

Faculty Senate Minutes #346

Wednesday, September 23, 2009

3:20 PM

Room 630 T

Present (38): William Allen, Spiros Bakiras, Andrea Balis, Elton Beckett, Adam Berlin, Erica Burleigh, Elise Champeil, Shuki Cohen, Edward Davenport, Virginia Diaz, Edgardo Diaz Diaz, James DiGiovanna, DeeDee Falkenbach, Beverly Frazier, Gail Garfield, Robert Garot, Jay Paul Gates, Katie Gentile, P. J. Gibson, Jessica Gordon Nembhard, Maki Haberfeld, Jay Hamilton, Richard Haw, Heather Holtman, Karen Kaplowitz, Richard Kempter, Tom Litwack, Vincent Maiorino, Evan Mandery, Tracy Musacchio, Richard Perez, Nicholas Petraco, Rick Richardson, Raul Romero, Richard Schwester, Francis Sheehan, Shonna Trinch, Joshua Wilson

Absent (11): Luis Barrios, Marvie Brooks, Demi Cheng, Janice Dunham, Joshua Freilich, Nivedita Majumdar, Robert Till, Cecile van de Voorde, Robert Visani, Thalia Vrachopoulos, Valerie West

Invited Guest: Provost Jane Bowers, Dean Ann Lopes

Agenda

1. Adoption of the agenda
2. Approval of Minutes #345 of the September 10, 2009, meeting
3. Information & Announcements
4. Introduction of the new Dean of Undergraduate Studies Ann Lopes
5. Ratification of the membership of the Faculty Senate Technology Committee
7. Proposed amendment to the CUNY Bylaws establishing term limits for department chairs
8. Proposal to add the A+ grade to JJ's menu of final grades
9. CUNY Student Complaint Against Faculty Policy
10. Invited guest: Provost Jane Bowers

1. Adoption of the agenda. Approved.

2. Adoption of Minutes #345 of the September 10, 2009, meeting. Approved.

3. Announcements & Reports [Attachment A]

New department chairs were elected in May: Patrick Collins – Law, Police Science, CJA; Amy Green – ISP; Allison Kavey – History; Tony Lemelle – *Interim Chair* – Sociology; John Pittman – Philosophy; and Liliana Soto-Fernandez – *Interim Chair* – Foreign Languages & Literature.

President Kaplowitz reported that there is a bedbug problem in North Hall. She learned this the previous evening and attended a briefing meeting this morning. North Hall will be fumigated next weekend by bedbug specialists and, therefore, the building will be closed on Saturday and Sunday. President Kaplowitz said she has requested that the trained dog that is used to detect the presence of bedbugs be brought to all the other College buildings because it is so easy for bugs to be transferred from one location to another. She also said that a week after NH is fumigated, it will be fumigated a second time. Senator Heather Holtman asked how we can avoid inadvertently carrying the bugs home. President Kaplowitz said we should check ourselves, our clothes, and our belongings when going home. She said that additional information will be provided by the administration.

4. Introduction of the new Dean of Undergraduate Studies Ann Lopes

Dean Anne Lopes was welcomed to the Senate and to the College. She said she is delighted to be a guest of the Senate and looks forward to working with the faculty. She began her tenure in July and finds the College to be tremendously exciting.

5. Ratification of the membership of the Faculty Senate Technology Committee

The Senate elected the following members of the faculty to serve on the Faculty Senate Technology Committee, many of whom are continuing their service on this Committee, and also elected Professors Bonnie Nelson and Lou Guinta to again co-chair the Committee:

Joshua Clegg – Psychology
Lou Guinta – Communication & Theater Arts
Bilal Khan – Mathematics
Richard Lovely – Sociology
Peter Mameli – Public Management
Keith Markus – Psychology
Peter Moskos – Law, PS, CJA
Bonnie Nelson – Library
Pat O'Hara – Public Management
Jason Rauceo – Science
Alexander Schlutz – English

