Faculty Senate Minutes #201

John Jay College of Criminal Justice

September 7,2000 3:15 PM Room 630 T

Present (33): Jama Adams, Shevaletta Alford, Sandy Berger, Orlanda Brugnola, James Cauthen, Marsha Clowers, Edward Davenport, Kirk Dombrowski, Janice Dunham, Robert Fox, P. J. Gibson, Betsy Gitter, Amy Green, Edward Green, Lou Guinta, Karen Kaplowitz, Kwando Kinshasa, Maria Kiriakova, Sandra Lanzone, Gavin Lewis, Amie Macdonald, James Malone, Peter Mameli, Daniel Paget, Laura Richardson, Rick Richardson, Lydia Segal, Carmen Solis, Margaret Wallace, Agnes Wieschenberg, Susan Will, Marcia Yarmus, Liza Yukins

Absent (4): Luis Barrios, Elsie Chandler, Emerson Miller, Robin Whitney

Guests: Professors Ned Benton, Avram Bornstein, Jane Davenport, Harold Sullivan, Tom Litwack

AGENDA

1. Announcements from the chair
2. Adoption of Minutes #200 of the May 25,2000, meeting
3. Approval of the proposed calendar of Faculty Senate meetings
4. Update on the John Jay budget situation and 5 proposed resolutions: President Karen Kaplowitz & Professor Tom Litwack of the Senate's Budget Committee & Professor Ned Benton, Chair, Budget Advisory Committee
5. Approval of the 6-member faculty panel for the College Student/Faculty Judicial Committee
6. Approval of Senate committee memberships
7. Discussion of the agenda of the September College Council meeting
8. Proposed Resolution on academic freedom: Executive Committee

1. Announcements from the chair

Professor Jill Norgren (Government), the first president of the Faculty Senate, is one of only 21 people in the world to receive a Woodrow Wilson Fellowship this year. Having won the fellowship, Professor Norgren knew she would be on leave and for this reason, only, did not run for the Senate again this year. The Senate sent its congratulations to her.

2. Adoption of Minutes #200 of the Mav 25 meeting

Minutes #200 of the May 25,2000, meeting of the Faculty Senate were adopted.

3. Approval of the proposed calendar of 2000-2001 Faculty Senate meetings

The calendar of Faculty Senate meetings was approved by unanimous vote: all meetings are in Room 630 T and all are at 3:15 except for the all-day December and May meetings:

Fall 2000	**Spring 2001**
Thursday, September 7	Wednesday, February 7
Wednesday, September 20	Thursday, February 22
Wednesday, October 4	Thursday, March 8
Tuesday, October 17	Wednesday, March 21
Wednesday, November 1	Wednesday, April 4
Tuesday, November 14	Thursday, April 19
Friday, December 8 (all-day meeting)	Friday, May 4 (all-day meeting)

First meeting of 2001-2002 academic year

Thursday, May 17 – or – Wednesday, May 23,2001

4. Update on the John Jay budget situation and 5 proposed resolutions: President Karen Kaplowitz & Professor Tom Litwack of the Senate's Budget Committee & Professor Ned Benton, Chair, Budget Advisory Committee [Attachment A, B, C, & D]

Professor Ned Benton, Chair of the Budget Advisory Committee, and Professor Harold Sullivan, Chair of the Council of Chairs, were thanked for coming to today's Senate meeting to participate in the discussion of the College's budget situation. Professor Tom Litwack, Chair of the Senate's Budget Committee, was thanked for his willingness to serve in this capacity while on sabbatical.

Professor Litwack, in his capacity as Chair of the Senate's Budget Committee, gave an overview of the College's budget situation, saying that we do have a very serious budgetary problem for this year and next year. He said he would explain it very simply and basically and then Karen, Ned, and Harold will provide further information and then the Senate's Executive Committee and Budget Committee will have a series of five resolutions for the Senate's consideration and action.

The bottom line, he said, is that last year the College spent $4 million more than we were given to spend and $4 million is a lot of money. That $4 million deficit arose in the following way: part of it arose because we took in fewer students than we were expected to and, therefore, as CUNY would do with any college, CUNY cut back on the money we were given for this fiscal year, in July, by about a half million dollars. Another million was spent in inflation and mandatory salary step increases (mandated by the PSC contract). Another $1 million was spent on additional hirings but none of those hirings were of faculty: all the additional hirings were of administrative personnel, including three custodians. And $1.5 million was spent on additional college assistants (part time personnel), adjuncts, OTPS (Other Than Personnel Services), in other words, purchases of services and things. That adds up to $4 million. This made CUNY very upset not only because we had overspent by so much but also because just two years before that, as most Senators know, CUNY gave John Jay a nearly $3 million addition to our annual base budget because we – the faculty and administration – had been complaining for so long that we are so underfunded. And after having received this $3 million addition to our annual base budget, here our College was the following year, after one year, $4 million in debt.

President Kaplowitz added that we had complained and had made the case that we needed additional funding largely on the basis of how few full-time faculty we have in relation to our student enrollment and yet none of our indebtedness resulted from hiring additional full-time faculty.

Professor Litwack said that in terms of the debt we incurred it should be said that the number one cause, in his opinion, is that John Jay is still so underfunded by CUNY. He said he is totally confident that if CUNY puts into place anything like an objective funding formula or model for the senior colleges, John Jay would receive at least $5 million more a year and probably substantially more than that, which is far more than the deficit we incurred and so we should keep that in mind. We should also keep in mind, he said, that undoubtedly the great bulk of the money we spent that put us into debt was spent on important things, including important additional personnel; however, we also have to keep in mind CUNY's argument, actually the argument made by Budget Director Ernesto Malave to our Faculty Senate in November 1999 and by Chancellor Matthew Goldstein to our Senate on May 5,2000, that John Jay had previously and had always been spending too much money on administration in terms of too many hires and too high administrative salaries, for example, and there is at least the possibility that if we hadn't been spending so much money previously we wouldn't have had to spend as much as we spent last year. Additionally there is the question as to whether or not John Jay's non-tax-levy money – that is, money that is brought into the College not directly from the CUNY budget allocation but from other sources, such as research grants, renting the theater, and so forth – were spent in other ways, for example, for essential services, which would have permitted us to spend less from our tax-levy budget.

But the bottom line, Professor Litwack explained, is that during the summer, the CUNY Central Administration said to us that John Jay had overspent by $4 million last year and that John Jay has to pay back CUNY $3 million of that, over a two-year period. In a sense, CUNY forgave us the $1 million deficit we incurred because of inflationary costs and mandatory salary increases, which we could not have prevented, given our budget allocation. So they forgave us that and said we owe them $3 million and we have to pay back that $3 million over the next two years but, in addition, CUNY said, John Jay has to immediately return to a balanced budget. What that means is that we must spend $3 million less this year than we spent last year. Now remember, we also owe CUNY $1.5 million in debt repayment this year, but CUNY also provided us with a subsidy of $1.5 million: in other words, that is a kind of wash for this year.

President Kaplowitz distributed copies of John Jay's budget allocation [Attachment **A]** from CUNY for this year which we received on July 13 and she explained that each college receives its allocation in exactly the same format at the same time. In other words, this is an 80th Street document and not a John Jay document. When the NYS budget is passed by the Legislature and signed by the Governor, CUNY receives its allocation and then the 80th Street Budget Office develops its allocation of tax-levy funds to each college. So this is what we received at John Jay in July. She added that because she and Professor Ned Benton are on the University Faculty Senate's Budget Committee, they receive copies of the allocations for every college but each college receives only its own allocation.

