Thursday, February 19,2004   **3:15 PM**   **Room 630 T**

Present (31): Desmond Arias, Marvie Brooks, Orlanda Brugnola, Effie Cochran, Edward Davenport, Kirk Dombrowski, Janice Dunham, Joshua Freilich, Michele Galietta, Konstantinos Georgatos, P. J. Gibson, Betsy Gitter, Amy Green, Norman Groner, Judith Hawkins, Anne Huse, Karen Kaplowitz, Kwando Kinshasa, Gavin Lewis, Tom Litwack, John Matteson, Lorraine Moller, Ellen Sexton, Francis Sheehan, Liliana Soto-Fernandez, Ayeley Sowah, Sung Ha Suh, Thalia Vrachopolous, Alisse Waterston, Robin Whitney, Patty Zapf

Absent (7): Luis Barrios, Peter DeForest, Heath Grant, Max Kadir, Evan Mandery, Joseph Napoli, Davidson Umeh

Guest: Professor Ned Benton

1.   Announcements from the chair
2.   Approval of Minutes #255 of the February 4,2004, meeting
3.   Election to fill a vacant faculty seat on the College Council
4.   Election of 2 new members to the Senate Committee on Adjunct Issues
5.   Election of a faculty member to a vacant faculty seat on the Student Technology Fee Committee
6.   Report on the Phase II process and decisions: Professor Ned Benton and Senators Karen
        Kaplowitz and Francis Sheehan
7.   Proposed Resolution on the manner by which faculty on search committees for dean and above
        should be chosen: Executive Committee
8.   Proposal on the funding of a College subscription to turnitin.com: Executive Committee
9.   Student access to North Hall on Sundays to meet with faculty: Senator Michele Galietta
10. Presidential Search Committee update
11. Update on the development of a workplace privacy policy
12. Proposed Resolution to adopt the Hare System of proportional voting: Senator Evan Mandery

1. **Announcements from the chair**

        The Forum on Tenure at CUNY, presented as a Better Teaching Seminar, and sponsored by the Faculty Senate, the Council of Chairs, the John Jay Chapter of the PSC, and the Women's Studies Committee will be on Wednesday, March 17, at 3:30 pm, in Room 630 T.

        Although John Jay was to cap its enrollment in Fall 2004 at 9,500 FTE students, at the

direction of the CUNY Central Administration because of John Jay's overcrowding and lack of sufficient facilities, the College has just been informed by the CUNY Central Administration that we will have to enroll 9,995 FTE students. This is because the operating budget for CUNY, absent a restoration by the State Legislature, which is considered unlikely, contains a deficit of $18.7 million compared to last year; to fill this $18.6 million anticipated budget shortfall, each senior college has been assigned an increased tuition revenue target. Because of John Jay's overcrowding, John Jay's assigned target is half that of the other senior colleges but John Jay was not exempted from the increase, as one might have expected. [A copy of the letter and of the revenue target calculations is available from the Senate Office.]

2. Approval of Minutes #255 of the February 4, 2004, meeting

By a motion made and carried, Minutes #255 of the February 4 meeting were approved.

3. Election to fill a vacant faculty seat on the College Council

Because one of the Senate adjunct representatives who had been elected by the Faculty Senate to a seat on the College Council was not given any courses to teach this semester, that College Council seat is vacant. Senator Heath Grant (Law, Police Science and CJA) was elected by unanimous vote to fill the College Council seat.

4. Election of 2 new members to the Senate Committee on Adjunct Issues

Senators Joseph Napoli and Ayeley Sowah were elected by unanimous vote to the Senate Committee on Adjunct Issues.

5. Election of a faculty member to a vacant seat on the Student Technology Fee Committee

The Student Technology Fee Committee determines how the approximately $1.5 million a year collected at John Jay from the Student Technology Fee, which is required by CUNY of every student, is to be spent. The fee is $75 per semester for full-time students and $37.50 per semester for part-time students. The Committee at John Jay comprises 3 faculty, recommended by the Faculty Senate; 3 administrators (VP Pignatello, Provost Wilson, VP Witherspoon); and 3 students recommended by the Student Council.

The 3 faculty who have been serving at the recommendation of the Senate are Professors Anthony Carpi, Lou Guinta, and Bonnie Nelson. However, Professor Carpi is now on sabbatical leave and his position is vacant. In accordance with the Senate Constitution, the Senate's Executive Committee is recommending to the Senate the faculty member to replace him.