Ellen Sexton – Library
Peter Shenkin – Mathematics
Maggie Smith – Law, PS, CJA
Liliana Soto-Fernandez – Foreign Languages & Lit
Robert Till – Protection Management
Adam Wandt – Public Management
Valerie West – Criminal Justice
Alan Winson – Communication & Theater Arts

7. Proposed amendment to the CUNY Bylaws establishing term limits for chairs of academic departments [Attachment B]

President Kaplowitz reviewed the Senate's vote in May, to oppose the Chancellor's proposal to amend the CUNY Bylaws to establish term limits for department chairs. The Council of Chairs as well as the University Faculty Senate also voted their opposition. Similar objections have been and are being raised at other campuses. President Kaplowitz reported that the Chancellor has explained that the Council of Presidents is requesting these term limits, a fact verified by President Travis during his May 20 meeting with us. She noted that at that meeting President Travis stated that he supports the term limits amendment.

President Kaplowitz reported that Chancellor Goldstein has told her that he thinks that department chairs should be appointed by the college president and that, furthermore, chairs should not be union members; he had told her that he himself has no position on the issue of term limits. He is looking for feedback about the proposal and has said so to the presidents [Attachment B].

If the Senate wants to express its opinion further we must do so today, she said. President Kaplowitz reviewed the fact that we had taken the position that there should be no term limits unless a department chooses to have them. Asked about the teaching loads of chairs, President Kaplowitz explained that this is decided by the provost of each campus. The Senate considered a series of recommendations to make to the Chancellor to improve the election process as well as the quality of chairs to persuade him that there are better ways to address problems than imposing term limits which would not necessarily improve things. The Senate amended several of the recommendations and rejected others. The Senate then approved, by unanimous vote, the following list of recommendations and directed President Kaplowitz to write to Chancellor Goldstein reporting the Senate's unanimous opposition to the proposed term limits and proffering these recommendations to improve the process of electing chairs and the quality of elected chairs:

1. Improve the election process of electing chairs of academic departments by:

- a. permitting the opening of nominations, including written anonymous

nominations, at least a week prior to the annual departmental election while continuing open nominations at the election meeting

- b. encouraging incumbent chairs to declare their intention to run or to not run for re-election at least a week prior to the election meeting
- c. providing for the option of written election statements that would be circulated to all eligible voters
- d. prohibiting the department chair from conducting the (re) election of the chair
- e. providing the option to departments that their elections be conducted by a senior faculty member from a different academic department

II. *Provide for sufficient information about the quality of the work of the chair so that department members may make informed decisions when nominating and voting for a department chair by:*

- a. providing attendance records to department members of all meetings which the department chair is required to attend
- b. providing department members with copies of the chair's annual self-evaluation (which includes the chair's plans for her/his department) and of the President's and Provost's annual evaluation of the chair, which is required by the Chancellor
- c. recommending to colleges the development of anonymous faculty evaluation of the department chair using a college-wide instrument (analogous to student the evaluation of faculty)

8. Proposal to add the A+ grade to JJ's menu of final grades: Senators Karen Kaplowitz & Francis Sheehan [Attachment C]

President Kaplowitz reported that CUNY has a menu of grades and that the A+ grade is among them, with the numeric value of 4.0 and the definition of "exceptional" [Attachment C]. She said that she and VP Francis Sheehan believe that students who do exceptional work at the College deserve to receive such a grade and that our faculty deserves the option of giving or not giving such a grade.

Senators Maki Haberfeld and P. J. Gibson asked whether this is an appropriate grade for a serious college and Senator Gibson said she worries if such a grade will add to grade inflation. Senator Gibson asked whether law schools and graduate schools would look down upon John

Jay if we had the A+ grade. Senator Jay Paul Gates said he believes admissions officers look at the GPA rather than at individual grades.