Professor Litwack drew the Senate's attention to the numbers on the right hand side of the sheet [Attachment A] and pointed to $34,266,000, which is our 2000-2001 Adjusted Base Budget and then the number in parentheses – $1,530,700 – which is the amount that was taken away from us to pay CUNY back for overspending last year. (Numbers in parentheses are negative numbers or deductions.) This leads to a grand total operating budget allocation of $40,218,900. However, he explained, in fact we have $1.5 million more to spend this year because ***CUNY*** chose to give us a one-year subsidy in that amount.. He said he can't imagine how we'd survive without that subsidy. So the bottom line is that for the current year, that is, the year we are in now, we have roughly $3 million less to spend than we spent last year.

President Kaplowitz said the bottom line, to be very precise, is that we are not being permitted by 80th Street to spend more than the grand total allocation of $40,218,900 plus $1.5 million. That is are not permitted to spend more than $41,718,900. Right now, she explained, a meeting is taking place at 80th Street between the John Jay administration and the Chancellery to agree on the exact amount that we have to pay back; but what we do know is that we are permitted to spend this year, with regard to tax-levy monies, $41,718,900. Professor Litwack agreed that there is some question as to exactly how much we have to pay back but there is no question as to what we are permitted to spend and that is $41,718,900.

Senator Jama Adams asked whether this is based on the assumption that our current enrollment will be sustained. Professor Litwack said that is accurate and that, frankly, if our enrollment drops this year we will be in a bigger budgetary hole because CUNY will then take additional money from us because our enrollment dropped, causing our revenue collection to drop. Professor Litwack said that very preliminary enrollment information indicates our enrollment has declined but this is preliminary.

President Kaplowitz emphasized the preliminary nature of the numbers, given the fact that late registration has not yet taken place. To illustrate the impact of enrollment on budget allocation, she explained that, for example, a decline of 200 FTE [Full-time Equivalent] students results in a reduction of a half million dollars in our allocation for the year. And so the question about our enrollment is a very important one.

Professor Litwack said that we must spend about $3.3 million less this year than last year. But next year, in addition to retaining that budgetary reduction from the previous year, John Jay has to pay CUNY back $1.5 million and CUNY will not give us a subsidy for next year. Therefore, for next year and next year alone we have to find $1.5 million in additional reductions beyond what we are reducing this year.

Senator Sandy Berger asked what will our allocation be next year. Professor Litwack said, all other things being equal, we will receive $40,218,900. President Kaplowitz explained we will have less money than this year and more reduction. Professor Litwack agreed but emphasized that is only for next year because after next year we will not owe CUNY any money.

Vice President Amy Green asked whether this analysis assumes that the State Legislature will fund CUNY at the same level or whether no matter what CUNY receives, John Jay can only expect $40,218,900 next year? Professor Litwack said that to jump ahead, there are arguments we can make for getting a larger allocation next year from CUNY: for example, the Faculty Senate can and should argue – and he will return to this later – that CUNY should put into place a funding formula and if that funding formula shows how underfunded we are, presumably we will get more money. But, he added, that has not been done and we have to operate under current assumptions about our budget. More specifically, he said, the College has been told in no uncertain terms that we must submit a plan to CUNY for reducing our expenditures to the point where we are no longer in deficit this year or next year and for paying CUNY back $1.5 million next year. And we have to develop the plan based on the assumption that this is what our budget allocation will be.

Senator Edward Green asked whether the rent for our space in the BMW Building that we have expanded to comes out of our budget. President Kaplowitz said that the $1.5 million annual rental for that space is paid for by CUNY: it does not come out of John Jay's budget. If we moved out of the space we would not get the money and if we stay there, CUNY continues to pay the rent.

Professor Litwack suggested that Karen Kaplowitz and Ned Benton report about the status of the College's financial plan that he referred to. President Kaplowitz explained that there have been meetings all summer, meetings that she and Professors Benton and Litwack attended, meetings of the College P&B Committee, of the Budget Advisory Committee, meetings with President Lynch, meetings with John

Jay's Budget Director, Angela Martin, and with the College's Vice President for Fiscal and Legal Affairs, Robert Diaz. There were also meetings between John Jay administrators and officials at 80th Street, including the Chancellor, the new Senior Vice Chancellor, David Freed, the Vice Chancellor for Budget, Sherry Brabham, and the University Budget Director, Ernesto Malave.

The College developed various plans for reducing our expenditures and for paying back the debt. Various plans were submitted by the College to 80th Street and each time 80th Street said that the plan was not acceptable and asked the College to redo and resubmit the plan. That happened three times. The last time the plan was rejected, the rejection was presented in a letter dated August 10th from Vice Chancellor Sherry Brabham to President Lynch putting the College in receivership until such time that an acceptable plan was received by 80th Street. Upon receiving that letter, President Lynch called her, Tom Litwack, Ned Benton, and other members of the Budget Advisory Committee to a meeting in his office the following day, August 11th. Of those faculty invited who were able to attend the meeting were herself, Ned Benton, Robert Crozier, and Susan Larkin. The others at the meeting, in addition to President Lynch, were Provost Wilson, Vice President Diaz, Vice President Rothlein, Vice President Witherspoon, Vice President Pignatello, and Budget Director Martin.

The one thing that everyone at the meeting agreed about and it was what everyone at John Jay had been agreeing about all summer was that we were not clear about anything that was being required of us, that we were not clear about the dollar amounts, and so forth. Each time we had thought we knew the numbers, the numbers turned out to not be correct. Every time we thought we knew what we were required to do, 80th Street responded that we had not correctly done what was being required of us. All we knew at that point was that we were totally at a loss.

President Kaplowitz further reported that during that August 11th meeting in President Lynch's office, Professor Ned Benton put forward a suggestion that he thought of during the meeting and that suggestion was that the two of them, Ned as head of the Budget Advisory Committee and Karen as head of the Faculty Senate, ask Vice Chancellor Brabham if she would meet with them in their capacity as John Jay faculty leaders so they could obtain clarification from the Vice Chancellor so they could accurately explain to the faculty what the situation is and so that they could participate in an informed and useful way as faculty leaders in the budget process at John Jay. President Lynch said that was a wonderful suggestion and so did the vice presidents. There was not a dissenting voice. This was not an end run by her and Ned, which is what someone at John Jay who did not know the facts assumed it to be. In fact, when she and Professor Benton wrote to Vice Chancellor Brabham requesting the meeting, they included in their letter the fact that the request for this meeting was being made with the encouragement and support of President Lynch, a fact that President Lynch confirmed at a meeting of the P&B Committee subsequent to the August 11th meeting but prior to the meeting she and Ned had with the Vice Chancellor,

President Kaplowitz explained that she and Ned have a long and excellent relationship with Vice Chancellor Brabham because they are both on the University Faculty Senate Budget Committee, a very small committee, which meets very frequently with Vice Chancellor Brabham and with Budget Director Malave and, further, she explained, she has an excellent relationship with them in her capacity as the faculty member for a number of years, including the current year, on the Board of Trustees Fiscal Committee, for which Vice Chancellor Brabham serves as staff.

President Kaplowitz further explained that upon receiving the memo, Vice Chancellor Brabham spoke with her by telephone and during the conversation the fact was confirmed that President Lynch had supported the requested meeting, which had been an idea that Professor Benton had initiated. The Vice Chancellor said she would be happy to meet with her and Professor Benton and the meeting took place on August 28th. At the meeting, at 80th Street, in addition to Vice Chancellor Brabham was Budget Director Malave and a member of the Vice Chancellor's staff, Ivan Nunez.

Vice Chancellor Brabham began the meeting by stating that she had allotted two hours for the meeting and so, President Kaplowitz explained, she and Ned were given an extraordinarily substantive amount of time, especially considering there are 19 campuses and considering that the CUNY Budget Office was also busy developing CUNY's annual budget request for submission to the Governor and the State Legislature, after approval by the Board of Trustees. And, she said, Ned and she planned their questions in a very logical order, having prepared at great length for this meeting.

