

Faculty Senate Minutes #348

Thursday, October 22, 2009

3:20 PM

Room 630 T

Present (30): Spiros Bakiras, Elton Beckett, Adam Berlin, Marvie Brooks, Erica Burleigh, Elise Champeil, Demi Cheng, Edward Davenport, Virginia Diaz, Edgardo Diaz Diaz, James DiGiovanna, Beverly Frazier, Robert Garot, Jay Paul Gates, Katie Gentile, Jessica Gordon Nembhard, Maki Habermeld, Karen Kaplowitz, Richard Kempter, Tom Litwack, Vincent Maiorino, Nivedita Majumdar, Tracy Musacchio, Nicholas Petraco, Richard Schwesler, Robert Till, Shonna Trinch, Thalia Vrachopoulos, Valerie West, Joshua Wilson

Absent (19): William Allen, Andrea Balis, Luis Barrios, Shuki Cohen, Janice Dunham, DeeDee Falkenbach, Joshua Freilich, Gail Garfield, P. J. Gibson, Jay Hamilton, Richard Haw, Heather Holtman, Evan Mandery Peter Manuel, Richard Perez, Rick Richardson, Raul Romero, Francis Sheehan, Cecile Van de Voorde

Invited Guests: President Jeremy Travis, Vice President Berenecea Johnson Eanes

Agenda

- 1. Adoption of the agenda**
- 2. Approval of Minutes #347 of the October 7, 2009, meeting**
- 3. Announcements & Reports**
- 4. Review of the October 14 meeting of the College Council**
- 5. Approval of an election slate for two seats on the Committee on Honorary Degrees**
- 6. Discussion of John Jay's space needs**
- 7. Implementation of the CUNY Student Complaint Against Faculty Policy**
- 8. Invited Guest: President Jeremy Travis**

- 1. Adoption of the agenda. Approved.**

2. Approval of Minutes #347 of the October 7, 2009, meeting. Approved.

3. Announcements & Reports [Attachment A, B-1, B-2]

Attachment A: Letter from President Kaplowitz to Chancellor Goldstein on behalf of the Faculty Senate about the proposed amendment to the CUNY Bylaws which would mandate term limits on chairs of academic departments

Attachment B-1: Report on the implementation to date of the Class Size Policy which was jointly proposed by the Faculty Senate and the Council of Chairs in 2003 and approved by the College Council that same year as College policy

Attachment B-2: The Class Size Policy

4. Review of the October 14 meeting of the College Council

The agenda includes proposals for new and revised courses; a proposal from the Graduate Studies Committee that GRE scores be added as an admission criterion for all incoming CRJ graduate students beginning in Fall 2010; and a proposal to establish the WU grade for all graduate students.

5. Approval of an election slate to fill two seats on the Committee on Honorary Degrees

College policy requires members of the 7-faculty member Honorary Degree Committee to be tenured and hold the rank of associate professor or full professor. The Senate's Executive Committee proposed the following slate of 4 faculty members for the two positions: Professors George Andreopoulos (Political Science); Rosemary Barberet (Sociology); Luis Barrios (Latin American & Latina/o Studies); Amy Green (Communication & Theater Arts/ISP).

6. Discussion of John Jay's space needs [Attachment C]

President Kaplowitz introduced a report by Scott Page, a space consultant, on space needs at the College. She reported that Mr. Page's analysis shows that John Jay has the least amount of

net assignable space per full-time equivalent student of any State-supported college in New York State. It was explained that NASF (net assignable square feet) refers to the amount of indoor space available for classrooms, labs, offices, lounges, etc. It excludes outside space and space needed for corridors, women's and men's rooms, elevators, mechanical units, stairways, etc.

President Kaplowitz said that Mr. Page says that John Jay is facing a "space crisis" and that when the new building is opened it will not be big enough for us.

President Kaplowitz noted that Mr. Page may not have known that the faculty leadership position is that all academic departments will be housed in the new building or in T building (unless an academic department wishes to be located elsewhere). It was noted that the Faculty Senate had unanimously adopted a motion last year that all academic departments must be in Phase II or in Haaren (aka T Building) when Phase II opens, unless a department wishes to be located elsewhere; this resolution was subsequently adopted by the Council of Chairs and by the Executive Board of John Jay's Chapter of the PSC.

Senator Litwack said that the number of students we are enrolling is a crucial factor in the space equation. President Kaplowitz said that the anticipated lack of offices for the newly hired faculty and staff is another crucial issue. President Kaplowitz said she will put this on the next agenda and invite Professor Ned Benton, who is very knowledgeable about our space situation; because he is in Washington today he is unable to attend our meeting.

It was also noted that Mr. Page had not had an opportunity to consult with any faculty members until after the report was written; he did consult, at the insistence of the faculty leadership with the Strategic Planning Subcommittee (SPS) and then with the faculty members of SPS a week ago, on October 14. Mr. Page's report is dated September 4.

The possibility of changing the name of the College to "John Jay College" or to "John Jay College of Justice" was raised. Before engaging in such a discussion, the Senate decided to Ask President Travis later in the meeting whether such a discussion is premature or timely. Senator Tom Litwack said that on this matter he would defer absolutely to President Travis and he urged the Senate to do the same.

7. Implementation of the CUNY Student Complaint Against Faculty Policy: Invited Guest: Vice President of Student Development Berenecea Johnson Eanes [Attachment D, E]

President Kaplowitz thanked Vice President for Student Development Berenecea Johnson Eanes for meeting with the Senate to discuss the CUNY Student Complaint Against Faculty Policy [Attachment D], which was adopted by the CUNY Board of Trustees in 2007, and the fact that John Jay has had many, many more official complaints by students against faculty than any of the other colleges [Attachment E]. Indeed, the report by CUNY Vice Chancellor Frederick

Schaffer on the implementation of the policy [Attachment E] reveals that there were 12 official complaints at John Jay and none at all at some CUNY colleges and one or two at others; the second most number of complaints was three complaints (at QCC). VP Eanes encouraged the faculty to look at the policy carefully and she noted that one provision of the policy that could be problematic is that the fact finder is the chair of the academic department.

VP Eanes offered an explanation for why John Jay has had so many more complaints under the policy compared to the other CUNY colleges. VP Eanes said she believes it is because our College administrators had not been aware that the policy not only permits complaints to be resolved informally but the policy, in fact, preferences informal resolution whenever possible.

She said that the policy is now in the process of being reviewed by administrators and staff at the College. She went through the procedure for handling student complaints and her role in the process. She said she believes that educating everyone about the policy will help students and faculty know what the steps to be followed are.

VP Eanes spoke about instances when students have gone to the Provost's Office instead of to her Office to file a complaint. Senator Litwack said that students should be redirected by the Office of the Provost. Senator Jessica Gordon-Nembhard said that perhaps having a link from the policy directly to the email address of the Chief Officer of Student Affairs would be helpful.

Vice President Eanes said she would convey to the other College administrators the fact that the policy requires that she be the individual to whom students are to be sent and also the fact that the policy requires attempts at informal resolution before any other actions are taken.

8. Invited Guest: President Jeremy Travis

President Travis described our space situation as a "crisis." He said the most severe needs are faculty offices and laboratory and research space, both for faculty and for students. He reported about his, thus far, unsuccessful efforts to convince the Central Administration to rent additional space for John Jay. He also spoke about the need for John Jay to obtain another, permanent, building, besides Phase II because, he explained, Phase II will actually provide very little additional space for the College and far, far less than the space needed.

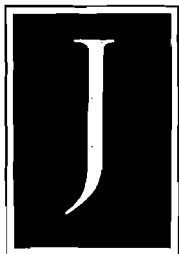
President Travis spoke about a conversation he had with CUNY Executive Vice Chancellor Dobrin about the space needs of John Jay. President Travis said we had needed accurate data to evaluate our space issues. After that analysis had been conducted by space consultant Scott Page, we found that the data support our position that we need additional space. Academic quality and faculty needs are two major reasons why we need additional space. He reported that it is most likely that we will not have access to North Hall once we move into our new building; a new community college is being planned for the land on which North Hall stands.