Asked if other CUNY colleges have adopted the A+ grade, President Kaplowitz reported that it has been adopted by at least four senior colleges – Brooklyn, Hunter, Lehman, and Queens – and also by at least two community colleges – BMCC and KCC. She said that the head of the Faculty Senate at Queens informed her that the faculty members there give very few A+ grades, saving that grade for the students who do truly exceptional work. A Senator suggested that students at those other colleges could be at an advantage that our students do not now have because they can be given the A+ grade and John Jay students cannot be. Senator Haberfeld asked whether any non-CUNY colleges have the A+ grade and whether any Ivy League colleges do, saying that if not, John Jay could be seen as a less than serious college if we were to adopt this grade. Senator Tracy Musacchio said that she knows that the University of Pennsylvania has the A+ grade. Senators asked for more information about non-CUNY colleges that have such a grade.

Senator Litwack said that students who do truly exceptional work would be given a wonderful validation by being given the A+ grade and he added that he sees the A+ grade as entirely separate from the issue of grade inflation and this is why he favors such a grade. Senator Litwack noted, furthermore, that if the A+ were to add to grade inflation here, we could always remove the grade from our menu of undergraduate grades. Senator Litwack said he agreed with others who said that grade inflation was a separate issue from the A+ which is why he could favor the A+ .

Senators asked for further information about whether colleges outside CUNY that have the A+ grade and said that when such information has been ascertained this item should again be placed on the agenda. A motion to table this item until such time as this requested information is available was adopted.

9. University report on the implementation of the CUNY Student Complaint Against Faculty Policy, with particulars about the implementation at each CUNY [Attachment D]

President Kaplowitz reported that John Jay has had many more reported cases of student complaints against faculty in the interim since the CUNY Board of Trustees adopted a policy on this issue which was effective February 2007 and she drew the Senate's attention to a report by Vice Chancellor for Legal Affairs Frederick Schaffer [Attachment D]. She reported that at the June 2009 meeting of the Board of Trustees Committee on Academic Policy and Program Review (CAPPR), VC Schaffer attributed the difference in the number of cases to John Jay's decision to follow formal complaint procedures rather than first exhausting informal methods. She said that the Vice Chancellor repeated this explanation again last week at a meeting of the University Faculty Senate leaders when he was asked about this.

President Kaplowitz proposed that the Senate convey our concern about our College's implementation of the policy to the appropriate administrators at the College, but she added that a discussion is necessary because John Jay may be taking the student complaints more seriously than other CUNY colleges in which case the increased numbers at John Jay would be appropriate. Senator Tom Litwack said that for that very reason he would like the Senate to receive a copy of the actual Board of Trustees policy. President Kaplowitz agreed, saying that although our Senate had reviewed the draft policy when it was proposed and although we reviewed the final policy when it was adopted, that had been more than two years ago. The Senate tabled this issue until the next meeting and agreed that both VC Schaffer's report and the BoT policy will be included in the agenda packet for that meeting.

10. Invited guest: Provost Jane Bowers

Provost Bowers was welcomed and invited Senators to ask her questions. Senator Beverly Frazier asked about the creation of a new executive administrator position, that of associate vice provost. Provost Bowers said this position is important because of the assessment and planning that must go on to improve our College and that are also required for our re-accreditation by the Middle States Commission. She added that she has many projects that need attention and that in order to accomplish all of our plans she needs additional support. She suggested that we need a strong search committee and that she would like the person who is selected for the position to have had the experience of being a member of the faculty.

Senator Maki Haberfeld asked about travel money and whether there would be an opportunity to receive more than has been allocated to the faculty. The Provost said that for now departments will have to work with what they received and that at mid-year there will be an assessment to see if some academic departments did not use their travel money and if so perhaps some of that money could be reallocated to other departments.

Provost Bowers reported that she has established office hours during which faculty members can come by to speak with her; the office hours are on Wednesdays from 2-3pm and on Thursdays from 2:30 - 3:30pm. She also reported that she now has a Facebook page and that many faculty members have friended her. She spoke of being impressed by faculty members who have set up Facebook pages for their classes because this provides the opportunity for interesting discussions to take place among students in the class.

The meeting was adjourned at 5:15 PM.

