Faculty Senate Minutes #255

John Jay College of Criminal Justice

Wednesday, February 4, 2004 3:15 PM Room 630 T


Absent (6): Luis Barrios, Konstantinos Georgatos, Barbara Josiah, Max Kadir, Kwando Kinshasa, Robin Whitney

Guest: Professor Gene O’Donnell

1. Announcements from the chair
   Senator Heath Grant was congratulated on passing his doctoral oral exams and, thus, earning his doctorate. The Senate congratulated him with applause.
2. **Approval of Minutes #254 of the December 5, 2003, meeting**

By a motion made and adopted, Minutes #254 of the December 5 meeting were approved.

3. **Declaration of a vacant at-large Senate seat and action to fill the seat**

The Senate declared vacant the adjunct at-large seat held by Chris Knight, who is not teaching at John Jay this semester, and voted to elect the next highest recipient of votes in the April 2003 election of at-large Senate representatives, without knowing the identity of the next highest vote recipient. The motion was adopted by unanimous vote. Professor Ayeley Sowah was informed by telephone of her election, was invited to the meeting, and took her seat as a member of the Senate.

4. **Discussion of voting methods including proportional voting methods**

President Kaplowitz reviewed this agenda item: at our last Senate meeting, Senator Evan Mandery made a motion that proportional voting be adopted and that, specifically, that the Hare method of proportional voting be adopted. That motion did not pass. Instead, a motion by Senator Betsy Gitter that the Senate consider the issue of proportional voting at its next meeting, which is today, did pass. President Kaplowitz circulated a section from Roberts Rules of Order, which states that an organization’s charter or constitution or bylaws should specify which balloting method is used if a method other than plurality balloting is used. That means that the Senate Constitution and the College Charter of Governance, which both require that Roberts Rules be followed, would have to be amended. She added that there are several methods of proportional and preferential voting, in addition to the Hare method, which is the method Senator Mandery proposed.

Senator Konstantinos Georgatos, a mathematician who is knowledgeable about this subject, and who is unable to be at today’s meeting because he is teaching, sent an email to President Kaplowitz, which she distributed to the Senate, at Senator Georgatos’ request. His email states:

Dear Karen,

...... there will be a discussion on voting methods and unfortunately I will not be able to attend Monday and Wednesday meetings as I teach 6th period. Perhaps you can let the rest of the Senators know of my opinion by reading the following: Kenneth Arrow has shown that there cannot be a fair voting system because there is no ideal way to combine individual preferences into a global one. This means that any such combination may result in an unfair election. Examples of unfairness can be easily devised for all voting systems, including the plurality one. Arrow got a Nobel for his theorem. The plurality system, however, has one important advantage and one disadvantage. The advantage is that it is simple (not for counting but for understanding what one votes for). Understanding the consequences of the vote in other systems is much harder. Its disadvantage is that one may cast only one vote and therefore cannot reveal secondary or other preferences. Revealing preferences only partially is actually true to all voting systems. My take is that changing the voting system is not an easy decision. Before choosing one voting system over another one has to agree on objective measures of fairness. The subject and associated literature is very long and it seems to
me that choosing a voting system should take into account all this knowledge. I am willing to give a brief presentation on voting to the Senate at the next meeting (Tuesday or Thursday) and answer relevant questions.

Konstantinos

Senator Betsy Gitter said that since there are clearly a number of methods other than plurality voting and since all those methods are reported to be complex and the counting of ballots using such methods is reported to be complex, she moved that an ad hoc committee be formed to study the various methods of proportional and preferential voting and to provide a written report to the Senate explaining how the various methods work and what kinds of steps would be necessary to implement a new method of voting so that the Senate can then discuss this issue in an informed way.

Senator John Matteson moved to amend the motion by adding that the ad hoc committee also include an explanation of what, if anything, is wrong with our current method of voting and in what way the problem or problems could best be addressed. Senator Gitter accepted that amendment. The motion was adopted by unanimous vote.

A call for volunteers to serve on this ad hoc committee was made. Senator Evan Mandery volunteered. Senator Konstantinos Georgatos was nominated. Because Senator Georgatos is not present because he is teaching, the President of the Senate was asked to ascertain whether Senator Georgatos wishes to serve.