President Travis said one possibility for new space in the future is the Con Edison building on 11th Ave and 59th Street although the building is still being used by Con Ed.

Senator Edward Davenport introduced the problem professors are facing because of the new final exam schedule developed in response to the closing of the College because of the bedbug situation. President Travis said that he would take this issue back to Provost Bowers and VP Saulnier. Senator Garot asked about academic internship programs for credit. President Travis said that is an area that needs to be built up and integrated into the curriculum offerings of the College, adding that he wants to distinguish between internships that are work opportunities and those that are offered by the academic departments. President Kaplowitz asked about services offered to students who are veterans. President Travis said that we are working on a video featuring students who are veterans. On a final note, President Travis reported that Chancellor Goldstein had telephoned him to commend him on the discussion he had with John Jay's Faculty Senate about the proposed amendment establishing term limits for academic chairs; the Presidents had been required to report to the Chancellor about their consultation with campus faculty about this issue.

Asked about whether it is now time to consider changing the name of the College to John Jay College or to John Jay College of Justice, President Travis said it is not; he said it is premature to even have such a discussion.

The meeting was adjourned at 5:00 PM.



JOHN JAY COLLEGE
THE CITY UNIVERSITY OF NEW YORK
OF CRIMINAL JUSTICE

ATTACHMENT A

PRESIDENT
FACULTY SENATE

KAREN KAPLOWITZ, PHD

October 22, 2009

Chancellor Matthew Goldstein
The City University of New York

Dear Chancellor Goldstein,

I am writing on behalf and at the direction of John Jay's Faculty Senate about the proposal to amend the CUNY Bylaws to establish term limits for elected chairs of academic departments. In May, our Faculty Senate voted its opposition to such term limits. At the same time we also began a discussion about ways to improve the process of electing chairs, because we recognize that the process can, indeed, be improved and because, like you, we want the best chairs that we can possibly have.

Our Faculty Senate had a very thoughtful discussion with President Jeremy Travis about this issue in May during which we shared our ideas for improving the election process. Our Senate subsequently discussed this issue again at our first two meetings of this fall semester at which time I was authorized to convey the following recommendations for your consideration and for the consideration of the Board of Trustees, if any of these recommendations were to require action by the Board.

Rather than impose term-limits on elected chairs, the Senate recommends that changes be implemented for improving the election process and that such a revised process be evaluated after perhaps two or three years. Term limits can always be imposed by the Board at some later time. We hope that by improving the election process, the proposed term limits, which are anathema to the vast majority of the faculty, will not be considered necessary.

Our recommendations fall into two categories: ways to improve the election process and ways to improve the ability of department faculty to accurately assess the performance of their chair and, thereby, to make informed election decisions.

Improving the Nomination & Election Process:

At John Jay, nominations of candidates for department chair must be made during the May election meeting. It is not entirely clear to us if this is required by the Central Administration. If it is, we recommend that the necessary actions or instructions by the Vice Chancellor for Legal Affairs or by the Board be taken that would permit nominations to be opened at least a week

prior to the election meeting and that nominations remain open until the election meeting, at which time further nominations may be made. If it is not currently required, we recommend that instructions be issued to the colleges providing this information. If nominations are made in advance of an election meeting, department faculty can assess and discuss candidates prior to that meeting.

We also recommend that anonymous nominations be permitted. According to our understanding, anonymous nominations are prohibited by Roberts Rules, which the CUNY Board of Trustees Bylaws require us to follow. We recommend that such procedures be changed so as to make it easier for faculty to nominate and to accept nomination than currently is the case. Anonymous nominations would permit faculty to nominate someone other than the incumbent chair without seeming to be casting a vote of no confidence in that chair and so that the nominated person(s) can have time to decide whether to accept nomination.

With such changes, faculty would also be able to circulate (optional) written election statements from the declared candidates prior to the election meeting.

We also recommend that an incumbent chair be prohibited from conducting the election of the chair, which is currently permitted by Roberts Rules, and which is the norm at John Jay. When an incumbent chair is the individual who conducts the election, invites nominations, and decides whom to recognize the process can be, at the very least, intimidating and, at the very worse, manipulated to serve the interests of that chair or of someone favored by that chair.

We also recommend that departments be given the option of having a senior member of another department conduct the election for chair and, if that option already exists, that the colleges be officially informed of this fact.

Improving the Ability of Department Members to Make Informed Election Decisions:

Our Senate also believes there should be additional ways for department members to receive sufficient information about the quality of the work of the incumbent chair so that the faculty may make informed decisions when nominating and voting for a chair. Department chairs have a role and a responsibility that extend far beyond that of leading a department; there are college-wide committees on which they serve, such as the College Personnel Committee, and there are college-wide leadership responsibilities and challenges. Often department members have no knowledge of the quality of the work of their department chair nor the extent to which their department chair is respected or not respected by those outside the department, such as by other faculty, by elected faculty leaders, and by administrators.

Accordingly, we recommend that college administrations provide attendance records to department members of all meetings which the department chair is required to attend by virtue of his or her position as department chair. Not all chairs attend such meetings and yet their faculty do not know this; on the other hand, other chairs attend all meetings and yet this,

too, is not known.

We also recommend that department members eligible to vote for chair be provided with copies of the President's annual evaluation of their chair, an evaluation which you require, and that they also be provided with copies of their chair's annual self-evaluation (which includes the chair's plans for her/his department), which necessarily informs, to varying degrees, the President's evaluation.

We also recommend that each college be called upon to develop an anonymous annual or semi-annual faculty evaluation of department chairs through the use of a college-wide instrument. We view this as analogous to the student evaluation of the faculty process, which involves an instrument developed by each college. In this way, each department chair can learn what she or he needs to do to be a better chair; furthermore, it may be that when a department chair sees the responses by her or his faculty, that chair may ultimately decide to not stand for re-election.

If a chair is not doing an excellent job, then the faculty of that department should have this information, so that they won't elect that person for a subsequent term. And if a person is doing an excellent job, the faculty of that department should know that too.

Term limits are arbitrary and would prevent faculty from being able to elect the leaders and representatives they want and need. At John Jay, some of our very best chairs have served in this position for many terms and their department members want them to continue to serve. Many of these chairs are also some of the most effective, respected, and trusted college-wide faculty leaders.

I hope you find these suggestions meritorious and that you will ultimately advise the Board to not establish term limits for elected chairs. In the meantime, the Faculty Senate of John Jay and President Travis are discussing the ways we can implement the ideas outlined in this letter that do not require University actions.

Sincerely yours,

Karen

Karen Kaplowitz
President, Faculty Senate
John Jay College of Criminal Justice/CUNY

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Class Size Report to Faculty Senate