President Kaplowitz explained that their very first question, which Ned had brilliantly suggested they ask, was how much money we are permitted to spend this year. The importance of that question was because until that point, all the budget deliberations at the College were about what would we cut in order to spend $3 million less this year and $3 million less the following year rather than how do we live within our budget allocation and what, exactly, that allocation is.

President Kaplowitz reported that what she and Ned were told during that two-hour meeting was so important and, in some cases, so different from what had been said and assumed at the College throughout the summer, that Ned and she decided that they could not come back to the College and report orally because either they had gotten it wrong and they would further muddy the waters or they had gotten it right and might not be believed and, in either case, they would have wasted the Vice Chancellor's time, their own time, the College's time. So right after the meeting, at which they had taken very few notes so as to not impede the free-flowing discussion, they debriefed each other and wrote down everything each had remembered and developed a memo that had three parts, copies of which they then distributed to the Senators [Attachment B].

The first part of the memo [Attachment B] is her and Ned's understanding of what Vice Chancellor Brabham and Budget Director Malave had said to them; the second part is their impressions of what their statements had meant and the implications of what had been said; and the third part, which is only for internal use at the College, is their recommendations to the John Jay community. She reported that the next day she had a meeting with Vice Chancellor Brabham (Ned had to go out of town) and she brought the Vice Chancellor the first two parts, only, of the document: Part **A:** what they thought had been said, and Part B: their impressions of what had been said. She then asked Vice Chancellor Brabham to review the documents and to let her know if there were any errors. Vice Chancellor Brabham had expressed her appreciation that she and Ned had written such a document and most especially that she was being given the opportunity of reviewing it for errors before it was shown to anyone else.

Vice Chancellor Brabham then telephoned her that evening and explained that she had not faxed the document to her with corrections because she had wanted to explain each of the suggested corrections, virtually all of which had to do with nuances of language, and she spent an hour on the phone going over each phrase in question. The Vice Chancellor had explained that these requested corrections were a result of consultation between her and Budget Director Malave. There was nothing substantive that she and Ned had gotten wrong; rather, the requested corrections had to do with terminology. For example, she and Ned had used the term "structural deficit" in the memo and, just as the Chancellor had asserted in May to the Faculty Senate, the Vice Chancellor said, correctly, that that was a phrase that neither she nor Mr. Malave had used during the meeting because they do not see John Jay's situation as one that involves a structural deficit but rather as one where there has been overspending.

Then she and Ned reviewed the requested corrections, found all of them to be accurate, incorporated those corrections and then, as she had promised Vice Chancellor Brabham, she faxed the corrected memo, Parts A and B, to the Vice Chancellor the following day, on August 30th. Ned and she also developed their joint recommendations, Part C, which they have not shown to the Vice Chancellor nor to anyone outside the College. On the afternoon of Thursday, August 30th, Ned and she met again with President Lynch and the five vice presidents and the College's budget director, and explained the reasons for their memorandum, which she has just explained to the Senate today, and gave them the document with all three parts: Parts A, B, and C [see Attachment B].

Upon reading this memorandum of their meeting with Vice Chancellor Brabham, the administration of the College then developed another plan which they faxed to 80th Street yesterday. The plan was faxed without having been shown to any of the faculty. At this very time, at the same time that we are meeting, President Lynch and various John Jay administrators are meeting with Vice Chancellor Brabham to discuss the most recent version of the plan. She explained that just prior to today's Senate meeting, President Lynch gave her, Ned, and Harold copies of the plan that had been faxed the previous day but asked that the plan be kept confidential until the College knows 80th Street's analysis and assessment of this plan and whether 80th Street approves or rejects it, and he then left with his administrators to meet with the Vice Chancellor at 80th Street. She noted that she, Ned, and Harold have not yet had the time to fully analyze the latest plan nor to fully compare it to previous plans, which they had been given upon being developed.

President Kaplowitz explained that the Executive Committee of the Senate and the Senate's Budget Committee wish to present to the Senate for its action the recommendations that Ned and she had presented two days earlier, on September 5th, at the meeting of the Council of Chairs [Attachment C], where those recommendations were unanimously approved, as well as another resolution, which Harold Sullivan, Ned Benton, and she had developed just prior to the Chairs meeting and which was also unanimously approved on September 5th [Attachment D]. The Senate's Executive Committee and Budget Committee unanimously endorsed these recommendations for endorsement by the Senate today.

She said that the Senate's Executive Committee and Budget Committee considers the most important resolution to be one that is designed to protect the non-tenured faculty. We do not want there to be an unconscious, much less a conscious, temptation or impetus to make decisions in the reappointment and tenure process that has any connection to the College's budget situation. She explained that CUNY's Faculty Maintenance of Effort (MOE) policy, whereby each college is required to have at least the same number of faculty it had the previous year plus any new hires, is no longer operative at John Jay because we are in this financial difficulty. The mandate that John Jay adhere to the faculty MOE has been rescinded by 80th Street. When we first learned about the budget problems, the day the Chancellor met with the Faculty Senate on May 5, the non-tenured faculty were reassured that because of faculty MOE negative personnel actions would result in no fiscal benefit to the College but because that policy has been rescinded the recommendation is that the College adopt an internal MOE policy with regard to non-tenured faculty.

Therefore, one proposal is an internal policy for the College whereby if anyone should, based purely on merit, not be reappointed or tenured, that line would remain a faculty line and that a search to fill that line would begin as soon as practicable. Thus there would be no fiscal benefit to the College to not reappoint or tenure anyone.

Professor Harold Sullivan said that the plan, when it is made public, will be seen as providing for a hiring freeze, whereby the 19 faculty lines we were about to begin searching for this year are not to be filled and, indeed, the searches are being suspended until the debt is paid back and our expenditures are reduced or until we find some other way to fund such hirings. On September 5th, the Chairs unanimously endorsed, although there was one abstention on an aspect of this proposal, the idea that the Personnel Process not be used as a way of saving the College money. In other words, the budget crisis should have nothing to do with decisions to reappoint or not reappoint.

Professor Ned Benton noted that the reason we agreed to not distribute the plan that has been submitted to 80th Street is that the plan changes every day and it would not be useful to distribute a plan that might not, indeed, ultimately be the College's plan. But, he said, we are permitted to characterize the plan and there are some important aspects about the plan that everyone should understand. About a quarter of the savings over the two years are accomplished by not filling vacant faculty lines. About a third of the savings is achieved by not filling administrative positions. And about 15% of the savings is accomplished by taking non-tax-levy funds and by liquidating assets and contributing those toward making up the deficit. Around 5% at this point – it had been a considerably higher percentage at one point but is now lower – is an assumption that we can achieve some revenues from enrollment increases. Another 15% is coming from reductions in College Assistants (part-time employees) and OTPS [Other Than Personnel Services], which are things and services we purchase.

However, there is something else that it is critically important for us to understand about the structure of the plan, Professor Benton said, and that is that the monies generated by the faculty hiring freeze are being used *only* to pay back the debt: as soon as that debt is paid off, after two years, then this money to hire faculty will still be in our budget. The plan calls for diverting those monies for debt repayment. Then that money becomes available for us to hire faculty and there is no reduction in the amount of money we can spend on faculty hiring. That is not true with respect to the administrative salaries and other kinds of savings: those reductions are to go to permanently reducing the operating deficit so that we permanently operate within our budget. So when the two-year plan is over, the money generated by the administrative hiring freeze is no longer in our budget and that is a permanent change in the budget. So if there is something to say that we can be positive about with respect to how this is being approached within the College it is that the faculty salary savings are temporary whereas the administrative salary savings, based on the plan, are permanent, unless some circumstances change that we can't envision. That's a very important distinction.

