

Faculty Senate Minutes #241

John Jay College of Criminal Justice

Thursday, March 13, 2003

3:15 PM

Room 630 T

Present (30): Yahya Affinnih, Desmond Arias, Marvie Brooks, Orlanda Brugnola, Leslie Chandrakantha, Effie Cochran, Richard Culp, Edward Davenport, Kirk Dombrowski, Janice Dunham, Joshua Freilich, Michele Galietta, Amy Green, Carol Groneman, Karen Kaplowitz, Andrew Karmen, Kwando Kinshasa, Gavin Lewis, Tom Litwack, Amie Macdonald, Lorraine Moller, Edward Paulino, Rick Richardson, Jodie Roure, Cary Sanchez, Ellen Sexton, Francis Sheehan, Liliana Soto-Fernandez, Margaret Wallace

Absent (9): Robert Hair, Judith Hawkins, Ann Huse, Max Kadir, Evan Mandery, Adam McKible, Carmen Solis, Davidson Umeh, Robin Whitney

Guests: Professors Ned Benton, Harold Sullivan

Agenda of the March 13, 2003, meeting

1. Announcements from the chair
2. Adoption of Minute #240 of the February 19, 2003, meeting
3. Election to the Faculty Senate Technology Committee
4. Proposal that the Faculty Senate co-sponsor the Women's History Month Literary Lecture
5. Discussion of the March 19 College Council agenda
6. Proposed Resolution on the incorrect agenda of the March 19 College Council meeting
7. Proposed Resolution requesting data about classroom utilization by days, periods, and buildings
8. Election of the Faculty Senate's Student Awards Committee for 2003 Commencement
9. Proposed Resolution about information for students who add courses at Late Registration
10. Faculty access to offices
11. Report on Phase II planning process and schedule: Senators Dombrowski & Kaplowitz
12. New business

1. Announcements from the chair

The College is capping enrollment at the level of Fall 2002, because the funds available for Phase II are so inadequate that Phase II will not meet the needs of the numbers of students now enrolled much less the enrollment we had projected to have when the building will be ready for occupancy in August 2008. However, no specific plan for capping enrollment has been put forward.

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The decision to cap (stabilize) our enrollment at last semester's level was a decision by the CUNY Central Administration after the Phase II Steering Committee determined how much less adequate Phase II will be for our current needs (much less our projected needs) than both John Jay and CUNY had expected.

Also, consultants hired by DASNY [Dormitory Authority of New York] have conducted a study of North Hall and have determined that North Hall is so lacking in compliance to fire safety and other safety codes, is so overcrowded, is so inadequately designed for emergency egress, and is so lacking in sufficient numbers of corridors and staircases, with the distance so long from most places to a means of egress, that North Hall is not only in non-compliance but is dangerous.

As a result of these findings, the consultants, DASNY, and CUNY have determined that it is necessary to build both additional stairways and additional corridors in North Hall to improve fire safety and emergency egress. These changes, which are scheduled to be completed by the end of the summer, will have the unfortunate result of reducing even further the amount of space available for classrooms and offices than we now have.

Also, because North Hall is not sprinkled, areas of refuge must be built contiguous to spaces that are capable of holding 75 or more people: each area of refuge must hold all the people it is designed to serve as a refuge area for; nothing at all may be placed in each area of refuge nor may an area of refuge be used for any other purpose at any time; and the walls, floors, and ceilings of each area of refuge must be able to withstand fire for two hours. Thus, for example, Room 1311 NH, and Room 4302 NH, and the cafeteria are spaces that are capable of holding more than 75 people and, therefore, each must have a room of refuge built next to them. This means, for example, according to the plans to date, that part of the Microcomputing Lab on the first floor of North Hall will have to be converted to an area of refuge for those people who may be in 1311 NH at the time of an emergency, and so forth. Also, double classrooms in North Hall that are capable of holding 75 students or more will either have to be converted into single classrooms for approximately 40 students each or else an area of refuge will have to be built for and next to each double classroom.

Professor Ned Benton explained the impact of the fire at Seton Hall University on fire safety changes for John Jay and noted that not only is John Jay College extremely out of compliance with fire codes but even with the planned reconstruction of the North Hall building, North Hall will still fail to be in compliance with the fire codes.

Several Senators said that their students knew about yesterday's fire drill beforehand, having seen Security Officers throughout North Hall in position for a fire drill, and students told their professors not to start an exam or a **film** because they knew that a fire drill was going to take place. And so the efficacy and validity of the emergency evacuation drill, especially in terms of the response of Security Officers, fire marshals, and others, all of whom knew about the drill in advance, was questioned.