John Jay College
Key Fall Enrollment Indicators and Targets

Table 1

	9/3/2007	9/3/2008	9/7/2009	Difference	% Change	Target	Difference
	2007	2008	2009				
Total Enrollment	14937	14964	15293	329	2.20%	15010	283
Total FTE	11643.2	11645.0	12095.7	450.7	3.87%		
Headcount/FTE	77.95%	77.82%	79.09%				
Final/Projected	11463.8	11347.7	11848.1	500.4			
% of Can	98.46%	97.45%	97.95%				

<u>New Students</u>	2007	2008	2009	Difference	% Change	Target	Difference
Freshmen	2823	2484	2854	370	14.90%	2357	497
Baccalaureate		1430	1690	260	18.18%	1650	40
Associate		1054	1164	110	10.44%	707	457
SEEK	228	277	316	39	21.49%	275	41
Readmits	644	716	759	43	11.18%	717	42
Graduate	571	596	583	-13	4.38%	588	5
Transfers	1006	1229	1183	-46	22.17%	1237	54

<u>All Students by Class</u>	9/3/2007	9/3/2008	2009	Difference	% Change
	2007	2008	2009		
Freshmen	5562	5077	5041	-36	-0.71%
Sophomores	2785	3063	2972	-91	-2.97%
Juniors	2334	2504	2846	342	13.66%
Seniors	2074	2187	2183	-4	-0.18%
2nd & Non Degree	213	196	264	68	34.69%
Graduate	1967	1937	1987	50	2.58%
Total	14935	14964	15293	329	2.20%

Final projected FTE's are based on the average percentage change from this point to the frozen file during the fall 2007 and fall 2008 semesters. There was a full 1% difference between the two years. This projection is for guidance only.

Attachment A

ATTACHMENT A

John Jay College
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The Chancellor

May 11, 2009

To: College Presidents
From: Matthew Goldstein *MG*
Re: Term Limits for Department Chairs

As you know, there has been discussion by the Council of Presidents regarding its desire to change the way in which department chairs are chosen. A proposed idea was to limit the number of successive times a faculty member could serve as chair. From what I understand, there is strong sentiment among presidents that a change should be made, with the particulars yet to be worked through.

The central administration had a very preliminary conversation with the University Faculty Senate (UFS) leadership regarding this issue. This was followed by a quick vote against the idea at a recent UFS plenary before any serious discussion that would inform a change.

It has always been my intention to request a briefing from each president about how his or her campus constituencies and governance leaders feel about this issue before any action is taken. To that end, I ask that you initiate a process on your campus, based on your specific circumstances, to elicit the views of your college community regarding term limits for chairs.

I realize that it is late in the academic year to begin such a process. I would ask that this discussion take place either in the time remaining in this semester or in the earliest part of the fall semester, and that you report back to me as soon as you have gathered the appropriate feedback.

Thank you.

ATTACHMENT C



Office of the University Registrar


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Policies & Procedures Uniform Grade Symbols: Glossary and Guidelines Effective Fall 2008

MEMORANDUM

July 1, 2008

TO: The Presidents of the Colleges
The Dean of the Sophie Davis School of Biomedical Education
The Dean of the School of Journalism
The Dean of the School of Professional Studies
The Dean of The CUNY Law School
The Provosts of the Colleges

FROM: Annamarie Bianco, University Registrar 

RE: CUNY Uniform Grade Symbols: Glossary and Guidelines

This memorandum is being issued to inform you that the Committee on Academic Policy and Program Review recommended, and the University Board of Trustees passed, a resolution that affects the CUNY Uniform Grade Symbols: Glossary and Guidelines. Attached to this memorandum is the CUNY Uniform Grade Symbols and Guidelines document, effective Fall 2008.

Notable revisions to the Uniform Grade Symbols and Guidelines include the establishment of a WN grade and the discontinuance of the ABS, FAB, and FPN grades.

