

FACULTY SENATE MINUTES #140

John Jay College of Criminal Justice

May 10, 1996

9:30 PM

Room 630 T

Present (29): Yahya Affinnih, Luis Barrios, Michael Blitz, Edward Davenport, Jane Davenport, Peter DeForest, Robert DeLucia, Janice Dunham, Arlene Geiger, P. J. Gibson, Elisabeth Gitter, Amy Green, Lou Guinta, Elizabeth Hegeman, Zelma Henriques, Karen Kaplowitz, Sandra Lanzone, Gavin Lewis, Tom Litwack, James Malone, Mary Ann McClure, Robert McCrie, Ruth O'Brien, Dagoberto Orrantia, Daniel Pinello, Frederik Rusch, Carmen Solis, Davidson Umeh, Maurice Vodounon

Absent (9): Arvind Agarwal, Lee Jenkins, Kwando Kinshasa, Andrew Karmen, Henry Morse, Chris Rashbaum, Marilyn Rubin, Agnes Wieschenberg, Daniel Yaliso

Guests: Orlanda Brugnola (Art, Music, Philosophy), Michael Seitz (Communication Skills), Evan Siegal (Math), Chris Suggs (English)

Invited Guests: Gerald Lynch, President; Margaret Schulze, Director of Human Resources; Antony Simpson, Honorary Degree Committee; Basil Wilson, Provost; Roger Witherspoon, Vice President for Student Development

AGENDA

1. Announcements from the chair
2. Approval of Minutes #138 and Minutes #139
3. Discussion of the Preliminary Retrenchment Plan: Invited Guest: Director of Human Resources Margaret Schulze
4. Proposed Reconsideration of an Honorary Degree nominee: Invited Guests: President Lynch and Provost Wilson
5. Consideration of a nominee for an Honorary Degree
6. Managing the classroom: disruptive student behavior: Invited Guest: Vice President Witherspoon
7. Proposal for a faculty-wide meeting in September
8. Proposed resolution that adjunct faculty receive compensation for mandatory office hours: Senator Geiger
9. Proposed Educational Computing Committee: Professor Killoran
10. Proposal that the Computing Policy Committee include faculty
11. Proposal that the Senate create an electronic distribution list
12. Proposed resolution on the allocation of grant overhead monies
13. Proposed reaffirmation of compensation for Independent Study
14. Update on Judge Alice Schlesinger's Article 78 Lawsuit ruling
15. Discussion of the Preliminary Retrenchment Plan
16. New business

1. Announcements from the chair

President Kaplowitz reported that the Senate's meeting last week on May 3 [Minutes #139] with Chancellor W. Ann Reynolds and Vice Chancellor for Budget Richard Rothbard, which was attended by 90 faculty, went very well. She noted that it became clear during the meeting that neither the presentation the Senate had made to Vice Chancellor for Academic Affairs Richard Freeland on December 8th [Minutes #132] nor the charts that Professor Ned Benton had developed for that December meeting were ever transmitted to either Chancellor Reynolds or to Vice Chancellor Rothbard and it was equally clear, she said, how impressed the Chancellor and Vice Chancellor were by both Professor Benton's charts and the presentation.

Senator James Malone said that the day after the Senate's meeting with Chancellor Reynolds, he was in the company of a member of the CUNY Board of Trustees and of a CUNY college president, at which a CUNY vice chancellor told Rubie Malone and him how pleased and impressed the Chancellor had been with the meeting and that the Chancellor had characterized it as the best exchange she has had with CUNY faculty since she arrived at the University in 1991. President Kaplowitz said that a few days after the meeting, Chancellor Reynolds thanked her for what the Chancellor called an excellent meeting.

The Student Council election, with 1900 students voting, has just taken place. Those elected are: Victor Charles - president; Terrence DeGrenier - vice president; Jose Frias - treasurer; Erica Lassi - secretary; David Lovell - graduate rep; Marcoris Dorval - senior rep; Allison Torres - senior rep; Michael Khader - junior rep; Stacey Blease - junior rep; Delbie Noel - sophomore rep.

2. Approval of Minutes #138 of the April 24 meetins and Minutes #139 of the May 3 meeting

Minutes #138 of the April 24, 1996, meeting and Minutes #139 of the May 3, 1996, meeting were approved.

3. Discussion of the Preliminary Retrenchment Plan: Invited Guest: Director of Human Resources Marsaret Schulze

Margaret Schulze, Director of Human Resources, was welcomed and thanked for accepting the Senate's invitation to explain the consequences for faculty if the Retrenchment Plan proposal to merge the Department of Speech and Theater with the Department of Art, Music, and Philosophy takes place. [The Retrenchment Committee was to have a discussion with Director Schulze on this issue but was unable to because of time constraints.]

Director Schulze explained that only one entity in CUNY creates academic departments and that is the Board of Trustees and that a department's existence begins on the date that the Board votes its existence is to begin. The day a department, such as Mathematics, for example, comes into being and a person is appointed to that department establishes the person's seniority date in that department. There is a change, if, for example, the Department of Mathematics were to become the new Department of Mathematics and Applied Sciences and a recommendation goes forward by Resolution from the President of the College upon consultation with the College

community saying that the College wants to create a new department. The College first forwards that Resolution for review to two Board of Trustees offices: the Office of Academic Affairs and the Office of Faculty and Staff Administration.

Ms. Schulze said that as far as she is able to determine, seniority matters for only one circumstance and that circumstance is retrenchment. Other than that, tenure is the important consideration, and is the important consideration in the retrenchment process as well, but seniority, really, is important when there is any discussion about the College having to discontinue any faculty positions. In retrenchment, in a faculty department, there are two lists: the first list is everybody who is tenured and the seniority date for that group of tenured faculty is the date that each of those persons landed in that department for the first appointment of a continuous full-time career. All the tenured people go on that list and then a line is drawn, and then the second list comprises all the people who do not have tenure. In a retrenchment process, the order of separating faculty is that in a given retrenchment unit the ones separated first are the adjuncts, then the non-tenured faculty, in seniority order, and then the tenured faculty, in seniority order, which is a highly unlikely scenario in an active department at John Jay. Thus there are two discreet groups within a department: those who are tenured and those who are not.

If we merge a couple of departments, she explained, we are creating a new department, whatever its title, and the Resolution to the Board of Trustees will say that on (for example) November 1, 1997, the Department of X comes into being. The effective date means that every tenured faculty member going into that department has as his or her seniority date the date of inception of the department (for example, November 1, 1997). Therefore, every tenured faculty member's seniority date becomes the same. Everybody who is not tenured retains his or her own existing seniority date.