5. Proposed Resolution: That the Faculty Senate Establish a Committee on the Concerns of Untenured Faculty: Proponents: Senators Desmond Arias, Joshua Freilich, Michele Galietta, Ellen Sexton, Sung Ha Suh, Patty Zapf [Attachment A]

Senator Desmond Arias explained that new faculty often do not have the advantage of serving on the Faculty Senate, which he described as an excellent way of learning how to navigate the College, nor do most new faculty know how to make their issues or concerns known. He moved a Resolution to create a Senate Committee on the Concerns of Untenured Faculty [Attachment A]. Senator Michele Galietta seconded the motion.

Senator Arias said the purpose of the proposed Committee is so that new faculty have a place to raise their concerns and questions and so that there is a Committee which can officially bring to the Faculty Senate proposals to help junior faculty. Senator Matteson asked whether a mentoring program would meet concerns raised by Senator Arias who replied that that is one of the initiatives the Committee could consider. Senators Michele Galietta and Norman Groner spoke in strong support of the motion. Senator Lorraine Moller supported the motion, noting that junior faculty have many challenges which include balancing the many demands on their lives and since most of the new faculty are younger than the tenured faculty, an age difference may result in somewhat different problems from those faced by tenured faculty.

By unanimous vote, the Senate approved the Resolution [Attachment A].

A call for nominations and self-nominations was made and the following Senators were elected: Desmond Arias, Edward Davenport, Joshua Freilich, Michele Galietta, Betsy Gitter, Norman Groner, Judy Hawkins, Ellen Sexton, Liliana Soto-Fernandez, Ayeley Sowah, Sung Ha Suh, Alisse
Waterston, Patty Zapf. Edward Davenport agreed to serve as liaison to the Senate Executive Committee in addition to being a member and Desmond Arias agreed to convene the first meeting.

Senator Tom Litwack asked whether he is correct in understanding that membership on the Committee will be open to faculty who are not on the Senate. The answer is that the Senate Constitution provides that membership on Senate committees is open to all members of the faculty. For this reason, Senator Litwack asked, should not the Committee be announced to the faculty and a call for nominations for made to the entire faculty. Senator Arias said that the Committee is already quite large and he thought that this group should meet first and decide how to proceed further. This plan was agreed to without dissent.

6. Report and discussion about the next steps in the Presidential Search and determination about procedures to be followed [Attachment B]

Subsequent to the December 5 Senate meeting, the eight faculty invited to serve on the faculty leadership group that will be meeting with the finalists for President all accepted the invitation. These are the five candidates for the Search Committee not on the Search Committee – Peter DeForest, Joshua Freilich, James Malone, Evan Mandery, and Marcia Yarmus – and the three officers of the College Chapter of the PSC – Jim Cohen, Carmen Solis, and Jerry Markowitz. The Senate then elected seven Senators (from among 15 candidates) by secret mail ballot, which were due on December 17, and which were immediately counted: the seven elected are Desmond Arias, Orlanda Brugnola, Michele Galietta, P.J. Gibson, Tom Litwack, John Matteson, and Patty Zapf.

A call for nominations [Attachment B] for a second group of faculty to meet and assess the finalists for President was widely circulated in accordance with the procedure decided on by the Senate at its December 5 meeting. However, the number of candidates for this second group of faculty is smaller than the number of positions available.

The deadline is 5 pm today for nominations and self-nominations for this second faculty group (in addition to the faculty leadership group and the Chairs) to meet with and assess the finalists for President. At this time 12 full-time faculty and 2 adjunct faculty have accepted nomination or have self-nominated for the 13 full-time and 2 adjunct positions.

Senator Betsy Gitter moved that the Senate ratify the election of the two slates, without the Senate knowing the identity of the faculty who are on either slate, unless by 5 pm more than 13 full-time or more than 2 adjunct faculty self-nominate or are nominated and accept nomination, in which case an election would be held.