Fall 2005 through Fall 2009

Richard Saulnier, Vice President for Enrollment Management

10/15/2009

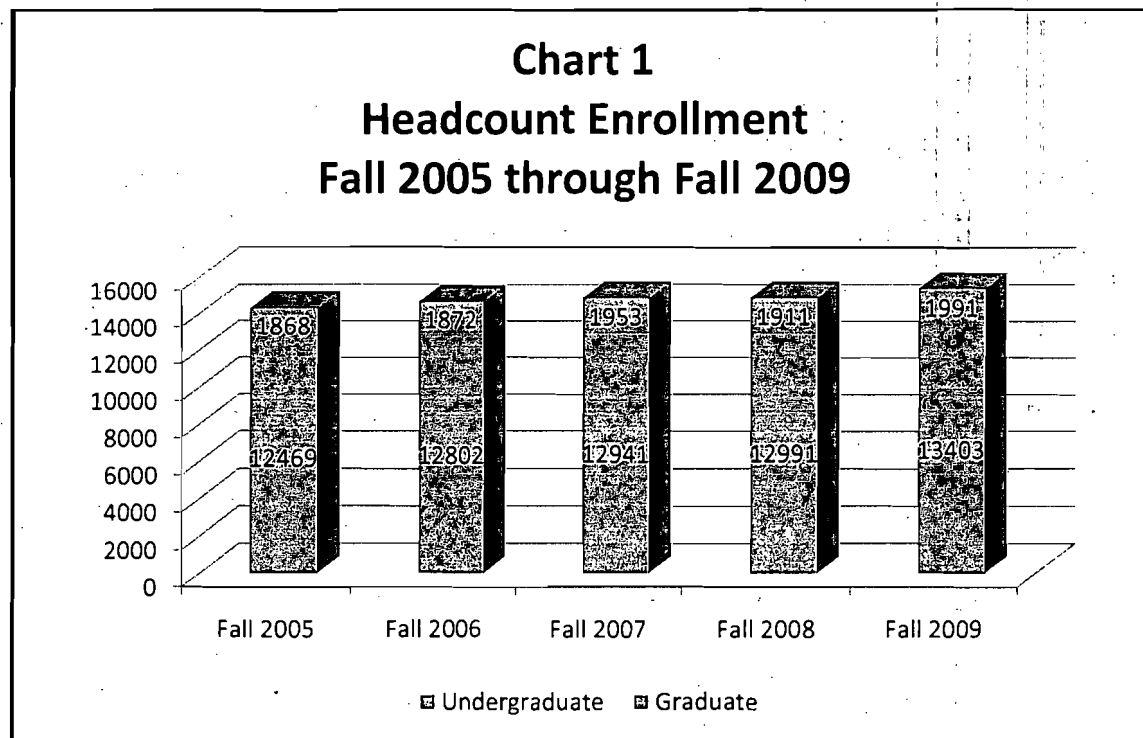
This report summarizes key class size indicators for the period from fall 2005 through fall 2009. It also compares these indicators with the John Jay College College Council Policy on class size.

Introduction

The Division of Enrollment Management prepares reports on relative class size each semester for discussion with the PSC. The focal point of this report is both the comparison of current semester class size to the College Council Policy on Class Size and trends over time. This report reviews these issues from fall 2005 through fall 2009.

Enrollment

The enrollment for each semester places both the number of sections offered and the Average enrollment in each section in perspective. During the period of this report, the College's headcount enrollment has grown 7.37% and this growth is depicted in Chart 1 below.

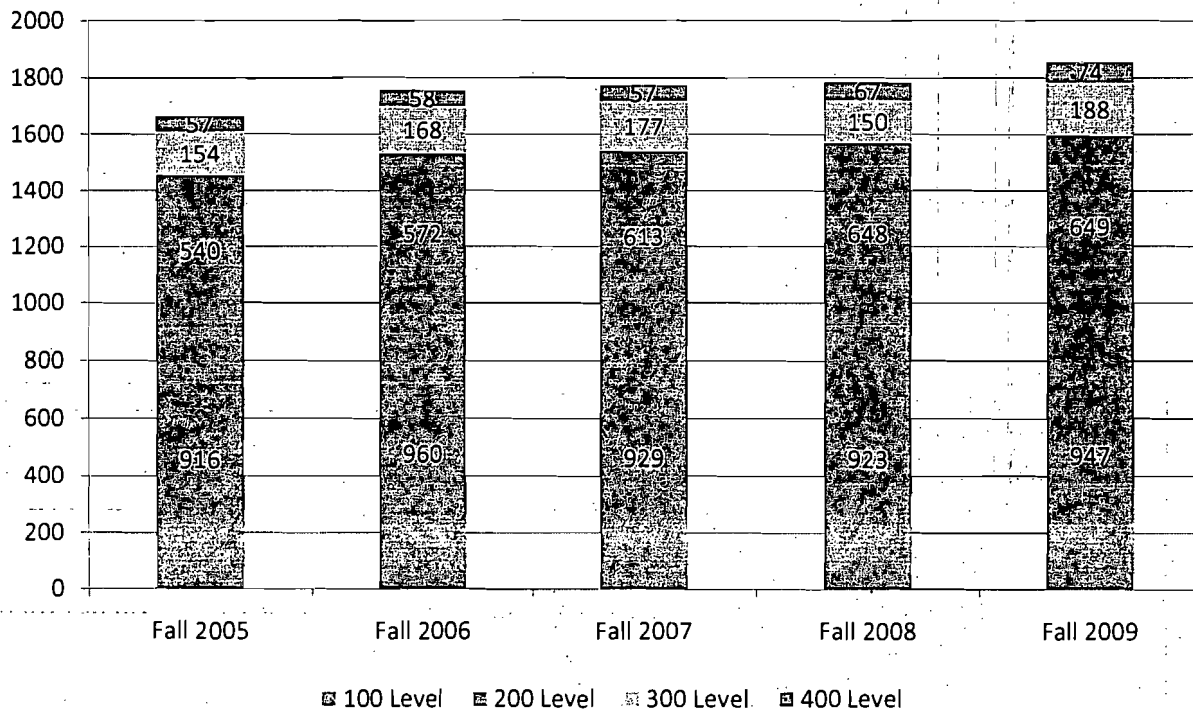


Undergraduate Sections

Chart 2 below demonstrates that the number of sections offered have more than kept pace with growth in enrollment at the undergraduate level. Total sections offered have increased 11.46% from fall 2005 through fall 2009.¹ This change in the number of sections has easily exceeded the growth in enrollment. Much of the growth has taken place at the 200, 300, and 400 level of courses as the distribution of the College's undergraduate student population has shifted between levels. For example the number of sections offered at the 400 level has increased from 154 in fall 2005 to 188 in fall 2009.

¹ Total undergraduate sections increased from 1,667 in fall 2005 to 1858 in fall 2009. ISP sections are not included in these totals.