The two departments now being proposed in the Retrenchment Plan for merger each has two faculty who are not tenured: they have four separate first appointment dates. That group of four is its own group: it is the group of non-tenured faculty with seniority dates of whenever they came to the college in a continuous full-time appointment. (If the full-time appointment was as a substitute faculty member but the substitute appointment is contiguous with the current tenure-track appointment and there is no break in continuous service, then substitute service counts for this purpose: it will not count toward tenure but it counts toward seniority.)

All the tenured faculty in the department have a single appointment date (such as November 1, 1997) which is later than the appointment date of non-tenured faculty, whose effective dates are the actual dates of their original appointments. The justice of that is because in a retrenchment process, non-tenured faculty are separated before any of the tenured faculty (these are two different lists). Non-tenured faculty have an earlier seniority date (the date of full-time appointment) but they are on a list that has to be acted against before the tenured people are considered for separation. At such a time that a non-tenured faculty member gets tenure at the college, that person's seniority date changes within the tenure group to the date of the person's first appointment to that new department. In other words, the newly tenured person's seniority date becomes November 1, 1997, the same date as that of all the other tenured members of the new department. And any new people who are added to that department have a seniority date consistent with their first appointment to that new department.

Ms. Schulze explained that in the Resolution sent to the Board of Trustees creating a new department there is a wonderful caveat: there is a section which a college may put in (and which John Jay has always put in) which states: **"In** accordance with the New York State Education Law, seniority for tenured staff is governed by the date of appointment to the department (for example, November 1, 1997). Tenured persons appointed effective the same date have the same date of seniority as a result of these appointments and ties created by the transfer of tenured faculty effective (November 1, 1997) shall [not may, shall] be broken by the President of the College by using the date of initial full-time appointment to the College." [The caveat consists of the underlined passage.]

Therefore, the changed seniority date has no practical effect on retrenchment: the old dates still hold. Director Schulze distributed copies of the Resolution the College sent forward to the Board in September 1986 when the College established the Department of Public Administration: at that time there was a Government and Public Administration Department and the faculty wanted two departments. The criteria were met and so the Board of Trustees resolved first that the name of the Department of Government and Public Administration be changed to the Department of Government. Everyone in the Government Department kept their original dates of seniority. But the Department of Public Administration received a number of tenured faculty who then had the same seniority date of September 1, 1986: the Resolution that went forward to the Board of Trustees listed all the latter faculty who were tenured at the time and their rank and the date of their initial full-time appointment to the College, which is the basis by which the President shall break any ties in seniority resulting from this action if there is retrenchment.

President Kaplowitz said that tenure is in a department and asked, therefore, what happens to the date of tenure when two departments are closed and a new department is created: how is tenure transferred and what happens to the date of tenure? Ms. Schulze said the date of seniority, which for everyone would now be the same date, has nothing to do with tenure. Nothing effects the tenure march, she said. If someone receives tenure in the Department of Speech and Theater, that designation of tenure transfers when the department is merged into another department.

Senator Litwack asked where is that stated, where is that guaranteed? Is it in a State law, is it in a CUNY Bylaw? Ms. Schulze said she will obtain the answer and provide it to Professor Kaplowitz: she said it is in everything she reads but she will have to check to obtain the citation. She said it is probably in State Education Law. [Note: Subsequent to the Senate meeting, citations were provided to Section 6212.7 of the State Education Law and to Section 6.3(a) of the CUNY Board Bylaws.] Senator Litwack said he has heard that there are different ways of creating new departments from current departments, some of which preserve tenure and some of which do not. Ms. Schulze said that every method protects tenure: what is at issue is whether it preserves seniority. Once a person is tenured in a University that is set. Nobody takes tenure away from a person who remains on the CUNY faculty.

President Kaplowitz asked: suppose five people are in a Department A and five people are in department B and that the most senior member of Department A has been at the College 10 years and the most senior member of Department B has been here 7 years. If the two departments are merged, the most senior person in Department B (and therefore the last to be retrenched if that becomes a

retrenchment unit) is now not senior compared to the person in Department A who has been here 10 years. Ms. Schulze said the point of the "shall" caveat, if it is put into the Resolution, is that length of service will be considered even though seniority dates of all tenured faculty in the consolidating department become the same. Ms. Schulze said that ties are broken based on the date of initial appointment to the College.

Professor Kaplowitz said that we are fortunate to have a President who resists retrenchment if at all possible but a subsequent president may have a very different attitude toward retrenchment (as we know is the case at some other colleges). And if suddenly a new or merged and, therefore, new department becomes a retrenchment unit we want to make sure that faculty are as protected as possible.

Senator Litwack said it is his understanding that if a department is closed, everyone in the closed department loses their tenure. Ms. Schulze said that when a college closes a department, as CCNY and other colleges have done, it does not mean that all those tenured people are gone: they may be reassigned to other departments. Senator Litwack said it is his understanding that such reassigned faculty lose their tenure. Ms. Schulze said she does not think they do but would check and provide the citation. [Note: they do retain their tenure: see citation, above.]

Senator Litwack asked for a clarification of an earlier comment, that if retrenchment has to take place in a department then adjuncts have to be retrenched first. He said he does not think that is true. Director Schulze said that whenever retrenchment happens it is within a retrenchment unit, so that one department could be hit hard, starting with adjuncts, and another department could have no one affected at all. But the documents do say adjuncts are retrenched before non-tenured faculty. There are "educational reasons" by which adjuncts could be retained while full-time faculty are not but the retrenchment documents make it clear that adjuncts are the most vulnerable group. Retrenchment happens when we are letting active positions go. We could make retrenchment decisions during the summer and during the summer we have no active adjuncts who will not be finishing their appointment during the summer. The retrenching of adjuncts first occurs if retrenchment happens in mid-semester, in November, for example.

Senator Litwack said that as a practical matter, if it came to pass that we were going to retrench in a department and we were going to do it after the semester ends, the adjunct appointments are over and, thus, the savings would not come from hiring fewer adjuncts in that department for the next year. President Kaplowitz said one way to avoid retrenchment is to choose to rehire fewer adjuncts if that would save enough to make the cut necessary. Senator Litwack agreed but said the other side of the reality is that because adjunct faculty are so much less expensive per section than full-time faculty, if classes have to be covered and funds have to be cut, the way to do both would be to retrench a full-time person. It would not be the case that no adjunct could be rehired if a full-time person were cut. In practice it is not the case that all the adjuncts aren't hired first before full-time people are cut. The number of adjuncts increase as the number of full-time people are cut: that's the reality.