The first group of faculty, the faculty leadership group, already formed, must be called into session and the second group, which is in the process of being formed, will also have to be called into session. It was suggested that one of the Senators who is a member of the first group convene that group: of the 10 Senators who are members of the first group, Senator Michele Galietta volunteered to be the convener. Of the second group, Senator Amy Green identified herself as being on the slate and offered to convene that second group. The Senate supported these decisions. Senators asked if there is a timetable for the presidential search as yet. President Kaplowitz said it is unlikely that the finalists will be making campus visits before the middle of March.
7. **Report about the Chancellor’s plan to ask the NYS Legislature to amend the NYS Education Law to change the time to tenure and proposal to hold a forum on the subject** [Attachment C]

A letter from Vice Chancellor for Legal Affairs and General Counsel to the Board of Trustees Frederick P. Schaffer was reviewed [Attachment C].

President Kaplowitz reported that a faculty experience survey is being developed by the University Faculty Senate, the results of which will form one of the performance measures by which Presidents will be evaluated and that the Chancellor has asked to have a question included on the survey, which he is paying to have printed, coded, and mailed, about the length of time to tenure.

The UFS Executive Committee has agreed to the Chancellor’s request to include this question, subject to three conditions: that the survey be postponed so that the UFS and college faculties can hold forums at which faculty can become informed about the issue; that the question be listed under a special heading indicating it is a question from the Chancellor and not from the UFS; and that UFS Chair Susan O’Malley, prior to the survey being sent out, write a letter to the faculty summarizing the arguments for and against extending the tenure clock.

President Kaplowitz explained that the tenure clock is not in the University Bylaws and it is not in the PSC contract but is rather is in NYS Education Law. Thus the Chancellor would have to take the issue of tenure to the State Assembly, to the State Senate, and to the Governor.

Senator Gitter asked why the Chancellor wants to lengthen the tenure clock. President Kaplowitz said that a group of presidents, specifically the presidents of Brooklyn, Staten Island, Medgar Evers, and Hunter, as far as she understands the situation, have made this request of the Chancellor, arguing that junior faculty do not have the time to engage in the necessary research not to produce sufficient numbers and a sufficiently high quality of publications to earn tenure during the current five-year tenure clock and so they want the tenure clock extended to seven years. But the Legislature and the Governor could change the clock beyond seven years to, for example, ten years, which is now the length of the tenure clock at Columbia, Yale, and Harvard or take other actions: at least that is a concern of some faculty. President Kaplowitz said that to date the Chancellor has not yet consulted faculty about the tenure clock issue to her knowledge.

A proposal that the Senate hold a Better Teaching Seminar on Tenure at CUNY was approved. The Council of Chairs, the John Jay Chapter of the PSC, and the Women’s Studies Committee are interested in co-sponsoring this forum and this co-sponsorship was unanimously approved with the understanding that other official bodies that may wish to be co-sponsors be invited to do so.

8. **Proposed Resolution: Resolved, That the Faculty Senate (and the Council of Chairs) consider, debate, and vote on a series of proposals important to the faculty and to the College**

A motion was made: Resolved, That the Faculty Senate (and the Council of Chairs) consider, debate, and vote on a series of proposals important to the faculty and to the College and that those proposals that are ultimately jointly approved by the Senate and the Chairs be communicated to the President for his or her consideration and comment and, it is to be hoped, endorsement and implementation. The Resolution was approved by a vote of 31 yes, 1 no, and no abstentions.
9. **Proposal:** That the Senate (and the Council of Chairs) endorse the following proposal: that the faculty members on search committees for the position of dean and above be elected by the appropriate faculty body rather than be chosen by the College President

   Senator Evan Mandery said he thought this proposal might be too confrontational to present to a new President. Asked why this item is an issue, President Kaplowitz explained that historically faculty choose faculty members of search committees although the members are officially appointed by the President. And this was the system in place for many, many years at John Jay until suddenly President Lynch began appointing faculty members to search committees and these faculty were neither elected nor recommended by any faculty body(ies). She noted that the election of faculty members by faculty to the John Jay Presidential Search Committee – although the actual, formal, appointment of those faculty were by the Chairman of the Board of Trustees, Benno Schmidt – is an example of this standard procedure. Senator Mandery said this issue is too important to be discussed at the end of a meeting. Senator Litwack agreed and moved to table the item the next meeting. The motion to table until the next meeting was adopted.

10. **Update on 24/7/365 faculty access to their offices, labs, studios, to do work** [Attachment D]

   A new policy has been issued which provides faculty with use of their offices, labs, and studios 24 hours a day, 7 days a week, 365 days a year. This has been a goal of the Faculty Senate as well as of the College’s Chapter of the PSC, which together worked on this initiative [Attachment D].

