

## **Faculty Senate Minute #242**

### **John Jay College of Criminal Justice**

**Wednesday, March 26,2003**

**3:15 PM**

**Room 630 T**

**Present (32):** 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, Judith Hawkins, Karen Kaplowitz, Andrew Karmen, Kwando Kinshasa, Gavin Lewis, Tom Litwack, Amie Macdonald, Evan Mandery, Lorraine Moller, Edward Paulino, Rick Richardson, Jodie Roure, Cary Sanchez, Ellen Sexton, Francis Sheehan, Davidson Umeh, Margaret Wallace, Robin Whitney

**Absent (7):** Robert Hair, Ann Huse, Max Kadir, Chris Knight, Adam McKible, Carmen Solis, Liliana Soto-Fernandez

**Guest:** Professor Ned Benton

#### **Agenda for the March 26,2003, meeting**

1. Announcements from the chair
2. Adoption of Minutes #241 of the March 26,2003, meeting
3. Report on the March 19 College Council meeting
4. Proposed Senate Resolution on the April 2 Special Session of the College Council
5. Proposed Resolution on JJ satellite programs versus possible duplication of JJ's majors
6. Proposed Resolution on the Library Space Needs: Senator Janice Dunham

#### **1. Announcements from the chair**

Four of the candidates for honorary degrees whom the Senate had recommended and whom the CUNY Board of Trustees approved will attend our May 29 Commencement to accept honorary degrees: David Burnham, Robert Drinan, Alvin Poussaint, and Alice Rivlin.

The Senate will be meeting with the Middle States Visiting Team on Monday, April 7, from 2:30 to 3:30.

**2. Adoption of Minutes #241 of the March 13,2003, meeting**

By a motion duly made and adopted, Minutes #241 of the March 13 meeting were approved.

**3. Report on the March 19 College Council meeting [Attachment A]**

President Kaplowitz reported she had received no response from President Lynch (nor from anyone else) to the Senate's Resolution of March 13, in which the Senate requested that the erroneous March 19 College Council agenda be corrected to include the Senate/Chairs Proposal on Class Size and Course Cancellation Policy, which had been submitted within the deadline and according to the process provided by the College Charter, but which had been withheld from the College Council Executive Committee. She faxed the Senate Resolution with a cover letter to President Lynch the morning after the March 13 College Council meeting and received telephone confirmation from the President's Office that the fax was received. But in addition to no response to the Resolution itself, the College Council agenda was not, in fact, corrected.

At the March 19 College Council meeting, not only were virtually every faculty member on the College Council present but most of the department chairs and many other interested faculty were as well. In presenting announcements in her capacity as head of the Faculty Senate, President Kaplowitz reported about the activities of the Senate since the previous College Council meeting, including the work of the Senate, in conjunction with the Council of Chairs, in developing and refining a Policy on Class Size and Course Cancellation as well as the efforts of the Senate and the Chairs to have the Proposal placed on the agenda of that day's College Council meeting.

After reading her statement at the College Council [Attachment A], she asked the Chairpro *tem* (in the absence of the Chair) to correct the agenda by adding the Senate/Chairs Proposal. The Chairpro *tem* ruled her motion out of order and she, therefore, appealed the ruling of the Chairpro *tem*, a motion which was seconded. The College Council Chair arrived at this point and, although he had not heard the statement President Kaplowitz had read, he also ruled her motion out of order.

The Chair moved to table President Kaplowitz's motion appealing the ruling of the Chair (notwithstanding the fact that the Chair is not permitted to make such motions unless he steps down as Chair). The motion to table was seconded and President Kaplowitz called for a secret ballot. The motion to table failed by a wide margin.

The motion appealing the ruling of the Chair was again on the floor. After the question was called and passed, President Kaplowitz called for a secret ballot and the motion passed by a very wide margin, which meant that the College Council considered the Chair's ruling to have been wrong and the appeal to have been correct and that, therefore, the Senate/Chairs Proposal is proper College Council business.