Ms. Schulze said that in the appeals process, if a full-time person is retrenched and then sees that her classes are now taught by seven adjuncts, that is line one on the grievance of retrenchment and

so the college has to be enormously judicious about that kind of behavior. President Kaplowitz said that, on the other hand, she has heard that every grievance filed by the faculty who were retrenched at other CUNY colleges last year have been denied so far. Ms. Schulze said most faculty who were retrenched were from departments that were abolished and often that meant that the subject wasn't being taught anymore and, therefore, adjuncts weren't replacing the retrenched faculty.

Director Schulze was thanked for her very helpful and important information.

4. Proposed Reconsideration of an Honorary Degree nominee: Invited Guests: President Gerald Lynch and Provost Basil Wilson.

President Lynch thanked the Senate Executive Committee for the opportunity to speak to the Senate about a candidate he had nominated for an honorary degree.

President Kaplowitz noted that Senate discussions of honorary degree candidates are always off the record, since the candidates do not put themselves forward but, rather, are nominated by a member of the College community who makes the nomination with the understanding that the discussions, deliberations, and vote tally of both the Honorary Degree Committee (whose acting chair, Professor Antony Simpson, is present) and by the Faculty Senate are off the record. Balloting is by secret written ballot and an affirmative 75% vote of Senators present and voting is required for recommendation of a candidate to the President of the College and then by the President to the Chancellor and the Board of Trustees.

After the discussion about the candidate, President Lynch thanked the Senate for the meeting that the Senate had had with Chancellor Reynolds the previous week and he said that the reports he has heard is that the meeting went very well, indeed.

President Lynch also reported that he has just received a letter from Chancellor Reynolds lauding us for the international law enforcement project in Budapest. He quoted from the Chancellor's May 6 letter: "I was most impressed by the excellent progress the International Law Enforcement Agency project in Budapest has made over the last year. Clearly, the teaching and curriculum design provided by John Jay have been critical to the success of the program. John Jay's involvement insures that there is an Intellectual and academically sound component to the program. Hopefully, this will lead to the expectation that each participant recognizes and pursues further educational experience as they serve in law enforcement posts in Eastern Europe. Tom and I were pleased to find John Jay's participation in ILEA [International Law Enforcement Academy] so valuable by the FBI, State Department, Treasury, IRS and other American agencies. You and your colleagues have become pivotal players in major educational initiatives in international law enforcement."

President Lynch said that the statement in the Chancellor's letter that he thought the Senate would especially like to hear comes next: "I do, understandably, sense some honest weariness in you and your staff. It is clear you need more staffing and faculty help of a high caliber as these programs continue and expand. We need all to make sure that you're getting the personnel resources you need. I am convinced of the validity of your international endeavors and of

their relevance to John Jay's mission."

President Lynch said that he thinks it is wonderful news that Chancellor Reynolds is saying, right before the budget, in public, in a letter to him but one which she would assume he would share, that she is going to help our College. He said he thinks this is very good news and that he thinks the same intention was also indicated by her remarks to the Senate last week.

Senator James Malone reported that the day after the Senate's meeting with Chancellor Reynolds, he had dinner with one of the vice chancellors and a member of the CUNY Board of Trustees and the vice chancellor stated that the Chancellor was ecstatic about the dialogue which she had with the Faculty Senate. In fact, she stated that had been the best dialogue she has had with faculty since she's been at the University. He said the Board member listened with great interest and enthusiasm. President Lynch said that is wonderful.

Senator McCrie requested the opportunity to raise questions about the retrenchment report proposals. President Lynch said that he would prefer not to take questions about the retrenchment plan until the May 13 Town Meeting at which time he will answer all questions, with the help of the Retrenchment Committee, whose members will be present as a resource panel: he said he has taken this position with every group that has asked to speak to him. President Kaplowitz noted that later in today's meeting the Senate will be discussing the retrenchment plan and may choose to develop a position which she and other Senators who serve on the retrenchment committee would convey at the final committee meeting on May 15. Senator McCrie said he plans to speak against some of the proposals.

President Lynch reported that at the meeting of the Council of Presidents, the Chancellor was very definite about the fact that if the faculties and the Retrenchment Committees did not come up with a retrenchment proposal then it would be up to the President to do it unilaterally. And further, if the Presidents did not do it, she would do it. And so, he said, it really devolves on the Retrenchment Committee. He compared the John Jay retrenchment plan with Lehman's retrenchment committee plan which recommends 69 retrenchments, including 15 tenured faculty. He said that is the only college's plan he has received a copy of thus far and is not therefore choosing the worst case and indeed it may not be the worst case.

He noted that the Chancellor does have the power over the budget and said he is so pleased that the Senate did have such a good and constructive and positive meeting and that he thinks the meeting is going to devolve to our benefit.

Upon leaving, President Lynch and Provost Wilson both thanked the Senate for giving them the opportunity to meet with the Senate.

**5. Consideration of a nominee for an Honorary Degree: Guest: Professor Antony Simpson, Committee on Honorary Degrees**

After deliberation and debate, the Senate voted to recommend to the President of the College that William J. Bratton, a former Commissioner of the New York City Police Department, receive an honorary degree to be conferred May 31 at commencement. The candidate, who had been recommended by the Committee on Honorary Degrees, was approved by the Senate in a secret written ballot by the requisite 75% affirmative vote of those Senators present and voting.

6. Managing the classroom: disruptive student behavior, the instructor's role, and the administration's role: Invited Guest: Vice President for Student Development Roger Witherspoon

Vice President Roger Witherspoon was welcomed and thanked for accepting the Senate's invitation to speak with the Senate about student behavior and about the increasing frequency of complaints from the faculty. He said he welcomes the opportunity to speak with the Senate about this because the issue is of great concern to him but that before doing so he would like to report that the Student Council elections that have just taken place did not pit one ethnic group against another, such as the Dominicans and the Puerto Ricans against each other as in the recent past, but rather had a multicultural aspect, with slates that were integrated.

President Kaplowitz said today's invitation was extended to Vice President Witherspoon because the Senate is concerned about what seems to be a growing problem of disruptive student behavior in the classroom and an increasing problem of faculty not managing the classroom environment perhaps sufficiently effectively and not providing a classroom environment that is conducive to teaching and learning. She asked Vice President Witherspoon how pervasive a problem he thinks this is and what he thinks we can do as a College to bring both the discussion and solutions beyond today's meeting.