Professor Benton added that he does not recall any previous budget problem at John Jay in which the solution involving faculty salaries contributed to only a quarter of the solution; he remembers that the principle at various points has always been that faculty salaries would fund "less than half." In this time around we are talking about funding a quarter of the solution. But as Tom has made it very clear, we are funding a quarter of a solution to a problem that we didn't create. We didn't hire extra faculty and as a result put the College into deficit. But, he said, nevertheless, in the way we are facing this crisis compared to the way we have faced other crises there are some good things to be said about the solution we have arrived at as well as things to be defended in the coming two years about the solution we have come up with because we want those faculty lines restored.

Senator Sandy Berger said that it had never occurred to him that the Personnel process could ever be used to reduce the College's expenditures and that he thinks the principle should be that the size of the full-time faculty, not including the substitute faculty who are not to be reappointed in the Spring, should not fall below a certain level whether it is due to non-reappointments or resignations or retirements. However, those vacancies resulting from the Personnel process do not necessarily have to go back to the departments that produced them. He noted that departments currently with substitute lines can not hire anyone for the Spring semester or for next year and some departments, such as Science, have positions that must be filled, such as for College Laboratory Technicians (CLTs) whose presence in the labs is mandated.

President Kaplowitz said the issue of allocation of lines that might become vacant through the Personnel process is something that Harold, Ned, Tom, and she decided to be silent about at this time because they want to focus on the principle because of the immediacy of the issue. She said the Board of Trustees' policies permit budgetary considerations to be taken into effect in the Personnel process but the recommendation is that to ensure they not be, we adopt an internal John Jay College policy whereby any lines that may become vacant through the Personnel process be allocated, in a manner to be later determined, so there is a faculty maintenance of effort within our College of non-tenured tenure-track faculty.

She said they believe this is a policy that should be adopted as an internal College policy for a number of reasons: first, we did not create the budget problem, as Tom and Ned have pointed out; second, our students deserve, no matter how wonderful our adjunct faculty are, as many full-time faculty as possible; third, we have argued to 80th Street that we have too few full-time faculty given our student enrollment and to do anything other than this would be to internally and externally make a terrible mistake politically and pedagogically; and fourth, imbedded in our financial plan is an increase in revenue by increasing student enrollment and because also imbedded in the plan, as Ned said, is a freeze on the searches for the 19 faculty lines that we were supposed to start searching for now as well as a freeze on replacing faculty who retire, resign, or die, unless we ensure internally that we not use the reappointment and tenure process to reduce the College's expenditures, then we could be even more severely deficient in the number of full-time faculty than we would otherwise be.

Senator Edward Green asked whether any of the other CUNY colleges also overspent. President Kaplowitz said that four colleges, including John Jay, are being required to pay back deficits they developed last year. The other colleges went into deficit because of enrollment drops except for Queens College, whose deficit was a combination of enrollment drop and overspending. John Jay's deficit, however, was virtually entirely a result of overspending. Senator Edward Green asked if those colleges are being treated the same way as John Jay, in that they are being required to pay back the deficits. President Kaplowitz and Professor Benton explained that John Jay is actually being treated better than the other colleges, because we are being given a subsidy of $1.5 million this year which they are not and because 80th Street is construing our deficit to be $1 million less than it actually is.

Senator Kwando Kinshasa asked if there is any reason to think that the Personnel process will be used to reduce the College's expenditures. President Kaplowitz said the reasons for this recommended policy are several, the main one of which is to reassure non-tenured faculty, many of whom have already expressed their concerns about this. Professor Benton agreed and said the other reason is to avoid mis-impressions about the process and about decisions that the Personnel Committee will be making. He said we want to avoid concerns by affirming something he believes the administration feels comfortable about as a principle. He said there are issues about techniques in terms of the right way to say it and the right way to do it but the concept that the Personnel process should only be about the merits is something everyone agrees with.

Senator James Cauthen asked whether there are signals from 80th Street that they want us to use the Personnel process to reduce our expenditures. President Kaplowitz said that the signals are the very opposite, that we are not to solve the budget problem off the backs of our faculty, as she and Ned have been told over and over.

Senator Lou Guinta said that in 1976 when the College was targeted for closing and our budget was cut even more than what we are talking about now, as far as he knows, no faculty lost their jobs either through the Personnel process nor through retrenchment. Apparently, we are embracing the same approach now and so he urged the non-tenured faculty to not be overly concerned.

Senator Betsy Gitter moved adoption of this recommendation, which is the next to the last paragraph of the document dated September 4 [Attachment C]:

> *The faculty leaders agreed with the observation that, by establishing a finite target for savings to be achieved through faculty vacancies, the College would avoid any mis-impression that tenure-track faculty reappointment and tenure decisions would be influenced, even unintentionally or unconsciously, by budget factors. Furthermore, the faculty leaders also are concerned that our College is already far below the critical mass of full-time faculty needed to serve our current student body, without even taking into consideration the increase in student enrollment that is embedded in the plan. Consistent with these observations, the faculty leaders recommended that the plan explicitly state that if a faculty member is not reappointed or tenured through the P&B process, any resulting salary savings in Year Two would be used only for additional faculty hiring.*

Senator Litwack proposed an amendment which he had discussed with Karen and Ned and which they endorse and that is to delete the words "in Year Two" in the last sentence because it might lead to the impression that we could have savings in Year Two and that we would only have to rehire in Year Three and the whole point is to not have savings in Year Two from such a source: in other words, that we would have to rehire immediately. Senator Gitter accepted the deletion as a friendly amendment.

Senator Dan Paget asked about the Chancellor's intentions, questioning whether we can rely on the assertion that whatever lines we have been allocated will remain with us. Referring to the Minutes of the Senate's meeting with Chancellor Goldstein, he noted that in speaking of the flagship programs the

Chancellor indicated that lines from various colleges might be used to support such programs. Is there a sense, he asked, that we will be permitted to keep those faculty lines that we have but are not conducting searches for? President Kaplowitz reiterated that she and Ned have been told over and over that there is no desire to have John Jay's budget problems paid off the backs of the faculty. And yesterday, at the Board of Trustees Fiscal Committee, the Chancellor presented a proposal that asks for new money for next year in the amount of $15.2 million for the flagship environment, including faculty lines, and he assured the Committee that the proposal for a flagship environment is conditional on sufficient funding from the State.

Senator Margaret Wallace asked whether our budget situation means there will be no money for promotions for faculty and for faculty salary step increases. President Kaplowitz said it does not mean that at all. The contract mandates the salary step increases for both those who receive promotions and for those who do not (unless one is already at the top step) and it is for that mandatory cost increase (as well as inflationary cost increases over which we similarly have no control) that 80th Street is forgiving us $1 million.

The motion to approve the resolution was adopted by unanimous vote.

The Senate then considered the other three proposals in Karen's and Ned's September 4,2000, document [Attachment C]. The first of the proposals is paragraph two of the document:

Thefaculty leaders reported the recommendations that the College should separately identify within theplan the components associated with deferral of faculty hiring, along with the contributions to theplan based on the salaries saved. A finite target should be identified. The plan should provide that once the target is achieved through any combination of savings associated with theseplan components,faculty hiring should be expected to resume.

This proposal was explained by Professor Litwack (since Professor Benton had had to leave): the idea is that the College would decide on a definite limit to the amount of savings that would be achieved by deferring faculty hirings and once that point was achieved we would resume hiring. For example, we have 19 full-time lines, so theoretically we might agree *to* not fill any of those 19 lines next year – although he personally does not agree with this – but if additional lines became vacant through retirements or resignations, and so forth, we would fill those lines because those would be lines above the maximum.