At this point, the Chair privately asked President Kaplowitz to postpone discussion and vote on the Proposal to a later meeting so he could be better prepared for the discussion. She told the Chair of the College Council that she is not empowered to do so but that she would be willing to recommend that the College Council vote to postpone the issue under the following conditions: that it not be postponed until the next scheduled Council meeting (on April 14, immediately before Spring break when a quorum is unlikely); that it be postponed, instead, for a special session to be held no later than in two to three weeks; that the special session be on a date mutually agreed to by

both she and the Chair; that the Senate/Chairs Proposal be placed on the agenda of the special session; that the Proposal be distributed immediately to the College Council members; and that proxy voting be permitted for those who have unresolvable scheduling conflicts. The Chair agreed to all these provisions and President Kaplowitz made a motion incorporating all these provisions, explaining to the College Council members that the motion was made at the request of and with the concurrence of the Chair, who then stated that he concurred with all the provisions of the motion. The motion passed.

The special session of the College Council will be either April 1 or 2, with the most likely date April 2, because, thus far, most faculty on the College Council have said April 2 is preferable. She added that despite the vote of the College Council which included the provision that the Proposal be immediately mailed to all members of the College Council, the Proposal still, a week later, has not been distributed but said she would remind the Office of the President to do so.

President Kaplowitz next reported that the day after the College Council meeting, President Lynch asked her and Professors Ned Benton and Harold Sullivan to meet with him, which they agreed to do. Subsequently, he told them that CUNY Vice Chancellor for Legal Affairs Frederick Schaffer would attend the meeting, as will as the four vice presidents. The meeting is tomorrow.

She said tomorrow's meeting President Lynch as scheduled with the Vice Chancellor is rather surprising because the College Council acted in good faith and without unambiguity and this is, after all, an internal College matter.

Senator Rick Richardson said that President Kaplowitz should not have agreed to President Lynch's request at the College Council meeting for a postponement of the discussion and vote on the Proposal because the faculty had the votes to pass the Proposal and it would have passed; furthermore, we had not been given the courtesy of a reply to any of our many written communications and we were not given the basic respect of having our Proposal properly presented to the College Council Executive Committee. He said that despite all this, she granted the request of President Lynch, which she should not have done.

President Kaplowitz said that she had thought that it would have been wrong to proceed with a discussion and vote, even though she knew we did have the votes and that our Proposal would have passed; she explained that her decision was based on the fact that the Senate/Chairs Proposal had never been distributed to the College Council members and although she had distributed various documents after reading her statement [Attachment A], she had felt that it would not have been right to expect members to read, understand, and come to a judgment about such a complex Proposal on the spot. She added that she had purposely limited her statement [Attachment A] to process and precedent and not to the specific elements of the Proposal since that would have been appropriate only once the Proposal was actually on the agenda. She added that she is proud of her colleagues for having voted for the motion.

Senator Tom Litwack said he agrees with President Kaplowitz and considers her decision to have been both correct and admirable. He added that he considers her representation of the faculty and of the interests of the faculty at the College Council meeting, which he attended, to have been truly exemplary.

Asked the purpose of tomorrow's meeting, President Kaplowitz and Professor Benton said they have not been told. Both were at 80<sup>th</sup> Street when President Kaplowitz was informed by telephone by President Lynch that Vice Chancellor Schaffer would be attending tomorrow's meeting.

She reported that she had then inquired who else would be attending and was told all the vice presidents. Upon expressing her surprise that all four vice presidents were attending, President Lynch had explained that VP Pignatello was needed to discuss the budgetary implications of the Proposal. President Kaplowitz said that she had replied that if budgetary issues are to be discussed, then she requests that Vice Chancellor for Budget and Finance Malave also be invited to the meeting, a request with which Professor Benton concurred. President Lynch declined this suggestion and she and Professor Benton reiterated their wish that Vice Chancellor Malave be invited. President Lynch responded by promising that budgetary issues would not be discussed at tomorrow's meeting and that, therefore, Vice Chancellor Malave need not be invited. And so all we know at this point is that budgetary matters will not be discussed as they should not be.