Chart 2
Total Sections Offered by Level
Fall 2005 through Fall 2008



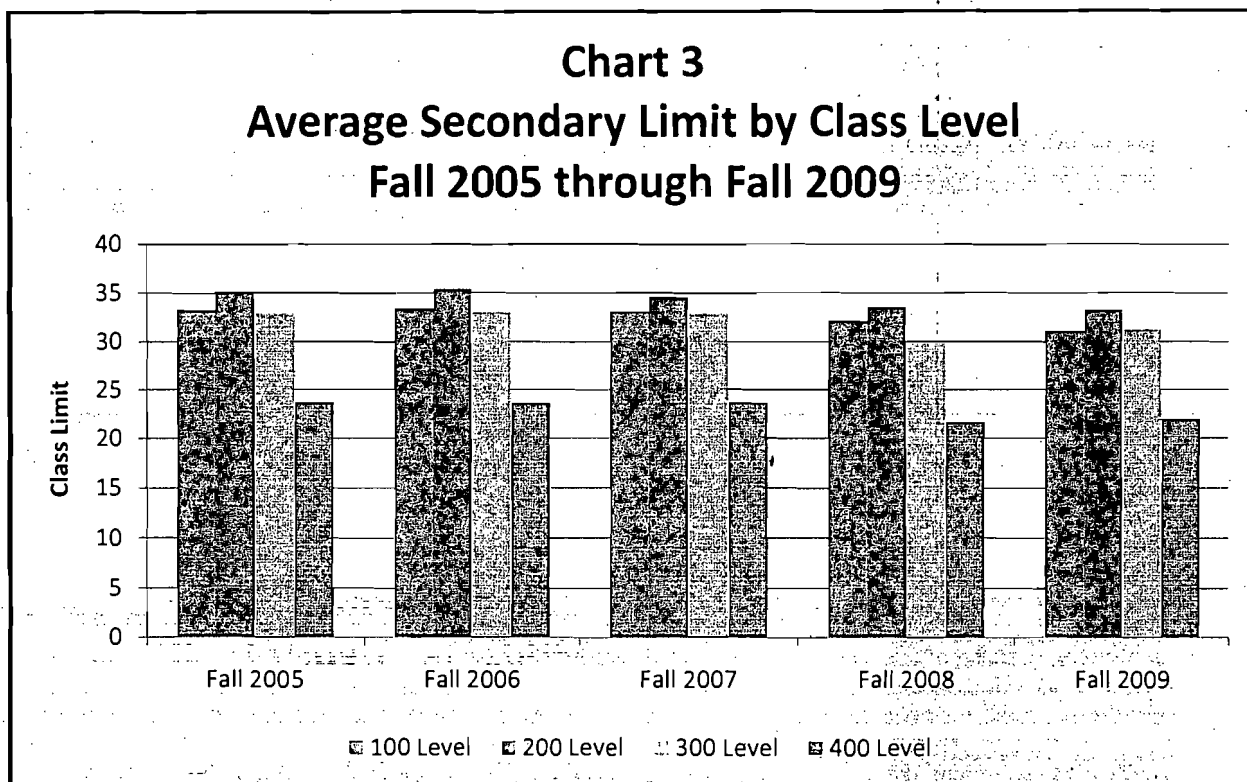
Class Size

The College Council Policy requires that the secondary limit for most undergraduate courses is set at a maximum of 36 students unless there is a specific arrangement approved by the Provost and the Chairperson of the academic department.² The College has been moving toward lower average secondary limits for several semesters and this trend continues this semester.³

Average section size relative to the College Council Policy has declined almost 5% since 2005. The greatest overall decline has been at the 100 level and the 400 level. The data on average section size is presented in table 1 in the Appendix. One of the reasons for the sharp decline at the 100 level is the fact that the secondary limits for mathematics courses have been significantly reduced (sometimes by as much as 25% to provide our students with a better opportunity to pass these courses.

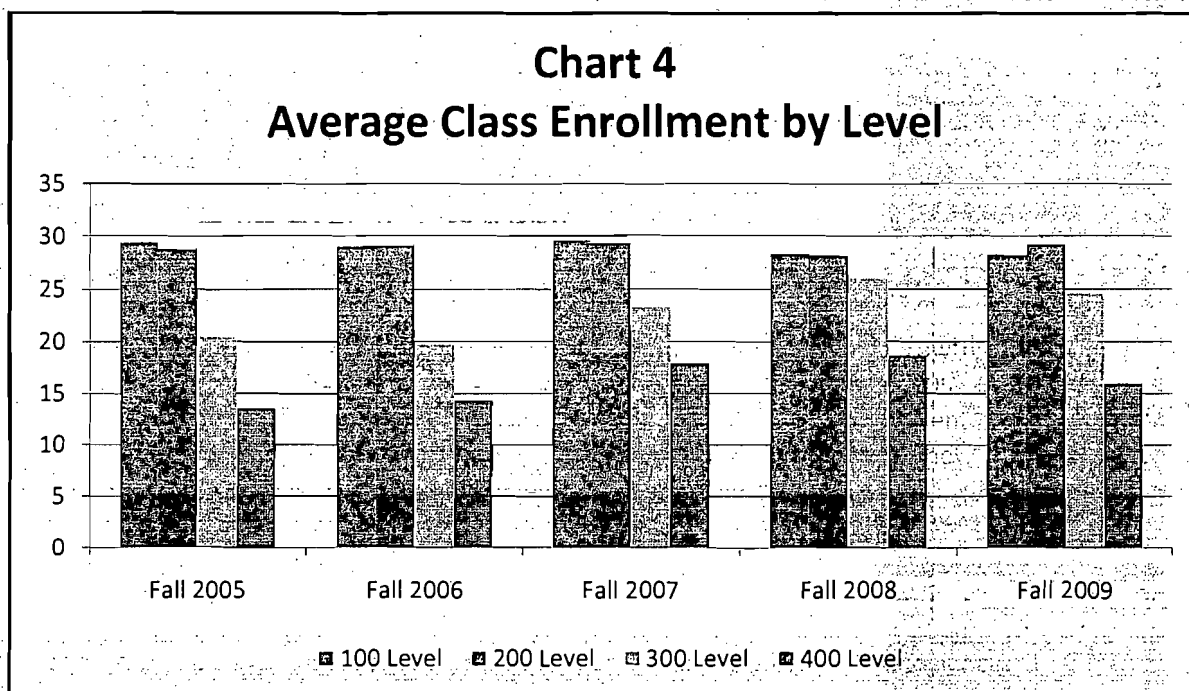
² There is a stipulation in the policy that language, writing and skills courses be set at a lower secondary limit.

³ For the purpose of this analysis mega sections are included for one section of PSY 101 and one section of CRJ 101. While these classes meet in large sections in the auxiliary gymnasium, there are recitation sections which are restricted to 30 students which meet on Fridays.



Average Class Enrollment

Chart 4 on the next page provides a description of average class enrollment by level between fall 2005 and fall 2009.



The average number of students enrolled in 300 level and 400 level courses has increased by more than 20% at these levels. This is in line with the changes in the distribution of the College's students population described earlier. Interestingly, the average enrollment in 100 level courses has declined since fall 2005. This data is presented in Tables 2 and 2A in the Appendix.

Classes with Limits and Enrollment over the College Council Limit

The College has been purposefully adding sections and lowering the limits on courses over the past several years. While this effort has been successful, there are still some sections whose limits exceed the policy. This is due largely to issues of demand, availability of faculty, and the need to enroll students to balance the College's budget considerations.

Table 1 below presents class size data for the fall semesters from 2005 through 2009.⁴ In fall 2005, 40.41% of all sections had secondary limits which were greater than the College Council policy. For the current fall semester, only 11.98% of sections exceed the College Council policy.⁵ Several disciplines (Art, Philosophy, Anthropology, Law, and Sociology) still have significant numbers of sections above the maximum. There are, however, less than 200 with limits above the limit of 36. This compares favorably with the nearly 600 sections above 36 in fall 2005.

A further review of the section limit data reveals the following:

- 527 sections have a secondary limit of 36
- 50 sections have a secondary limit of 34
- 110 sections have a secondary limit of 32
- 33 sections have a secondary limit of 30
- 329 have a secondary limit of 28
- 342 sections have a secondary limit **less than 28**

The College is also experimenting with several mega sections being run this semester in cooperation with the academic departments. Two sections of 300 are being offered in the auxiliary gymnasium, one PSY 101 and one CRJ 101. Data for these sections are included in other data presented in this report. Other mega sections are being offered in Government (1 section with a secondary limit of 150) and Psychology (8 sections with a secondary limit of 150 and one section with a secondary limit of 80)

⁴ The class size limit is generally 36 for social science survey courses and 24 for senior level seminars.

⁵ Remedial and developmental courses are not included in this analysis.

Table 1

Fall Semester Limits over College Council Limit by Discipline and Level

Discipline	Level	Fall 2005		Fall 2006		Fall 2007		Fall 2008		Fall 2009	
		Sections	Over	Sections	Over	Sections	Over	Sections	Over	Sections	Over
ART	100	38	18	36	16	39	18	41	20	44	21
ART	200	0	0	1	1	2	2	1	0	0	0
ART	300	0	0	0	0	0	0	0	0	0	0
ART	400	0	0	0	0	0	0	0	0	0	0
MUS	100	22	14	22	12	23	10	25	11	22	7
MUS	200	0	0	0	0	0	0	0	0	1	0
MUS	300	0	0	0	0	0	0	0	0	0	0
MUS	400	0	0	0	0	0	0	0	0	0	0
PHI	100	2	2	4	4	4	4	4	4	8	4
PHI	200	37	31	36	31	37	30	41	30	44	32
PHI	300	10	0	13	4	16	1	5	0	3	0
PHI	400	0	0	0	0	1	0	1	0	1	0
ENG	100	104	0	109	0	68	1	62	0	87	0
ENG	200	14	0	16	0	55	2	53	0	54	0
ENG	300	2	0	1	0	1	0	2	0	2	0
ENG	400	0	0	0	0	0	0	0	0	0	0
LIT	100	0	0	0	0	0	0	0	0	0	0
LIT	200	79	62	86	79	86	79	93	0	91	0
LIT	300	10	0	11	0	10	0	11	0	17	0
LIT	400	0	0	0	0	2	0	0	0	0	0
ANT	100	20	18	24	20	29	11	31	27	35	27
ANT	200	9	0	11	0	15	3	14	0	19	0
ANT	300	10	0	11	0	12	1	12	0	13	0
ANT	400	2	0	2	0	2	0	2	0	2	0

