

Faculty Senate Minutes #196

John Jay College of Criminal Justice

Thursday, March 9, 2000

3:20 PM

Room 630 T

Present (27): Shevaletta Alford, Luis Barrios, James Cauthen, Marsha Clowers, Edward Davenport, Kirk Dombrowski, Janice Dunham, P. J. Gibson, Amy Green, Edward Green, Karen Kaplowitz, Kwando Kinshasa, Maria Kiriakova, ~~Stuart~~ Kirschner, Sandra Lanzone, Gavin Lewis, Tom Litwack, James Malone, Emerson Miller, Patrick O'Hara, Jacqueline Polanco, Rick Richardson, Lydia Segal, Carmen Solis, Katherine Stavrianopoulos, Marny Tabb, Agnes Wieschenberg

Absent (8): Erica Abeel, C. Jama Adams, Anthony Carpi, Lou Guinta, Andrew Karmen, Susan Larkin, Amie Macdonald, Lydia Rosner

Guest: Professor Joan Hoffman

AGENDA

1. Announcements from the chair
2. Adoption of Minutes #195 of the February 24, 2000, meeting
3. Second reading and vote to amend the Faculty Senate Constitution
4. Nomination and election of an Alternate Delegate to the University Faculty Senate for 3 months
5. Report from the Faculty Senate representatives to the Comprehensive Planning Committee about the planning of Phase II & Report from Professor Joan Hoffman
6. Discussion of the agenda of the March 14 College Council meeting
7. Approval of the text of the Faculty Senate recommended policy regarding the awarding of associate degrees to students who meet the degree requirements on route to a baccalaureate degree

1. Announcements from the chair [Attachment A]

The Board of Trustees has just created an ad hoc Board committee on the associate degree programs. The members are Trustees Nilda Soto Ruiz (chair), Mizenoor Biswas, Kenneth Cook, John Morning, Kay Pesile, Bernard Sohmer, and BMCC President Perez. Agenda item #7 (see p. 6) is timely in light of this new committee which is looking at associate degree graduation and retention rates as well as the mission of each associate degree program.

At the last University Faculty Senate meeting on February 29, President Kaplowitz asked Chancellor Goldstein whether he will continue the University's praiseworthy Faculty Maintenance of Effort policy, whereby the number of faculty a college has must be maintained each year and must be

increased by at least the number of additional faculty lines it is allocated: this prevents the diversion of faculty lines to non-faculty lines. She also asked the Chancellor about the allocation of new faculty lines. She has been told that a formal response is being provided in writing [see Attachment A-1 and A-2 for documents which were provided immediately following today's Senate meeting].

Our Faculty Senate election forum guidelines, which our Faculty Senate adopted three years ago for the PSC election debate at John Jay, have been adopted by both the New Caucus and the Unity Caucus for use at all the debates: such forums are scheduled to take place at 10 of the campuses. The John Jay forum on March 13 is the first campus debate. It will be in Room 203 T and will be moderated by the President of the Senate.

Chancellor Matthew Goldstein is coming to the Faculty Senate as our invited guest on Friday, May 5, at 12:30 PM. Senators were encouraged to inform their colleagues so they can plan to attend.

Provost Basil Wilson has commended the Faculty Senate for its extended and important discussions about academic freedom as well as for its discussions about common course texts and common final exams [Faculty Senate Minutes #190 and #191]. However, Provost Wilson has rightly asked that one point that was omitted from the Senate's discussion be brought to the faculty's attention and that is the fact that tenured faculty are not immune from disciplinary action: a faculty member can be stripped of his or her tenure according to procedures imbedded in the CUNY Bylaws and the PSC Contract. Tenure means not lifelong job protection. It means, rather, that due process must be followed. A person without tenure does not merit due process but can simply be non-reappointed. The grounds for removing a tenured member of the faculty are provided in Article 7 of the CUNY Bylaws – "Academic Due Process" – and the grounds for removal are provided in

Article 7.1 – Grounds for Removal or Suspension: Members of the instructional staff may be suspended or removed for one or more of the following reasons:

- a. Incompetent or inefficient service.
- b. Neglect of duty.
- c. Physical or mental incapacity.
- d. Conduct unbecoming a member of the staff. This provision shall not be so interpreted as to constitute interference with academic freedom.