Senator Berger said that one of those 19 lines is for a College Lab Tech (CLT) for the Science Department and that the hiring of such a person is of critical importance for health and safety reasons. Professor Litwack said that is addressed in the next proposal, adding that the proposal now being considered does not say what that finite target should be: it just says there should be a finite target. He said he agrees with Senator Berger's point that the finite target should not be so high that it might preclude the hiring next year of faculty who are of critical necessity. That is addressed by the next proposal. Senator Berger said his concern is not just for next year but for this Spring because of the planned non-reappointment of his substitute CLT. Professor Litwack said that the next proposal includes the Spring.

President Kaplowitz suggested that since the next proposal is interlinked with this one that the two be considered together. The following proposal, which is paragraph 3 of Attachment C, states:

Thefaculty leaders supported the recommendations that theplan should includeprovisions ***for*** *hiringfaculty members to thefullest extentpossible considering the circumstancesfaced by the College. While we noted the Vice Chancellor's "seriousdoubt" as to thefeasibility of such hiring, we thought that we should make every effort to include somefaculty hiring in theplan.*

Professor Litwack said this is general but makes the point that even given the extreme financial situation that the College is in, absolutely essential faculty hiring must continue immediately. He added that there is a difference between absolutely essential faculty hiring and faculty hiring that is important and desirable. We also have to recognize there is a fiscal reality and the reality is that the only way to fill all 19 faculty lines and to still be able to pay back our debt next year would be to choose to not reappoint many, many administrative people.

Senator Kinshasa said he does not see how Senator Berger's concerns are met in these proposals. President Kaplowitz said the proposals are general principles that would then empower the faculty leadership to make the case to the College administration to implement specific proposals.

Senator P.J. Gibson suggested amending the language to make it clear that we are talking about absolutely essential faculty hirings. Professor Litwack suggested adding "essential" in the first sentence of the second proposal, before "hiring of faculty members" and to also change the word "some" to "essential" as the sixth word from the end so that the phrase reads: "to include essential faculty hiring in the plan."

Senator Berger said that safety and health needs should be specified. President Kaplowitz said to do so would make the proposals too narrow but that we will make the case for that need and that need will be recorded in the Senate minutes and it will be understood to have helped inform our discussions.

The two resolutions, paragraphs two and three of Attachment C, as amended, were approved by unanimous vote.

The last resolution, which appears as the final paragraph of Attachment C, states:

The faculty leaders also recommended that the administration provide to the faculty leaders a summary, for the past three years, of income, expenditures, and year-end balances for all non tux-levy funds and accounts. The administration should also provide, with respect to the contribution of non-tax-levy funds to the plan, a) information about what we otherwise intended to do with those funds that we will now not do, b) an assessment of the scale of the impact on the account(s) involved, and c) an assessment of the impact on the operations generating the funds.

Professor Litwack said the first sentence is particularly important. He explained that the College brings in hundreds of thousands of dollars a year in what is called non-tax-levy funds. In other words, these are funds that are not provided by taxes but rather are derived from services provided by the College, such as research grants, for which we receive funds for overhead expenses, or for renting out the theater or our conference rooms. Those monies are available for paying for things which we can't or won't be able to afford to pay for because we have to reduce our deficit. And so it is very important that we know how much money is in those accounts so that we know how much money is available for paying for essential things, such as hiring more College Assistants or hiring substitute faculty, such as the substitute CLT, or buying books for the Library. So it is important to know how that money is being spent so that we know whether how it is being spent is or is not more important than how it could be spent. So this is an extremely important resolution, Professor Litwack said.

Professor Jane Davenport asked Karen and Tom whether they and the Executive Committee really expect to be given this information. President Kaplowitz said yes, she is certain we will receive this information if we formally request it, in writing.

President Kaplowitz explained that, although they did not include it in their memorandum of August 28th, when she and Professor Benton met with President Lynch and the five vice presidents and the budget director on August 30th, a meeting which lasted almost two hours, about their meeting with Vice Chancellor Brabham and Mr. Malave, she told President Lynch that she and Professor Benton had explained in response to questions from the Vice Chancellor Brabham and from Budget Director Malave that the faculty at John Jay are unable to fully evaluate the College's financial plan because we do not have information about the non-tax-levy accounts.

She and Professor Benton were then told by the 80th Street officials that the faculty must have all information about every source of money, including all non-tax-levy accounts, if the faculty are to be able to give an informed opinion about the financial plan and if the faculty are to be able to sign off on such a plan, which they had said is very important for the College that the faculty do. Upon hearing this report, one of John Jay's vice presidents had responded that the faculty would receive the information. Because we have not received it to date, this resolution is included in the set of resolutions. She said she is certain we will be given this information once we formally request it in writing.

Professor Litwack said that it is important to understand that many of these non-tax-levy funds are raised with tax-levy money. People who are paid salaries from tax-levy funds do things to bring in these monies. The theater is owned not by the President but by the College and, therefore, any money that is brought in to the College by renting the theater belongs to the College.

Professor Jane Davenport said she remembers that there is a history of this: that Professor Benton and Professor Jim Cohen and others tried to get this information over and over and were unable to and gave up trying because it was too difficult. President Kaplowitz said that is correct and the Senate at that time had decided to not file a Freedom of Information Act request because the College was seemingly operating in an acceptable fashion but this is a different situation. She said she is certain we will not need to file a FOIA request to get this information although we might decide to do so if we are, in fact, unsuccessful because this is such a serious situation.

Senator Janice Dunham said she visited a college in Virginia this summer and they were spending a lot of money in the Library and knowing that this college's library does not receive a lot of money, she asked how they are able to do this. They said that they receive non-tax-levy funds to supplement their budget. She said that opened her eyes. She said she has since discovered that at many colleges it is standard operating procedure that non-tax-levy monies are used for the needs of the academic programs.

Senator Lou Guinta recalled that the Senate did discuss non-tax-levy monies many years ago, ever since, in fact, Tom Litwack joined the Faculty Senate. He said in some ways we have been remiss for not pursuing this information. He understands that Professors Benton and Cohen did not pursue this information because walls were erected making the endeavor so difficult but this may be a new beginning for us in terms of receiving this kind of information on an ongoing basis. He said this is an opportunity for the faculty to build a structure with respect to the budget whereby we can now become involved in the budget process in a meaningful way, whereby we can now know the information, and whereby we can now have input into how those monies are used. He said he thinks this is a golden opportunity.

Senator Dan Paget said it would seem that we need to set some timeframe because this is the kind of request that could be delayed and put off indefinitely by the administration and lose all meaning. So, he said, if we are serious about obtaining this information we should put it within a timeframe. Senator Gitter proposed that we request that we receive the information by a week from now, by September 14th. Senator Dan Paget asked what our course of action will be if we do not, in fact, receive this information. President Kaplowitz said that she believes we have sufficient reason to assume we will have the full cooperation of the administration with respect to this request. If there is not, we will decide what to do at that time.

Professor Litwack proposed a further amendment whereby the phrase "the totality of the" be added for clarity so that the first sentence would read:

> *The faculty leaders also recommended that the administration provide to the faculty leaders, by September 14, a summary, for the past three years, of the totality of the income, expenditures, and year-end balances for all non tax-levy funds and accounts.*

The question was called on the resolution, as amended. The resolution was adopted by unanimous vote.

President Kaplowitz then presented the Senate with a resolution that Professor Benton, Professor Harold Sullivan, and she had presented to the Council of Chairs on September 5 and which the Council of Chairs unanimously adopted at that time. The Senate's Executive Committee is recommending that the Senate endorse this resolution [see Attachment D]. She explained that the College's financial plan calls for an increase in student enrollment which will produce an increase in revenue to the College. She said that she and Professors Benton, Harold Sullivan, and Tom Litwack fear that student enrollment might be over relied upon as a source of revenue and that the College might try to increase enrollment dramatically without providing the necessary academic support, including full-time faculty, that we need.

