

FACULTY SENATE MINUTES #105

John Jay College of Criminal Justice

April 11, 1994

3:15 PM

Room 630 T

Present (31): Yahya Affinnih, Arvind Agarwal, Michael Blitz, Janice Bockmeyer, James Bowen, Orlanda Brugnola, Warren Burdine, Edward Davenport, Jane Davenport, Peter DeForest, Kojo Dei, Robert DeLucia, P. J. Gibson, Elisabeth Gitter, Lou Guinta, Holly Hill, Lee Jenkins, Karen Kaplowitz, Andrew Karmen, Gavin Lewis, Tom Litwack, Barry Luby, James Malone, Peter Manuel, Vilma Santiago-Irizarry, Peter Shenkin, Chris Suggs, Davidson Umeh, Rafael Ventura-Rosa, Agnes Wieschenberg, Bessie Wright

Absent (7): Vincent Del Castillo, Robert Grappone, Laurence Holder, Jill Norgren, Bruce Pierce, Charles Reid, Ronald Reisner

AGENDA

1. Announcements from the chair
2. Approval of Minutes #104 of the March 22 meeting
3. Report on the Senate's efforts to have JJ's budget increased
4. Discussion of the President's attempt to limit debate at the February 24 College Council meeting: Senator Litwack
5. Proposed resolution that the Senate call on the President of the College to henceforth commit John Jay College to offering or establishing credit-bearing courses and/or degree programs only after full and timely consultation with and approval by the faculty and appropriate John Jay governance bodies
6. Proposed resolution on reviewing the academic program at the branch campus
7. Proposed ad hoc Senate committee on in-service students
8. Proposal that the Senate sponsor faculty art exhibits

1. Announcements from the Chair [Attachment A]

President Kaplowitz reported that the administrators of our branch campus in Gurabo, Puerto Rico, have been appointed: Professor Vincent Del Castillo (Law, Police Science, and CJ Adm) is the faculty director and Dean Frank McHugh is the non-faculty director. Classes begin April 18.

Professor Rubie Malone has been appointed the Acting Dean of SEEK while Dean Norma Brady is serving as the mini-chair for the English Department at the branch campus, supervising and teaching the English as a Foreign Language course.

A request was relayed by President Kaplowitz from Senator Del Castillo that the Senate consider whether his new position makes him ineligible to continue serving on the Faculty Senate (through May) as a representative of the Department of Law, Police Science, and CJ Administration. Senator Del Castillo is willing to continue and the chair of his department, Professor Ken Moran, is also willing for him to continue, but Senator Del Castillo would like the Senate to consider the question in his absence so that the discussion can be without constraint. She explained that although Professor Del Castillo is the (co-)director of the branch campus and, thus, an administrator, he will not take a leave from his faculty line to go onto an administrative line until the spring semester is over at which point his administrative position will become retroactive for compensation purposes. He is continuing to teach his classes here at the New York campus on Mondays and Wednesdays and then flies to Puerto Rico each Thursday, returning to New York each Sunday, and will do so for the next four weeks until the end of the semester. Senator Malone noted that the issue is really moot because the two remaining Senate meetings are on a Thursday and a Friday, days Senator Del Castillo is required to be in Puerto Rico.

Asked whether Dean McHugh will continue his responsibilities with regard to our main campus, President Kaplowitz explained that President Lynch has not held a Cabinet meeting during the past six weeks, since February 23, and so she does not have the information that is traditionally disseminated at the Cabinet, which she attends as president of the Senate. Therefore, her information is not from that central source. She said her understanding is that Registrar Donald Gray will take over many of the responsibilities of Dean McHugh until November which is when the first class of cadets is scheduled to graduate, at which time a permanent arrangement is expected to be decided. She also reported that Mayra Nieves, who is Dean McHugh's assistant, and Sandra Palleja, an admissions counselor, have also been reassigned to the branch campus in Gurabo, Puerto Rico.

Asked which full-time and adjunct faculty are relocating to Gurabo, President Kaplowitz explained that because the roster keeps changing she is not certain who is going. She suggested that Senator Del Castillo might have the list with him when he arrives at today's meeting, which he will attend after meeting with the faculty who will be teaching at the branch campus.

She explained one reason for the changing faculty roster: several full-time faculty were scheduled to go to Gurabo from the Department of Law, Police Science, and CJ Adm but none will be going because all the sections of all the courses will be taught in Spanish. Until a few days ago some sections were to be taught in English and John Jay faculty who do not speak Spanish could be the full-time mini-chairs by teaching their courses in English and conducting the peer observations and mentoring, etc., of the adjunct faculty through simultaneous translation. But instead, the officials of Puerto Rico have decided that all course sections must be taught in Spanish and, therefore, only John Jay faculty who are proficient in spoken and written Spanish can be the mini-chairs.

2. Approval of Minutes #104 of the March 22 meeting

Upon a motion made and seconded, Minutes #104 of the March 22, 1994, meeting were approved.

3. Report on the Senate's efforts to have JJ's budget increased [Attachment B]

The lack of progress by the New York State legislature in approving a budget was reported: the legislature had been expected to approve the budget on March 25. Once the legislature approves a budget, CUNY's Central Administration will determine how to allocate the budget to each component college (and upon receiving the allocation each college determines internally how to spend the allocation). Thus we do not yet know if the letter sent by President Kaplowitz, Senator Litwack, and Professor Cohen on behalf of the Faculty Senate to Vice Chancellor Rothbard [Attachment B] has had a positive impact. Senator Gitter praised the letter and said that all around the College she has heard people talking about what an excellent and persuasive letter it is. President Kaplowitz said that it is Senator Litwack who should be thanked, because he performed the budget analysis and composed the letter. She said that although she and Professor Cohen assisted, it is really Senator Litwack who should be praised and thanked.