The establishment of a WN grade will provide necessary information concerning attendance which is a requirement of Federal Title IV regulations for the disbursement of financial aid to students. The new WN grade will reduce Federal A-133 audit findings related to R2T4 (Return to Title IV) requirements for unofficial withdrawals. The WN grade is being introduced in order to clearly differentiate between two groups of students: students who attended at least one class and unofficially withdrew (they would receive a WU grade) and students who never attended any classes (these students would receive the new WN grade). The new WN grade will make it easier for faculty to grade appropriately and for colleges to perform the R2T4 calculations more quickly and with better accuracy. Additional implementation guidelines will be forthcoming.

Furthermore, with the implementation of CUNYFIRST it is necessary that only one lapse grade be assigned to students who do not complete required course work. Therefore, the INC (incomplete) and FIN (F grade when the INC lapses into a final F) grading symbols will replace ABS, FAB, and FPN which will be discontinued. The definition of 'PEN' (pending) is



revised so that its use will be restricted to pending grades that do not automatically lapse to an F (FPN) and for the implementation of the Board's Academic Integrity Policy whereby colleges must hold a student's grade in abeyance while pending the outcome of the college's academic review process.

For additional information, please see the policy documentation in the June 23, 2008 Board of Trustees minutes at www.policy.cuny.edu. If you have any questions on the uniform grade glossary, please contact me at Annamarie.Bianco@mail.cuny.edu or 212-290-5715.

Cc: Chancellor Matthew Goldstein
Cabinet
University Dean Robert Ptachik
University Dean of Institutional Research and Assessment
University Office of Student Financial Aid
The Vice Presidents of the Colleges
The College Registrars

Attachment: Uniform Grading Symbols: Glossary and Guidelines



UNIFORM GRADING SYMBOLS: GLOSSARY AND GUIDELINES

- I. The following glossary of uniform grading symbols shall be employed according to the interpretation provided below. Grades are assigned based on the definitions contained herein. Individual units of the University need not employ all symbols but must adhere to the following interpretation for those employed and may not use any symbol that is not included in the glossary. Quality points are to be used to calculate the grade point average (GPA) or index. A dash "--" indicates that the grade does not carry a numerical value and is not to be included in the GPA. Plus ("+") and minus ("-") grades shall be interpreted as equivalent to "+0.3" and "-0.3", except as noted.

GLOSSARY

Grade	Explanation	Quality Points
A+	Exceptional	4.00
A	Excellent	4.00
A-		3.70
B+		3.30
B	Good	3.00
B-		2.70
C+		2.30
C	Satisfactory	2.00
C-		1.70
D+		1.30
D	Passing	1.00
D-		0.70
F	Failure/Unsuccessful Completion of Course	0.00
P	Pass	-
S	Satisfactory	-
U	Unsatisfactory	0.00
CR	Credit Earned	-
H	Honor (Hunter College School of Social Work only)	-
W	Withdrew	-
WA	Administrative Withdrawal non-punitive grade assigned to students who had registered for classes at the beginning of the term but did not provide proof of immunization by compliance date.	-

WF	Withdrew Failing	0.00
WN	Never Attended	0.00
WU	Withdrew Unofficially (Student attended at least one class session)	0.00
NC	No credit granted. (Restricted to regular and compensatory courses. This grade can also be used by colleges for other administrative actions such as disciplinary dismissals.)	-
R	Course must be repeated; minimum level of proficiency not attained. (Restricted to noncredit, remedial, and to developmental courses.)	-
INC	Term's work incomplete.	-
FIN	E from incomplete – to be used when the INC grade lapses to an F grade.	0.00
Z	No grade submitted by the instructor – a temporary grade which is assigned by the registrar pending receipt of the final grade from the instructor.	-
PEN	Grade pending.	-
Y	Year or longer course of study must continue to completion.	-
SP	Satisfactory progress – restricted to thesis and research courses requiring more than one semester for completion.	-
AUD	Auditor, Listener.	-

The following symbols have been implemented as prefixes to grades in the student system to identify repeated courses including the application of the F grade repeat policy and Board approved variance, as well as to indicate a grade's impact on GPA and credit accumulation.