11. **Report on the December 10 College Council meeting**

   At the December 10 College Council meeting, the Minutes of the November meeting were approved, proposals from the Curriculum Committee were approved, and announcements were made.

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

   Respectfully submitted,

   Edward Davenport
   Recording Secretary

   &
   Evan Mandery
   Associate Recording Secretary

   &
   Amy Green
   Executive Committee Member At-Large
Resolution That the Faculty Senate Establish a Senate Committee on the Concerns of Untenured Faculty

Proponents: Senators Desmond Arias, Joshua Freilich, Michele Galietta, Ellen Sexton, Sung Ha Suh, Patty Zapf

WHEREAS, There is a growing number of untenured full-time tenure track faculty at John Jay, and

WHEREAS, Such faculty at times have specific concerns, needs, and interests that differ from those of the faculty as a whole, therefore be it

RESOLVED, That the Faculty Senate shall establish a Committee on the Concerns of Untenured Faculty, whose members shall be elected by the Faculty Senate, and be it further

RESOLVED, That a majority of the Committee members shall be untenured tenure track full-time faculty

Approved by Unanimous Vote of the Faculty Senate

February 4, 2004
ATTACHMENT B

TO: ALL FULL-TIME and ADJUNCT FACULTY
FROM: Karen Kaplowitz, President, Faculty Senate

CALL FOR NOMINATIONS FOR FACULTY TO
MEET AND ASSESS THE FINALISTS FOR PRESIDENT OF JOHN JAY

DEADLINE FOR NOMINATIONS: WEDNESDAY, FEBRUARY 4 – at 5 pm

This is a call, by the Faculty Senate, for nominations and self-nominations for an election of
15 faculty – 13 full-time and 2 adjunct faculty – to meet with and evaluate each finalist for
President of John Jay.

In accordance with the CUNY Search Guidelines, each finalist for the position of President will spend
one day at the campus, each on a different day. During that day, the candidate will meet with groups
of students, chairs, faculty, staff, administrators, community and foundation members, and at the end
of the day there will be a meeting to which all members of the John Jay community will be invited.

Those participating in each group will meet with each finalist for 45 minutes to an hour, ask questions
of each candidate, and write an assessment of each candidate which represents the consensus of the
group and then transmit that written assessment to the Chancellor and to the Chair of the Search
Committee within 3 days of the meeting with the last finalist to visit the campus.

NOMINATIONS ARE NOW OPEN for the 15 faculty – 13 full-time and 2 adjunct faculty – who
will meet with each finalist for President of the College. All faculty (except the chairs who
comprise their own group** and any faculty on any other group**) shall be eligible to be candidates
for this faculty committee. Ballots will be sent to the entire faculty, all of whom are eligible to vote.

** The CUNY Search Guidelines specify that no individual may participate in more than one group
and states, as an example, that a faculty member who participates in the chairs group may not also
participate in the faculty group. Please also note that Professors Ned Benton, Maureen O'Connor,
and I are not eligible to serve on any of the groups because we are on the Search Committee.

Only full-time faculty will vote for and elect the 13 full-time faculty members. Only adjunct
faculty will vote for and elect the 2 adjunct faculty members. The top 13 vote recipients among the
full-time faculty candidates will be elected and the top 2 vote recipients among the adjunct faculty
candidates will be elected.

PLEASE NOMINATE YOURSELF OR NOMINATE A COLLEAGUE by sending an email to
kkaplowitz@jjay.cuny.edu or kdombrowski@jjay.cuny.edu or fsheehan@jjay.cuny.edu or by
leaving a phonemail message at x8724 or x8288 or x8951. If you nominate yourself, please
provide your department, phone number, and email address. If you nominate a colleague, please
provide that information as well as your nominee's phone number and email address. Please indicate
the full-time or adjunct status of the nominee, whether the nominee is yourself or another person.
Your nomination will be confirmed. If you do not receive a confirmation, that will mean your
nomination was not received, in which case please retransmit the nomination.