4. Discussion of the President's attempt to limit debate at the College Council: Senator Litwack [Attachment C, D]

Senator Litwack distributed what he described as the relevant passage from the verbatim minutes of the February 24 College Council meeting [Attachment C] and explained that the events at issue took place at the February 24 College Council meeting at which the Council approved the establishment of a branch campus at Gurabo, Puerto Rico. He said that although he is raising an issue that involved him, he does not view this as a personal issue and, therefore, asked that it not be dealt with as such.

He explained that what happened was that in making the case for an amendment that he was about to propose to the resolution to establish the branch campus he wanted to make the point that the branch campus could really wind up costing John Jay College a lot of money or at least a lot of resources. He explained that he was going to offer an amendment and did ultimately offer an amendment whereby we would approve the branch campus for only two years with a sunset clause so that if things do not work out, if it really costs us a lot, we could then cancel the program. In fact, the amendment states that the College Council has to approve the continuation of the program or else the program will end in two years [Attachment D]. He noted that his amendment was, in fact, ultimately accepted by the person who moved the original resolution and so nothing that happened affected the ultimate result in any way.

Senator Litwack noted, however, that he is more convinced than ever that the branch campus is going to cost us resources and a perfect example of this is if Dean Frank McHugh is in Puerto Rico on a full-time basis. The budget proposal for the branch campus includes a line item for a non-faculty director of the branch campus and that line was assigned \$30,000. Senator Litwack pointed out that

all the money we get from the branch campus must come from tuition. He said he does not know what Dean McHugh's salary is, but it is at least \$90,000, which is the minimum salary for a full dean, yet when Dean McHugh relocates in Puerto Rico we can replace him only with someone who we would pay \$30,000. We would have another person in the Registrar's office, but instead of that person being Dean McHugh it will be someone we can hire for only \$30,000 or if we spend more, the question is where will that money come from.

Senator Litwack said he thinks that the branch campus program will run into a deficit but even if it doesn't, the program will be a tremendous expenditure in terms of the time and energy devoted to it here in New York and, furthermore, that time and energy will in no way be compensated for in the budget for the branch campus. Senator Litwack noted that the academic director of the branch campus was also budgeted for \$30,000 and Professor Del Castillo, who is an associate professor, certainly earns more than that and in hiring a replacement for him we will be able to replace him only with a very junior person.

And so in support of his proposed amendment that there be a two-year sunset clause, he began to point out to the College Council that the branch campus will cost John Jay College in terms of resources if not in actual dollars. He said as he was literally pointing to a page in the budget document which had been prepared by the John Jay administration, President Lynch said: "But the issue is not the budget, but the issue is really this proposal [from the Curriculum Committee]. So I ask you to conclude with and return to this proposal or you are out of order" [Attachment C]. Senator Litwack explained that at that point he had not offered his amendment, an amendment which he felt was crucial. He added that the sunset provision was in the Council of Chairs proposed document, which was never actually adopted by the College Council, and thus the sunset clause was not only his idea but was an idea embraced by the chairs of the academic departments.

Senator Litwack recalled that he had been certain that he was not out of order because the question being considered was whether the Council should approve the proposal to establish the branch campus and it seemed to him that nothing could be more in order than the cost of the branch campus to our main campus. But, he explained, he became very apprehensive that President Lynch would rule him out of order before he had a chance to present his amendment and so he cut off his analysis and went directly to the amendment, which was then adopted.

So, he said, although there was no ultimate negative effect, the issue here is crucially important because here we had a situation in which we were voting on perhaps the most important proposal to come before the College Council in years and it seemed to him that he was presenting an analysis which, even if ultimately incorrect, was very germane to whether or not we should approve the proposal. Yet the President of the College, in his capacity as chair of the College Council, threatened to rule him out of order. Senator Litwack said that frankly he thinks President Lynch's threat was outrageous and added that although he does not see this in personal terms, some action should be taken to make sure it does not happen again. He pointed out that his amendment might have been voted down because he had not been given the chance to fully present the argument for it.

President Kaplowitz said the irony is that the document that Senator Litwack was referring to, which President Lynch is reported in the verbatim minutes as saying is not the question before the body

and therefore is not in order, is the 34-page proposal written by the John Jay administration that the Board of Trustees committee on academic affairs was scheduled to vote on after the College Council approved it. What we had not known at the time was that the Board committee was to consider the issue only upon the College Council's approval of the 34-page document, including the budget contained in it. In other words, not only was Professor Litwack in order in discussing the budgetary and resource impact of the proposed campus on our main campus, but the document the Council was supposed to vote on was that 34-page document. That fact came up at the meeting of the Board of Trustees committee on academic affairs the following week which she and Senator Litwack attended.

Senator Gitter said there is a larger issue involved. Although the College Charter requires us to follow Robert's Rules of Order, in fact we do not do so at the College Council: the Chair of the College Council often advocates a position, things that are out of order are sometimes allowed, things that are relevant are sometimes not allowed, and the meetings have a kind of Alice in Wonderland feel to them. She said we need to figure out a way to have the College Council run in a regular way noting that in the last few years there has been a whole list of irregularities. The first way to start, she suggested, is to get this discussed by the College Council itself: we need to have the College Council correct itself. She moved that the Senate submit as an agenda item for the next College Council meeting a statement for adoption by that body affirming that the Council shall follow Robert's Rules as our College Charter requires. Senator Malone said that we need to follow not only Robert's Rules but also the entire Charter of the College. Senator Gitter said she would take that as a friendly amendment. Senator Malone said he was amazed that the College Council was asked to vote on such an important proposal as the branch campus only one day after its members finally received the 34-page branch campus proposal that had already been sent to the Board of Trustees. He seconded Senator Gitter's motion.