Furthermore, Senators Kwando Kinshasa and Gavin Lewis each said he had witnessed increasingly growing crowds in the stairwells on the fourth and third floors of North Hall. Professor Benton spoke of the recent, tragic Rhode Island fire and the overcrowded conditions at the nightclub there, the panic that ensued, and the fact that the people in the nightclub exhibited the same behavior that studies by fire science specialists, including by a fire science professor in his Department, reveal which is that people are more likely to try to exit a building from the same place they entered it, even if that is not the nearest exit to where they are.

2. Adoption of Minute #240 of the February 19,2003, meeting

By a motion duly made and carried, Minutes #240 of the February 19 meeting were adopted.

3. Election to the Faculty Senate Technology Committee

At the recommendation of Professors Lou Guinta and Bonnie Nelson, the Co-Chairs of the Faculty Senate Technology College, the Senate elected Professor Dorothy Schulz (Law, Police Science & CJ Adm) to the Committee. The vote was unanimous.

4. Proposal that the Faculty Senate co-sponsor the Women's History Month Literary Lecture

A motion supporting an invitation to the Senate to co-sponsor the annual Women's History Month Literary Lecture was adopted by unanimous vote. Senator Amy Green, Chair of the Women's Studies Committee, expressed her delight at the Senate's action and invited all to extend to their students an invitation to attend the Literary Lecture by Esmeralda Santiago on March 20.

**5. Discussion of items on the agenda of the March 19,2003, College Council meeting
[Attachments A & B]**

The agenda for the March 19 College Council meeting comprises only three items: approval of the Minutes of the February meeting; nominations for four committees; and announcements.

These are the only items on the March 19 College Council agenda despite the fact that Professor Ned Benton personally hand-delivered 10 copies of the Faculty Senate/Council of Chairs Proposal on Class Size and Course Cancellation Policy to the Office of the President on March 3, before the deadline for submitting College Council agenda items, with a letter to the College Council Executive Committee from Professors Benton, Harold Sullivan, and Kaplowitz explaining that the Senate/Chairs Proposal was being submitted to the College Council Executive Committee for inclusion on the March 19 College Council agenda [Attachment A].

However, the Senate/Chairs Proposal was not on the printed agenda presented to the College Council Executive Committee when the Committee met, as scheduled, on March 11 [Attachment B], nor was even a single copy of the Senate/Chairs Proposal provided to the members of the College Council Executive Committee. In other words, the Senate/Chairs agenda item was suppressed.

**6. Proposed Resolution on the Incorrect Agenda of the March 19 College Council meeting:
Senate Executive Committee [Attachments C, D, E]**

President Kaplowitz next distributed copies of a February 7,2003, Memorandum [Attachment C] that had been sent to President Lynch and other senior College administrators five

weeks ago by Professors Ned Benton, Harold Sullivan, Kirk Dombrowski, and herself, in which the four faculty leaders invited comments and suggestions from the administrators about the Senate/Chairs Proposal (which had been approved in principle both by the Senate on February 4 and by the Council of Chairs on February 5). In this Memorandum, the faculty leaders also explicitly stated that the Senate/Chairs Proposal will be submitted for action by the College Council at its March 19 meeting.

She also distributed copies of a March 10,2003, letter to President Lynch from Professors Ned Benton, Harold Sullivan, and herself, in which they urged and invited President Lynch to endorse the Senate/Chairs Proposal [AttachmentD]. This letter had also been hand-delivered.

In response to this situation, President Kaplowitz next distributed copies of a proposed Resolution for consideration at today's Senate meeting [AttachmentE]. The proposed Resolution asks that the College Council agenda be corrected to include the suppressed Senate/Chairs Proposal and also asks that the Senate/Chairs Proposal be circulated to the College Council membership prior to the March 19 College Council meeting.

Professor Ned Benton read from Article I. Section 9.b. of the Charter of the College which states: "Agenda: Any member of the [John Jay] college community may propose items for the Council agenda which shall be prepared by the Executive Committee." Senator Desmond **Arias** asked who chairs and who serves on the College Council Executive Committee and how the members are selected. President Kaplowitz explained that President Lynch chairs the 14-member College Council Executive Committee and that there are four statutory members of that Committee: the President of the College (who also chairs the College Council), the Provost, the VP for Administration, and the VP for Student Development; in addition, there are 10 other members, all of whom are elected by the College Council from among College Council members: six faculty, three students, and one HEO.