The DEADLINE for NOMINATIONS is 5 pm on Wednesday, February 4. Secret mail ballots
will be sent out shortly after the nomination deadline. The campus visits will probably be in March.
Explanation of the Senate's decisions and description of a second group of faculty:

Although the CUNY Search Guidelines provide that each candidate is to meet with the chairs and with one group of faculty, which is to comprise the faculty leadership of the College, the Faculty Senate decided that the process of assessing the candidates should be as inclusive as possible.

Therefore, with the approval of the CUNY Central Administration, each finalist for President will meet not with one but with TWO groups of faculty, in addition to meeting with the academic chairs. And to make the process even more inclusive, although the CUNY Search Guidelines say each group should comprise 10 people, the CUNY Central Administration has agreed to the Faculty Senate's request that the two groups of faculty comprise 15 faculty each.

At its Friday, December 5, 2003, meeting the Faculty Senate endorsed a proposal to have two groups of 15 faculty each and decided the method for selecting the two groups of faculty.

The Senate unanimously supported the following proposal: that one group of faculty be nominated and elected as described on page 1 of this letter: that is, all faculty are eligible and all will receive ballots, and full-time faculty will elect 13 full-time faculty and adjunct faculty will elect 2 adjunct faculty.

The Senate also unanimously supported the following second proposal: that the other faculty group shall comprise three groups of faculty: that the 5 candidates who ran for the Search Committee but who are not on the Search Committee be invited to serve because of their demonstrated interest and engagement in the search process; that the 3 elected leaders of the PSC Chapter of John Jay be invited to serve; and that the remaining seven seats (if all 8 invited faculty were to accept the invitation) be filled by election by the Senate from among members of the Senate. Subsequent to the December 5 Faculty Senate meeting, all 8 who were invited did accept the invitation to serve and, subsequently, the Senate, by secret mail ballot, elected 7 Senators from a slate of 15 candidates.

And so the 15 members who comprise the other group of faculty are:

The 5 candidates for the Search Committee:
Peter DeForest - Forensic Science
Joshua Freilich - Sociology
James Malone - Counseling and Student Life
Evan Mandery - Law, Police Science, CJ Adm
Marcia Yarmus - Foreign Languages and Literature

The 3 elected leaders of the JJ Chapter of the PSC:
Jim Cohen - Public Management
Carmen Solis - SEEK
Jerry Markowitz - Thematic Studies/History

The 7 Senators elected by the Faculty Senate:
Desmond Arias - Government
Orlanda Brugnola - Art, Music, Philosophy
Michele Galietta - Forensic Psychology
P. J. Gibson - English
Tom Litwack - Forensic Psychology
John Matteson - English
Patty Zapf - Forensic Psychology

DEADLINE FOR NOMINATIONS: WEDNESDAY, FEBRUARY 4 – at 5 pm
January 23, 2004

ATTACHMENT C

To: All College Presidents

From: Frederick P. Schaffer, General Counsel and Vice Chancellor for Legal Affairs

Re: Proposed Legislation Modifying Tenure Clock

The City University of New York will be proposing legislation to extend from five to seven years the maximum time that faculty members at CUNY must serve before they are considered for tenure. The University believes that this change is in the best interest of the university and its faculty.

The excellence of any institution of higher education depends, in large part, on the quality of its faculty. The City University of New York seeks permanent faculty who not only are excellent teachers and committed to service, but who make significant contributions to their fields through research and scholarly writing. Five years is a short probationary period in which to make a meaningful assessment of a faculty member’s potential. Moreover, because of the deadline for notification of reappointment with tenure (December 1 of the fifth year of service) and the peer review process that precedes that notification, the faculty member is actually being evaluated on is or her record after the first four years of service.

In most disciplines, CUNY expects faculty to demonstrate their scholarship abilities through publications in journals, or through the publication of a book. The current time frame is often too short for faculty members to build a sufficient publication record, especially given the long lead times that exist to get a book published, or to have material accepted and published in top tier journals. As a result, colleges may be forced to make the tenure decision based upon manuscripts accepted for publication, rather than published and reviewed works. Thus, tenure decisions may have to be made based upon promise rather than performance. In other cases, faculty may need to take scholarship leaves, at a substantial financial sacrifice, to give them the time they need to complete publications prior to their tenure consideration. In addition, the focus on publications frequently leaves untenured faculty with insufficient time to participate fully in the life of the college and its students, including service on departmental and college committees.