Vice President Witherspoon said it is difficult to gage the pervasiveness of the problem but that there is no doubt that with 10,200 students the problems are going to increase. He said, however, he does not know to what extent the cause is the high enrollment and the resulting overcrowded conditions. He said some of the students **who** come to his Office feel that there is a problem of disrespect, that a person -- whether a faculty member or an administrator -- has not respected the student. And then the students feel that their actions are, therefore, justified because of the disrespect they believe has been shown to them. He said this is a major, major problem.

Vice President Witherspoon said that if faculty bring him information about a student who is disrespectful in class or outside of class his Office will deal with it as swiftly as possible. He said there is no question that disruptive student behavior is a problem and suggested that if we had better Freshman Year services we could track the students who are problematic because students whose behavior is problematic during their first year will exhibit problematic behavior during the rest of the years at John Jay.

He noted that, for example, it is not a proper learning environment if a student is sitting in class with a headset on: that student should be elsewhere, not in college. President Kaplowitz asked what he sees as the faculty's role and whether the teacher who permits a student to wear a headset is abdicating his or her role in the classroom. Vice President Witherspoon noted that Professor James Malone does not allow students to wear a hat in class or dark glasses, unless for a medical reason, and that in doing so he runs a certain risk but he knows the risk and knows how to handle the situation. On the other hand, he said, **a** faculty member should never confront a student in the classroom: the faculty member who does so can never win because it is one against 30 or 40 students. He said regardless of what the other students think they will by and large take the side of the student. Therefore, he said, it is preferable to let the class session take place and to speak to the student after class privately.



Senate Malone said the faculty member is the steward of the classroom and has to act as such. He said he never confronts an individual student but rather he confronts the entire class and makes it an issue of the entire class. Senator Gibson said that her syllabus states that no headsets and no telephones are allowed and that she tells her students on the first day that if they do not agree with her rules they are free to leave the course.

Vice President Witherspoon reported he has asked Dean of Students Hector Ortiz and Security Director Brian Murphy to meet with the captain of the 20th Precinct so that there could be a greater police presence around the College. He said that with the warm weather coming he is concerned that there will be larger numbers of students outside the College buildings, more cars double parked, radios playing more loudly, and people drinking and, therefore, he wants a police presence to try to move students on and to measure the noise level and to give tickets if the permissible noise level is exceeded. He said the police have agreed but North Hall is in the 20th Precinct and T Building is in Manhattan North (59th Street is the dividing line) and neither precinct sends officers to its perimeter. So he has asked the 20th Precinct to ask Manhattan North for assistance for us. He said we have been extraordinarily lucky to not have had a major accident outside the College.

Senator Orrantia said that as a community we have to agree to react to student disruption in a unified way and that the members of the College need to have a sense of what the College policy is. He spoke of a student who was cheating during the final exam and who became very angry with him and accused him of disrespecting her when he stopped her from cheating by confronting her in class. And he said that one of her arguments was that he should not make an issue of her cheating because she is allowed to cheat in her other classes. He said that when he asked Dean Best what the College policy is, Dean Best told him that it is up to the individual instructor: that is the person who decides whether to pursue a discipline matter officially.

Vice President Witherspoon said it is difficult to talk about hypothetical or anecdotal situations, explaining that each case has to be dealt with based on the facts of the case and that none of us is without fault. He noted that our students have lots of pressures on them. But, he added, at the same time we have to come down hard on a student when he or she has done something wrong. But in doing so we have to understand the context and the circumstances of the particular incident and not make blanket rules. He cited one case where the student's unacceptable behavior followed three unsuccessful attempts to meet with or to talk on the telephone with his teacher because the teacher kept saying he did not have time for the student.

He said that the College will take harsh action when required and that, in fact, a student has just been expelled who will never be permitted to return to the College.

Senator Geiger said she has heard administrators many times say that disruptive student behavior in the classroom is mainly a problem in adjunct-taught classes, which she said is not necessarily true and that such statements are often inadvertent, but at the same time the message to adjuncts is that there is no back-up for them on the part of the administration if they do have a problem with a disruptive student. And she said with adjunct faculty teaching more than half the course sections, most of which are freshman courses with more than 40 students in each course, adjuncts should not hear such disparaging remarks made as if adjuncts alone have problems with

disruptive students. She said full-time and adjunct faculty have such experiences. Senator Geiger said that it is important that all faculty be given the message that the administration will support them in such situations. Vice President Witherspoon said he does not know who it is that Senator Geiger is alluding to when she speaks of administrators. He said that he alone among the administrators deals with student discipline and his Office alone is responsible for dealing with student discipline.

He said the only time this is not true is if the situation involves cheating and plagiarism. Vice President Witherspoon reported that CUNY's new academic guidelines mandate that cheating be dealt with through the Provost's Office because a student may not be penalized twice: a faculty member cannot give a student a grade of **'F'** for cheating and also bring disciplinary charges against the student. So faculty now have a choice of one action or the other but may no longer punish the student twice for the same offense.

Vice President Witherspoon said he thinks part of the problem is not whether the teacher is an adjunct or full-time member of the faculty but rather there is an inconsistency among the faculty: some faculty permit eating in class and sometimes they themselves eat in class and other faculty do not permit eating; some faculty require hands to be raised and other faculty permit students to speak without being first called upon; some faculty permit students to arrive any time they want and leave any time and others say students can't leave at all. He said he didn't say some adjunct faculty and some full-time faculty but rather some faculty. Some of the students are so in need of development that they aren't able to understand and adjust to the different dynamics and requirements confronting them at the same time. Vice President Witherspoon said that at his request, the President and the Provost have taken walking tours with him along the classroom corridors so they can see what is happening in the classrooms. And, he said, he wanted them to also see how many chairs are outside the classrooms because the classes are so overcrowded.

Senator McClure said some students may incorrectly perceive her as being disrespectful. She explained that she feels she is teaching in an atmosphere of grade inflation and that she finds a direct relationship between disruptive behavior and students who are extremely frustrated and hostile because early in the semester of her introduction to philosophy course or her critical reasoning course she does early testing and tells some of her students that they may not be prepared for the course or that they may not be able to pass the course. This then leads to disruptive behavior.