Senator Tom Litwack speculated that our Proposal may have been excluded from the agenda of the College Council because the Proposal had not previously been brought before the Standards Committee and the Curriculum Committee. President Kaplowitz said that on February 7 when she and Professors Benton, H. Sullivan, and Dombrowski sent the Proposal with a cover letter [AttachmentC] to the various administrators who Chair all the College Council Committees, including the Standards Committee, the Curriculum Committee, and the Comprehensive Planning Committee, the Proposal, by virtue of the action, was, in fact, made available for consideration by those committees but the Proposal was never placed on the agenda of any of those committees. The faculty, she said, can not and should not be faulted for the acts of omission of others over whom they have no control, especially given the fact that none of the College Council Committees has an executive committee.

Professor Harold Sullivan noted that the Faculty Senate has the authority to submit items directly to the College Council. President Kaplowitz agreed, quoting from the Senate Constitution which was not only ratified by the faculty in 1988 but was shortly after vetted and approved by the CUNY Board of Trustees, where it is on file: the Faculty Senate Constitution states that the Faculty Senate "shall serve as one of the bodies of the College in the shaping of academic and educational policies. . . . The Faculty Senate, acting through resolutions voted upon, shall be considered the voice of the faculty when making recommendations to the College Council [emphasis added], to administrative officials, or to other components of the College and the University, consistent with CUNY Bylaws, the Professional Staff Congress contract and academic freedom."

Professor Sullivan said it is his belief that the President of the College, who is the Chair of the College Council and the Chair of its Executive Committee, is endangering the integrity of John Jay's governance by refusing to put such an important and timely issue on the College Council agenda. President Kaplowitz agreed that timeliness is one of the important issues: the deadline for planning the size of the classrooms for Phase II has been identified by the architectural planner as mid-April. We also have the dangerous conditions of North Hall which we must lessen by having fewer numbers of people in the building at any given time. We also have the Chancellor's mandate to fully use our registration grid or else other CUNY colleges seeking to do so will be permitted to duplicate our unique majors.

She added that although the CUNY Board of Trustees works through committees, occasions arise when issues that are time-sensitive are brought directly to the Board or are brought to the Board despite the fact that the appropriate committee to which the item was brought could not act because of lack of a quorum. In our case, however, we sent the Senate/Chairs Proposal to the Chair of the College Council and to the chairs of the College Council committees, but it was the decision of those individuals to not present the Proposal to the committees they chair.

Professor Sullivan said it is important for the future of faculty governance at this College that we challenge the illegitimate manner in which faculty proposals are being ignored. President Kaplowitz agreed, adding that we have a very small window of opportunity to act on this issue. She explained that the purpose of today's proposed Resolution [Attachment E] is to give the College Administration unambiguous notice that we consider their actions to be a violation of governance, so as both to resolve the situation now, if possible, and in case we wish to make a stronger protest later.

President Kaplowitz explained that upon learning that the Senate/Chairs Proposal had been suppressed, the initial impulse of she and Professors Benton and Sullivan had been to issue an "Open Letter" to President Lynch and to circulate that letter to the entire community. But, instead, they decided that through this proposed Resolution [Attachment E], the faculty would provide President Lynch with the opportunity to correct an error in judgment and to correct an inaccurate College Council agenda. She said we are treating him and the other members of the Administration, if we do adopt today's Resolution, with the kind of collegiality, professional respect, and civility with which we are not, unfortunately, being treated by them. To do so is to do what is right, she said.

Senator Kwando Kinshasa asked for a clarification: he asked if his understanding is correct, that if we were to pass this Resolution, we would be saying that the Chair of the College Council acted in violation of the College Charter. The reply was yes. Senator Yahya Affinnih asked for a clarification as to why it is so difficult for the Charter to be followed at John Jay, that is, why such behavior took place.

President Kaplowitz said that is an excellent question but one she is unable to answer: not one member of the Administration has communicated with her either orally or in writing about this issue or about any of the faculty's written communications, neither about the letter of February 7 [Attachment C], nor about the letter of March 10 [Attachment D], or about the letter to the College Council Executive Committee [Attachment B], nor about the Senate/Chairs Proposal itself, so she cannot speak about reasons, motives, or intentions. Senator Affinnih asked whether Senators could go en masse to the College Council to place this item on the agenda. President Kaplowitz said that is an option, but if we pass this Resolution the hope is that the President will correct the agenda.