President Kaplowitz said others are also criticizing the way the College Council meeting was conducted: she distributed copies of a statement that Professor Haig Bohigian (Mathematics), who is the chair of our chapter of the Professional Staff Congress, read at the March 16 College Council meeting in which Professor Bohigian criticized the way the February 24 College Council meeting was conducted and the way that he and several other speakers were treated. She read from the last paragraph of Professor Bohigian's statement: "What is necessary is an entirely different approach to the way College Council meetings are run. The President must safeguard the rights of all speakers to address issues without fear of derision. To quote from a recent memo sent out by the Vice President for Student Development: 'The College environment is established as a place for intellectual debate - a location where people congregate for the purpose of learning and sharing knowledge: by definition this infers that people will have different opinions and varying ideologies. One should expect to state his/her opinions without fear of verbal and/or physical abuse.'" Unfortunately, she said, President Lynch arrived at the March meeting late and so did not hear Professor Bohigian's statement.

President Kaplowitz said the issue is an important one because increasingly people are reluctant to speak at College Council meetings: what has been described by Senators Litwack and Gitter and by Professor Bohigian has a chilling effect and the result is that real debate is stifled.

Senator Suggs said one of the problems is that the President of

the College chairs the College Council, as required by our Charter, since unfortunately although perhaps understandably he finds it necessary to be an advocate for positions, which makes it difficult at times for people to stand up and take a different position. He said that in light of the thinking by many faculty that the Charter needs to be revised, it would be interesting to consider how that aspect of the Charter might be changed. He noted, however, that it would be difficult politically to accomplish such a change.

Vice President Blitz agreed that such a revision would be difficult and pointed out that Robert's Rules requires that when the chair, whoever the person is, wishes to advocate a position he or she is to step down from the chair and have the vice chair conduct the rest of the discussion that is devoted to that topic. He said he was tremendously surprised that President Lynch at both the February 24 meeting and the previous meeting on February 16 played both roles: lobbying for the branch campus and chairing the discussion, calling on certain people and not calling on others, limiting the time some people could speak but not limiting the time for others. He said we need to affirm that provision of Robert's Rules that does not permit the chair to advocate a position unless he steps down from the chair.

Senator Litwack said he agrees with everything said but the issue as he sees it is one of abuse of authority by the President, the same abuse of authority which led the President to sign a concordat with the Governor of Puerto Rico and the Governor of New York to establish a branch campus without any discussion with the faculty whatsoever. He said that in his opinion President Lynch's threat to rule him out of order was a gross abuse of authority.

Senator DeForest said that since President Lynch did not actually rule Senator Litwack out of order he suggested that the President mis-spoke but did not abuse his authority. President Kaplowitz pointed out that the threat of ruling a speaker out of order was really more serious than an actual ruling because such a ruling can be challenged and then the body votes on the question, but a threatened ruling can have no remedy; she said that those who were at that College Council meeting know what a tense atmosphere it was and she said that Senator Litwack's ability to succeed in getting two important amendments approved despite the threat and the tone and tenor of the meeting in general was really very remarkable. But the threat, which couldn't be answered, did prevent Senator Litwack from completing his analysis and, therefore, did unfairly limit debate.

She noted that the threatened ruling was not for the purpose of helping senator Litwack more properly engage in the debate but rather to cut off debate. She read from a part of Robert's Rules that provides advice as to how a chair should carry out her or his responsibilities: "Handle improper motions politely but firmly. Know the rules. Help the member in error. If a member ignorantly makes an improper motion, politely suggest the proper one." She added that she agrees with Senator Litwack that he was not out of order: the point here is that the chair is supposed to assist members' participation, not hamper it.

Senator Gitter said that she does not agree with Senator Litwack's assertion that this was not personal: she said that it was personal in that there is no question that no student would have been spoken to in that way and there are probably certain faculty members who would not have been spoken to in that way. She added that it is not a matter of who the President likes or does not like that determines how one is treated. She said the whole point of having regular procedures is to remove the personal so that it does not

matter if you are a faculty member or a student or a BEO. The point of regular procedures is to ensure that every member is treated in exactly the same way and that there are not separate rules for certain people and for certain groups.

Senator Litwack agreed, noting that shortly before he spoke at the February 24 Council meeting another faculty member spoke at great length in support of the branch campus without interruption by the President, which the verbatim minutes show. A Senator pointed out that that faculty member's statement takes up three pages of single spaced type in the minutes. Senator Litwack added that he thought that the faculty member's statement had been a very good one, in fact. But when a person who happened to be him but could have been anybody spoke up not even against the program but to propose an amendment that would, he thought, strengthen the program, his opportunity to speak was severely limited. This is very serious. He said it was not who was speaking that mattered but what was being said.

Senator Jenkins said he is very angered to hear what happened to Senator Litwack at the College Council meeting. Although Senator Litwack may not have been personally offended, Senator Jenkins said he is personally offended that his colleague was deprived of his right to speak. Senator Litwack explained that his concern and his purpose in raising the issue with the Senate is not to obtain redress but to making certain that the same thing does not happen to someone else in the future.

The question was called. Senator Gitter's motion was approved without dissent.