So the resolution the Senate is being asked to endorse states that:

> *Any excess revenue that may result from exceeding the overcollection revenue goal that is in the College's plan shall be used solely for hiring full-time faculty, unless there is consensus, after consultation with faculty leaders, that some part of those excess revenues may be allocated for other purposes.*

Professor Litwack proposed several amendments, which he said Ned Benton and Karen support: first the resolution should use the phrase "additional revenue" rather than "excess revenue." Also, he proposed that the phrase "or additional revenues from other sources" be added after the phrase "that is in the College's plan." In other words, if we are able to bring in additional monies from some other sources, that money should also be used to hire full-time faculty.

Senator Berger said it had been his understanding that non-tax-levy monies can not be used to hire faculty. President Kaplowitz explained that non-tax-levy monies are not directly used to hire faculty but rather non-tax-levy monies are used to pay for things that we must pay for and by doing that we free up tax-levy monies which we can then use to hire faculty. Senator Berger asked if it is certain that this is permissible. President Kaplowitz and Professor Litwack said absolutely.

Senator Guinta said that we may need to spend additional revenues, if there are any, for Library book acquisitions or subscriptions or for paper for duplicating rather than to hire faculty. Senator Gitter said that her suggestion is that we not worry about what to do with excess revenues from overcollection because the Proficiency Exam goes into effect this year and we may find ourselves experiencing a decline in enrollment as a result. She said we should adopt this as a principle.

President Kaplowitz added that we have the clause at the end of the resolution that states that if the case is made that we have a greater need for things such as paper for duplicating than we have for faculty hiring there is a process for considering that situation.

The resolution was endorsed with no negative votes and with one abstention.

5. Approval of the 6-member faculty panel of the College Student/Faculty Judicial Committee

The Executive Committee reported that having invited a large and diverse group of faculty to serve on the 6-member faculty panel of the Student/Faculty Judicial Committee, six faculty agreed to serve if confirmed by the Senate, two of whom are on sabbatical leave. The six were unanimously approved: Professors Diane Hartmus, Stanley Ingber, Jack Jacobs, Daniel Pinello, and Dorothy Schulz and Antoinette Trembinska. President Lynch has appointed the Committee's three rotating chairs: Professors Maki Haberfeld, Richard Lovely, and Norman Olch. The students elected their 6-member student panel during their Student Council elections in May.

6. Approval of Faculty Senate committee memberships

The Senate, acting upon the recommendation of the Executive Committee, ratified the membership of the Faculty Senate's Technology Committee. The 2000-2001 membership comprises all of last year's Committee members and a new member, Professor Keith Markus (Psychology):

* Yahya Affinnih (African-American Studies)
* Ira Bloomgarden (English)
* Anthony Carpi (Science)
Lou Guinta (Communication Skills): **Co-Chair**
* Farrukh Hakeem (Law, Police Science & CJ Adm)
* Robert Hong (Public Management)
Karen Kaplowitz (English): Liaison to Senate Executive Committee
* Katherine Killoran (Library)
* Keith Markus (Psychology)
* Bonnie Nelson (Library): **Co-Chair**
* Patrick O'Hara (Public Management)
* Peter Shenkin (Mathematics)
* Margaret Leland Smith (Law, Police Science, CJ Adm)

* non-Senators, as permitted by the Faculty Senate Constitution

The Senate agreed to ratify the members of other Senate committees at the next meeting of the Faculty Senate.

7. Discussion of the agenda of the September 14 College Council meeting

The only action item, in addition to voting by secret ballot for members of the College Council Executive Committee, is the Faculty Senate's resolution on faculty ownership of online materials.

At the Faculty Senate's previous meeting, on May 25th, the Faculty Senate unanimously endorsed this resolution, which had been brought to it by the Senate's Technology Committee, co-chaired by Senator Lou Guinta and Professor Bonnie Nelson, and the Senate had also unanimously voted to place it on the September agenda of the College Council.

8. <u>Proposed Resolution on academic freedom:</u> Executive Committee

President Kaplowitz presented the Executive Committee's proposed resolution on Academic Freedom which proposes that the Faculty Senate create ad hoc faculty committees to mediate disputes about academic freedom issues on the occasions that such situations arise:

Proposed Faculty Senate Resolution on Academic Freedom and Professional Responsibility
Proponent: Senate Executive Committee

The Faculty Senate of John Jay College of Criminal Justice, CUNY, resolves that:

1) The academic freedom of all faculty is of critical importance to the proper functioning of the College and opposes without reservation any attempt to abrogate, weaken, bridle, or undermine that freedom by anyone within or outside of the faculty itself.

2) Questions about the rights and limits of academic freedom are a faculty prerogative and ought to be determined by the faculty.

3) Such freedom such include but not be limited to faculty research, publication, and works of creative expression as well as the right of individual faculty members and departments acting collectively to determine appropriate course content (including common course texts, examination procedures and topics) within the framework of the John Jay Charter of Governance and the CUNY Board of Trustees Bylaws.

4) Questions and/or disagreements having to do with academic freedom (whether between faculty members or between individual faculty and department committees, or between members of the faculty and any other office of the College) should be brought to the Faculty Senate for mediation and resolution. and

5) In the event of such questions and/or disagreements, the Faculty Senate may form on each occasion an ad hoc committee whose size, membership, and procedure shall be determined to be suitable for the case at hand and such an ad hoc committee would report its opinion and/or recommendation to the party(ies) involved and to the Faculty Senate.

Senator Betsy Gitter said she has reservations about becoming involved in disputes between faculty and their departments about academic freedom. Senator Guinta concurred. Senator Malone said his understanding is that academic freedom belongs to the institution and not to individual faculty. Professor Litwack said that is not true. Senator Lanzone said she is uncomfortable with this resolution because the parties involved might not be willing to come before the Senate. Senator Malone said that many potential conflicts over academic freedom should be settled at the department level.

Senator Kirk Dombrowski explained that the resolution is not calling on the Senate to settle disputes in any particular way but proposes a process whereby the Senate would set up a faculty framework for mediation so that decisions are not left by default to administrators. Senator Malone asked what legal precedent this resolution is based on. Senator Dombrowski said that the courts have been reluctant to become involved in such cases and have preferred that colleges have a mediation process in place so that the courts do not have to get involved. Senator Gitter said that most of the issues we might have to deal with would be "family quarrels" rather than true cases of academic freedom. President Kaplowitz said that the issue is really that professionals monitor themselves and as professionals the faculty should address these issues ourselves rather than leave them by default to administrators.

Senator Paget said that he is sympathetic with what President Kaplowitz and Senator Dombrowski have said but he thinks that we cannot address this issue in the way outlined in the resolution because the issue is more complex than that and requires a larger solution. Professor Litwack said that he thinks the proposal provides sufficient flexibility to permit this and added that the proposed resolution is the best possible way to mediate what Senator Gitter calls family quarrels.

Senator Gitter said she disagrees with the part of the resolution which calls upon the Senate to mediate disputes because we do not have expertise in mediating disputes. She said that a person who wants mediation can go to Professor Maria Volpe and that, furthermore, there is nothing to prevent a faculty member from coming to the Senate on his or her own by submitting the issue as an agenda item.

Senator Malone asserted that no administrator can prevent him from exercising his academic freedom. Professor Litwack said this is because Senator Malone is a tenured full professor and he thinks it is necessary to protect those who are not tenured full professors and since the Senate is the official voice of the faculty he thinks the resolution provides the appropriate solution. He suggested one more redrafting of the resolution might be in order and then the Senate could vote it up or down. **A** motion to request the Executive Committee to redraft the resolution and put it on the next meeting's agenda was adopted.

There being no new business, by a motion made and adopted the meeting was adjourned at 5 PM.

