>
<tr>
<td>Arvin, Ann, Vice Provost &amp; Dean of Research</td>
<td>Ex officio</td>
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<tr>
<td>Berman, Russell, German Studies</td>
<td>08</td>
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<tr>
<td>Boxer, Linda, Medicine</td>
<td>13</td>
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<td>Burchat, Patricia, Physics</td>
<td>06</td>
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<td>Campbell, James, History</td>
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<td>Chertow, Glenn, Medicine</td>
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<td>Clemens, Bruce, Materials Science &amp; Engineering</td>
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<td>Cohen, Ralph, Mathematics</td>
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<td>Cyert, Martha S., Biology</td>
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<td>Dutton, Robert, Electrical Engineering</td>
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<td>Elam, Harry, Vice Provost for Student Affairs</td>
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<td>El-Gamal, Abbas, Electrical Engineering</td>
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<td>Etchemendy, John, Provost</td>
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<td>Fearon, James, Political Science</td>
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<td>Findlen, Paula, History</td>
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<td>Fire, Andrew, Pathology &amp; Genetics</td>
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<td>Fuller, Margaret, Developmental Biology</td>
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<td>Goldsmith, Andrea, Electrical Engineering</td>
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<td>Grenadier, Steven, Graduate School of Business</td>
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<td>Gumport, Patricia, Vice Provost for Graduate</td>
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<td>Hamann, Michael, Graduate School of Business</td>
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<td>Hennessy, John, President of the University</td>
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<td>Hoxby, Caroline, Economics</td>
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<td>Ioannidis, John, Medicine</td>
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<td>Jamison, Rex, Academic Secretary to the University</td>
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<td>Johnstone, lain, Statistics</td>
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<td>Kao, Chi-Chang, Director of SLAC</td>
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<td>Kasznik, Ron, Graduate School of Business</td>
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<td>Ketter, Terence, Psychiatry and Behavioral Sciences</td>
<td>13</td>
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<td>Knight, Rosemary, Geophysics</td>
<td>02</td>
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</tbody>
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**Present on Invitation or by Request:**
Laura Remillard,

**Present on Standing Invitation:**
Stephanie Kalfayan, Alexander Fetter, Kathleen Sullivan, Greg Boardman, Michael Shaw, Olivia Hu

**Outside Press:**

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**Legend**

- P = Present
- A = Absent
- E = Excused absence