Senator Litwack said he thinks it was an egregious violation of governance for this item not

to have been placed on the College Council agenda, and certainly for it not to have been presented to the College Council Executive Committee, but he thinks there is a possible legal argument which could be made that we had not brought it to the College Council in the correct way. He noted, in addition, that there is an alternate way to have the College Council place our Proposal on the agenda: the College Charter says that new business can be presented upon an affirmative vote of two-thirds the Council members present and voting.

Professor Benton said that the violation occurred not by us but by others when our Proposal was withheld from the Executive Committee of the College Council, which, had it had the opportunity to do so, could have assigned it to a Committee. Professor Benton noted that today's Resolution [Attachment E] has been written in the passive voice and does not say who is to blame; rather it says that the College Council agenda is not the correct agenda and requests that the College Council agenda be corrected. Professor Benton believes that we need to present a clear record of the situation and today's Resolution would accomplish that.

President Kaplowitz said that as a long-time member of the College Council she can attest to the fact that efforts to present new business at a College Council meeting are summarily blocked by the Chair of the College Council. President Kaplowitz added that since its formation in 1986, the Faculty Senate has frequently submitted agenda items directly to the College Council and those items were not only put on the Council agenda but were adopted by the Council and were implemented by the College: she said she could provide a long list of examples of Faculty Senate resolutions and proposals that were submitted directly to the College Council and were placed on the agenda. She added that the relevant provisions of the Charter have not been revised during this time period and the same person has been the Chair of the Council during this entire time period. Senator Amy Green, also long a member of the Council, agreed both about the difficulty, if not impossibility, of having new business placed before the Council and also about the Senate's history of submitting agenda items directly to the College Council.

President Kaplowitz added that the fact that the faculty hold only 50 percent of the College Council seats also makes it difficult to achieve the two-thirds affirmative vote needed to introduce new business. This provision of the Charter is very different from Roberts Rules of Order which more democratically and more fairly permits any member of a body to introduce an item under new business.

Also, were the Senate to bring this Proposal as new business, assuming that the Chair of the Council does not summarily refuse to allow such a vote, as he has done in the past, and assuming that a two-thirds affirmative vote were achievable, this method would not provide for the Senate/Chair's Proposal to be distributed by the Secretary of the Council to all Council members. Indeed, she added, it is not clear who is on the College Council and in what capacity each serves since there is no College Council homepage and no available listing of the membership and the constituency that each person represents.

Asked if there have been other times when the Senate's submission of agenda items to the College Council has been blocked from placement on the Council's agenda, President Kaplowitz said she recalls only two instances: the first was when the College moved into T Building and the Senate worked to have the facilities in both T Building and North Hall made accessible to people with disabilities, which was true of neither building. President Lynch refused to have this item placed on the College Council agenda, asserting that the College was in compliance. The Senate then held an open forum at which students and faculty testified about being unable, for example, to

use toilet facilities, and about other unacceptable conditions that were both violations of the law and violations of common decency. Then the Faculty Senate asked the Mayor's Office for People With Disabilities (MOPD) to assess North Hall and T Building and when an architect and a lawyer from MOPD did so and issued a multi-page, single-spaced list of violations, the Senate was finally able to get the issue on the College Council agenda.

The only other instance she could recall was two years ago, shortly after 9/11: the Senate held a specially scheduled meeting, which many other faculty also attended, on a day when no classes were in session to develop one-time policies to help our students, many of whom were working at Ground Zero, more easily handle their academic studies by, for example, permitting students to change their course status to independent study (with their professor's permission). The series of proposals from the Senate was blocked from consideration by the College Council by the Council's Executive Committee at the insistence of the Administration. The Senate did not challenge this because all us were too busy helping our students, our colleagues, and ourselves cope.

But this current situation, President Kaplowitz added, has to be challenged. She said that if this is how the Administration acts less than a month before the Middle States Visiting Team arrives, how will the Administration act afterwards if we let this situation go unchallenged.

The question was called and was passed by unanimous vote. The vote on the Resolution was 28 yes, 1 no, and 1 abstention [Attachment E].

Senator Amy Green said she is proud to be a member of the Faculty Senate because the Senate acts with great decency. The Resolution we just passed, she said, is truly an example of our choosing to take the high moral ground.

7. Proposed Resolution requesting data about classroom utilization by days, periods, buildings

President Kaplowitz said that despite President Lynch's promise to the Senate when he met with the Senate on December 6, she is unable to obtain a copy of the Report that the College Administration has completed about classroom utilization by day, period, and building. The Senate authorized her to try again and if unsuccessful again to bring the issue back to the Senate for a vote on filing a Freedom of Information Act request.