5. Proposed resolution: Resolved, That the Faculty Senate, which supports and endorses the education of criminal justice Practitioners, calls upon the President of the College to henceforth commit John Jay College to offering or establishing credit-bearing courses and/or degree programs only after full and timely consultation with and approval by the faculty and appropriate John Jay governance bodies

The resolution from the Executive Committee was moved and seconded. Senator Jenkins described this resolution as a recognition that the signing of the October 29 agreement by the President of the College to establish a branch campus was a violation of appropriate governance procedure and at the same time the resolution is a way to affirm the necessity of henceforth following appropriate procedure. The question was called. The motion carried without dissent.

Senator Dei suggested that we invite President Lynch to another meeting of the Senate this semester. This was agreed to.

6. Proposed resolution on reviewing the academic program at the branch campus

The following resolution from the Executive Committee was moved and seconded: Resolved, That the Faculty Senate requests that the Undergraduate Academic Standards Committee conduct periodic and regular reviews of the academic standards of the branch campus.

It was explained that the Board of Trustees, in establishing the branch campus, approved a resolution that states, in part, that "the permissions granted by this resolution shall all terminate December 31, 1996, unless renewed by the Board following the Chancellor's review of Middle States' and other evaluation reports and the Chancellor's positive recommendation."

President Kaplowitz noted that the Curriculum Committee resolution, which the College Council passed (as amended by Senator Litwack) [Attachment D], states that the curriculum of the branch campus program will be reviewed in the fall by a subcommittee of that committee. But there is no provision for an assessment by John Jay of the program other than of its curriculum. The proposal is that the Undergraduate Academic Standards Committee be asked to conduct a review of the academic aspects of the program.

Senator Gitter spoke against the motion, noting that the Standards Committee has never been a supervising committee but rather has been a policy making committee and, therefore, it should not now get into the business of overseeing particular programs, although she added she understands the concerns that this resolution reflects. She said it would be a bad precedent for the committee to be acting in a supervisory capacity. She said each department chair should be supervising his or her department's part of the program and if the chairs are unable to do so then that is an issue for the College.

Senator DeForest asked whether information is generated about our New York program. President Kaplowitz said that every semester all department chairs and others, including herself as president of the Senate, and all administrators receive regular reports from Dean McHugh that provide data about the percentage of withdrawals from courses, grade distribution patterns, pass rates, demographics of students, etc., and the data are presented in the context of previous semesters for comparative purposes. At any time anyone receiving these reports can raise questions and make policy recommendations. For example, these reports provided the information that led the Senate to recommend that more actions be taken to increase the enrollment and retention of in-service students.

Senator Litwack suggested that the same model be followed for the branch campus. He proposed that all information and data regularly generated about our main campus be also generated about the branch campus and that the same people who receive the reports about the main campus also receive the reports about the branch campus. He moved this as a substitute motion. The motion was seconded and carried by unanimous vote.

#### 7. Proposed ad hoc Senate committee on in-service students

This proposal from the Executive committee is to formalize as a Senate ad hoc committee the informal effort by a group of faculty and others to develop strategies to recruit and retain in-service students. Senator Litwack suggested that the committee be authorized to obtain information or testimony from such members of the community as Alumni Director Al Higgins and Alumni President Seymour Jones. President Kaplowitz supported this idea and noted that Mr. Jones has been a member of the informal group that had been working on this with her and others at the College. She said that there seems to be more interest now in this work by the administration of the College and so a more formal relationship with the Senate, to which the



committee could report and make recommendations, seems timely. She said the committee would **not** be formed until the Fall. A motion to establish such an ad hoc Senate committee carried by unanimous vote.

8. Proposal that the Senate sponsor faculty art exhibits

Professor Maureen Wilson (Foreign Languages) has written to the Senate's Executive Committee suggesting that the Senate sponsor exhibitions of art by faculty. The exhibits would be in the lobby of North Hall. Professor Wilson explained in her agenda letter that North Hall lobby exhibits require the sponsorship of an official organization of the College and thus many faculty who are artists do not have the opportunity to display their work. The Executive Committee learned from Dean Hank Smit that an exhibit requires both a sponsoring organization and a curator. Senator Brugnola said she would be pleased to serve as a curator if the Senate approved the proposal. The proposal was approved by unanimous vote.

Senator Del Castillo arrived and the Senate congratulated him upon his appointment as faculty director of the branch campus. He said the branch campus is an exciting program, one that he believes in, and an exciting challenge. He praised the people he is working with in Puerto Rico.

Senator Karmen asked Senator Del Castillo for the names of the John Jay faculty at our New York campus who will be participating in the program as mini-chairs when it begins the following week on April 18. Senator Del Castillo said he has only met four of the faculty and he only met those four for the first time this afternoon: they are leaving for Puerto Rico on Friday. Several other faculty have already left for Puerto Rico. He said he does not have the list of John Jay faculty with him.

Senator Luby asked whether all the faculty know Spanish and the reply was that the people he met today all do. Senator Luby asked Senator Del Castillo whether he and Dean McHugh also know Spanish and the reply was that neither does but that both plan to take Spanish lessons while in Puerto Rico. Senator Luby asked how he will be able to direct the program without having a knowledge of Spanish. Senator Del Castillo explained that one must know Spanish to teach in the program because all the courses will be taught in Spanish but that it is not necessary to know Spanish in order to administer the program: the people at the Police Academy know English and as far as he knows the adjunct faculty being hired in Puerto Rico speak English.

Upon a motion to adjourn, the meeting ended at 5:00 PM.