-- Bylaws of the CUNY Board of Trustees

The process of removal or suspension is then described in Article 7.2 through 7.9 of the CUNY Bylaws. President Kaplowitz said that two tenured members of our faculty are facing possible removal.

The UJA Breakfast on May 12 will honor Graduate School President Frances Degen Horowitz and John Jay's Graduate Dean James Levine. Professor Shmuel Lock (Law, Police Science & CJ Adm) is the chair of the UJA Breakfast Committee and will be presiding over the event.

The Senate's referral of the College Bulletin language about plagiarism and cheating to the Standards Committee has resulted in a review of the Bulletin text by our Vice President for Legal and Fiscal Affairs Robert Diaz, who met with the Standards Committee the previous day. He agrees with the essential points the Senate raised about problems with the Bulletin statement in that he agreed that faculty do have the authority to handle plagiarism through the grading process and faculty can additionally file disciplinary complaints and, so, the College Bulletin statement about plagiarism, which says that faculty must consult the vice president for students before giving a failing or lowered grade for plagiarism is incorrect. He reviewed at great length and with great sensitivity the legal, ethical, and practical issues. He has offered to draft a revised Bulletin text for consideration by the Standards Committee. The Standards Committee, after an hour and a half discussion with VP Diaz, now

understands the issues but the Standards Committee minutes are neither verbatim nor are they distributed to all faculty. Therefore, the Senate's Executive Committee is inviting VP Diaz to the Senate to discuss these issues, both so that Senators can understand the issues in preparation for their vote on a new policy statement at the College Council later this semester, but also so that our discussion with VP Diaz will be reported and disseminated in our Senate minutes.

Another issue that this matter raises is the process by which policies are made and are altered: the current Bulletin statements did not go through any College committee nor did it go to the College Council: it simply one day appeared in the Bulletin and also in the student handbook and in the faculty handbook. Another issue is the way new and altered policies are made known to faculty. There has to be a method of systematic promulgation of information so that faculty and students are informed. It was only by chance that the change in the Bulletin was brought to the faculty's attention, especially since the need for change had never been suggested or mentioned.

2. Adoption of Minutes #195 of th Feb 24,2000, meeting

By a motion made and carried, Minutes #195 of the February 24,2000, meeting were approved.

3. Second reading and vote to amend the Faculty Senate Constitution: Senator Rick Richardson

Senator Rick Richardson moved to amend the Senate Constitution to change the number of adjunct at-large representatives from two to four. Senator Edward Green seconded the motion. This is a second reading and a second vote, as required by the Senate Constitution. Senator Edward Davenport called for a secret ballot. The secret ballot vote was 16 yes, 4 no, and 1 abstention and, thus, the amendment passed by the requisite two-thirds vote of those Senators present and voting.

President Kaplowitz conveyed the recommendation of the Senate's Executive Committee, that the deadline for nomination and self-nomination for the 13 full-time and, now, four adjunct representatives be extended by one week, from March 9 to March 16, so that the change in adjunct representation can be implemented for the 2000-2001 Senate. She explained that the deadline can not be extended beyond March 16 because of the election deadlines necessitated by both the Senate Constitution and the College's Charter of Governance. The alternative is implementing the change the following year. Senators Richardson and Edward Green said that this is a very fair and, indeed, generous solution, especially since it requires more work for the executive committee which is now required to send out new nomination call letters and they expressed their appreciation. The Faculty Senate agreed, upon the recommendation of the Executive Committee, to extend by one week, to March 16, the deadline for nominations and self-nominations in light of the Constitution amendment.

Senator James Malone said he believes the Senate's Constitution should be further amended to change the method by which Constitutional amendments are made. He said that the Senate should not be the final body to determine amendments to its own Constitution. He said he will be bringing an agenda item for the Senate's consideration whereby after the Senate approves a proposed amendment to its Constitution, the amendment would then have to be approved by the entire faculty.

Senator Pat O'Hara agreed that the current amendment procedure is flawed. He said that the Constitution's provision that amendments require a two-thirds affirmative vote of those Senators present and voting means that an amendment can be passed with fewer than half the Senate members voting in favor of it. He said another way to improve the process is to amend the Constitution to require that an

amendment be by affirmative vote of two-thirds of the Senate membership, rather than by two-thirds of those Senators who are present and voting. Since the Senate currently has 35 members, 24 Senators would have had to vote affirmatively. But the current method permits an affirmative vote of 16 at today's meeting and 18 at the last meeting. He noted that the number of people who voted for the amendment today is actually fewer than half the 35 Senate members .