Prefix	Explanation
&	Repeated course which counts in the GPA but does not count in credits completed
*	Course does not count in the GPA and does not count in credits completed
#	Replacement grade, F grade policy, does not count in cumulative GPA
@	Repeat F grade policy, does not count in GPA, does count in credits completed

ATTACHMENT D

June 1, 2009

MEMORANDUM

To: Committee on Academic Policy, Programs & Research
Committee on Student Affairs & Special Programs

From: Frederick P. Schaffer

Re: Student Complaint Procedure Review

Under the student complaint procedure adopted by the Board, effective February 2007, the Chancellery was charged with the responsibility during the spring 2009 semester of reviewing CUNY colleges' experiences with the procedure. That review was to include consultation with administrators, faculty and students, and the result of the review with recommended changes was to be reported to the Board. Toward that end, I have compiled statistics on use of the procedure, reviewed the cases brought under the procedure, consulted with various constituencies around the University, and reviewed suggestions for revising the procedure. The results of this review are discussed below.

Use of the Procedure

Statistics

At many colleges, complaints resolved informally under the procedure were not tabulated. Therefore, it is difficult to state with confidence how often the procedure was used. One college, in fact, commented that the very existence of the procedure had resulted in the informal resolution of many complaints, perhaps because of a desire to avoid full-blown investigations.

With that caveat, however, I was able to review a total of 28 cases from ten colleges. One college accounted for 12 of the reported cases. The remaining colleges reported that they had no formal complaints processed under the procedure, and therefore they submitted no fact-finding reports.

Of the 28 complaints, only one resulted in the bringing of disciplinary charges against a professor. One complaint was relevant to a nonreappointment decision, and another provided the impetus for a substitute professor's decision to decline a reappointment. (A summary of the complaints, broken down by college, subject matter of the complaint, and resolution, is annexed). Three of the complaints were dismissed because they involved complaints about the content of classroom instruction that were protected by academic freedom. Five of the complaints were resolved informally, and therefore no determination was made on the merits of the complaint. Seven of the complaints were dismissed in their entirety or almost in their entirety as factually unfounded. At the college that received 12 complaints, half of the investigations have not yet been completed several months after the students' complaints were filed.

The subject matter of the complaints most often involved alleged pejorative comments about students, poor teaching performance, and professors' absence from class or early dismissal of class. Many, but not all, of the complaints also involved complaints of inequitable grading. Very few of the complaints concerned the teaching of controversial subject matter, and in those cases, the fact-finder determined that the professors' comments were protected by academic freedom.

Analysis

It appears that, by and large, the student complaint procedure has fulfilled its intended purposes. It has provided students with a formal vehicle for addressing concerns about faculty members' conduct not addressed by other procedures, although in some instances those

complaints have been combined with grade appeal complaints. It has not resulted in a floodgate of unfounded complaints against faculty members, nor has it served as a means for ideologically-motivated students to bring complaints against professors based on their political views – both of which were concerns expressed by faculty members prior to the policy’s adoption.

The policy seems to have been underused at a number of campuses, which may be the result of the lack of publicity about its existence. Over time, we should expect more cases. A survey of college websites revealed that several colleges had not posted the policy as expected, and steps have been taken to correct that oversight.

By far the largest problem identified has been reluctance by department chairpersons to investigate cases against faculty members in their departments. At one college, several cases have been reassigned to a chairperson in a different department, and in several other cases, the chairpersons have not been expeditious about completing their investigations. That delay has compromised the policy’s intent to provide a speedy resolution to perceived issues about faculty conduct in academic settings.

Proposed Revisions

Thus far, suggestions for revisions have been solicited from student affairs and academic officers. In addition, faculty members have submitted some suggested revisions. I would suggest that we revise the policy to make it more effective as follows:

Investigations by department chairpersons

The majority of comments we received expressed concerns with the policy’s assignment of investigations to the complained-of faculty member’s chairperson. In many cases, chairpersons have been reluctant to investigate, perhaps either because they were friends with the faculty member or because they did not want to take on the additional work of investigation. Alternatively, certain chairpersons might have been reluctant to investigate because they had an

unfavorable opinion of the faculty member or student (possibly unbeknownst to the professor or student) and did not want to approach an investigation with preconceptions.