Respectfully submitted,

Edward Davenport  
Recording Secretary

## Announcements from the chair

March 22 University Faculty Senate meeting

The University Faculty Senate created a Budget Advisory Committee charged **"To** advise the Executive Committee of the [University Faculty] Senate and the Council of Governance Leaders on matters regarding the University budget and University budget process, and to meet regularly with the Vice Chancellor for Budget, Finance, and Information Services in order to inform the Vice Chancellor of University-wide faculty priorities and other budgetary **concerns."** The UFS elected eight faculty to this committee, one of whom is John Jay Professor James Cohen (Public Management), chair of JJ's Faculty Senate Fiscal Advisory Committee.

Chancellor Reynolds reported that the John Jay/ NYC Tech associate degree funding agreement that had been facilitated with the City last year is in effect again for next year. However, the budget PEG (Program to Eliminate the Gap) includes a proposed \$1.8 million cut **in** the associate degree subsidy for the senior colleges but the Chancellor stated that CUNY has not agreed to this and it has not **yet** happened. She noted that the City's budget problem is very serious. The Mayor has proposed a severance package and has targeted the community colleges for 208 non-faculty positions as part of the plan. The Chancellor called this unfair because the City's contribution to the community college budget is now less than a fourth of the total budget: she said the loss of **208** secretaries and maintenance people would be "absolutely decimating" to the community colleges.

As for the State budget, it is expected to be completed by March **25** and the expectation is that it will be a better budget for CUNY than the City budget will be.

The Chancellor spoke about the "absolutely dazzling" data on the College Preparatory Initiative: the data were provided to the UFS and the previous night to the Board of Trustees.

Professor Robert Picken, UFS Chair, reported that the CPI data are, indeed, impressive and that it is clear that CPI is beginning to have good results [the data are available from UFS delegates].

Vice Chancellor for Academic Affairs Richard Freeland, the invited guest, gave a presentation and answered questions.

April 6 Council of Chairs meeting

The Chairs reported on their progress in hiring adjunct faculty in Puerto Rico for the branch campus. Reports were also given about the facilities at the Academy and each chair's expectations as to who from John Jay will serve as the full-time supervisory faculty (mini-chairs).

Women's History Month lecture & student writing award presentation

The culminating event of Women's History Month was a lecture by novelist Michelle Cliff, who read from her most recent novel, Free Enterprise (1993). The March 23 event was hosted by Professor Jill Norgren (Government), chair of the Women's Study Committee, and Professor Marie Umeh (English).

Professor Marnie Tabb (English) presented the awards to the student winners of the essay contest: Sikiru Babalola, Marla Shepard, and Andrea Scott. Professor Michael Blitz (English) presented the poetry awards to Emily Eccles, Maria Elena Nicola, and Kiomara Rozon.

Student Council officers Robert Hernandez, Terrence Harris, and Simone Moore also spoke. The theme of John Jay's Women's History Month and of the essay and poetry contests was **"In** every generation action frees our dreams." The event was co-sponsored by the Women's Studies Committee and the Student Council.

Governor Cuomo and Mayor Giuliani nominate trustees to CUNY BoT  
 Governor Cuomo has nominated three current Board of Trustees members for reappointment to the Board: Chair James Murphy, Vice Chair Edith Everett, and Harold Jacobs. The Governor has an additional seat to fill and will have another on June 30.

Mayor Giuliani has nominated Stephen Berg to replace Louis Cenci as the Staten Island representative. The Mayor has three additional appointments to make and will have a fourth on June 30.

The Board of Trustees has 17 members: 10 chosen by the Governor and five chosen by the Mayor (each representing a borough), and the chairs of the University Faculty Senate and of the University Student Senate, ex officio. Gubernatorial and mayoral appointees must be approved by the State legislature. They serve for seven years and may be reappointed. A trustee whose term has expired continues to serve until reappointed or replaced.

<u>Gubernatorial Appointees</u>		<u>Date appointed</u>	<u>Term Expires June 30</u>
Sylvia Bloom	Bronx	7/2/81	1988
Michael Del Giudice	Manhattan	6/30/89	1995
Stanley Fink	Brooklyn	6/30/89	1994
Harold M. Jacobs	Brooklyn	1/26/74	1989
Charles E. Innes	Brooklyn	10/92	1998/9
Susan M. Mouner	Staten Isl.	9/90	1996/7
Edith B. Everett	Brooklyn	7/6/76	1992
Herman Badillo	Manhattan	9/90	1996/7
James P. Murphy	Queens	1/28/74* 6/11/85	1976* 1992
Calvin O. Pressly vacancy*	Manhattan	3/7/89	1991

#### Mayoral Appointees

Louis Cenci	Staten Isl.	3/7/84	1989
William Howard	Brooklyn	3/21/85	1992
Thomas Tam	Queens	4/4/89	1993
Gladys Carrion	Bronx	9/27/88	1994
Blanche Bernstein vacancy***	Manhattan	4/11/80	1992

\*First term served

\*\*moved

\*\*\*deceased



ATTACHMENT B

JOHN JAY COLLEGE OF CRIMINAL JUSTICE

*The City University of New York*  
445 West 59th Street, New York, N.Y. 10019  
212 237-8000 / 8724

March 31, 1994

Vice Chancellor Richard F. Rothbard  
City University of New York  
535 East 80th Street  
New York, NY 10021

Dear Vice Chancellor Rothbard,

Thank you very much for sending the Faculty Senate the materials and information that we requested of you during your meeting with the Senate of John Jay College on December 10, 1993. We very much appreciated your meeting with us and answering our questions at the time, and we further appreciate your being so responsive to our request for additional data.