Table 1 Continued

Fall Semester Limits over College Council Limit by Discipline and Level

Discipline	Level	Fall 2005		Fall 2006		Fall 2007		Fall 2008		Fall 2009	
		Sections	Over	Sections	Over	Sections	Over	Sections	Over	Sections	Over
ARA	100	2	0	3	0	2	0	2	0	2	0
CHI	100	1	0	4	0	3	0	3	0	3	0
FRE	100	7	0	10	0	9	0	5	0	6	0
FRE	200	0	0	0	0	0	0	0	0	0	0
ITA	100	4	0	6	0	5	0	3	0	3	0
ITA	200	0	0	0	0	0	0	0	0	0	0
JPN	100	1	0	1	0	1	0	1	0	1	0
POR	100	1	0	1	0	1	0	2	0	2	0
POR	200	1	0	1	0	0	0	1	0	0	0
RUS	100	3	0	4	0	3	0	2	0	2	0
RUS	200	2	0	2	0	1	1	1	0	1	0
RUS	300	1	0	1	0	2	1	1	0	0	0
RUS	400	0	0	0	0	0	0	0	0	0	0
SPA	100	40	0	40	0	37	0	23	0	20	0
SPA	200	2	0	4	0	6	1	4	0	5	0
SPA	300	1	0	1	0	2	0	0	0	2	0
SPA	400	0	0	0	0	0	0	0	0	0	0
GOV	100	33	32	33	32	37	36	37	34	34	5
GOV	200	18	0	22	1	25	3	22	1	21	0
GOV	300	8	0	10	0	8	0	8	0	10	0
GOV	400	13	0	12	0	10	0	9	0	11	0
HIS	100	0	0	2	0	3	0	0	0	0	0
HIS	200	73	58	74	62	77	62	81	1	67	0
HIS	300	0	0	0	0	0	0	1	0	1	0
HIS	400	0	0	0	0	1	0	0	0	0	0

Table 1 Continued

Fall Semester Limits over College Council Limit by Discipline and Level

		Fall 2005		Fall 2006		Fall 2007		Fall 2008		Fall 2009	
COR	100	3	3	4	4	4	4	3	2	4	0
COR	200	13	9	13	9	13	9	14	9	21	2
COR	300	2	0	3	1	2	0	2	0	2	0
COR	400	0	0	0	0	1	0	1	0	1	0
CRJ	100	27	26	30	28	30	27	30	29	31	0
CRJ	200	6	0	7	0	11	0	11	0	13	0
CRJ	300	5	0	2	0	7	0	5	0	8	0
CRJ	400	6	0	7	3	9	3	8	0	10	0
LAW	200	64	58	64	58	69	61	57	50	70	38
LAW	300	9	0	9	1	30	1	12	0	22	0
LAW	400	1	0	1	1	1	1	2	0	3	0
PSC	100	17	15	14	11	22	12	11	10	10	3
PSC	200	28	23	32	23	39	23	35	0	36	2
PSC	300	6	0	8	0	8	0	4	0	4	0
PSC	400	7	0	6	0	7	0	7	0	8	0
SEC	100	3	2	3	2	3	2	3	0	3	0
SEC	200	2	0	2	0	4	0	2	0	2	0
SEC	300	1	0	0	0	0	0	0	0	1	0
SEC	400	1	0	1	0	1	0	1	0	1	0
MAT	100	99	55	102	57	105	60	104	46	122	0
MAT	200	23	0	21	0	26	0	23	0	24	0
MAT	300	5	0	6	0	6	0	6	0	7	0
MAT	400	2	0	2	0	3	0	1	0	0	0
MATH	100	45	0	44	0	34	0	45	0	49	0
ECO	100	14	13	14	13	14	13	16	1	13	1
ECO	200	7	0	7	0	6	0	7	0	7	0
ECO	300	1	0	1	0	3	0	2	0	2	0

Table 1 Continued

Fall Semester Limits over College Council Limit by Discipline and Level

		Fall 2005		Fall 2006		Fall 2007		Fall 2008		Fall 2009	
FIS	100	6	2	6	1	6	1	5	0	8	0
FIS	200	6	0	7	1	9	2	12	0	9	0
FIS	300	1	0	2	0	2	0	1	0	2	0
FIS	400	0	0	0	0	0	0	0	0	2	1
PAD	200	15	0	13	1	13	1	15	0	15	0
PAD	300	9	0	11	2	9	0	9	0	12	0
PAD	400	3	0	4	1	6	1	6	0	7	0
PED	100	53	27	42	29	53	28	66	2	67	2
PED	200	0	0	0	0	0	0	0	0	0	0
PED	300	0	0	0	0	0	0	0	0	0	0
PED	400	0	0	0	0	0	0	0	0	0	0
PSY	100	29	28	28	25	39	18	17	16	21	5
PSY	200	46	24	51	25	56	29	52	5	32	0
PSY	300	31	8	31	7	35	0	22	5	24	0
PSY	400	11	0	9	2	10	0	9	0	12	0
STA	250	20	0	20	0	20	0	22	0	23	0
SSC	325	0	0	0	0	0	0	0	0	6	3
BIO	100	8	0	8	0	18	0	14	0	9	0
BIO	200	0	0	0	0	0	0	0	0	0	0
BIO	300	0	0	0	0	0	0	0	0	0	0
BIO	400	1	0	2	0	2	0	2	0	0	0
CHE	100	10	0	9	0	18	0	12	0	11	0
CHE	200	10	0	11	0	29	0	10	0	10	0
CHE	300	6	0	6	2	16	4	10	0	7	0
CHE	400	0	0	0	0	0	0	0	0	7	0
ENV	108	4	0	4	0	8	0	7	0	8	0
NSC	107	24	0	24	0	48	0	19	0	19	0

Table 1 Continued

Fall Semester Limits over College Council Limit by Discipline and Level

		Fall 2005		Fall 2006		Fall 2007		Fall 2008		Fall 2009	
FOS	100	0	0	0	0	0	0	0	0	16	0
FOS	200	0	0	0	0	0	0	0	0	0	0
FOS	300	1	0	1	0	1	0	1	0	1	0
FOS	400	2	0	2	2	3	3	2	1	0	0
PHY	100	1	0	1	0	2	0	1	0	1	0
PHY	200	4	0	4	0	8	0	2	0	3	0
ICJ	100	3	3	3	3	3	3	3	0	3	0
ICJ	200	0	0	0	0	0	0	0	0	3	0
ICJ	300	0	0	0	0	0	0	0	0	2	0
ICJ	400	1	0	2	0	2	0	2	0	3	0
SOC	100	37	37	36	35	54	37	35	34	38	21
SOC	200	36	18	39	19	44	22	43	19	44	18
SOC	300	28	0	33	0	39	2	23	1	27	3
SOC	400	4	0	4	0	6	0	4	0	4	0
DRA	100	4	2	4	2	4	2	5	0	5	1
DRA	200	6	0	6	2	9	5	8	0	8	1
DRA	300	0	0	0	0	1	1	0	0	0	0
DRA	400	0	0	0	0	0	0	0	0	0	0
SPE	100	61	0	65	0	63	1	68	0	64	0
SPE	200	7	0	4	0	5	1	6	0	4	0
SPE	300	0	0	0	0	0	0	0	0	0	0
SPE	400	0	0	0	0	0	0	0	0	0	0
Totals		1455	588	1509	632	1734	643	1529	358	1645	197
Percent			40.41%		41.88%		37.08%		23.41%		11.98%

Enrollment Capacity

Another way of looking at the enrollment issue is to look at section capacity which is the number of students enrolled measured against either the primary or secondary limit. Table 2 describes the percentage of section capacity using secondary limit as the measure. The percent of capacity this fall increased for courses at the 100 level and the 200 level while decreasing at the 300 and 400 level. Overall capacity using this measure is 81.67%.