The policy allows a faculty member or student to ask for the chairperson to recuse him or herself for good cause, but it does not currently allow the chairperson to initiate a recusal request. I recommend that the policy allow chairpersons to initiate requests for recusal for good cause, including bias or other good reasons. If the policy requires a good reason for such recusal, there will be little risk of chairpersons' routinely asking for recusal merely to avoid work. The determination on a chairperson's request would be made by the appropriate academic dean, who is currently charged with the responsibility to determine the merits of a faculty member's or student's request for a chairperson's recusal. If the recusal request is granted, a different departmental chairperson would be chosen to investigate, or, if no one is available, the dean would conduct the investigation.

In addition, there have been circumstances in which a chairperson has begun an investigation and not completed it. The policy should build in flexibility to re-assign an investigation in particular cases as necessary.

There were other thought-provoking suggestions for changing the fact-finder, but these suggestions were not supported by the colleges' chief academic officers. One proposal was to use a department chairperson other than the chairperson from the complained-of faculty member's department to investigate, drawn from a pool of chairpersons at each college. The chief academic officers felt that it would be preferable to keep the complaint process within a department in order to facilitate the informal resolution of complaints. They also were skeptical that enough chairpersons would be interested in serving as a member of such a pool.

Another suggestion was to assign deans rather than chairpersons to investigate in all cases. I do not recommend this change, because, as discussed above, absent special

circumstances it makes more sense to keep the process within a particular faculty member's department, where complaints are more likely to be resolved informally.

Allowing administrators to investigate when faculty members are not available

Since complaints often come at the end of the semester after grades are in, faculty members are often on leave, particular during the summer. The policy should provide for fact-finding by deans if neither the department chairperson nor another chairperson is available to investigate.

Allowing only students directly affected to file complaints

At one college, a complaint was brought by a group of students not in a professor's class about comments he had made in class. (His comments apparently had been tape-recorded by a student in the class, so arguably a student in the group was a student in his class). Based on that incident, however, a suggestion was made that a student not in a professor's class (or other academic setting) should not have standing to bring a complaint about a professor's conduct in that class. While this is probably not a common problem, it does seem reasonable to amend the policy to make this standing requirement clear.

Further defining good cause for untimely filing

Under the current policy, complaints should be filed within 30 days unless good cause is shown. An attempt to work out complaints informally constitutes good cause, but no other examples of good cause are stated. One problem is that students wait to file because they don't want the complaint to influence their grades in a class. It should be made clear that waiting for this reason does not constitute good cause, but it should be re-emphasized that professors may not retaliate against students for filing a complaint.

Substituting the word fact-finding for investigation

A department chairperson at one college, who has conducted several investigations and performed those responsibilities impeccably, was invited by the University Faculty Senate to discuss the policy and to opine on suggestions for improving it. He made a number of excellent suggestions, including the suggestion to substitute the word "fact-finding" for "investigation." I favor this change as it might lessen faculty anxiety about the policy.

Allowing the chairperson to provide interim relief pending the results of the fact-finding

The same department chairperson suggested that a chairperson should be granted the authority to provide interim relief pending the results of any fact-finding. The chairperson probably already could do so, but it is a good idea to acknowledge that option explicitly in the policy.

Other Proposals

There were a few other revisions to the policy received during the review process that I do not recommend be made, for the reasons discussed below.

Allowing cross-complaints against students

Based on an incident at one college, faculty members have proposed that the policy state that faculty members may file cross-complaints against students. Complaining about a student is already an option, since a faculty member may complain about a student to the student affairs office, which may result in Article 15 discipline of the student. Adding the potential for cross-complaints to the student complaint procedure, which is designed to give students a forum, is unnecessary and might deter students from exercising their rights.