Senator Gitter and President Kaplowitz both responded that this might be a result of Philosophy courses not having any prerequisite such as English 101 or English 102 or at least a co-requisite of English 101. This means that even students who have failed all three placement tests and are in English 099, the most remedial level English course, may take these philosophy courses. A department can add a prerequisite by sending this proposed change to the College Curriculum Committee for approval and then the College Council votes on it. The Curriculum Committee and College Council are very supportive of such department proposals. This is a departmental issue. By the time a student is either in English 101 or in English 102, that student has reading and writing skills that makes academic success more possible and the level of frustration and anxiety very much reduced. But she added, some departments hesitate to add a prerequisite or even a co-requisite because this reduces the pool of students available to take that department's courses.

Professor Suggs asked Vice President Witherspoon whether he knows to what extent students' reports of being disrespected by faculty is a perception issue or an actual problem: do faculty actually act disrespectfully to students? Vice President Witherspoon said that in some cases faculty absolutely do act disrespectfully to students. He said that he just met with a student who is a 41 old woman who wept as she told him that her teacher had made her feel so terrible that she did not want to ever return to that class. Asked what the objectionable behavior was, Vice President Witherspoon said the student privately sought advice of the faculty member as to how to improve her grade and that the teacher told her that the problem is that the student is stupid but, he added, of course he has heard only the student's report.

Senator Amy Green said she does not have too many problems but that like Senator Gibson she puts her rules on her syllabus and the students say they agree with the rules and yet break them anyway. She said she thinks a lot of the problem has to do with academic standards and that many of her students are frustrated because she is holding them to college-level standards and they are not used to that. Many senators concurred. Vice President Witherspoon said that any teacher who accompanies a group of students to Buffalo, as has Professor Amy Green, has his highest esteem. And he said this is relevant to the subject: just as Professor Orrantia spoke about the importance of community, there has been a decline in the involvement of faculty with students outside the classroom. He said he goes to event after event and there are no faculty in attendance. He said more students need to experience what Professor Amy Green's students experienced. He said students need to experience faculty outside the classroom in an activity that does not involve an assignment, that does not involve a grade. He said we have lost 7 students this year by death: three were murdered, two committed suicide. How many colleges, he asked, have lost 7 of their students to death?

Senator Davidson Umeh said he would like to speak as an advocate for our students. He said as faculty we have to see ourselves as parents. He said our students are going through hell and we must recognize that we are teaching non-traditional students who do not understand what they are doing. He said he is not suggesting we give up our rules but that we understand our students' situation.

Vice President Witherspoon said today he came upon a student weeping in the men's room who explained his father had just died. Yesterday a student in distress said he had just learned he is HIV positive. And the day before a student said his father had died a week earlier and no one had told him for a week. And these students are trying to do their schoolwork in the face of these catastrophic events. He said at the same time is in no way a suggestion that anyone should accept or excuse misbehavior in the classroom. He said misbehavior in the classroom is simply unacceptable.

President Kaplowitz said that from her own experience, ever since Roger Witherspoon has been at John Jay, he has backed faculty every time there is student misbehavior in the classroom or outside the classroom. She said that if a faculty member calls him or his Office, and says that a student is disrupting the class, he will remove the student from the class. He will make an intervention. He will not permit anything to disrupt the classroom. She said she knows this from her own personal knowledge and from the reports of innumerable faculty who have called him or his office. She said it is important for us to know this and to communicate this to our colleagues. She said that many faculty remember when they did not have support and they may think that that is still the case and they

may be socializing new faculty in the wrong way. But, at the same time, she said, faculty have to be willing to make that call to report that there is a problem.

President Kaplowitz said that since Vice President Witherspoon has to leave (he is scheduled to accompany a group of students to an event in Queens), she would like to add that while she is pleased to hear that the level of radio noise in the streets will be monitored, she would like to plead that we do away with the noise in the cafeteria. [The Senate applauded in agreement.] She said the music is so loud that students talking in the cafeteria have to scream in order to be heard by friends inches away and the students then come into the classroom still screaming at that high pitch. And, she said, this is the only place at the College where students can read or study with food or beverage and the music is assaulting them. She said there should be no music and no arcade machines. And, she said, there should be no alcohol sold on campus: students come into class directly from drinking in the Rathskeller.

She noted that she recently asked Vice President Witherspoon if the discipline problems are more frequent in North Hall than in T Building and he said they are. She said that the overcrowded and unpleasant conditions in North Hall make people feel disrespected and justified in acting uncivilly. She said the lack of sufficient toilet facilities also creates a problem: students leave class because the lines were too long and then suddenly every one decides it is necessary to leave class. And **so** the problems in T Building classrooms are magnified in North Hall because of the physical plant.

Vice President Witherspoon agreed, adding that if he were in the English Department he would be protesting because to have faculty offices alongside "**club row**," the student club offices, is very difficult in terms of the noise. He said he is trying to resolve the issues but the real problem is that there is no student center. He said it is very difficult to have no area for students to socialize. He said he is open to all suggestions. He said he is considering removing the arcade games and closing the Rathskeller even though that will not solve the alcohol problem because the supermarket is just across the street. But he said the music in the cafeteria is something the students really want.

Senator Gavin Lewis said he had recently witnessed a potentially extremely explosive incident involving a student complaining about a faculty member and he saw Vice President Witherspoon put a lid on the situation extremely firmly and extremely swiftly. He said he, too, feels that Vice President Witherspoon does back the faculty.

Vice President Witherspoon asked how can we expect students to learn if they are in an environment where learning and teaching can't take place. He said he thinks it is vitally important that he help protect that environment and he said he will tell students that if they behave in this way they will not be permitted to remain at John Jay. He thanked the Senate for inviting him and for its support and for the support the Senate gives to Professor Kaplowitz. The Senate applauded Vice President Witherspoon.

#### 7. Proposal for a faculty-wide meetins in September

A proposal for a faculty-wide meeting in September for discussion of issues related to the classroom experience, such as disruptive student behavior, was proposed. President Kaplowitz

reported that last week a few people -- she, Senator James Malone, Professors Harold Sullivan, Ned Benton, Robert Crozier, Vice President Witherspoon, and Provost Wilson -- were talking informally about the increase in disruptive student behavior and what we could do about it. Everyone agreed that this -- and related issues -- requires a faculty wide meeting at which all the faculty and only faculty (and relevant administrators) would attend. The idea was developed that if every department scheduled its September department meeting on the same Friday morning then the faculty would be at the College on the same day and that immediately following those department meetings the faculty would attend a faculty-wide meeting to discuss issues of pedagogy and classroom management. President Kaplowitz said that three days ago the Council of Chairs agreed to all hold their department meeting on the same morning if the Faculty Senate endorsed the plan. Senator Geiger said she would like to amend the proposal to include the statement that adjunct faculty be explicitly invited to the meeting. She said this is especially important because not all departments welcome adjunct faculty at their department meetings.