Asked how frequently the Senate Constitution has been amended, President Kaplowitz said that it has only been amended three prior times: once to increase the executive committee membership from four to six; once to incorporate the change to the College Charter of Governance whereby the Senate may elect up to eight of its at-large representatives to the College Council; and once to permit Senate committees to include faculty who are not currently members of the Senate. She said that should Senator Malone or any other Senator submit a proposed amendment to the Constitution to address the issue of Constitutional amendments, the item will be placed on the agenda.

4. Nomination and election of an Alternate Delegate to the University Faculty Senate

Senator Sandra Lanzone was nominated and elected by unanimous vote to fill the vacant seat of alternate delegate to the University Faculty Senate for the Spring 2000 semester. Senator Lanzone was thanked for her willingness to fill this important position on the UFS.

5. Report from the Faculty Senate representatives to the Comprehensive Planning Committee about the planning of Phase II & Report from Professor Joan Hoffman and discussion about environmental issues at John Jay's North Hall, T Bldg, and Phase II

Professor Joan Hoffman (Department of Public Management), who is the Chair of the College's Environmental Practices Committee, was welcomed. She explained that her committee is working to improve the safety, health, and environmental practices at the College and would welcome the Senate's support. Professor Hoffman spoke about the work of the Environmental Issues Committee at John Jay to deal with such issues as currently exist in North Hall and T building, and whatever environmental issues may be connected to Phase II. She reported on the existence of environmental laws which the College needs to abide by.

President Kaplowitz reported that the Comprehensive Planning Committee conducted a survey which resulted in the same findings as a survey conducted by the Faculty Senate about Phase II: the primary concern of those responding to the survey instruments is air quality. In December, the Comprehensive Planning Committee invited faculty and administrators from CUNY colleges with new buildings to meet with us here at the College on two consecutive days: at those meetings we discovered that poor air quality in these new buildings is a serious and ongoing problem. Some faculty and staff had to take medical retirements because of the sick building syndrome that plagued their health.

The following resolution was adopted by unanimous vote:

Resolved, That the Faculty Senate endorses the following statement proposed by the Environmental Practices Committee of John Jay: "John Jay College of Criminal Justice shall make a formal commitment to improving environmental practices at the College and becoming a model for CUNY."

Professor Hoffman explained that President Lynch has agreed to hire an environmental consultant to help us with the planning of Phase II. She distributed copies of a letter from Vice President Mary DePiano Rothlein, dated June 18, 1998, to Professor Hoffman and the Members of the Ad Hoc Committee on Environmental Practices stating that “President Lynch has received your report and has asked me to convey his thanks. He is pleased to learn that the College has already taken steps to creating a healthy environment at the College; and he is equally pleased that progress will continue. Regarding the Phase II project the President accepts the Committee’s recommendation that environmental experts be brought in to the planning and execution of the project.” The letter, which is copied to President Lynch, was also sent to Professors Anthony Carpi, Holly Clarke, Karen Kaplowitz, and to the then VP for Administration John Smith, to Dean Hank Smit, and to B&G director Phil Bock.

Professor Hoffman suggested that in the interim we can avail ourselves of the pro bono services of an environmental consultant: New York City’s Department of Design and Construction has a three-person division devoted to promoting environmentally healthy construction, including environmentally healthy air quality in City buildings. Mr. John Kriebel of that Division has told her that they would be willing to come speak to us pro bono to tell us how to approach the creation of an environmentally safe and healthy building. Their advice includes respect for cost construction. Professor Hoffman said that they are interested in helping us as part of their general mission and also because they want to promote this approach to all building at CUNY. The phone number is 718: 391-1223 and the email address is kriebel@ddclan.cn.ci.nyc.ny.us. Upon the recommendation of Professor Hoffman, the Senate voted to invite an environmental building expert to address the Faculty Senate or to recommend that such an expert be invited to address the Comprehensive Planning Committee (and any other appropriate John Jay bodies) and, if possible, to do both in planning and designing Phase II.