In light of these issues, it is not surprising that the five-year probationary period at CUNY is shorter than at most other institutions of higher education. A seven-year probationary period is not unusual. The seven-year probationary period is acceptable to the AAUP and is the standard at SUNY for assistant professors. Such prestigious institutions as Yale, Columbia, and the University of Michigan have probationary periods longer than seven years. CUNY faculty who require less than seven years to meet the criteria for tenure are not harmed by this change as they may continue to apply for and receive early tenure in accordance with the provisions of the Education Law and CUNY’s Bylaws.

The extension of the service requirement for tenure will also have a positive effect on women faculty, who often begin their academic careers during their prime childbearing years. Although Section 6212(3) of the Education Law provides that maternity and child care leaves do not break service for tenure purposes, women with children are particularly in need of two additional years of service prior to consideration for tenure.

In order to ensure fairness to current employees, CUNY is proposing that the new tenure schedule be applicable to newer employees (those employed after January 1, 2001) but not to employees who have worked for the university longer and will be coming up for tenure relatively soon. Such employees may, however, request that the longer tenure probationary period apply to them.
An Important Message Regarding Faculty Access to College Facilities

In order to facilitate greater faculty access to College facilities for academic activities, the College will be revising its building access policies. Five years ago building access was expanded from what had been in place. Since that change, the College’s facilities have been officially open to full time faculty 6:00 a.m. to 12 midnight every day of the year. This policy has generally served us well. However, in response to interest expressed by faculty to have additional access to facilities, the Security Department is now making the following changes:

Currently, after midnight automatic turnstile access with ID is discontinued, the building is closed, and outside access is not permitted. In the past we had required all building occupants to leave at this time. Effective immediately faculty who are already in a College building and would like to occupy their offices beyond 12 midnight to continue working may do so by simply notifying the building security desk officer on duty by phone. North Hall ext. 8740; TBuilding ext. 8266. Upon leaving the facility a valid John Jay ID must be presented and signing out at the Security desk is required. For faculty who have offices in the BMW Building, the TBuilding Security desk should be notified by phone if staying beyond 12 midnight and when leaving. Overnight office occupancy/stays are strictly prohibited.

Bear in mind that the College does not have sufficient personnel to provide explicit 24 hour access that only some, but certainly not all other CUNY colleges provide. For example, our building maintenance personnel who are responsible for elevators and heating and cooling do not work overnight and are only on call for emergencies. Security coverage is also very limited during these hours. Furthermore, with energy costs on the increase it is not cost effective to run building systems 24/7 for such limited use purposes. This new policy is in fact more liberal than that of a number of CUNY campuses.

We will only permit access past midnight when there is the need to retrieve personal items or work related materials from faculty offices. We ask in this circumstance that faculty show their ID at the Security Desk, state the reason that they need the access, promptly retrieve any required items and “check out” at the desk upon departure.

We do employ a full time evening Assistant Security Director (David Rivera) who works until midnight. Mr. Rivera is also a certified Fire Safety Officer. But, certified fire safety personnel are only on the premises when the College is open. The exception to this is TBuilding where we have a fire watch underway due to the fire system not being in operation.

(over)
This policy applies to all teaching instructional staff. The extended hours do not apply to guests.

Non teaching staff and students are permitted on campus only during normal Building hours:

- Monday thru Thursday: 7:00 AM to 11:00 PM
- Friday: 7:00 AM to 9:00 PM
- Saturday & Sunday: 9:00 AM to 6:30 PM

Exceptions can be made upon prior request to and approval by the Security Department, Director, Deputy and Assistant Director.

Please keep in mind that we require all employees to use their ID cards to access the facilities through the turnstiles during regular hours. It is therefore vital that all everyone carry and use their ID cards and abide by regular access policies enforced by the security officers at the desk posts.

It is important for security personnel to know who is in the buildings during off hours. With your cooperation this revised access policy will help ensure the safety of building occupants while allowing for the occasional extended access for legitimate needs by faculty to continue use of College facilities for academic purposes as required.

Robert M. Pignatello  
Vice President  
Administrative Affairs

Brian Murphy  
Director of Security

February 3, 2004