Table 2
Percent Capacity by Level
Fall Semester

Level	2005	2006	2007	2008	2009
100	88.18%	87.82%	89.77%	87.23%	91.24%
200	82.51%	83.38%	84.31%	83.69%	88.04%
300	69.66%	65.24%	71.02%	84.99%	79.22%
400	74.70%	72.67%	75.87%	84.08%	73.06%

There is some variation in this percentage capacity based on the secondary limit of courses. For example:

- the capacity is 89.21% for courses where the secondary limit is 40
- the capacity is 93.57% for courses where the secondary limit is 38
- the capacity is 85.10% for courses where the secondary limit is 36
- the capacity is 90.99% for courses where the secondary limit is 28

Another way for looking at capacity is as a measure of primary limit. This information is provided in Table 3 below.

Table 3
Percent Capacity by Level by Primary Limit
Fall Semester

Level	2005	2006	2007	2008	2009
100	93.78%	93.41%	95.56%	93.00%	92.26%
200	87.48%	88.36%	89.50%	88.99%	88.29%
300	74.16%	69.39%	75.64%	91.08%	79.87%
400	81.67%	79.37%	79.20%	88.13%	73.20%

Graduate Program

Generally speaking the courses at the graduate level have primary limits of 20 and secondary limits of 23. Tables 4 and 5 describe the enrollment in the College's Graduate Division by program. Table 4 describes the average secondary limits of graduate courses by program. There is some variation among programs but the overall trend has remained constant over time.

Table 4
Average Secondary Limit by Graduate Program
Fall Semesters

Program ⁶	Fall 2005	Fall 2006	Fall 2007	Fall 2008	Fall 2009	% Change
CRJ	23.19	22.60	22.89	23.30	22.94	-1.55%
PSY	21.06	21.63	22.79	22.71	22.78	0.32%
FOS	21.43	23.00	23.00	23.00	20.80	-9.57%
PAD	23.00	23.47	22.89	20.75	22.78	9.79%
PMT	23.00	23.00	23.00	23.10	23.00	-0.43%
FCM	18.67	23.00	23.00	23.00	23.00	0.00%
Total	22.33	22.44	22.87	22.12	22.75	2.84%

Just as there were outliers in the class size of undergraduate classes, there are classes at the graduate level. These include:

- CRJ 710 and 711 (6 sections) with a secondary limit of 60
- CRJ 793 (1 section) with a secondary limit of 80
- PSY 780 and 781 (4 sections) with a secondary limit of 60

Another way of describing graduate enrollment is to look at average enrollment by program discipline.⁷ This information is provided in Table 5. Again, there is variation across programs with average enrollment per course the highest for Criminal Justice at 20.27 students per course and the lowest for Forensic Computing at 6 students per section. The average enrollment for all graduate sections is 17.81 students. The average enrollment for undergraduate courses is 28.31 students.

⁶ CRJ = Criminal Justice, PSY = Forensic Psychology and Forensic Mental Health Counseling, FOS = Forensic Science, PAD = Public Administration, PMT = Protection Management, and FCM = Forensic Computing

⁷ Two programs, Forensic Psychology and Forensic Mental Health Counseling share the courses designated as PSY.

Table 5
Average Enrollment per Section by Graduate Program

Fall Semesters						
Program	Fall 2005	Fall 2006	Fall 2007	Fall 2008	Fall 2009	% Change
CRJ	20.51	19.49	19.75	19.52	20.27	3.82%
PSY	17.80	15.68	18.47	17.68	17.57	-0.64%
FOS	10.86	12.67	15.00	18.80	11.70	-37.77%
PAD	20.69	19.32	18.94	18.17	17.88	-1.62%
PMT	17.71	18.71	17.00	16.80	20.00	19.05%
FCM	10.33	7.00	10.33	8.67	6.00	-30.80%
Total	18.75	17.42	18.60	17.95	17.81	-0.78%

The final measure for the graduate program courses is the percent of capacity by discipline. This information is provided below. Class capacity is a measure of enrollment versus secondary limit.

CRJ	88.35%
PSY	76.45%
FOS	56.25%
PAD	77.41%
PMT	86.96%
FCM	24.63%
Total	77.93%

Conclusion

The College's compliance with the College Council Policy on class size has continuously improved over the past five fall semesters. This fall, the extensive use of Friday scheduling allowed for a further reduction in the number of sections which exceed the limit.

Appendix

Table 1
Average Secondary Limit by Class Level
Fall 2005 Through Fall 2009

Level	Semester					% Change	% Change
	Fall 2005	Fall 2006	Fall 2007	Fall 2008	Fall 2009	2005-09	2008-09
100 Level	33.33	33.47	33.18	32.22	31.17	-6.47%	-3.25%
200 Level	35.21	35.44	34.59	33.62	33.34	-5.31%	-0.84%
300 Level	32.95	33.05	32.92	29.87	31.27	-5.11%	4.67%
400 Level	23.75	23.71	23.79	21.75	22.00	-7.37%	1.15%
Total	33.19	32.73	32.67	32.09	31.54	-4.98%	-1.72%

Table 3
Average Class Enrollment by Level
Fall 2004 through Fall 2008

Level						% Change	% Change
	Fall 2005	Fall 2006	Fall 2007	Fall 2008	Fall 2009	07-08	8-Apr
100 Level	29.42	29.02	29.61	28.32	28.24	-4.36%	-4.75%
200 Level	28.84	29.17	29.35	28.18	29.25	-3.98%	-2.52%
300 Level	20.44	19.75	23.24	26.08	24.57	12.19%	22.87%
400 Level	13.61	14.44	17.98	18.7	16.00	3.98%	28.83%
Total	27.58	27.51	28.41	27.52	27.71	-3.15%	-1.31%

Table 3A⁸
Average Class Enrollment by Level
Fall 2004 through Fall 2008

Level	Fall 2005	Fall 2006	Fall 2007	Fall 2008	Fall 2009	% Change 07-'08	% Change 8-Apr
100 Level	29.42	29.02	29.61	28.32	28.60	-4.36%	-4.75%
200 Level	28.84	29.17	29.35	28.18	29.79	-3.98%	-2.52%
300 Level	20.44	19.75	23.24	26.08	24.57	12.19%	22.87%
\$00 Level	13.61	14.44	17.98	18.7	16.00	3.98%	28.83%
Total	27.58	27.51	28.41	27.52	27.71	-3.15%	-1.31%
Includes super sections							

⁸ Table 3A contains the average enrollment if mega sections are omitted from his analysis.

ATTACHMENT B –2

John Jay College of Criminal Justice

College Policy: Primary and Secondary Enrollment Limits

Proposed by the Faculty Senate & the Council of Chairs:

The College hereby establishes class size standards.

Type and Level of Class	Primary limit	Secondary limit
Standard Undergraduate	34	36
Intensive Undergraduate, such as remedial sections, English composition, ESL, speech, foreign languages, and writing-intensive.	16-28 determined by the Provost in consultation with the Department.	18-30 determined by the Provost in consultation with the Department.
400-Level Undergraduate	22	24
Graduate	20	23
Large Lecture Sections	Determined by the Provost in consultation with the Department.	Determined by the Provost in consultation with the Department.
Laboratories and Art/Music Studios	Two (2) less than the number of functional stations in the lab	Equal to the number of functional stations in the lab

These limits may be modified only with the approval of the Department Chair or, for graduate courses, the Dean of Graduate Studies in consultation with the Program Director.