We believe, however, that the additional information you have sent us strongly supports our original belief that John Jay is not being funded equitably vis a vis other senior colleges in CUNY. Indeed, we believe that the data you have submitted to us demonstrates that John Jay's base budget is approximately \$6 million per Year below what the CUNY formula, if applied neutrally, or, at least, if applied as it is to Lehman College, would deem appropriate.

As you recall, at our December 10 Senate meeting we cited Lehman College and asked for the budget and cost analysis between John Jay and Lehman only because John Jay and Lehman happen to have virtually the same number of student FTEs while at the same time Lehman College has an annual base budget that is approximately one third larger than John Jay's. And as you will recall, our concern was not to in any way harm or criticize Lehman College but rather to make the point that John Jay students are not treated in an equitable manner budgetarily as are students at such senior colleges as Lehman. Our concern is that students who attend John Jay do not have the same opportunity for academic success as students who attend such senior colleges as Lehman because our students do not have the same academic support services nor the equivalent academic programmatic opportunities, including full-time faculty-taught sections, as do students who attend Lehman.

John Jay's reliance on adjunct-taught course sections is unacceptably high, as acknowledged in the "Budget and Cost Comparison" you provided. In fact, 53 percent of John Jay's course sections are now taught by adjunct faculty (at a College whose full-time faculty teach a 12/9 load) and in some disciplines the reliance on adjunct faculty is as high as 75 percent. Indeed, the very instructive graphs you kindly provided to the Senate, which the Senate has distributed to the John Jay faculty, show John Jay to be consistently disadvantaged in several ways: in terms of

reliance on adjunct faculty, in terms of average class size, and in terms of student/faculty ratio, especially as compared to several of the other senior colleges, including Lehman. Furthermore,, as another of the graphs you provided us shows, John Jay has done its share and, indeed, more than its share in helping CUNY meet its master plan goal of increasing student enrollment, a master plan goal approved by the CUNY Board of Trustees, but the concomitant master plan goal of having 70 percent of course sections taught by full-time faculty at the senior colleges is not only not within foreseeable achievement by John Jay but we are moving, further and further away from that goal and, in fact, our percentage reliance on adjunct faculty has consistently and dramatically increased:

<u>Semester</u>	<u>Percentage of Adjunct-taught Sections</u>
Fall 1990	38.4%
Fall 1991	42.4%
Fall 1992	46.2%
Fall 1993	52.8%

As stated in the "Budget and Cost Comparison" for John Jay and Lehman that you provided to us, Lehman College, which we agreed could fairly be used as a point of comparison with John Jay, had an adjusted base budget in 1993-94 of \$37.7 million compared to \$27.3 million for John Jay, a difference of \$10.4 million. The Budget and Cost Comparison then states "four main reasons" for this differential. Yet, even accepting the fiscal assumptions behind those stated reasons, assumptions that we will question later in this letter, there is still a gap of \$3 million in the adjusted base budget of Lehman and John Jay which is explained, if at all, not by the application of any objective (or even supposedly objective) funding formula but only by the fact that John Jay has always been underfunded relative to Lehman, as if discrimination in the past justifies continued discrimination in the present.

According to the "Budget and Cost Comparison," point #1, a combination of Lehman's slightly higher student FTE enrollment and lower appropriate student/faculty ratio (based on the Institutional Cost Model [ICM]) "results in a 'need' for 50 more faculty FTEs at Lehman than at John Jay." Assuming an average cost of \$60,000 per "faculty member," an assumption we will challenge below, that would account for \$3 million in the base budget differential between the two colleges.

According to point #4, Lehman's larger physical plant and "need to have more maintenance and repair staff" than John Jay accounts for another \$2 million in the base budget differential. (Again, we will question below whether Lehman's admittedly larger physical plant justifies that large a differential.) And, according to point #3, "Lehman's much higher headcount enrollment increases that college's costs in certain areas." We accept that basic principle, but we cannot believe that those additional costs, which are unspecified in the "Comparison," exceed \$500 per headcounted students per year (or, given a headcount difference of 1,393 between Lehman and John Jay, roughly \$700,000 per year.)

Therefore, the fiscal, and supposedly formula-mandated, reasons that are given for the \$10.4 million differential in base

budaet account for only \$5.7 million of that differential. True, according to point #2, John Jay did receive \$1.4 million more in adjunct funds than did Lehman in 1993-94, but that still leaves a gap of \$3.3 million in the funding of Lehman and John Jay. In short, accordins to CUNY's own Instructional Cost Model and the fiscal assumptions contained in the Budaet and Cost Comparison provided to us by your office, John Jay receives \$3.3 million less per year than we would receive if we were funded on the same basis as Lehman Colleae. To put it another way, based on CUNY's own assumptions regarding what constitutes appropriate funding for a senior college, John Jay is underfunded by at least \$3.3 million per year.

The actual picture is one that is even more disadvantaseous to John Jay, however. Most importantly, in explaining \$3 million of the cost differential between John Jay and Lehman, point #1 makes the assumption that Lehman's "need" for 50 more faculty "FTEs" must be satisfied by full-time faculty members costing an average of \$60,000 per year. It is our understanding, however, and please correct us if we are wrong, that, as stated in the Comparison, the model faculty headcount determined by the ICM refers to faculty FTEs, i.e., 7 sections of coverage per year. At \$2,500 per section, an adjunct-filled FTE would cost approximately \$17,500 per year. Even if Lehman's need for 50 more faculty FTEs per year were satisfied at Lehman's current full-time/FTE ratio of 70 percent, that would justify a cost differential of only \$2,362,500 ( $50 \times .7 \times \$60,000 + 50 \times .3 \times \$17,500$ ) rather than \$3 million; and if Lehman filled its additionally needed FTE lines at roughly the same rate of full-time faculty/FTEs as exists for all of John Jay, roughly 50 percent, that would justify a cost differential of only \$1,937,500 ( $25 \times \$60,000 + 25 \times \$17,500$ ).