8. Election of the Faculty Senate CUNY BA Awards Selection Committee

Each May at John Jay's Awards Ceremony, the Senate gives two awards: one to the Outstanding CUNY BA graduating senior in the Liberal Arts & Humanities and one to the Outstanding CUNY BA graduating senior in the Social Science & Professional Studies. And so each year the Senate elects an Ad Hoc Committee to recommend for the Senate's consideration the recipients of the Faculty Senate's Awards. The Ad Hoc committee recommends the candidates and the Senate votes on the recommendations.

Secretary Edward Davenport and Senator Marvie Brooks were elected by unanimous vote.

9. Proposed Resolution: Students who add courses at late registration: Proponent: Professor Elisabeth Gitter

Professor Betsy Gitter submitted this agenda item because students who add a course at Late Registration invariably do not make an effort to obtain the course syllabus; do not, therefore, do the assignments; miss a work; are out of synch with the rest of the students; and often never catch up. Professor Gitter is proposing that the statement in the Class Registration booklet – which most students seem not to read – stating that students who add courses at Late Registration are responsible for all missed course work be given that information in writing at Late Registration at the time they add a course. The Senate approved by unanimous vote the following Resolution:

Resolved, That the Senate recommends that all students who register for a course or courses at Late Registration be given an official College document informing them that they are responsible for all assignments and work from the first day of class (as stated in the Registration Booklet) and further stating that it is the student's responsibility to obtain the syllabus for each course.

10. Faculty access to offices [Attachment F, G]

President Kaplowitz reported that after writing to the Administration on December 8 and again on February 5 about the faculty's need for restoration of 24/7 access to their offices and labs to do work, she received a written response from Security Director Brian Murphy dated February 19 [Attachment F] to which she replied on February 27 [Attachment G]. She has received no response to her letter of February 27. President Kaplowitz said she will poll the faculty governance leaders of each CUNY college as well as other faculty at those colleges to ascertain the practices at each CUNY campus and will report this information to the Senate as well as to the administration.

11. Report: Phase II planning process & schedule: Senators K. Dombrowski & K. Kaplowitz

The schedule is fast-paced because the timeline is to have the programming stage of the Phase II process finished by May, at which time a presentation is scheduled for the entire College community for comment. The chairs of the Resource Committees are: Professor Peter Mameli: Faculty & Staff Space; Professor Peter Mameli: Instructional Space; Professor Robert DeLucia: Student Services and Student Space; Facilities Director Robert Huffman: Building Systems. Each Resource Committee has two liaisons from the Phase II Advisory Committee: Professor Harold Sullivan and VP Mary Rothlein: Faculty & Staff Space; Professor Ned Benton and Provost Wilson: Instructional Space; Professor Kirk Dombrowski and VP Witherspoon: Student Services and Student Space; Professor Kaplowitz and VP Pignatello: Building Systems.

By a motion made and adopted, the meeting was adjourned at 5:10 pm.

Respectfully submitted,

Edward Davenport
Recording Secretary

&

Jodie Roue
Associate Recording Secretary

&

Kirk Dombrowski
Vice President

ATTACHMENT A

John Jay College of Criminal Justice
The City University of New York
445 West 59th
New York, NY 10019

March 3, 2003

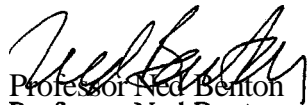
Executive Committee
The College Council
John Jay College of Criminal Justice
899 Tenth Avenue
New York, NY 10019

Re: Proposals Submitted for the March College Council Meeting

Dear Members of the Executive Committee of the College Council:


Attached are two policy proposals, titled "Primary and Secondary Enrollment Limits" and "Cancellation of Class Sections," which we are submitting for placement on the agenda of the March College Council meeting. Both proposals have been unanimously approved by both the Faculty Senate and the Council of Chairs. We have also attached an explanatory statement.

Sincerely,



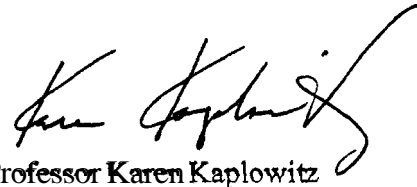
Professor Ned Benton

Chair, Budget Planning Committee



Professor Harold Sullivan

Chair, Council of Chairs



Professor Karen Kaplowitz

President, Faculty Senate

cc: Patricia Maull
Mayra Nieves
Declan Walsh

ATTACHMENT B

D R A F T

JOHN JAY COLLEGE OF CRIMINAL JUSTICE
The City University of New York

Tuesday, March 11, 2003

THE COLLEGE COUNCIL

Room 630T

3:15 p.m.