Formalizing the process

There were also a number of suggestions made that I believe would make the policy a little too formal. These included: developing specific forms for each step in the process;

explicitly stating that the chairperson should decide if a complaint is covered by another procedure; barring other kinds of fact-finding and settlement during an investigation; outlining specific procedures in multiple complainant cases; providing for the faculty member to provide his/her side of the story in writing; specifying the standard of proof; and placing the burden on the appellant to present new evidence on appeal. While these suggestions potentially would help the chairperson by providing more guidance on how to conduct an investigation, I do not recommend their adoption because they would make the process too similar to a judicial proceeding.

Defining subject matter not covered by academic freedom

It also was suggested that the policy provide more guidance on academic freedom, perhaps by listing things not covered by academic freedom, and the default would be that everything else would be considered protected by academic freedom. It would be hard to devise such a list. Further, in my review, I did not find that many complaints touched on matters protected by academic freedom, and when they did, chairpersons did not have a problem making that determination. Therefore, this change is not necessary.

Student Complaints

<u>College</u>	<u>Nature of Complaint</u>	<u>Resolution</u>
NYCityTech	Complaint about grade and cancellation of classes	Referral to grade appeal committee, complaint about cancellations not upheld, but faculty member advised about proper use of Blackboard
NYCityTech	Complaint about grades and comments	Complaint dismissed
CUNY Law School	Dissatisfaction with teaching methods	Dismissed/academic freedom exclusion
CUNY Law School	Dissatisfaction with teaching methods	Resolved informally/explained academic freedom exclusion to students
Medgar Evers College	Complaint about unprofessional behavior	Resolved informally
Medgar Evers College	Complaint about unprofessional behavior	Resolved informally
BMCC	Complaint about unfair practices by faculty member, including cancelling classes, reviewing material not in textbook, and complaint about lack of available tutors (12 students)	Complaint dismissed, except for tutors
John Jay	Complaint about professor making ethnic slur	Investigation inconclusive
John Jay	Complaint about grade and rude comments by professor	Investigation not completed
John Jay	Complaints about touching/grabbing student's arm	No resolution; professor filed complaint against student

Student Complaints

<u>College</u>	<u>Nature of Complaint</u>	<u>Resolution</u>
John Jay	Complaint of racism	Complaint dismissed, class instruction protected by academic freedom
John Jay	Complaint about poor teaching	Resolved informally
John Jay	Complaint of inequities in teaching and grading	Investigation not completed
John Jay	Complaint about poor teaching	Resolved informally
John Jay	Complaint about ethnic slurs, leaving class early, not showing up for class	Complaint mainly upheld, disciplinary charges pending against professor (note: same professor as JJ complaint #1)
John Jay	Complaint about offensive remarks about Whites and Chinese government, poor teaching	Investigation not completed
John Jay	Complaint about pejorative comments to students in class	Complaint initially dismissed, but sent back to fact-finder by the Provost to interview complaining student
John Jay	Complaint about professor's comments	Investigation not completed
John Jay	Complaint that professor told 25% of students to drop the class after the first assignment	Investigation not completed
CSI	Complaint about professor's comments, class hours, alcohol in the classroom, and professor's absence from class	Complaint dismissed, except sustained complaint that professor should be present for whole class during weight room session
CSI	Complaint about same professor, different student –	Complaint dismissed

Student Complaints

<u>College</u>	<u>Nature of Complaint</u>	<u>Resolution</u>
	grade and sexist remarks	
Bronx Community College	Complaint about comments about Muslims	Resolved informally; professor clarified remarks
Baruch College	Complaint about grade and tone	Grade to be reviewed for fairness
City College	Complaint about verbal abuse and threat of physical abuse	Complaint dismissed
City College	3 complaints from the same student, different profs. Stress and mental abuse complaints	Complaint dismissed
QCC	Complaint about verbal abuse and unfair grade	Complaint dismissed.
QCC	Complaint about political bias of professor and connected verbal abuse of student	Complaint about political bias in the classroom dismissed as protected by academic freedom, complaint about verbal abuse of student upheld, further action against professor recommended, professor not reappointed
QCC	Complaint about organization and presentation of class material, second complaint that professor promised a good grade in return for the student's praising the professor's class	Investigation not completed, but professor declined a spring reappointment as a substitute assistant professor