The Secondary Limit is two (2) or three (3) students higher than the Primary Limit. Students may be registered into the Secondary Limit with the approval of the Chair, Program Director (in the case of a graduate course), course faculty member, Dean of Graduate Studies or Associate Provost.

Enrollment limits may be amended by vote of the College Budget Committee, at a meeting or meetings to which the Faculty Senate Executive Committee shall be invited without vote, when the College Budget Committee finds that, for a particular budget year, fiscal conditions require or permit alterations in class sizes. In considering whether fiscal conditions require or permit changes in class sizes, all financial resources available to the College shall be taken into account. After such consultation, the enrollment limits and recommendations of the College Budget Committee shall be subject to a final determination by the President based on the College's financial ability. In the event that the President's determination differs from the recommendation of the College Budget Committee, the President shall promptly reconvene the College Budget Committee, with the Faculty Senate Executive Committee invited without vote, for further consultations.

Adopted by vote of the College Council on April 2, 2003

John Jay College of Criminal Justice
College Policy: Cancellation of Class Sections

Proposed by the Faculty Senate & Council of Chairs

Class sections may be cancelled when enrollment, after arena registration, is less than one-third of the Primary Enrollment Limit for course sections during periods where over 50% of classroom spaces were utilized during the previous semester. The required enrollment shall be one-quarter of the Primary Enrollment Limit for course sections during periods where less than 50% of classrooms were utilized during the previous semester, or where the course is the only open scheduled section during the semester of a required general studies or major course, or the only evening section of such a course scheduled during an academic year.

When the Provost decides to recommend cancellation of a course section, the Department Chair and Program Director (in the case of a graduate course), and the course instructor shall be notified by email. The Chair and Program Director shall be provided at least two hours notice, during normal college office hours announced in advance, following a cancellation recommendation by the Provost before action is taken by the Registrar. During the two hours, the Chair or Director may communicate to the Provost in writing (including email) any information that might affect the decision.

During the two-hour period, upon request of the Chair or Director, over-enrollment may be counted against under-enrollment based on the following rules.

Over-enrollment is defined as enrollment in excess of the original secondary limit.

One to four over-enrollments may, upon request to the Provost, by the faculty member with approval of the Chair and/or Program Director, be counted against under-enrollment on a one-for-one basis when the sections involved are taught by the same faculty member, provided that the course section has an actual enrollment of at least 20% of the Primary Limit or 6 students, whichever is greater.

Example: A professor teaches Gov 101 and Gov 260. If Gov 101 has 3 students above the Secondary Limit, and Gov 260 is 3 students below the one-third requirement, the 3-student over-enrollment in Gov 101 can count against the 3-student under-enrollment in Gov 260.

One to four over-enrollments may, upon request to the Provost by the Chair and/or Program Director, be counted against under-enrollment on a Departmental or Program basis in the same manner, but on a 2-for-one basis.

Example: All over-enrolled Gov 101 sections have a combined over-enrollment of 8

students. The chair can apply 4 of these over-enrollments to under-enrolled courses, provided that the courses have enrollments of at least 20% of the Primary Limit or 6 students, whichever is greater.

The Provost will initiate cancellation for those courses where the recommended cancellation was not rescinded during the two-hour period. The Registrar shall provide an email notification notice to the Chair, Program Director (in the case of graduate courses), instructor and students involved. The notice shall include a roster of the affected students, including routine SIMS contact information.

These procedures may be temporarily amended by vote of the College Budget Committee, at a meeting or meetings to which the Faculty Senate Executive Committee shall be invited without vote, when the College Budget Committee finds that, for a particular budget year, fiscal conditions require or permit temporary adjustments. In considering whether fiscal conditions require or permit temporary adjustments, all financial resources available to the College shall be taken into account. After such consultation, the procedural provisions and recommendations of the College Budget Committee shall be subject to a final determination by the President based on the College's financial ability. In the event that the President's determination differs from the recommendation of the College Budget Committee, the President shall promptly reconvene the College Budget Committee, with the Faculty Senate Executive Committee invited without vote, for further consultations.

Adopted by vote of the College Council on April 2, 2003

Total Facility Need & Additional Leased Space John Jay College

September 4, 2009

Introduction

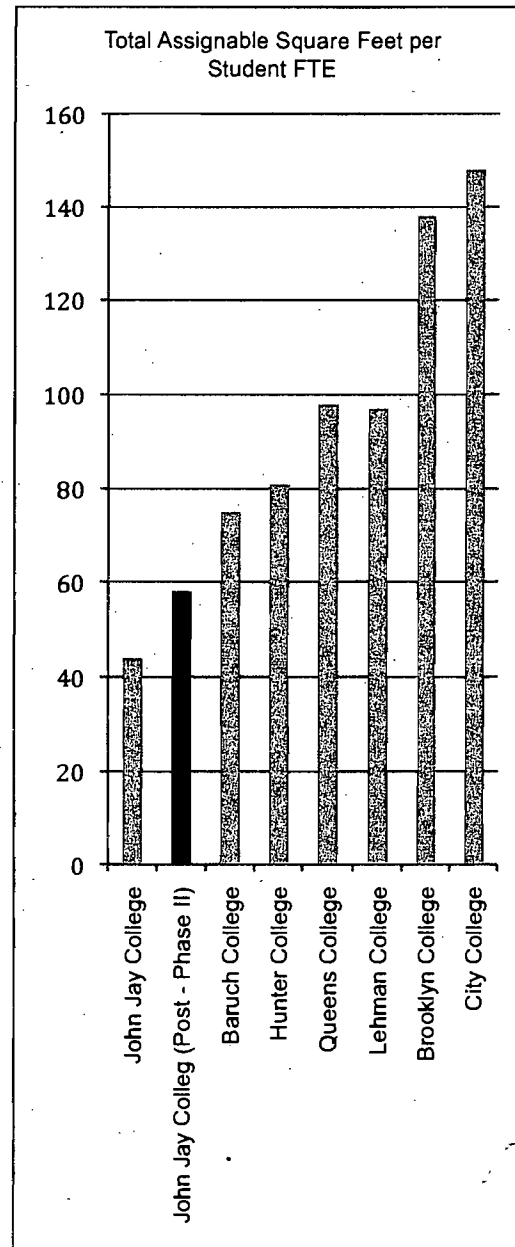
This document provides an overview of the space requirements for John Jay College, both for Fall 2008 and for the projected future along with the implications for the Phase II Project and the potential future use of additional leased facilities. The goal is both to justify and establish potential strategies for additional lease space.

Establishing the Need for Additional Leased Facilities

At present, John Jay College has an inventory of five facilities. These facilities are the North Building, the BMW, 54th Street and Westport leases and Haaren Hall. Total assignable square feet (ASF) equals 504,282. This amount of "usable area," when compared to the current 11,348 full-time enrolled students (FTES), results in 44 net assignable square feet (NASF) per FTE.

This ASF amount is the second lowest number of the 85 State of New York supported institutions, exceeded on the down side by only Borough of Manhattan Community College, an institution with a substantively different and much more modest mission. John Jay College's sister Manhattan institutions, Baruch College and the Hunter College, have 75 ASF and 81 ASF respectively.

Vacating the North Building upon the completion of Phase II, a 600,000 GSF campus addition, plus retaining current lease properties will result in raising John Jay's total useable area from 44 ASF per FTE to 58 ASF and raising the academic space from 19 to 24 ASF. The chart in the adjacent column represents the seven senior colleges in City University, each by their assignable square footage per student FTE. Also included is the anticipated ASF per FTE once Phase II is complete and North Hall is vacated.



Academic Space

Academic Space is the most critical and fundamental aspect of the College's shortfall. Presently John Jay College has 19 NASF per FTE devoted to the academic elements of the inventory. In contrast, Lehman College, Brooklyn College, Queens College, and City College all devoted more than 50 NASF per FTE. In Midtown Manhattan, Hunter College and Baruch

Psychology

Psychology and its relocation provide only modest difficulties. While the space at the top of the Phase II Tower has some unique qualities, the gap between what the department requires and what is provided is so large that relocation becomes an effective and economical strategy for further departmental development.

cost implications on the design currently under construction. It will also facilitate a smooth transition as the associate degrees are eliminated and more resources are channeled to these premier departments.