AGENDA*

1. Approval of the February 13, 2003 minutes
2. Report from the Executive Committee of the College Council
Nominations for At Large Elections to 2003-2004 College Council Committees: Committee on Ceremonial Occasions (4); Committee on Faculty Elections (5); Committee on Student Interests (2); and Committee on Undergraduate Honors, Prizes, Scholarships and Awards (3)
3. Announcements

N.B. This was the agenda presented to the College Council Executive Committee at its meeting on March 11, 2003.



JOHN JAY COLLEGE OF CRIMINAL JUSTICE

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

February 7, 2003

Memorandum

To: President Lynch
Provost Wilson
Vice President Witherspoon
Vice President Pignatello
Associate Provost Kobilinsky
Dean Levine
Dean Saulnier

From: Harold Sullivan, Chair, Council of Chairs
Karen Kaplowitz, President Faculty Senate
Ned Benton, Chair, Budget Planning Committee
Kirk Dombrowski, Vice President, Faculty Senate

Re: Attached Proposals

Earlier this week the Faculty Senate **and** the Council of Chairs passed in principle the attached proposals, without dissent. We invite your advice and suggestions **as** to how **the** proposals could be improved. We also invite you to share them with the Standards Committee, Graduate Studies Committee, Student Council and Comprehensive Planning Committee. The purposes of the proposals are

to establish college standards **as** to class size
to create incentives for use of underutilized class periods
to standardize the process of course cancellation

The Senate and Chairs will review **and** refine the proposals at our meetings later this month, **and** then we intend to submit the proposals in March to the College Council for adoption as College policy. We invite you to join us in presenting and supporting the proposals at the meeting.



JOHN JAY COLLEGE OF CRIMINAL JUSTICE

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

March 10, 2003

To: President Gerald W. Lynch

From: Professor Ned Benton, Chair, Budget Advisory Committee
Professor Karen Kaplowitz, President, Faculty Senate
Professor Harold Sullivan, Chair, Council of Chairs

Dear President Lynch,

The Council of Chairs and the Faculty Senate recently submitted two policy proposals for the agenda of the March meeting of the College Council. These two policy proposals are designed to reduce class sizes and also to expand our use of classroom space in underutilized time periods. We write to encourage you to support these initiatives and to support a program of action to achieve the important results that the policies envision.

We have reached a point in the history of the College where our generation of administrators and faculty members must make decisions that will affect the character of our College for many decades to come. The decisions also probe our own character as college leaders and set a standard for how history will view our generation's legacy to the future.

Each of us has been at the College for two decades or more. When we came to John Jay, one of the features of the College that we valued was the College's identity as a liberal arts college with small classes that permitted close interaction between instructors and students. Over the years, due to a series of budget crises, we have gradually allowed maximum class size to increase, to limits that are inconsistent with our vision of the College. Our generation faced critical financial problems that demanded the steps that we reluctantly took. However, our generation now has the opportunity to restore what we had to compromise.

We also now face an urgent legal and moral problem. The typical classroom in North Hall has a fire code occupancy of fewer than 30 students. We believe that we are morally and legally obligated to take every action possible to comply with the law. Student, faculty, and staff safety is at risk, and we fail a test of moral leadership if we violate in our classrooms the very standards that we teach students to respect and implement.

We therefore ask you to support the two policy proposals that we have submitted to the College Council. We also ask you to support the application of the class size policies in the planning of

President Lynch – March 10, 2003

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Phase II. The choices that the designers have framed for the College challenge **our** generation of College leaders to answer profound questions about the character of **our** College. Will we force future generations of faculty and students to endure the large class sections that temporary financial exigencies have imposed on **our** generation?

Fortunately, **our** capital **and** operational resources make it possible for us to make these important policy decisions for the future of the College. We can afford the increase in sections now, and in planning Phase II, the best instructional choice – smaller classrooms – is also the most efficient choice as they will result in a higher level of station utilization.

We therefore **ask** you to join with us, at this important moment in the history of the College, in taking steps that will make us proud of our generation's moral **and** legal **commitment** today and of our generation's vision for the College's future. Once **in** every generation there comes a moment to decide. **Our** moment is now.

Resolution
John Jay College Faculty Senate
March 13,2003

Whereas, Section One of the Charter of Governance of John Jay College of Criminal Justice provides that "The College Council shall be the primary governing body of the John Jay College of Criminal Justice. It shall have authority to establish College policy on all matters except those specifically reserved by the Education Law or by the Bylaws of the Board of Trustees of the City University of New York to the President or to other officials of the John Jay College or of the City University of New York, or to the Board of Trustees."