To memorialize this telephone agreement, she and Professors Benton and Sullivan sent an email and letter to President Lynch on March 24 in which they also reaffirmed their expectation that the will of the College Council will be honored in that a special meeting of the College Council will be held on April 1 or 2 and that the Senate/Chairs Proposal will be on the agenda.

President Kaplowitz said a proposed Resolution has been written for vote today by the Senate in light of tomorrow's meeting with President Lynch and the Vice Chancellor [see agenda #4].

#### **4. Proposed Senate Resolution on the special meeting of the College Council [AttachmentB]**

President Kaplowitz distributed a proposed Resolution [AttachmentB], explaining that the most probable outcome that President Lynch will want to achieve at tomorrow's meeting with the Vice Chancellor for Legal Affairs is to have the Senate/Chairs Proposal on the Class Size and Course Cancellation Policy changed in ways that would make it more palatable to the Administration and in ways that would, perhaps, vitiate the Policy entirely.

The purpose of the proposed Resolution [AttachmentB], if approved by the Senate, she explained, is that it deprives her of the authority to agree to amend the Proposal in any way.

The Resolution was adopted by a unanimous vote [Attachment B]

Professor Ned Benton thanked the Faculty Senate for working so collegially and so productively with the Council of Chairs on the Proposal. He especially thanked those members of the Senate who serve on the College Council for their exemplary participation as well as those non-College Council Senators who attended the Council meeting as witnesses and as supporters.

#### **5. Proposed Resolution on the Space Needs of the Library: Senator Janice Dunham [Attachment C-1 & C-2]**

Senator Janice Dunham explained that when the College moved into T Building in 1988, the Library's holdings had already outgrown the space allocated for the Library. Now 15 years later the space constraints are so severe that books are shelved in ways that break the spines of the books and other books are piled on the floor: the floors would have to be reinforced in order for additional shelving to be installed. Students constantly complain about the lack of space to work on their projects and many have to sit on the floor. Senator Dunham said that the Library was promised

space in Phase II and now is being told they will get no space in Phase II but must wait until Phase III. She explained that the Archive Room is so tiny room that archival donations can no longer be accepted because there is no room to archive them. Professor Benton spoke in favor of the Resolution, noting that right now the Library is at 58% of what it now needs and that a case should be made to support the consideration of the needs of the Library. He believes that we need to recognize and state that absolutely something should be done. Senator Michele Galietta said that this proposal is in keeping with the idea of creating and supporting a more research-based institution.

Senator Litwack reiterated that the quality of our education mission depends on decreasing enrollment, below the current and planned 9600 FTE level. We need a concerted effort to lower our total number of students.

Professor Benton suggested the Resolution be accompanied with a letter [Attachment C-1] explaining that the Library is not being given special consideration but that, rather, the Library should be treated in a way equitable to the other academic departments.

Senator Dunham's Resolution was approved by unanimous vote [Attachment C-2].

**6. Proposed Resolution on the preference of JJ satellite programs to the possible duplication of JJ majors by CUNY colleges: Senate Executive Committee**

A motion was made that the Faculty Senate recommends that if John Jay were to have to choose between other CUNY colleges duplicating our unique programs or our College establishing satellite programs at CUNY campuses that have underutilized facilities, the preference is satellite programs with courses taught by our faculty. President Kaplowitz said this issue was placed on the agenda before yesterday's Comprehensive Planning Committee at which it was reported that for the past six months the CUNY Central Office has been proposing that other CUNY colleges establish degree programs that duplicate ours because we do not have room for additional students.

Senator Litwack said we have to take some action and that having satellite programs at CUNY colleges that have underutilized facilities is probably the best choice. Senator Carol Groneman said another solution is to change our class schedule and increase classroom availability and, therefore, increase enrollment by 20% and she asked what has interfered with the development of such a plan during the past six months. President Kaplowitz said that Professor Harold Sullivan wrote to President Lynch asking that question, but the response he received provided no information.

A motion stating the Senate's preference of John Jay satellite programs as opposed to duplication by other CUNY colleges of our majors passed by unanimous vote.

By a motion made and carried, the meeting was adjourned at 5 PM.