Senator Gitter moved adoption of the proposal, with the proviso that the meeting be structured in such a way that there be a clear agenda so constructive proposals and recommendations can be developed and that the meeting not be a mere gripe session. The motion was adopted unanimously. President Kaplowitz said that a letter about the day's events would be sent to all faculty, full-time and adjunct.

8. Proposed resolution that adjunct faculty receive compensation for mandatory office hours: Senator Geiger [Attachment A]

Senator Geiger explained that adjunct faculty teach more than half of the course sections at John Jay and are currently paid on an hourly basis but are not paid to provide any out of classroom activities, that is, any consultation with students, any office hours. She said that most adjuncts nonetheless do hold office hours and that most do so extensively, as much as full-time faculty, even without compensation. She said she has yet to speak to a single adjunct who does not hold office hours.

She said the result is that adjuncts are in the position of being expected by their students, and understandably so, to provide office hours because no one tells them that adjunct faculty are not obliged to be available to them outside of class. In addition, she said, Provost Wilson annually sends all faculty a formal "faculty responsibilities" statement which is explicitly addressed to both adjunct and full-time faculty which includes the following statement: "Office Hours: Faculty members must schedule and announce and maintain regular office hours throughout the semester." She said that as professionals, adjunct faculty have no objection to this expectation. But, she said, adjuncts have a real objection to the fact that they are hourly employees who are not paid for office hours which they feel they are reasonably expected to hold.

Therefore, she is asking that the Senate endorse a resolution [Attachment A] that office hours should be offered to students as an integral part of every course that is taught, including those **taught** by adjunct faculty members, and that adjuncts be paid for those office hours. She said it is, in fact, illegal to require people to do work without paying them for that work. That is, she explained, by fulfilling their professional responsibilities, adjunct faculty are working in violation of the PSC contract.

President Kaplowitz pointed out that a violation of the contract occurs only if adjunct faculty are required to hold office hours: there is no violation if adjuncts volunteer to hold them. Senator Geiger said that the letter from Provost Wilson about faculty responsibilities is an official document of the College.

Senator Jane Davenport asked if the PSC contract clearly states that adjuncts receive no compensation for office hours. Professor Michael Seitz said the contract makes it clear that compensation is for contact hours only and contact hours are specified as course preparation, time spent grading exams and papers, and teaching, but not office hours.

Senator Gitter said she does not understand why Senator Geiger is bringing this to the Senate rather than to the Professional Staff Congress in that this not within the Senate's purview.

Senator Geiger said it has been brought to the union and that the adjuncts are fighting to have compensation for office hours put into the new contract. She said it is also being brought to the Senate because it is an educational issue. She said that legally adjuncts cannot be required to provide office hours without compensation and that means that the students in half of all the course sections taught at John Jay must be told that they can not expect their teachers to hold office hours.

Senator Gitter said that the last paragraph of the proposed Resolution states that office hours should not be included in the nine hour of contact hours now permitted. Senator Geiger said that the Resolution calls for permission for adjuncts to teach nine contact hours (usually three courses) and also receive compensation for up to three non contact hours a week (one office hour a week for each three-hour course) paid at 60% of the hourly rate. Senator Geiger asked for an endorsement of the Resolution whereby the Senate would be saying that it is educationally unsound not to have all faculty hold office hours. President Kaplowitz said that certainly our adjunct colleagues are crucial to the teaching of our students and are not sufficiently compensated. But, she said, if she is reading the resolution correctly, an endorsement would call for every adjunct to hold mandatory office hours which they would have to announce, post and adhere to and that they should be compensated for those mandatory office hours. Senator Geiger said that is correct.

Senator Gitter said many professionals could not teach if they had to provide office hours: they either rush to work right after their early morning course or they rush here late at night from their job. Senator Tom Litwack agreed, saying that many adjuncts who teach in his department, Psychology, would not teach here if they were required to hold office hours. Senator McCrie said it would be variable: some adjuncts would be able to hold hours but others would not be able to. He said, however, the Resolution speaks to a very important issue. Adjuncts are treasured members of the faculty and deserve to be compensated. He said adjuncts have been overlooked since the history of this College and in other colleges as well and deserve to be compensated for the time that they make themselves available if they are willing to do so. He suggested compensation for those willing to hold office hours because there will be some who will be unable to hold hours. Many senators said that approach would not be enforceable: either all adjuncts have to be required to hold office hours or the current arrangement should continue.

Senator Guinta said that adjuncts are being taken advantage of

and should be compensated but said he agrees with Senator Gitter that this is a contractual issue. He added that adjuncts are compensated much more fairly at CUNY than at any other university or college.

Senator Pinello asked how much money, in a lump sum figure, would be required by the Resolution for John Jay to pay out of its budget? Senator Geiger said it had not been possible to compute with the available data. She offered to supply the answer at a future meeting. She said it would add up to 9 additional hours paid at the full rate. President Kaplowitz said that her quick calculation is that this would cost **\$800,000** a year. Vice President Blitz said he cannot imagine faculty not agreeing in principle but this is a contractual issue: the union should make this a major issue. Senator Geiger said that because adjuncts are dealing with the union about this they are looking for moral support. Professor Michael Seitz said that our union doesn't care about this issue and that the College should be required to announce publicly that adjuncts are not required to offer office hours.

President Kaplowitz noted that John Jay's preliminary retrenchment plan calls for the retrenchment of 10 full-time staff. She suggested it would be very insensitive for the Senate to adopt this resolution in this environment. This resolution would implicitly be calling for the retrenchment of even more people.

Senator Litwack said he is totally against the Resolution: as long as John Jay is the most underfunded college in CUNY, we can't be paying adjuncts to hold office hours. Yet, at the same time, adjuncts are grossly underpaid. He offered to write a personal letter to PSC president Irwin Polishook to say that in his opinion increases in adjunct pay should be a higher priority than increases in the pay of full-time faculty and staff and that as part of a pay raise, adjuncts should have an expectation of being reasonably available for consultation outside the classroom. He added that this would be a personal letter from him and that anyone else who wanted to send a similar letter should do so. The Senate supported Senator Litwack's plan. Senator Geiger said that would be very helpful.

