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MOVE by ROBERT BROWN ends legal standoff

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JESSICA RINALDI/GLOBE STAFF/FILE

Boston University president Robert Brown is now scheduled to appear Dec. 19 at a City Council Education Committee hearing,

officials said.

By Matt Rocheleau

GLOBE CORRESPONDENT DECEMBER 02, 2014

Boston University president Robert A. Brown will appear Dec. 19 before a Boston City Council panel exploring student and employee diversity, lawyers for the council and the university told a Suffolk Superior Court judge Monday.

The agreement ended a dispute about a subpoena issued by the council last week that required Brown to appear before the City Council Education Committee Tuesday or face possible arrest.

“I have been frustrated with the back-and-forth,” said Councilor Tito Jackson, chairman of the committee. Jackson led the effort to compel Brown to appear after BU did not send any representatives to a hearing scheduled for Oct. 24.

“I’m pleased we have an agreement and commitment from president Brown to attend, and I look forward to a robust conversation around this important topic,” Jackson added after Monday’s brief court hearing.

The university sent written testimony to the October hearing, which BU officials said has been used as an acceptable alternative in the past. However, Jackson saw BU’s no-show as a sign of lack of respect for both the council and the issue of diversity, and he and his colleagues on the council took the rare step of issuing a subpoena, which was delivered to Brown Nov. 24 and ordered him to appear Tuesday.

The university said Brown was traveling and unavailable on that date and offered to send a panel of experts instead or to have Brown appear at a later date, as soon as the week of Dec. 15. Jackson turned down those offers, prompting BU to file court papers Wednesday asking a judge to throw out or amend the subpoena to either allow someone other than Brown to attend or to allow Brown to attend at a later date.

The agreement disclosed Monday ended the legal fight, officials said.

BU spokesman Stephen Burgay said officials from the city’s law department reached out to the university Monday morning, saying they wanted to resolve the matter before going before a judge. They suggested meeting Dec. 19.

“We said, ‘Absolutely,’ ” Burgay said. “We look forward to the appearance.”

“We’re pleased that we and the city were able to find a date that works for everybody,” he added.

Burgay said Brown’s testimony at the hearing should expand on points outlined in the written testimony the school provided previously.

Jackson has 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 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 to be invited.

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

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

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