Respectfully submitted,

Edward Davenport  
Recording Secretary  
&

Jodie Roure  
Associate Recording Secretary

**Statement to the March 19,2003, College Council**

**By Professor Karen Kaplowitz**

**President, Faculty Senate  
&  
Voting Member of the College Council**

As usual, I am pleased to report on behalf of the Faculty Senate about the activities of the Faculty Senate and of the faculty since the last College Council meeting.

The Faculty Senate in conjunction with the Council of Chairs developed a two-part Proposal about class size and procedures involving the cancellation of class sections.

The Senate and Chairs approved the Proposal in principle at their meetings on February 4 and February 5 and a letter was sent to seven senior administrators on February 7 inviting their comments and suggestions and inviting them to bring the Proposal to the committees which they chair. The individuals who received the letter and the draft Proposal on February 7 were President Lynch, Provost Wilson, Vice President Witherspoon, Vice President Pignatello, Dean Levine, Associate Provost Kobilinsky, and Dean Saulnier. These individuals were also informed in the February 7 letter that the Proposal was being developed for submission to the College Council for inclusion on the Council's agenda of March 19, that is, on today's agenda.

These seven administrators are the individuals who chair the Committee on Undergraduate Standards, the Comprehensive Planning Committee, the Curriculum Committee, the Graduate Studies Committee, and the College Personnel and Budget Committee and none of these committees has an executive committee that sets the committee's agenda, only the committee chairs do.

The Faculty Senate and the Council of Chairs then further revised the proposals after consulting widely with their department colleagues and with others. The Council of Chairs then unanimously approved the Proposal on February 18 and the Faculty Senate unanimously approved the Proposal the following day on February 19.

Professor Ned Benton, the Chair of the College Budget Advisory Committee, a subcommittee of the College P&B, hand-delivered 10 copies of the Proposal, with 10 copies of a cover letter from Professor Benton, from Professor Harold Sullivan, Chair of the Council of Chairs, and from me as President of the Faculty Senate, to the Office of the President since the President is the Chair of the College Council. The memorandum addressed to the College Council Executive Committee and cc'd to the Secretary of the College Council and to others, requested that the Proposal along with the

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**N.B.** At the March 19 College Council meeting, **the bracketed paragraphs (see below) were not read** because of time constraints: the three agenda items, "Approval of the February Minutes"; Nominations for 4 Committees; and "Announcements" took more time than anticipated and the meeting started later than scheduled. Therefore, certain paragraphs (marked by brackets) were not read aloud.

**Statement to the March 13 College Council meeting (cont):**

explanatory cover sheet be placed on today's College Council agenda. Professor Benton delivered the Proposal and the letter to the College Council Executive Committee before the published deadline for submission of agenda items.

At the same time, I and Professor Benton and Professor Sullivan wrote to President Lynch inviting and urging him to support the Proposal because of its critical importance to the health and proper functioning of the College now and in the future, which I will explain shortly.

When the College Council Executive Committee met on March 11 as scheduled – 9 days after the Proposal had been hand delivered, the members received a printed agenda for today's meeting that did not list the Proposal submitted by the Senate and the Chairs. Furthermore, neither the Senate/Chairs Proposal nor the letter addressed to the Executive Committee was distributed to the members of the College Council Executive Committee. Indeed those documents were **withheld** from them and the proposed agenda did not list them.

Neither I, nor Professor Benton, or Professor Sullivan, received any communication about this matter from the Chair of the College Council who is also the Chair of the College Council Executive Committee.

Subsequently, 2 days later, on Thursday, March 13, at the Faculty Senate's next Senate meeting, the Senate approved a Resolution which recounted the events and which called on the Chair of the College Council to correct the published agenda because it was an incorrect agenda. I faxed the Resolution with a cover letter the next day, Friday, March 14, to the President of the College in his capacity as Chair of the College Council, and I received an oral report from a member of his staff that the fax had been received.

Having received no communication in response to the Senate's Resolution from the Chair of the College Council, I am reporting on this situation.