Respectfully submitted,

Edward Davenport
Recording Secretary

&

Amy Green
Vice President

ATTACHMENT A

2000-2001 Initial Budget Allocation
John Jay College
Revised July 13, 2000

Item	**($000) Funding**
2000-2001 **Adjusted Base Budget**	**34,266.0**
Base Level Adjustment	0.0
Prior Year Adjustment	(1,530.7)
Center for Worker Education	0.0
FY2000 and FY2001 Collective Bargaining	353.0
220's Collective Bargaining	77.6
FY2001 Salary Adjustments	382.3
FY2001 OTPS Inflation	72.9
Total Adjustments	**(644.9)**
2000-2001 **Base Budget Allocation**	**33,621.1**
Lump Sums	
Adjunct	4,093.4
Child Care	152.2
Collaborative Projects	0.0
College NOW	125.2
Computer Access	107.3
Coordinated Freshman Year Programs	650.0
CUNY Counseling Assistantship Program	30.0
Equipment Replacement	115.4
Fuel Oil	0.0
Language Immersion Program (Summer)	0.0
Language Immersion Program	0.0
Maintenance and Repair	50.0
Neighborhood Work Project (CEO)	50.0
2000 Faculty	0.0
2001 Faculty	97.4
SEEK	875.6
Services for the Disabled	100.0
Supplemental Support	76.2
Writing Across the Curriculum	75.1
Total Lump **Sums**	6,597.8
Grand Total **Operating Budget Allocation**	**40.218.9**

Estimated Graduate Teaching and Writing Fellowships*		**305.1**
Tuition Reimbursement:	**Last Semester Free**	**878.4**
	Employee Waivers	**146.5**

	Total	**Contract Courses**	**Net**
FTE Enrollment	**7,776**	**13**	**-7,764**

RI97 Costs Eliminated in 2000-01	**187.2**
Early Retirement Savings Before Replacement, RI98	**238.1**
Early Retirement Savings Before Replacement, RI99	**1,014.9**

*** Represents the college share** of **GTF funds that are budgeted at the Graduate** School

ATTACHMENT B

Memo **August 31,2000**

To: **President Lynch**
From: **Professors Karen Kaplowitz and Ned Benton**
cc: **Budget Planning Committee**
John Jay Faculty Senate Executive Committee and Budget Committee

Re: **After-meeting notes by Benton and Kaplowitz**
Date: *Tuesday,* ***August*** *29, 2000*
Present: *Vice Chancellor Brabham, Budget Director Malave, Mr. Ivan Nunez*
Professors Kaplowitz and Benton

The following is a summary of the meeting that took place last Tuesday. We are acutely concerned that we not convey misinformation or misunderstandings. Therefore, at our request, the Vice Chancellor reviewed sections A and B of this memo – our notes as to their statements and our impressions. We have not shared section C – our recommendations – with anyone outside of the College.

A. Statements of Vice Chancellor Brabham and Budget Director Malave

1. FY 2000-2001 budget allocation is $40,218,900 plus a transitional subsidy $1,500,000, for a total of $41,718,900. The plan should be based on this operating budget allocation.

2. The $1,500,000 is a transitional subsidy for FY 2000-2001 to assist the College as it reduces the operating deficit. There is no implicit or explicit second year transitional subsidy.

3. The prior year adjustment (pay back for the prior deficit) is $1,530,700 for two years. This is the official number even though the actual deficit was higher.

4. There shall be no deficit for FY 2000-2001. The University as a matter of policy requires the Colleges to pay back any operating deficit in the subsequent year. But, because John Jay's operating deficit was in excess of $3 million, they have given John Jay the opportunity to pay back over two years. But the University is firm that they will not allow the College to operate in a deficit in FY 2000-2001.

5. While the deficit must be eliminated over a two-year period, the plan for Year One and Year Two must not have a deficit and Year Two will not include a transitional subsidy. The only deficits permitted during Year Two would be internal to the year, such as a deficit generated in one quarter being made up in a subsequent quarter.

6. They confirmed Angela Martin's interpretation of the revenue target policy, that the target for a subsequent year is based on actual collections, discounted for any enrollment increase. This benefits campuses experiencing enrollment increases.

B. Impressions of Professors Kaplowitz and Benton

1. We presented our impressions of the serious adverse impact of the expenditure reductions on the College, and the potential negative impacts on College performance measures in many areas, including both academic and non-academic domains. They agreed, but countered that the expenditure reductions are absolutely necessary, and are a consequence of the College's actions in FY 1999-2000 after the College received budget enhancements totaling over $2.8 million over two years. They acknowledged that the College would be challenged to find ways to mitigate the impacts of the expenditure reductions. Our impression, however, was that once a plan is accepted and being effectively implemented, that they would support measures to mitigate the impacts, if they became possible.

2. They will accept over-enrollment revenues in the plan if they are credible. They will require contingency plans if the targets are not achieved.

3. In principle, they would permit faculty hiring if sufficient expenditure reductions were made in other areas to allow for the hiring while also achieving the requirements of the plan, but they seriously doubt that this is possible.

4. They understood John Jay's concept of using the temporary deferral of faculty hiring to pay back the prior deficit, but will require the matching of budget and expenditures on an ongoing basis. Once the prior year deficit is paid back, and the budget balanced, funds intended for faculty hiring could be rededicated to future faculty hiring. However, they questioned whether this could be made to work without bold reductions in non-faculty areas. We explored the implication that, if faculty hiring is to take place during FY 2002-2003, searches would have to take place during FY 2001-2002. They were prepared to accept this if the plan demonstrated how the FY 2002-2003 budget would be balanced. They suggested that this might necessitate that the plan include a preliminary FY 2002-2003 budget plan, demonstrating feasibility.

5. We explored how they would treat the $97,400, allocated for faculty hiring in FY 2000-2001, in the subsequent years. We suggested that if the Chancellory took a "use it or lose it" position, that we should be allowed to use the funds for hiring, because in that case whether we hired or not would not affect the deficit. They were willing to discuss the concept that if we did not use the funds for hiring faculty, the annualized funds might be available in subsequent years, so that we could use the funds toward Year Two of the plan. They raised the possibility that they might provide partial (e.g.10/12ths) funding during FY 2001-2002 if we did not hire, but full funding if we subsequently used the funds for faculty hiring. We countered that this was unfair, because it withheld funds that were otherwise due to the College; funds that would help us to satisfy our plan obligations. Finally, we stated that we would recommend to the College administration that the College plan assume full funding in Year Two of the annualized amount, and we had the impression that they would consider our request. However, they did indicate a need to discuss and clear this issue with others, such as Vice Chancellor Mirrer.

6. They intend to ask for assessments of the feasibility and implications of proposed measures. Our impression is that they might question expenditure reductions that they do not believe to be practical. They also suggested that, in evaluating alternate revenue sources, that they would ask for a statement of the impact of the proposed use of the revenue on the source program or operation. They used the

expression "all-funds accounting" in reference to their review of IFR, Research Foundation, and other possible non-tax levy contributions to the plan.

7. They suggested that the second year of the plan would be very challenging, and offered examples of cases where positions were eliminated in reorganization. It appears that they believe that elimination of positions and a bold restructuring of operations including administrative non-reappointments may be necessary. They suggested that any reorganization be developed early in FY 2000-2001, so that it could be implemented in time to have an impact in FY 2001-2002.

8. We explored their expectations for restructuring. The mentioned the ECP and identified CSI and Lehman as models to be considered for emulation. They mentioned David Freed's offer to come and to assist in identifying and evaluating options.

9. We discussed the implications of separate identification of the academic and non-academic parts of the plan. Under this concept, the plan would provide for an academic contribution to the plan through deferred hiring and other measures. Once the target was met, academic hiring could resume. If the non-academic targets had not been met, further non-academic measures (or a longer non-faculty freeze) would be necessary, but academic hiring could resume. This would assure that the academic budget would bear a necessary and equitable share of the expenditure reductions and repayments, but would allow a resumption of hiring at a time certain, or before. They appeared to be willing to consider this concept, and even seemed attracted to it, provided that the College leadership proposed and supported it, and provided that the plan was credible.

