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By **Matt Rocheleau**

GLOBE CORRESPONDENT NOVEMBER 25, 2014

The Boston City Council, in a rare step, issued a subpoena Monday to Boston University president Robert Brown to compel him to appear at a hearing next week on employee and student diversity at local colleges.

The council said it acted after BU failed to comply with a request to send a representative to a hearing last month. If Brown fails to appear at the next meeting of the council's Education Committee on Dec. 2, he could face arrest, according to state law.

It was the first time in recent memory the council has gone to such lengths in a dispute with a local college leader, although it has summoned others on a few occasions.

"We gave Boston University every opportunity to attend and to accommodate their schedule, and they blew us off," Councilor Tito Jackson, the committee chairman, said. "The issue of diversity in higher education is a very serious topic."

The committee had requested that Brown and other BU leaders attend and testify at an Oct. 24 hearing, said Jackson, who represents Roxbury and parts of the South End, Dorchester, and the Fenway. The university notified the council less than 24 hours before the hearing that no representatives were going to make it, he said Monday evening.



The council on Wednesday approved Jackson's request to issue the formal summons. Jackson said none of his colleagues objected to the idea.

Stephen Burgay, a spokesman for BU, said the university had sent written testimony to the council about the issue before the Oct. 24 hearing. He said such submissions have historically been seen as an acceptable alternative if a representative cannot attend.

Burgay said that the subpoena "seems unnecessary," but that the university and Brown are exploring what to do next.

"We need to figure out what the next best way forward is," he said. "We're trying to figure out how we can do this in a way that accommodates the president's schedule and gives the council everything they need."

He said the university on Monday offered to send "a panel of subject matter experts" from BU to appear at the hearing "who could speak to the diversity issues" the council has raised. But, according to Burgay, Jackson told university officials that would not be acceptable and demanded that Brown appear.

Jackson said the council plans to hold a series of hearings about hiring and enrollment diversity in higher education and eventually plans to invite leaders from all of the local colleges and universities to testify. The council wants to know, for example, how the colleges recruit and retain minority and women administrators, faculty, staff, and students. BU, he said, was the first school to be invited.

Colleges "have the ability and the responsibility to be transformative in helping to deal with, positively effect and change the outcomes and opportunities and to begin to bridge the opportunity gap that many people in the city of Boston experience," Jackson said.

State law allows city councils, and other boards and commissions, to subpoena witnesses. Subpoenaed witnesses who fail to appear are subject to the same penalties as witnesses in civil cases, according to the law.

The council has rarely used its power to compel individuals to attend its meetings. However, in June the council threatened to subpoena the police commissioner and, one month later, subpoenaed a landlord whose properties have drawn numerous complaints.

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