I have been told, though not by the Chair of the Council directly, nor by any of the other administrators to whom the various communications were addressed and sent, that it is President Lynch's position, as Chair of the College Council, that items may not be submitted directly to the College Council but must go through a committee.

There is no statement in the College's Charter of Governance so stating nor has it been the universal practice. The College Charter does state that Bylaws shall be created but Bylaws have never been created and so there is only past practice to guide us. Past practice demonstrates that items may be submitted directly to the College Council.

I cite just a few examples: when the Faculty Senate proposed a revision of the class schedule whereby 10<sup>th</sup> period was eliminated and the times of the other periods were changed, the Senate submitted the proposal directly to the College Council, which debated the proposal and approved it and the new schedule was then implemented by the administration.

Shortly after the terrible events of September 11, when incidents of racial and ethnic and religious bigotry were occurring around the country, the Faculty Senate's Executive Committee

**Statement to the March 13 College Council meeting (cont):**

submitted a statement calling on everyone at John Jay to protect the civil rights and civil liberties of all members of our College community, calling for vigilant protection of academic freedom, and zero tolerance for discriminatory behavior or actions against people because of their nationality, race, religion, or political views. This item was taken up by the College Council and was approved by unanimous vote by this body.

When the Faculty Senate submitted as an agenda item to the College Council Executive Committee concerns about quality of life, health and safety issues, including extreme problems of rodents, etc, the item was placed on the agenda, the College Council discussed it, the Chair expressed his concern and announced the formation of a Quality of Life Committee to which he appointed me, Professor Glenn Corbett, the VP for Administration, and others.

When the Faculty Senate tried unsuccessfully to place on the College Council agenda an item involving access to North Hall and T Building for people with disabilities, that item was blocked by the Chair of the College Council. But after the Faculty Senate held hearings – at which faculty testified, for example, that they had to urinate into a bottle because no toilets in North Hall were wheelchair accessible nor were any urinals, and the Faculty Senate brought in a lawyer and an architect from the Mayor’s Office for People with Disabilities, and a multi-page document was issued by the Mayor’s Office listing violation after violation, the item was then placed on the agenda of the College Council. But it never had to go through a committee; it was placed directly on the agenda of the College Council.

When the Faculty Senate Technology Committee recently approved a resolution having to do with technology and then the Senate approved it as well and submitted it to the College Council, that item was placed on the College Council agenda and the College Council approved that item

In none of these cases did the item go through a committee of the College Council.

There are many, many additional examples but I will mention only several more:

When the Faculty Senate submitted a Charter amendment ending the term limits for service on College Council committees because small departments were unable to rotate members and for other compelling reasons, the item was placed on the College Council agenda and was approved by the College Council and the Charter was amended.

When the Faculty Senate, after working with the College administration, developed more rigorous admission requirements for both the associate degree and baccalaureate degree programs, it was the Faculty Senate that submitted the agenda item directly to the College Council and the proposal was approved.

When the Faculty Senate developed a proposal calling on the administration of the College to end the ROTC Program at John Jay because of its discriminatory policies toward gay and lesbian students, the President of the College requested that the Senate submit the proposal directly to the College Council and the Senate did so and the College Council approved the proposal and the contract between ROTC and John Jay was nullified.

When the Faculty Senate developed a proposal to provide compensation for faculty who

**Statement to the March 13 College Council meeting (cont):**

teach Independent Studies Courses, as is and was done at all the other CUNY colleges, the Senate submitted its proposal to the College Council which approved it and then, when student protests delayed implementation, the Senate submitted another agenda item, changing the deadline for faculty to apply for retroactive credit and that proposal was also approved.

When the Senate proposed to the College Council that the process be improved whereby honorary degree candidates are recommended to the President and then to the Chancellor and to the Board and that this process come under the jurisdiction of the Faculty Senate, the College Council approved the proposal and it became College policy.

In none of these cases was the proposal required to go nor did it go through a College Council Committee. The Senate submitted each proposal directly to the College Council.