Whereas, the Constitution of the John Jay College Faculty Senate states that the Senate "shall serve as one of the bodies of the College in the shaping of academic and educational policies. The John Jay Faculty Senate shall concern itself with matters of teaching, scholarship, research and any and all other matters related to faculty concerns as part of the educational mission of John Jay College. The Faculty Senate, acting through resolutions voted upon, shall be considered the voice of the faculty when making recommendations to the College Council, to administrative officials, or to other components of the College and the University, consistent with C.U.N.Y. by-laws, the Professional Staff Congress contract and academic freedom."

Whereas, the College's February 2003 Middle States Self-Study Report states, on page 24, "The Faculty Senate is a deliberative and advisory body that is recognized statutorially in the College Charter as representing the voice of the faculty." Page 2.4 also states that "Proposals of the Council [of Chairs] may take the form of informal or written recommendations to the President, Provost or other administration officials and/or to College-wide committees."

Whereas, Section 9.b of the Charter of Governance of John Jay College of Criminal Justice states the following "Agenda: Any member of the college community may propose items for the Council agenda which shall be prepared by the Executive Committee. Important proposals shall be delivered in writing to the Secretary of the Council not less than seven work days preceding the meeting at which they are to be introduced. The Secretary shall make the agenda available to members of the Council at least two work days in advance of each meeting and shall make the agenda available to all members of the college community in advance of each meeting, except that upon a two-thirds vote of members present and voting, agenda items may be introduced at any Council meeting without prior notice."

Whereas, on February 18,2003, the Council of Chairs unanimously approved two policy proposals for submission to the College Council, designed to reduce class sizes and expand our use of classroom space in underutilized time periods.

Whereas, on February 19,2003, the Faculty Senate unanimously approved the same two policy proposals for submission to the College Council.

Whereas, class size, course scheduling and course section cancellation are not matters

"specifically reserved by the Education Law or by the Bylaws of the Board of Trustees of the City University of New York to the President or to other officials of the John Jay College or of the City University of New York, or to the Board of Trustees" as provided under Section One of the College Charter.

Whereas, on March 3, 2003 these proposals were submitted in writing to the Executive Committee of the College Council.

Whereas, the Agenda prepared by the College Council Executive Committee for the March 19, 2003 meeting of the College Council omits these two proposals, and therefore is not a true and correct agenda.

Whereas, intentional and willful omission of duly submitted agenda items would violate the College Charter.

Whereas, the College Council meeting on March 19, 2003 would be in violation of ~~the~~ College Charter if duly submitted agenda items were not presented in accordance with the provisions of the Charter.

Therefore, the Faculty Senate of John Jay College of Criminal Justice resolves...

1. That the agenda for the March 19, 2003 College Council meeting be corrected to represent the true **and** correct agenda, which includes the two duly submitted proposals, and that the proposals be promptly circulated to the Council membership.
2. That the Chair **and** membership of the College Council take up the proposals in accordance with the true and correct agenda.

ATTACHMENT F

To: Prof. Karen Kaplowitz, English Dept.

From: Brian Murphy, Director of Security *Bom*

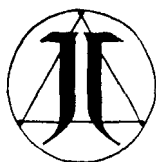
Date: February 19, 2003

Subject: **FACULTY ACCESS**

Some time ago you made a request to V.P. Pignatello regarding legitimate needs of the faculty to have extended access to their work space. The following agreement was reached extending faculty access only. The faculty was granted access seven days a week including holidays from 6:00 AM until Midnight. If a special need arose a written request was to be made at least 24 hours prior to the Security Director or his designee and if the request was reasonable, the hours could be extended further. At this time V.P. Pignatello has instructed me to permit access without prior notification if the faculty member goes to the Security Desk prior to the closing of the building, shows ID and indicates what room he/she will be working in. Access up to 3:00 AM will be extended. When the member of the faculty leaves he/she should notify security. This additional access is intended for occasional use due to unusual circumstances and should not be viewed as permission to stay every evening.

cc: Provost Basil Wilson
V.P. Robert M. Pignatello

ATTACHMENT G



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

February 27, 2003

To: **Mr. Brian Murphy**
Director of Security

From: Professor Karen Kaplowitz
President, Faculty Senate

Re: Faculty Office Access for Work Purposes

Dear Director Murphy,

Thank you for your memorandum to me of February 19, 2003, in response to my email of December 8, 2002, and to my letter of February 5, 2003, both of which were addressed and sent to you, to Vice President Robert Pignatello, and to Provost Basil Wilson.