Criminal Justice, Law & Police Science and Public Management

All three of these programs are easily relocated from the Haaren/Phase II Complex. All, given the limitations of space, were designed as classroom and office departments. Relocation would allow the recruitment of additional faculty, expansion of research space and the development of dedicated teaching space. The designed space in Phase II or Haaren Hall can then be easily reassigned to departments that are more classroom and faculty office based.

Conclusions

Haaren Hall and the New Phase II Building will provide John Jay with 52 NASF per current student FTE. With the addition of the current leases, this number will be in upper fifties. More critical is that academic space will be raised from 19 ASF to only 24 ASF. This number is inadequate to support the move away from the associate programs to more baccalaureate, graduate and doctoral enrollment. The most effective means of resolving this deficit is the relocation to leased space of the premier program departments out of the Haaren/Phase II Complex.

While this strategy will not work for the Sciences, the Psychology Department, Criminal Justice, Law & Police Science, and Public Management provide excellent candidates for relocation. New leased facilities would allow resources to be directed to these key departments and programs, at the same time minimizing the

ATTACHMENT D



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C. THE CITY UNIVERSITY OF NEW YORK ♦♦♦ STUDENT COMPLAINT PROCEDURE:

RESOLVED, That the procedures for handling student complaints about faculty conduct in formal academic settings be adopted, effective February 1, 2007.

EXPLANATION: Although the University and its Colleges have a variety of procedures for dealing with student related issues, those procedures generally have not covered student complaints about faculty conduct in the classroom or other formal academic settings. The University respects the academic freedom of the faculty and will not interfere with it as it relates to the content or style of teaching activities. At the same time, however, the University recognizes its responsibility to establish procedures for addressing student complaints about faculty conduct that is not protected by academic freedom and not addressed in other procedures. The proposed procedures will accomplish this goal.

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PROCEDURES FOR HANDLING STUDENT COMPLAINTS ABOUT FACULTY CONDUCT IN ACADEMIC SETTINGS

I. Introduction. The University and its Colleges have a variety of procedures for dealing with student-related issues, including grade appeals, academic integrity violations, student discipline, disclosure of student records, student elections, sexual harassment complaints, disability accommodations, and discrimination. One area not generally covered by other procedures concerns student complaints about faculty conduct in the classroom or other formal academic settings. The University respects the academic freedom of the faculty and will not interfere with it as it relates to the content or style of teaching activities. Indeed, academic freedom is and should be of paramount importance. At the same time the University recognizes its responsibility to provide students with a procedure for addressing complaints about faculty treatment of students that are not protected by academic freedom and are not covered by other procedures. Examples might include incompetent or inefficient service, neglect of duty, physical or mental incapacity and conduct unbecoming a member of the staff.

II. Determination of Appropriate Procedure. If students have any question about the applicable procedure to follow for a particular complaint, they should consult with the chief student affairs officer. In particular, the chief student affairs officer should advise a student if some other procedure is applicable to the type of complaint the student has.

III. Informal Resolution. Students are encouraged to attempt to resolve complaints informally with the faculty member or to seek the assistance of the

department chairperson or campus ombudsman to facilitate informal resolution.

IV. Formal Complaint. If the student does not pursue informal resolution, or if informal resolution is unsuccessful, the student may file a written complaint with the department chairperson or, if the chairperson is the subject of the complaint, with the academic dean or a senior faculty member designated by the college president. (This person will be referred to below as the ♦♦♦Fact Finder. ♦♦♦)

A. The complaint shall be filed within 30 calendar days of the alleged conduct unless there is good cause shown for delay, including but not limited to delay caused by an attempt at informal resolution. The complaint shall be as specific as possible in describing the conduct complained of.

B. The Fact Finder shall promptly send a copy to the faculty member about whom the complaint is made, along with a letter stating that the filing of the complaint does not imply that any wrongdoing has occurred and that a faculty member must not retaliate in any way against a student for having made a complaint. If either the student or the faculty member has reason to believe that the department chairperson may be biased or otherwise unable to deal with the complaint in a fair and objective manner, he or she may submit to the academic dean or the senior faculty member designated by the college president a written request stating the reasons for that belief; if the request appears to have merit, that person may, in his or her sole discretion, replace the department chairperson as the Fact Finder.

C. The Fact Finder shall meet with the complaining student and faculty member, either separately or together, to discuss the complaint and to try to resolve it. The Fact Finder may seek the assistance of the campus ombudsman or other appropriate person to facilitate informal resolution.

D. If resolution is not possible, and the Fact Finder concludes that the facts alleged by the student, taken as true and viewed in the light most favorable to the student, establish that the conduct complained of is clearly protected by academic freedom, he or she shall issue a written report dismissing the complaint and setting forth the reasons for dismissal and send a copy to the complaining student, the faculty member, the chief academic officer and the chief student affairs officer. Otherwise, the Fact Finder shall conduct an investigation. The Fact Finder shall separately interview the complaining student, the faculty member and other persons with relevant knowledge and information and shall also consult with the chief student affairs officer and, if appropriate, the college ombudsman. The Fact Finder shall not reveal the identity of the complaining student and the faculty member to others except to the extent necessary to conduct the investigation. If the Fact Finder believes it would be helpful, he or she may meet again with the student and faculty member after completing the investigation in an effort to resolve the matter. The complaining student and the faculty member shall have the right to have a representative (including a union representative, student government representative or attorney) present during the initial meeting, the interview and any post-investigation meeting.

E. At the end of the investigation, the Fact Finder shall issue a written report setting forth his or her findings and recommendations, with particular focus on whether the conduct in question is protected by academic freedom, and send a copy to the complaining student, the faculty member, the chief academic officer and the chief student affairs officer. In ordinary cases, it is expected that the investigation and written report should be completed within 30 calendar days of the date the complaint was filed.

V. Appeals Procedure. If either the student or the faculty member is not satisfied with the report of the Fact Finder, the student or faculty member may file a written appeal to the chief academic officer within 10 calendar days of receiving the report. The chief academic officer shall convene and serve as the chairperson of an Appeals Committee, which shall also include the chief student affairs officer, two faculty members elected annually by the faculty council or senate and one student elected annually by the student senate. The Appeals Committee shall review the findings and recommendations of the report, with particular focus on whether the conduct in question is protected by academic freedom. The Appeals Committee shall not conduct a new factual investigation or overturn any factual findings contained in the report unless they are clearly erroneous. If the Appeals Committee decides to reverse the Fact Finder in a case where there has not been an investigation because the Fact Finder erroneously found that the alleged conduct was protected by academic freedom, it may remand to the Fact Finder for further proceedings. The committee shall issue a written decision within 20 calendar days of receiving the appeal. A copy of the decision shall be sent to the student, the faculty member, the department chairperson and the president.

VI. Subsequent Action. Following the completion of these procedures, the appropriate college official shall decide the appropriate action, if any, to take. For example, the department chairperson may decide to place a report in the faculty member's personnel file or the president may bring disciplinary charges against the faculty member. Disciplinary charges may also be brought in extremely serious cases even though the college has not completed the entire investigative process described above; in that case, the bringing of disciplinary charges shall automatically suspend that process. Any action taken by a college must comply with the bylaws of the University and the collective bargaining agreement between the University and the Professional Staff Congress.

VII. Campus Implementation. Each campus shall implement these procedures and shall distribute them widely to administrators, faculty members and students and post them on the college website.

VIII. Board Review. During the spring 2009 semester, the Chancellery shall conduct a review of the experience of the colleges with these procedures, including consultation with administrators, faculty and students, and shall report the results of that review to the Board of Trustees, along with any recommended changes.

ATTACHMENT E

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