Splitting the difference, which certainly seems reasonable, otherwise, once again, the difference in base budget funding between Lehman and John Jay would be justified by the (unjust) fact that Lehman already has a much higher ratio of full-time faculty to required faculty FTEs than John Jay, the fiscally unexplained difference in base budget funding between Lehman and John Jay increases by \$850,000.

There are other explicit or implicit assumptions in the budget and Cost Comparison we feel we must question. Point #4 states that "John Jay currently spends about \$2 million less than Lehman for Institutional Support Services" [ISS]. That may well be true, but it does not follow that John Jay needs \$2 million less than Lehman for those purposes. John Jay may spend less because we have less to spend.

We do not question the conclusion that "Lehman's larger physical plant requires additional funding for M & O" or that Lehman requires "more maintenance and repair staff than John Jay"; but we do question whether Lehman's needs in those regards really, i.e. equitably, require a \$2 million differential in funding for ISS. This question becomes especially pertinent when one considers that the physical condition of John Jay's North Hall, which houses the great majority of our classrooms, faculty offices, academic departments, academic support services, and the totality of student clubs and student organizations, and which has long been

grossly substandard (particularly in terms of seriously inadequate ventilation, inadequate numbers of toilet facilities for students and employees which, therefore, require but do not receive more frequent cleaning and upkeep, long delayed needed repairs, etc.).

Moreover, we wonder what portion of Lehman's \$2 million "advantage" in ISS refers to other than M & O activities. The only figures that are provided are for ISS. We do not know what portion of ISS funds at Lehman goes for M & O but let us assume the percentage is as high as 75 percent. That would mean that Lehman receives \$500,000 more than John Jay for Institutional Support Services that are not for maintenance and operation, i.e., that are not required to service Lehman's larger physical plant. And we question whether more than half that differential would be justified by Lehman's only slightly larger FTE count (or even its somewhat larger headcount) than John Jay's.

In sum, it seems to us, the ICM and Lehman's larger headcount enrollment and physical plant accounts, at most, for \$4.9 million (2.4 + .5 + 2.0) of the \$10.4 million base budget differential between Lehman and John Jay. And, in all probability, it actually accounts for substantially less: \$2.15 million for faculty costs + \$.5 million for higher headcount enrollment + \$1.75 million for greater M & O and ISS needs = \$4.4 million, leaving a fiscally unjustified base budget gap of \$6 million. Even when we take into account, as we should, the fact that John Jay receives \$1.4 million more in adjunct funds than Lehman, our best analysis is that Lehman receives \$4.6 million dollars a year more than John Jay that is not accounted for by the Instructional Cost Model, or Lehman's greater headcount enrollment, or Lehman's larger physical plant.

What does account for this gap, then? Obviously, it is not any objective, neutrally applied factor. Rather, as essentially explained in point #2 of the Budget and Cost Comparison, the gap results (in substantial, but not sole, part) from the fact that Lehman is budgeted to allow 70.8 percent of its courses to be taught by full-time faculty and John Jay is budgeted with the assumption that 51.6 percent of its courses will be taught by full-time faculty, even though, as the Budget and Course Comparison points out, "John Jay's adjunct reliance is neither acceptable nor desirable."

Yet why do we have this reliance? Is it because of an internal decision at John Jay to rely more on adjunct faculty even though that would reduce our base budget? Of course not. We have a greater reliance on adjuncts because, given our disadvantaged base budget, we have to rely excessively on adjunct faculty.

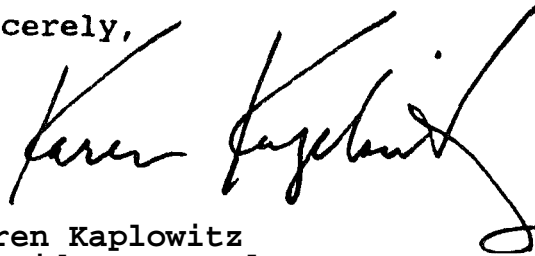
Undoubtedly, because this situation has continued for a long time, the gross, otherwise wholly unjustified disparity in the base budgets of John Jay and Lehman have become, in the terminology of the Comparison, "**historic.**" But surely this is not and cannot be a legitimate reason for permitting this disparity to continue. Surely discrimination in the present cannot be justified by the fact that it has existed for a long time in the past nor can such historic discrimination be justification for the knowing continuation of such discrimination which so severely disadvantages the students of John Jay College.

We are not, however, suggesting that substantial funds be taken away from Lehman College, as such, to repair the situation at John Jay. While we understand full well that funds would have to come from somewhere else in the CUNY system to remedy the situation at John Jay, we are not suggesting that they should come from any particular source. But we wish to reiterate our basic contention: according to our best analysis, if John Jay College was funded, by neutral criteria, as CUNY deems it proper to fund Lehman College, John Jay would receive an increase of \$6 million in its base budget (although John Jay would then have to forego approximately \$1.4 million of its current \$2.4 million in adjunct funds).