But even if it could be argued that the proposals should have gone through committees, and although past practice sets precedents in the absence of clearly stated policy, Professors Ned Benton, Harold Sullivan, and I did send the proposals to the seven administrators who chair the various College Council committees. None put the proposals on the agenda of the committees they chair, to the best of my knowledge. None of these committees has an executive committee and the only person who can place an item on the agenda of those committees is the chair. [I am only personally familiar with the Standards Committee, the Curriculum Committee, the College Budget Committee, and the Comprehensive Planning Committee, all of which I am either a member of or receive the agenda and minutes for, or to which I am invited (the Budget Committee).]

So this is a Catch 22: if one must have an item approved by a College Council committee to get it on the agenda of the College Council and if the chairs of those committees decline to put those items on their committees, then there is paralysis. What we have and what we are witnessing is a **dysfunctional governance system**.

Most importantly is that even if a strict, legalistic, interpretation were to require prior submission and approval by a College Council committee, though past practice shows that is not the case, and the Chair of the College Council has been the same chair for almost 30 years, the spirit of responsive and responsible governance requires that issues of great moment, of great importance, issues that are time sensitive, should be placed on the College Council agenda.

Even the *CUNY* Board of Trustees, which works through committees – there are four committees and I am a voting member on two of those committees – even the *CUNY* Board of Trustees at times takes up items that have not gone through any committee because of importance or because they were time sensitive and this fact is stated by the Chair of the Board. Similarly, even items that do go to a Board committee but could not be voted on because of lack of a quorum at the committee meeting are frequently presented at the full Board with the statement that because of a lack of a quorum the item was not voted on but those present at the committee recommended that they be taken up by the full Board and this statement is made by a member of the committee with the concurrence of the Chair as to this procedure

Certainly we need not be more strict than the *CUNY* Board of Trustees, which sets policy for the entire University.

**Statement to the March 13 College Council meeting (cont):**

The reason for the Senate’s and Chairs proposals is that a crisis is before us as a College. We are so overcrowded that we are risking the health and safety of our students, faculty, and staff. The Planning for Phase II, a building for which we have waited for 15 years, since 1988 when we moved into this building, which is Phase I – the planning, as I said, for Phase II is underway and must be completed very, very shortly. The decisions which these proposals address will affect decisions that will dictate how Phase II is planned, designed, and built.

Also, it is extremely likely that we will shortly be losing space – including classroom space – in North Hall because of construction required to bring the College more closely into compliance with the Fire Code – not into compliance but more closely into compliance.

Also, the CUNY Central Administration is requiring John Jay to develop plans to deal with our overcrowding and with our inability to meet the needs of the people of New York – and elsewhere – who wish to enroll in our programs which at this point are unique to John Jay. Monroe College is opening criminal justice programs at campuses in the Bronx/Westchester area and on Long Island. CUNY colleges wish to replicate our unique majors which draw large numbers of applicants.

Indeed, President Lynch informed the College P&B Committee on Wednesday, March 12, that the next day he and other senior administrators would be meeting with members of the CUNY Chancellery about John Jay’s plans for addressing our overcrowding, our registration grid, etc. Professor Harold Sullivan has written President Lynch asking what plan(s) he presented at that 80<sup>th</sup> Street meeting, since there has been no consultation with faculty, and Professor Sullivan, to my knowledge, has received no information in response to his letter.

The Faculty Senate over a year ago put forth another approach, different from the ones in the Proposal submitted to the College Council, involving Monday/Friday and Tuesday/Friday classes as well as Tuesday/Friday and Thursday/Friday classes but received no response about that approach.

On December 6, 2002, when the Senate met with President Lynch, as our invited guest, the Senate recommended changing 7<sup>th</sup> period, which begins at 5:00 PM, to 5:30 PM – such as the Thematic Studies Department instituted years ago – because people working in Manhattan who are a natural pool of potential students for our evening classes cannot attend classes that begin at 5 PM and police officers who used to work until 4 pm now work until 3 pm. We, in fact, suggested a redesigning of our class schedule but there has been no response. Our recommendations were based not on whimsy but on information given to us earlier during that December 6 meeting by Interim Vice Chancellor for Budget and Finance Ernesto Malave, as we explained to President Lynch

Our proposals submitted to the College Council are student friendly. They are responsive to truly critical and time sensitive issues.