6. Discussion of the agenda of the March 14 College Council t

The lack of a quorum at virtually every College Council meeting was discussed. The faculty have 28 of the 56 seats on the College Council. A large showing of faculty could ensure a quorum since the administrators attend and usually the five HEO [Higher Education Officers] do. But the 15 students rarely attend and many faculty do not as well. President Kaplowitz asked whether the faculty want her to call for a quorum count when there is no quorum. She said she has not done so to date because she wishes to know whether the faculty on the College Council want her to do so. The result of such a request is that once a count is made and if a quorum is not present, the meeting must be adjourned; but without such a request for a quorum count, the meeting can continue and action items can be voted on even though a quorum is not present. She noted that the College’s Charter of Governance was amended almost ten years ago to state that the College Council may not meet unless a quorum is present but that Charter provision has come to be interpreted by the chair of the College Council, President Lynch, to mean that a request for a quorum count is required and then if there is no quorum the meeting shall not take place or shall not continue.

President Kaplowitz said that on the one hand, a call for a quorum count would mean that items are not voted on without a full complement of faculty but on the other hand that would mean that faculty will have to attend College Council meetings, which many do not wish to do because they find the meetings to be unrewarding and unpleasant, as they have explained to her. Many senators agreed with her characterization of faculty feelings about College Council meetings: they said the College Council meetings are unpleasant because faculty are not treated with sufficient respect, because faculty who disagree with or who question positions taken or held by administrators are often treated especially abrasively or in a dismissive manner, and because there is an atmosphere of intimidation of faculty by administrators. All this, they said, results not only in a reluctance to speak but to even attend because by not feeling free to speak they, therefore, feel they are wasting their time by attending those meetings.

Another reason faculty do not always attend is that there is often very little, if anything, on the College Council agenda. A case in point is the upcoming College Council meeting, on March 14: the only agenda item is nominations for membership on College Council committees.

Senator Malone said it is important that faculty attend the College Council meetings. Senator Litwack said that as someone who has not served on the Council in several years, he is surprised and dismayed by what he has just heard so many of his colleagues report about College Council meetings.

The Senate agreed that President Kaplowitz (or any faculty member of the College Council) should call for a quorum count only when there are issues that are to be voted on that require true faculty voice and vote but that she should not do so as a matter of course because that would create a situation where faculty would have to regularly attend College Council meetings to ensure a quorum. They expressed their appreciation of her sensitivity to their situation by raising the issue at today's meeting and expressed their appreciation of her unfailing willingness to speak at College Council meetings, despite the circumstances.

7. Approval of the text of the Faculty Senate recommended policy regarding the awarding of associate degrees to students who meet the degree requirements on route to a baccalaureate degree [Attachment B]

In the fall, the Senate sent the Curriculum Committee a request that it consider developing a policy whereby students would automatically receive an associate degree when they meet the requirements for the degree, even if they do not apply for such a degree, once they have met all the degree requirements. The proposal called for a letter to be sent to such students informing them that unless they inform the College in writing that they do not want the associate degree, the degree will be conferred. The Curriculum Committee enthusiastically supported the proposal and President Kaplowitz and Dean Richard Saulnier agreed to write the language of the policy which would then be voted on by the Curriculum Committee and then by the College Council. Because the Curriculum Committee's subsequent meeting was cancelled, the Curriculum Committee has not yet voted on the language. The Senate's Executive Committee, in light of this fact, is proposing that the text of the policy be considered and voted on by the Faculty Senate prior to the Curriculum Committee's or the College Council's consideration of it. The importance of this policy is to increase the number of associate degrees granted: we currently confer only approximately 40 such degrees each year even though thousands of our students are associate degree students, although they are often unaware of the fact. The number of degrees awarded by a college is part of the way its performance is measured and budget allocations, including faculty lines, are or may well be allocated, at least in part, based on this measure.

Several amendments to the text were approved, and the policy was then approved by unanimous vote [Attachment B].

By a motion duly made and carried, the meeting was adjourned at 4:50 PM.

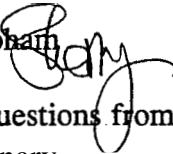
Respectfully submitted,

Edward Davenport
Recording Secretary
&
Amy Green
Vice President



Vice Chancellor for Budget, Finance, and Information Services
535 East 80th Street, New York, N.Y. 10021
Voice: (212)794-5403 Fax (212)794-5515
e-mail: SBrabham@fiorello.curty.edu

March 10, 2000

TO: Cynthia Pulliam
FROM: Sherry F. Brabham 
SUBJECT: Response to Questions from Professor Kaplowitz
at the UFS Plenary

2000 MAR 11 P 5:07
THE CITY UNIVERSITY
OF NEW YORK
OFFICE OF THE
VICE CHANCELLOR

Professor Kaplowitz asks if the Chancellor will continue the University's "maintenance of effort (MOE)" policy related to the hiring of full-time faculty. Both Vice Chancellor Mirrer and I support the continuation of this policy by the University.