Please inform us if you disagree with our analysis and, if so, why and to what extent. We are confident, however, that whatever disagreements we may have about the figures discussed in this letter, it is clear that equity and fairness to John Jay students does necessitate a very substantial increase in the base budget of John Jay College. And because we are also confident that you believe that John Jay students should be given the same opportunity to succeed in college and to prepare for life as students who attend other senior colleges of CUNY, we look forward to working with you further to remedy this clearly inequitable situation.

On behalf of the John Jay College Faculty Senate we thank you again for meeting with us, for supplying us with the information we requested, and for your continued cooperation.

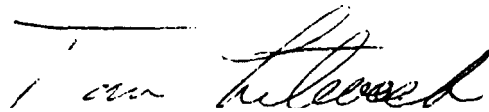
Sincerely,



Karen Kaplowitz  
President, Faculty Senate



James Cohen  
Chair, Faculty Senate Fiscal Committee



Tom Litwack  
Faculty Senate Fiscal Committee

cc. President Lynch  
Deputy Chancellor Mucciolo  
Budget Director Brabham



## ATTACHMENT C

Thank you.

**GWL :**

Thank you Migdalia. Tom Litwack and Keith Howard.

**TOM LITWACK:**

There's one group of people at this College who may, and I want to emphasize *may* be seriously harmed by this proposal -- maybe not, but may and that is students, the people who you represent -- the students of John Jay College. And I want to tell you precisely why. The monies that we get from the tuition that pay for this program do go to cover the direct costs of the program.. The adjuncts who are teaching down there, the full time members of the faculty who are teaching there. Yes, even for tutors down there, for a counselor down there, for a financial aid officer down there. It does cover that. But there is nothing specifically in the budget to cover, or in any way, reimburse people for the time that they will have to spend here. There is nothing in the budget to make up for the time that the Registrar's office here will have to spend on the Puerto Rican program. For the time that the Financial Aid officers here will have to spend on the Puerto Rican program. **For** the time that the Chairmen of John Jay College here will have to spend on the Puerto Rican program. For the time that other faculty members here will have to spend on the Puerto Rican program - and all that time will be taken from you. When you go to a Financial Aid Office and you have a long wait because people are down in Puerto Rico that could be the result of the program. Now,

**ATTACHMENT C (cont)**

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built into the program, as it is currently proposed, according to the current proposal, apart from the direct costs there is an average of \$100,000 a year that the College gets from the program. I can explain that very simple. If you look on page 31

**PRESIDENT LYNCH:**

Tom, I am afraid I will have to say that first of all you said it was very briefly and second of all the motion on the table is not the budget but this Curriculum Committee proposal. **Also**, you have -- there are matters of fact, that you stated that are not factual with the changes that now we are making quite a bit more money than the last time through. But the issue is not the budget, but the issue is really this proposal. **So** I ask you to conclude with and return to this proposal or you are out of order.

**TOM LITWACK:**

Excuse me, Gerry, if I may say *so*, the issue is whether **we** should adopt a proposal to establish a branch campus in Puerto Rico, which may, and I repeat *may* cause serious harm to this College. I will leave aside the data except to say that at \$100,000 supposed excess may be gone, and go directly to my motion.

I would again like to add, and I again offer this as a friendly amendment because I think this is in the interest of the College and I would again like to add that this amendment, that I am offering, was one of the proposals offered by the Council of Chairs, slightly changed. In their proposal, which the President of this College asked us to adopt at the last College Council Meeting and here is my amendment:

"That the program be approved for a period of two years from the date of its inception, subject to extension upon the subsequent affirmative vote of the College Council, acting in accordance with the Academic Governance provisions of John Jay College during the 1995 to 1996 academic year. Should such an affirmative vote not be obtained, the program shall be fully terminated by December 31, 1996."

Let me just say a brief additional word in support of this proposal. To adopt this proposal will give us important leverage with the authorities in Puerto Rico.

**DEAN MARTIN WALLENSTEIN**

It is accepted as a friendly amendment.

**TOM LITWACK:**

You accept this as a friendly amendment.

**DEAN WALLENSTEIN:**

Yes.

**TOM LITWACK:**

## ATTACHMENT D

John Jay College of Criminal Justice  
The City University of New York

Actions of the College Council  
Wednesday, February 24, 1994

1. Recommendation from the Curriculum Committee

A motion was made and seconded to have John Jay College of Criminal Justice establish a branch campus in the Police Academy of the Police of Puerto Rico at Gurabo, Puerto Rico, and to grant an Associate Degree in Police Science in Puerto Rico with the following provisos:

- 1) A core full-time faculty must be developed;
- 2) At least one full-time faculty member for each course be hired.
- 3) The library must be adequately funded and a full-time professional librarian must be hired; and
- 4) That there be a complete program evaluation of all curriculum aspects of the program by the Curriculum Committee in Fall of 1994. That at that time the program shall be viewed as a new program. The New Program Subcommittee of the Curriculum Committee shall coordinate the review.

Two friendly amendments to the original motion were added by Professor Thomas Litwack and were accepted by the maker of the motion:

- 5) The authorization of 25 equivalent credits shall be approved for the first class of students only. Subsequent classes shall have a program based entirely on earned credits, unless, after appropriate review by the relevant academic departments and the College Curriculum Committee, the College Council approves the granting of further equivalent credits.
- 6) That the program be approved for a period of two years from the date of its inception subject to extension upon a subsequent affirmative vote of the College Council, acting in accordance with the academic governance provisions of John Jay College, during the 1995-1996 academic year. Should such affirmative vote not be obtained, the program shall be fully terminated by December 31, 1996.

The motion carried, 34-8-2.