I commend the members of the Council of Chairs and of the Faculty Senate for the long hours and hard work and dedication they put into developing and refining these proposals.

I note that Article I.9.b. of the Charter of John Jay states that “Any member of the college community may propose items for the Council agenda which shall be prepared by the Executive Committee.” There is no language in the Charter stating that items submitted must go through or

**Statement to the March 13 College Council meeting (cont):**

come from any committee.

I also note that the Faculty Senate Constitution, which has been approved by CUNY’s Office of Legal Affairs and is on file in the Board of Trustees Office, states in Article I: “Powers of the John Jay College Faculty Senate” that **“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 by-laws, the Professional Staff Congress contract and academic freedom.”

Furthermore, the Faculty Senate is named in the Charter as having the authority and responsibility for determining how 8 of the 28 faculty seats on the College Council are to be filled each year.

Also Article 9 of The CUNY Bylaws, “Organization and Duties of Faculty Departments,” states in subsection 9.1.a: “Each department, subject to the approval of the faculty or faculty council, where existent, and subject to the provisions of other sections of these bylaws, shall have control of the educational policies of the department through the vote of all of its members who have faculty rank or faculty status . . . . Each department shall cooperate with related departments and with college agencies in general in the development of college-wide interests.”

CUNY Bylaw 9.1.f. states: “Each department . . . . shall have the fullest measure of autonomy consistent with the maintenance of general educational policy.”

CUNY Bylaw 8.5, “Duties of Faculty,” states: “The faculty shall be responsible, subject to guidelines, if any, as established by the board for the formulation of policy relating to the admission and retention of students including health and scholarship standards therefore, student attendance including leaves of absence, curriculum, awarding of college credit, granting of degrees.” [N.B. This language was purposely included, verbatim, in the “Preamble” of John Jay’s Faculty Senate Constitution.”]

What I learned in researching this issue is that the chairs of virtually every other college are the persons who set the minimum and the maximum class size of the sections of her or his department. This is true at Queens, at CCNY, at Brooklyn, at Hunter, at College of Staten Island, at Lehman . . . . And, therefore, this is a truly legitimate item for the Chairs and the Senate to develop and submit proposals about.

Indeed, the November 2002 PSC “Survey of Faculty” – which was sent to a random sample of CUNY faculty – includes the following question which asks whether the respondent is “very satisfied/satisfied/neutral/dissatisfied/very dissatisfied” with the “Autonomy of [your] department in setting class size.” This is Question #46 under the heading of “Governance/ Managerial Rights.”

It is for these reasons that I ask the Chair of the College Council to correct the agenda, as was requested in the March 13 Resolution of the Faculty Senate, to include the proposal of the Faculty Senate and Council of Chairs, which was properly submitted within the deadline to the College Council Executive Committee, by placing the proposal on the agenda of today’s College Council meeting. Thank you.