I am writing to ask the reason or reasons, if any, for the College administration's unilateral rescinding of both past practice and also of the 1998 re-affirmation by the College administration of 24-hour/7-day a week faculty access to their offices for the purposes of faculty doing their work. I am also writing to review the situation to my best understanding.

First, I know of no prior or existing policy that has ever been in place at John Jay such as the one you describe in your memorandum of February 19, 2003, according to which: "If a special need arose a written request was to be made at least 24 hours prior to the Security Director or his designee and if the request was reasonable the hours could be extended further" than the midnight to 6 AM time period. If such a policy were ever in effect, neither I nor anyone on the faculty to whom I have spoken, and I have consulted with the faculty widely, has ever heard or has even known of such a policy. If such a decision had been made it had never been promulgated and I think you would agree that a "policy" that none of the faculty knew about was never truly a policy.

Second, the faculty at John Jay has had 24-hour access to their faculty offices for at least 15 years. Indeed, the regular working hours of the Executive Officer of our Doctoral Program in the late 1980s and early 1990s began at approximately 6 PM or 8 PM and ended around 4 AM or 5 AM every day because those were the hours he worked most productively and effectively.

It was only when a unilateral decision by the College administration to end this full access took place in 1998 that a reaffirmation of the faculty's right to use their offices on a 24-hour/7-day a week basis was needed and that right was reaffirmed by Provost Wilson and Vice President Pignatello in consultation with me, in my capacity as President of the Faculty Senate, and with Professor Robert Crozier, Vice Chair of the Council of Chairs, who was representing Professor Harold Sullivan, Chair of the Council of Chairs, who was unavailable at that time.

ATTACHMENT G (cont)

Security Director Brian Murphy – February 27, 2003

The decision to once again prevent faculty from using their offices after midnight to do their work was made last semester by the College administration in a unilateral manner and without any notice to the faculty. Faculty learned of the decision when, at midnight, Security Officers insisted they immediately stop their work and leave the building. The junior, non-tenured faculty complied, as expected, but several senior, tenured faculty were able to convince Security Officers of their need and right to continue their work. Clearly not only was there no policy change announced to the faculty but a directive seemingly given only to Security Officers was not applied equally.

The newly stated “policy,” as articulated in your memorandum to me of February 19, 2003, is an abrogation of past practice at John Jay and an abrogation of the agreement formalized in 1998 and reported in detail in Faculty Senate Minutes #178, which were sent at the time, as they are still, to all administrators, including Vice President Pignatello and Provost Wilson, for their information and for distribution to members of their staff, since the Senate’s budget does not permit copies to be made for every employee of the College. I assumed Vice President Pignatello provided you with a copy of Minutes #177 and #178 at that time, relevant portions of which I included in my email of December 8, 2002, and with my letter of February 5, 2003. As you know, you have since been added to the Faculty Senate Minutes mailing list and I apologize for not having done so sooner.

The Faculty Senate on February 19, 2003, by unanimous vote, reaffirmed the need for 24-hour/7-day a week access by faculty to their offices for the purpose of doing their work.

The statement in your February 19, 2003, memorandum, which I had not yet received when the Senate voted on that same date, that an extension of three hours until 3 AM was being granted but that “This additional access is intended for occasional use due to unusual circumstances and should not be viewed as permission to stay every evening” is counter to the needs and practices of our faculty.

Either faculty have all their books and research materials in their offices or they have them in their homes. It is in the best interests of the College that our faculty be on campus. The faculty want to be on campus. The work faculty do can not and must not be hindered by arbitrary rules. Furthermore, Library and Counseling faculty are especially discriminated against by such arbitrary rules because of their 35-hour work week. And Science faculty can not simply stop an experiment at midnight nor at 3 AM: this is not how science research is conducted.

Recently, the College instituted an ID turnstile system and installed 230 closed-circuit security cameras to improve security. It is ironic and incomprehensible that it is after these security measures were put into place, with the strong support of the Faculty Senate, that the College administration is unilaterally and arbitrarily reducing and limiting faculty access to their offices.

I look forward to your response. I am cc’ing VP Pignatello and Provost Wilson, as you have done with your memorandum, as well as others, and I would welcome their response as well.

cc. Provost Wilson
VP Pignatello
Dean Donald Gray
PSC Executive Board

Sincerely,