The maintenance of effort requirement was adopted by the University in 1997 to ensure that new funds provided for full-time faculty had the intended result of increasing the numbers of full-time faculty at the campuses. There was a concern that some colleges might use funding allocated for new faculty positions to supplant funds in the college base budget that had been historically devoted to faculty salaries.

Essentially, the University took a snapshot of the number of filled faculty positions and established a "floor." In order to receive funds provided for "x" new lines, it was required that a college have filled faculty positions equal to the "floor + x". Due, in part, to this University policy, there has been actual growth in total numbers of full-time faculty at the colleges.

The only caveat that I think is necessary is that the University might want to reserve the right to waive the maintenance of effort requirement in the case of severely restrained fiscal conditions at a college.

Attached for your information and reference is a copy of the most recent analysis of faculty position levels at the colleges.

c: Vice Chancellor Mirrer
Mr. Malave

ATTACHMENT A-1 (cont)

Filled Full-time Teaching Faculty Analysis
November 10, 1999

| | MOE Level | Authorized Positions | Revised MOE | October 98 Filled Positions | Variance | October 99 Filled Positions | | |
|-----------------|--------------|----------------------|--------------|-----------------------------|-----------|-----------------------------|-------------------|----------------------|
| | | | | | | FY2000 MOE Level | Change From 10/98 | Change From Rev. MOE |
| Baruch | 362 | 15 | 377 | 386 | 9 | 390 | 4 | 13 |
| Brooklyn | 403 | 9 | 412 | 427 | 15 | 434 | 7 | 22 |
| City | 379 | 8 | 387 | 389 | 2 | 373 | -16 | -14 |
| Sophie Davis | 26 | 2 | 28 | 27 | -1 | 29 | 2 | 1 |
| Hunter | 449 | 19 | 468 | 482 | 14 | 487 | 5 | 19 |
| John Jay | 214 | 21 | 235 | 240 | 5 | 241 | 1 | 6 |
| Lehman | 237 | 13 | 250 | 252 | 2 | 257 | 5 | 7 |
| M. Evers | 110 | 10 | 120 | 123 | 3 | 126 | 3 | 6 |
| NYCTC | 238 | 13 | 251 | 251 | 0 | 258 | 7 | 7 |
| Queens* | 454 | 10 | 464 | 479 | 15 | 488 | 9 | 24 |
| CSI | 236 | 23 | 259 | 260 | 1 | 272 | 12 | 13 |
| York | 128 | 12 | 140 | 142 | 2 | 149 | 7 | 9 |
| Graduate | 324 | 6 | 330 | 331 | 1 | 325 | -6 | -5 |
| Law | 30 | 3 | 33 | 35 | 2 | 33 | -2 | 0 |
| Subtotal | 3,590 | 164 | 3,754 | 3,824 | 70 | 3,862 | 38 | 108 |

| | | | | | | | | |
|-------------------------|--------------|------------|--------------|--------------|-----------|--------------|-----------|------------|
| Community | | | | | | | | |
| BMCC | 263 | 12 | 265 | 269 | 4 | 268 | -1 | 3 |
| Bronx | 192 | 11 | 203 | 195 | -8 | 197 | 2 | -6 |
| Hostos | 130 | 7 | 137 | 146 | 9 | 147 | 1 | 10 |
| Kingsboro | 196 | 15 | 211 | 207 | -4 | 210 | 3 | -1 |
| LaGuardia | 198 | 13 | 211 | 204 | -7 | 211 | 7 | 0 |
| Queensboro | 216 | 12 | 228 | 240 | 12 | 244 | 4 | 16 |
| Subtotal | 1,185 | 70 | 1,255 | 1,261 | 6 | 1,277 | 16 | 22 |
| Total University | 4,775 | 234 | 5,009 | 5,085 | 76 | 5,139 | 54 | 130 |

Source: CUNY Central Office