Senator **P.J.** Gibson said student evaluations of the faculty **forms** should be redesigned according to the different responsibilities required of adjunct and full-time faculty. President Kaplowitz suggested that the Senate convey to the Provost a request that he amend his letter about faculty responsibilities to distinguish between the duties of adjunct and full-time faculty and that the evaluation forms be similarly revised.

9. Proposed creation of a Faculty Senate Educational Technology and Computing Committee; Professor Katherine Killoran

Professor Katherine Killoran (Library) proposed the creation of a Senate committee on educational technology and computing. The College is at a critical point regarding decisions concerning computer technology. Professor Killoran said there are four things to consider: long-range planning; increasing computer literacy on campus; use of technology in the classroom; and computing needs for faculty research.

The proposal was approved by unanimous vote and Professor Killoran was thanked for bringing this recommendation to the Senate.

10. Proposal recommending that the Provost appoint to the College Computing Policy Committee two faculty selected by the Faculty Senate

The College's Computing Policy Committee has no faculty members. A motion was made and seconded that the Senate recommend to the Provost that two faculty members selected by the Senate should be on this committee. Senator Guinta said that a computer policy committee comprised entirely of administrators is ill-advised. The Senate suggested that two faculty selected by the Curriculum Committee should also be on the Committee and that such a suggestion should be also forwarded to the Provost and to the Curriculum Committee. The motion carried by unanimous vote.

11. Proposal that the Senate create an email distribution list

A proposal that the Faculty Senate create an email distribution list for posting information of general interest to the faculty was approved.

12. Proposed resolution on the allocation of overhead monies from faculty grants

The previous provost and the Budget Planning Committee developed an agreement that overhead money from grants be divided in the following way: one-third to the President, one-third to the Provost, and one-third to the department of the faculty member who receives the grant.

The proposal is to reaffirm this arrangement and to oppose any unilateral change by the administration about the division of grant overhead monies. Professor Dorothy Bracey (Anthropology) has alerted both the Senate and the Chairs that the administration is considering a reduction of the one-third share of the overhead to the faculty member's department following the recent awarding to Professor Ansley Hamid (Anthropology) of a \$3.2 million grant and the expectation that another multi-million dollar grant may be awarded to him.

Professor Dorothy Bracey has asked us to reaffirm the current arrangement which was developed with the faculty budget committee. Her point is that we need to play by the rules and that the arrangement was designed both to encourage faculty to apply for grants and to keep faculty and their grants at John Jay.

In response to a question about what overhead costs are, Senator Litwack explained they are direct and indirect costs to the college associated with conducting the work to be done under the grant. Senator Dunham said that grant-related library expenses are never included and should be. Senator Litwack agreed that the administration should provide the monies needed for grant-related library expenses.

Senator Litwack moved that the Senate reaffirm the current arrangement and that, further, any proposed change in the arrangement be done in consultation with the Faculty Senate. The motion carried by unanimous vote.



13. Proposed resolution reaffirming the procedure developed by the Faculty Senate and approved by the College Council for compensating faculty for Independent Study courses [Attachment B]

Prior to 1990, John Jay faculty received no compensation for teaching independent studies courses. The Faculty Senate developed a proposal in consultation with the previous provost, by which a faculty member would receive 3 hours of released time for every ten independent study courses (students). The proposal was approved by the PSC and then by the College Council. The document approved by the College Council states in provision #10 that "If at some time in the future the College determines that there is a need to review this Independent Study course policy, the Faculty Senate shall be so informed, and changes shall take place only after negotiation with the Professional Staff Congress/CUNY. Under no circumstances shall faculty members lose accumulated Independent Study credits toward compensation." The document approved by the College Council is reprinted in the John Jay Faculty Handbook [Attachment B].

In light of the administration's preliminary proposal to increase from 10 to 30 the number of independent study courses (students) that yield 3 credits of released time, a motion was made that the current number of 10 courses be the absolute maximum and that changes in compensation for teaching independent study courses not be made without consultation with the teaching faculty. The motion passed by unanimous vote.

14. Update on Judae Schlesinger's ruling in the Article 78 Lawsuit

President Kaplowitz reported that Vice Chancellor for Legal Affairs Robert Diaz has reported that 80th Street filed a notice of appeal on May 3 and that since CUNY is a state agency, and must be able to function, the filing of a notice of appeal renders Judge Schlesinger's ruling moot until the Court rules on the appeal. Thus the lawyers for the faculty must now appeal the stay of the Judge's decision vacating the Board's June 1995 decisions. [Copies of the ruling are available from the Senate office.]

15. Discussion of the Preliminary Retrenchment Plan

A Town Meeting on the Preliminary Retrenchment Plan will be held on May 13. The full Retrenchment Committee will meet again on May 15 to consider written and oral comments about the preliminary plan from individuals and groups at the College in developing the final Retrenchment Plan.

Senator McCrie spoke in opposition to the proposed merger of several majors. A discussion about other aspects of the preliminary plan included issues related to visiting professors and substitute professors.

The Senate praised the fact that no "retrenchment units" were specified in the Preliminary Plan and, thus, if budget restorations make retrenchments unnecessary no one will have to know that he or she had been scheduled to be retrenched. The Senate also recommended that if the Legislature makes budget restorations, the restorations be used so that no retrenchments need take place and that this be the top priority. The Senate also voted to recommend that if the two departments are merged, the number of at-large P&B seats be increased

from three to four so that the ratio of faculty members to non-faculty on the P&B remain the same as it now is.

16. New business

Professor Chris Suggs said that although he is no longer a member of the Senate, in the past two weeks he has been to two Senate meetings and that he is incredibly impressed by what a wonderful deliberative body it is. He said the Senate is an amazing group and that every time he comes to Senate meetings he finds them fascinating.

President Kaplowitz said that Professor Suggs' praise is especially meaningful because he speaks from the perspective of having been one of the founding members of the Senate and the acting Chair while the Senate was being formalized.

Professor Suggs said he would like to report that earlier in the day, the Curriculum Committee approved a letter of intent for a major in Humanities and Justice, which will now go to the College Council, next week. If the College Council votes its approval, the proposal is transmitted by the College to 80th Street. He said he wants to bring this information to the Senate's attention. He said that if Senators who are Council members wish information in addition to that which their departmental representative to the Curriculum Committee is able to provide, they should get in touch with him. He said he and a special faculty Taskforce have been working on the development of the major for four years.