C. Recommendations of Professors Benton and Kaplowitz

1. The College should include $233,760 in annualized salary funds for Year Two of the plan. The Provost should attempt to reinforce our position about these funds with Vice Chancellor Mirrer. The basic principle is that, if the Chancellory takes the position that we lose the funds if we do not hire the new faculty, then we should be permitted to hire the new faculty since a freeze on those positions would not result in a contribution to the plan.

2. The College should propose, in Year Two of the plan, hiring of a small number of faculty positions. This action reinforces our position that the $233,000 should be included in Year Two because we are making a symbolic start on the initiative.

3. The College should provide a forecast of the Year Three financial plan, demonstrating our concepts that a) we will not have an operating deficit, b) we are implementing a reorganization that leads to enhanced efficiency, and c) that a resumption of faculty hiring will then be possible.

4. The College should separately identify within the plan the components associated with deferral of faculty hiring, along with the contributions to the plan based on the salaries saved. A finite target would he identified. Once the target is achieved through any combination of savings associated with these plan components, faculty hiring could resume.

Faculty Leave without pay / sabbaticals
Teaching Faculty freeze
Defer faculty hiring initiative Spring 2001
Retain vacancy in visiting professorship
Retain 19 faculty sub vacancies for FY 10/02
Limit faculty hiring initiative FY 2001-2002 to X positions (see #2 above)

The features and benefits of this approach include:

Separate identification does not change the amount of the contributions to the plan to be achieved through faculty vacancies.

There is a net increase in funds available for Year Two because of the addition of most of the $233,760 annualization of FY 2000-2001 faculty hiring initiative funds.

We position the College to benefit from any new faculty hiring initiative because funds allocated to the College would accelerate a resumption of faculty hiring on a dollar-for-dollar basis.

By presenting the plan in this manner, we create a target for mitigation by Vice Chancellor Mirrer that is otherwise not clear.

By establishing a finite target for savings to be achieved through faculty vacancies, we avoid any mis-impression that faculty reappointment decisions could be influenced, even unintentionally or unconsciously, by budget factors. If a faculty member is not reappointed through the P&B

process, any resulting *salary* savings in Year Two would be used only for additional faculty hiring.

5. Review Vice Chancellor Brabham and Mr. Malave's expectations concerning administrative and operational expenditure reductions. They are clearly looking for a plan that includes permanent changes in ongoing expenditures, achieved in part through reorganization, operations change, and associated administrative position reductions achieved possibly through administrative non-reappointments. The College should emphasize in the presentation of the plan the concept of restructuring for efficiency, emphasize the extent to which administrative and operational positions are vacated in various ways, and present a preliminary vision of the resulting organizational structure. Since the College is actually proposing such measures in the plan and considering additional measures, we should attempt to present the measures in the most effective manner possible.

6. Include in the plan assessments of the implications or impacts of the measures involved, that focus on feasibility and scale of impact. The following are some examples. If we reduce OTPS in an area, they will want to understand how we will function without the items not purchased. If we make a contribution from Research Foundation or IFR, they will want to understand what we otherwise intended to do with those funds that we will now not do, the scale of the impact on the account(s) involved, and the impact on the operations generating the funds.

Note: These preliminary recommendations are those of Professors Benton and Kaplowitz, and do not necessarily reflect the views of ourfaculty colleagues. We have not yet had the opportunity to confer and consult with them, but have scheduled a meeting.

ATTACHMENT C

Memo **September 4,2000**

To: **President Lynch**
Vice President Diaz

From: **Professors Karen Kaplowitz and Ned Benton**
cc: **Budget Planning Committee**
John Jay Faculty Senate Executive Committee and Budget Committee

Following our meeting with you and the other Vice Presidents and the Budget Director last Thursday, August 31, we met with other faculty leaders including Harold Sullivan, in his capacity as Chair of Chairs, Tom Litwack in his capacity as Chair of the Faculty Senate Budget Committee, and Robert Crozier and Jack Zlotnick in their capacities as members of the Budget Planning Committee. Karen and I presented our memorandum describing statements and impressions fi-om our meeting with Vice Chancellor Brabham and the faculty leaders reviewed our preliminary recommendations which we had set out as Part C of our memo. We write to report to you on the results of the meeting.

The faculty leaders reported the recommendations that the College should separately identify within the plan the components associated with deferral of faculty hiring, along with the contributions to the plan based on the salaries saved. **A** finite target should be identified. The plan should provide that once the target is achieved through any combination of savings associated with these plan components, faculty hiring should be expected to resume.

The faculty leaders supported the recommendations that the plan should include provisions for **essential** hiring **of** faculty members to the fullest extent possible considering the circumstances faced by the College. While we noted the Vice Chancellor's "serious doubt" as to the feasibility of such hiring, we thought that we should make every effort to include {some} **essential** faculty hiring in the plan.

The faculty leaders agreed with the observation that, by establishing a finite target for savings to be achieved through faculty vacancies, the College would avoid any mis-impression that tenure-track faculty reappointment and tenure decisions would be influenced, even unintentionally or unconsciously, by budget factors. Furthermore, the faculty leaders also are concerned that our College is already far below the critical mass of full-time faculty needed to serve our current student body, without even taking into consideration the increase in student enrollment that is embedded in the plan. Consistent with these observations, the faculty leaders recommended that the plan explicitly state that if a faculty member is not reappointed or tenured through the P&B process, any resulting salary savings {in Year Two} would be used only for additional faculty hiring.

The faculty leaders also recommended that the administration provide to the faculty leaders, **by September 14,** a summary, for the past three years, of **the totalitv of the** income, expenditures, and year-end balances for all non tax-levy funds and accounts. The administration should also provide, with respect to the contribution of non-tax-levy funds to the plan, a) information about what we otherwise intended to do with those funds that we will now not do, b) an assessment of the scale of the impact on the account(s) involved, and c) an assessment of the impact on the operations generating the funds.

ATTACHMENT D

JOHN JAY COLLEGE OF CRIMINAL JUSTICE

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

Memo **September 8,2000**

To: **President Gerald W. Lynch**
Provost Basil Wilson

From: **Professor Karen Kaplowitz**
President, Faculty Senate

cc: **Council of Chairs**

At its meeting of September 7,2000, the Faculty Senate endorsed the recommendations made to you by Professor Ned Benton and myself in our memorandum to you dated September 4, 2000, **with several important changes** (copy enclosed). The Faculty Senate's changes are indicated in the following way: new language is marked in bold and is underlined, and deleted language is marked by brackets.

Please note that the last paragraph of that memorandum, as amended by the Faculty Senate, reads as follows:

> "The faculty leaders also recommended that the administration provide to the faculty leaders, **by September 14,** a summary, for the past three years, of **the totality of the** income, expenditures, and year-end balances for all non tax-levy funds and accounts. The administration should also provide, with respect to the contribution of non-tax-levy funds to the plan, a) information about what we otherwise intended to do with those funds that we will now not do, b) an assessment of the scale of the impact on the account(s) involved, and c) an assessment of the impact on the operations generating the funds."

The Faculty Senate also endorsed the statement of September 5,2000, of the Council of Chairs, **with several important changes** (see below). Again, the Senate's changes are indicated in the following way: new language is marked in bold and is underlined, and deleted language is marked by brackets:

> "Any {excess} **additional** revenue that may result from exceeding the overcollection revenue goal that is in the College's plan**, or additional revenues from other sources,** shall be used solely for hiring full-time faculty, unless there is consensus, after consultation with faculty leaders, that some part of those {excess} **additional** revenues may be allocated for other purposes."