**Resolution of the Faculty Senate on the April 2 Special College Council Meeting**

**Approved by Unanimous Vote on March 26,2003**

- Whereas,** The Faculty Senate and Council of Chairs submitted a two-part Proposal for inclusion on the March 19 College Council meeting agenda in a timely and proper manner, and
- Whereas,** The Proposal was withheld from the College Council Executive Committee by the Chair of the College Council who is also the Chair of its Executive Committee, and
- Whereas,** The Faculty Senate adopted a Resolution at its March 13,2003, meeting requesting the Chair of the College Council to correct the incorrect agenda, and the Resolution was faxed the next day to the College Council Chair, who did not respond, and
- Whereas,** At the March 19 meeting of the College Council, after reading a statement, the President of the Faculty Senate asked the Chair *pro tem* to correct the agenda by adding the Proposal and the Chair *pro tem* ruled the request out of order, and
- Whereas,** The President of the Faculty Senate appealed the ruling of the Chair, and that motion appealing the ruling was seconded, and
- Whereas,** The Chair of the College Council, who arrived at this time, also ruled the request out of order although he had not heard the statement of the President of the Faculty Senate which was about process and not about the substantive issues of the Proposal, and
- Whereas,** The Chair of the College Council moved to table the motion and his motion was overwhelmingly defeated by vote of the College Council, and
- Whereas,** The College Council overwhelmingly voted to overturn the ruling of the Chair and in doing so affirmed that the Proposal is proper College Council business, and
- Whereas,** The Chair of the College Council then requested the Faculty Senate President to permit the Proposal to be taken **up** by the College Council at a different meeting, and
- Whereas,** Acting in good faith, the President of the Faculty Senate, with the concurrence of the Chair of the College Council, presented a motion whereby the Proposal would be the agenda item of a specially called meeting of the College Council within the following two weeks; that the Proposal would be circulated immediately to all Council members; and that proxy voting would be permitted by Council members, and
- Whereas,** The College Council overwhelmingly approved this motion, and
- Whereas,** The College Council Chair then asked to meet with Professors Benton, Kaplowitz, and H. Sullivan, who agreed, and he later informed them that the meeting, on Thursday, March 27, will also be attended by the CUNY Vice Chancellor for Legal Affairs whom the Chair contacted after the March 19 College Council meeting, therefore be it
- Resolved,** That the Faculty Senate unreservedly affirms its expectation that the College Council will meet in special session on April 2,2003, at 3:15 PM, to consider the Proposal that had been submitted by the Faculty Senate and the Council of Chairs, according to the will of the College Council as expressed in its vote on March 19.



ATTACHMENT C – PART I

JOHN JAY COLLEGE OF CRIMINAL JUSTICE

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

April 14, 2003

To: The Phase II Advisory Committee  
The Phase II Steering Committee  
The Phase II Instructional Space Resource Committee

From: Professor Karen Kaplowitz  
President, Faculty Senate

Re: Faculty Senate Resolution on the Library's Space Needs

In passing the attached Resolution about the space needs of the John Jay Library, it was not and it is not the Faculty Senate's intention to ask that the Library receive special treatment.

The Senate realizes that no part of the College will have its space needs fully satisfied in Phase II or in the combination of Haaren Hall (T Building) and Phase II. Rather, the Senate's concern is that, at the end of the Phase II project, the Library's needs are equitably addressed, to an extent comparable to the needs of the rest of the College.

Thank you for your consideration of the Senate's Resolution.

att.

**Resolution of the John Jay Faculty Senate**

**On the Space Needs of the Library**

**Whereas,** The present Lloyd Sealy Library at John Jay College was planned for a student population of 7,000 FTEs, and

**Whereas,** The current student population is 9,5000 student FTEs, and

**Whereas,** All Library shelving was already fully in use when the Library was first opened in 1988, and

**Whereas,** At the time of occupancy of T Building in 1988, additional space was required and planned for Phase II, and

**Whereas,** At some periods of the academic year there is not enough seating for all the students who want to use the Library and, as a result, some students are forced to sit on the floor in order to do their assignments, and

**Whereas,** The book collection is unnecessarily deteriorating because there is insufficient shelving for the books owned by the Library, and

**Whereas,** The books have to be shelved in ways damaging to the spines or have to be placed on the floor, and

**Whereas,** Students constantly complain to the Library faculty and to others that there is insufficient space for individual or for group study, and

**Whereas,** The Library Archive Room has no space for scholars to use the current Special Collection of archival materials nor does the Archive Room have any space to permit the Library to accept any additional papers, books, manuscripts, trial transcripts, or similarly rare materials related to the College's special mission that people currently wish to donate and that people in the future may wish to donate, therefore be it

**Resolved,** That the Faculty Senate recommends to the Phase II Steering Committee and to the consultants and architects that they give very careful attention to the minimum necessary space increase in Phase II to maintain present Sealy Library functions: a thirty per cent increase in stack space and an additional 20,000 sq. ft. for student seating, and be it further

**Resolved,** That the Faculty Senate recommends that *CUNY* and **DASNY** hire a consultant who specializes in college and university libraries to study and make recommendations about John Jay's Library needs and possible solutions.