President Kaplowitz said that Professor Suggs is the head of the Taskforce which has developed an excellent major and that two years ago when Professor Suggs, Professor Adina Schwartz, and Provost Wilson met with Vice Chancellor Freeland about the proposal the vice chancellor was very supportive. She spoke about the national law and society and law and literature movements and said that this major would add a specific humanities component to the study of criminal and social justice. She added that the development of this major in Humanities and Justice has been part of the College's Academic Program Planning plans and proposals. The Taskforce members include Professors Serena Nanda (Anthropology); Jill Norgren (Government); Adina Schwartz and Daniel Vona (Law & Police Science); Karen Kaplowitz, Charles Piltch, Chris Suggs, and Marnie Tabb (English); John Pittman (Philosophy); Martin Wallenstein (Speech & Theater); Mary Gibson, Joe O'Brien, and Carol Groneman (History).

By a motion duly made and seconded, the meeting was adjourned at 4:00 PM.

Respectfully submitted,

Edward Davenport  
Daniel Pinello

Recording Secretaries

## ATTACHMENT A

### PETITION SUBMITTED BY THE ADJUNCT FACULTY ASSOCIATION AT JOHN JAY COLLEGE TO THE JOHN JAY FACULTY SENATE FOR ENDORSEMENT.

It is the expectation of the City University of New York, the Professional Staff Congress, and the students, that classroom faculty make themselves available to students by maintaining regular office hours.

Art. 15[b] of the PSC/CUNY agreement states that it is the "...recognized by the parties that the teaching staff has the obligation.... to be available to students."

A memorandum on faculty responsibilities is periodically issued by Provost Basil Wilson, "Faculty members must schedule, announce and maintain regular office hours throughout the semester."

It is our collective experience that students expect to be able to consult with faculty outside of classroom hours, and that they regard this practice as a right.

The maintenance of regular office hours, furthermore, is common professional practice in American colleges, and an essential element in strategies for maximizing student retention.

We believe that it is indeed both reasonable and necessary that teaching faculty schedule, announce, and maintain office hours. But, it is not reasonable to expect Adjunct Faculty to do so without just compensation for their time. It is the judgement of the PSC, moreover, that such practice is in violation of the PSC/CUNY contract agreement.

The yearly salary received by full-time faculty includes remuneration for the time given to office hours and other non-classroom obligations. Such is NOT, however, the case for Adjunct Faculty, who are paid at an hourly rate, and are remunerated only for the hours devoted to classroom teaching.

As adjunct faculty do not earn a living wage from their teaching, and as they are already inequitably compensated for the teaching which they do [i.e. in comparison to Lecturers], to burden them with additional hours of work, without compensation, would be cruelly exploitative.

We therefore propose: THAT ADJUNCT FACULTY WITH TEACHING ASSIGNMENTS SCHEDULE, ANNOUNCE AND MAINTAIN ONE OFFICE HOUR PER WEEK, IN A FASHION IDENTICAL TO THAT OF FULL-TIME FACULTY FOR EACH THREE HOURS OF WEEKLY CLASSROOM TEACHING, AND THAT THEY BE REMUNERATED FOR THE ADDITIONAL NON-CLASSROOM HOURS. [The additional requirement and the additional compensation being inseparable.]

THESE ADDITIONAL NON-CLASSROOM HOURS SHOULD NOT BE APPLIED TO THE TOTAL NUMBER OF CLASSROOM CONTACT HOURS, SO THAT THE NET EFFECT WOULD NOT ALTER THE NUMBER OF COURSES ANY ADJUNCT WAS PERMITTED TO TEACH.

ATTACHMENT B

Resolution REAFFIRMING Compensation for Independent Study Courses as Developed by the Faculty Senate, the Provost, the PSC, and Approved by the College Council in 1990

Reaffirmed by Unanimous Vote of the Faculty Senate

May 10, 1996

1. For every ten Independent Study courses that a faculty member teaches, three credits of released time will be granted. An Independent Study course is hereby defined as a single student enrolled in an "Honors Reading" course, a "By Arrangement" course, a "Special Topics" course, an "Individual Reading" course, an "Honors Tutorial" course, a "Selected Topics" course, or an "Independent Study" course, or any other such course which involves a special arrangement between the instructor, a student, the department chairperson, and the Dean for Admissions and Registration.

2. A faculty member may teach a maximum of two Independent Study courses each fall and spring semester. A faculty member may teach a maximum of one Independent Study course (i.e. one student) each summer semester.

3. Those faculty who teach in the doctoral program may not exceed a total of ten (undergraduate and graduate) independent study courses/mentoring projects during each academic year.

4. The ten Independent Study courses can be accumulated over as long a period of time as the faculty member chooses (four semesters, twelve semesters, twenty semesters, etc.).

5. Only full-time members of the faculty can be compensated for teaching Independent Study courses.

6. The student must complete a research paper, or the equivalent, which shall be kept on file in the Office of the Dean of Undergraduate Studies until such time as the faculty member has accumulated the requisite ten Independent Study courses that merit three credits of released time as compensation.

7. If the course is given during the fall or spring semester the faculty member must meet with the Independent Study student at least one hour each week (or two hours every two weeks). If the course is given during the summer semester, the faculty member must meet with the Independent Study student at least two hours each week, or the equivalent so that the total number of meetings is fourteen hours. The faculty member must document, at the end of the semester, the number of meeting hours that took place during the semester on a form developed by the Faculty Senate in cooperation with the Dean for Admissions and Registration, and approved by the Professional Staff Congress/CUNY.

If two students are enrolled for Independent Study courses with an instructor, the instructor has the option to either meet with each student separately for an hour each week (or the equivalent) or to meet with the two students together for a period of two hours each week (or four hours every two weeks).

8. The current procedure by which a student enrolls in an Independent Study course would remain.

9. No course that is scheduled to be offered by an academic department may be offered as an Independent Study course during that same semester, unless the course is required for the student to graduate and unless the regularly scheduled course is offered on such days or at such times that the student can under no circumstances attend. The Department Chairperson and either the Dean of Undergraduate Studies or the Dean for Admissions and Registration shall determine if such conditions exist and shall determine whether the Independent Study course may be given.

10. If at some time in the future the College determines that there is a need to review this Independent Study course policy, the Faculty Senate shall be so informed, and changes shall take place only after negotiation with the Professional Staff Congress/CUNY. Under no circumstances shall faculty members lose accumulated Independent Study credits toward compensation.