The Executive Committee's recommendation is Professor Peter Shenkin (Mathematics), who is a member of the Faculty Senate Technology Committee and who teaches in the Computer Information Systems major and the Masters Program in Forensic Computing. The Senate elected Professor Shenkin by unanimous vote.

6. Report on the Phase II process and decisions: Professor Ned Benton and Senators Karen Kaplowitz and Francis Sheehan [Attachment A]

Professor Ned Benton and President Karen Kaplowitz reported in their capacity as the two faculty members on the Phase II Steering Committee, a committee which also comprises several senior CUNY administrators; Skidmore, Owings, and Merrill (SOM) architects; DASNY officials; consultants; and several John Jay administrators.

Professors Benton and Kaplowitz reported that they both have attended all meetings of the Phase II Steering Committee, that is, all meetings about which have been notified, except for one meeting which was changed to a date when Professor Benton had to be out of town. At the end of January 2004, they each received three very large loose-leaf binders prepared by SOM, which had been delivered to John Jay just a few minutes before they had arrived for a meeting about Phase II and they were given these binders as well as detailed floor plans for Phase II.

Upon studying the documents in the three binders they discovered that one binder contained, among other documents, not only minutes of several meetings that they had attended since August but also minutes of meetings held since August that they had neither been invited to, nor informed about, nor about which they had been aware; furthermore, the list of those who were to receive the minutes of the meetings that they had been excluded from included all the members of the Steering Committee, including those who were absent from those meetings, but neither Ned Benton nor Karen Kaplowitz. In other words, the only people not listed among the recipients of the minutes of the meetings that Ned Benton and Karen Kaplowitz had been excluded from were Ned Benton and Karen Kaplowitz, who are the only faculty on the Phase II Steering Committee.

And this is despite the understanding made when the two joined the Phase II Committee in January 2003, that they would be invited to all Phase II meetings, an agreement which was reiterated in early Fall. This reiteration occurred in early October after Ned Benton and Karen Kaplowitz questioned President Lynch about the sudden introduction of an "Executive Committee" of the Phase II Committee, an Executive Committee that was to include all 5 John Jay administrators – Gerald Lynch, Basil Wilson, Robert Pignatello, Robert Huffman, and Ynes Leon – but was to exclude the two faculty members [Attachment A].

At this meeting, which was also attended by Professor Harold Sullivan and VP Robert Pignatello, Ned Benton and Karen Kaplowitz said that the two of them would immediately resign from the Phase II Committee under those circumstances and would report the fact of their resignation and the reason for their resignation to the faculty, beginning with the Faculty Senate which was scheduled to meet later that very day. In response, President Lynch said he was rescinding the decision to have a new structure and said that the two faculty members would continue to be included in all Phase II meetings and that, in fact, there would be no Phase II Executive Committee. The Steering Committee would continue as it had been structured with the seven John Jay members:

President Lynch, VP Pignatello, Provost Wilson, Director Huffman, Architect Ynes Leon, Ned Benton, and Karen Kaplowitz [Attachment A].

The two had not reported this out to the faculty because they believed that the situation had been resolved, and because they had subsequent email confirmation – on October 20 – of the resolution, including the elimination of a Phase II Executive Committee [Attachment A], and because Professor Harold Sullivan had been a participant and witness to that resolution.

The Phase 11 Steering Committee meetings that the two of them were neither invited to nor informed about dealt with many substantive issues and, according to the minutes of those meetings, those who were present (or who received the minutes following the meetings) were presented with options about important issues, including where the Science labs are to be placed in the building. There were four consecutive secret meetings in October that Ned Benton and Karen Kaplowitz were excluded from and another in November and yet another in December: the two only learned about these meetings when they received the SOM binders at the end of January.

At a Phase II meeting following the four secret meetings in October that they had been excluded from, they and the other Steering Committee members were told that various consultants and engineers and others had determined that the Science labs must be located on the lower floors of the building, below all the other academic departments, and that no other option is possible. Thinking that all the members of the Phase 11 Steering Committee were being informed of this for the first time at this meeting, and having no reason to believe there were any other options possible, they did not challenge this assertion.

Yet the SOM minutes of one of the four meetings in October that the two had not been invited to nor informed about state that three different options for the location of the Science labs had been presented to the Steering Committee and had been discussed. Furthermore, the SOM minutes of the meeting that they did attend, following those four secret meetings, state that Ned Benton and Karen Kaplowitz approved the placement of the Science labs on the lower floors: in fact, the two of them are the only people identified by name in the minutes about this issue and yet they were the only two who were not given the information that everyone else had been given; furthermore, the two faculty members had never approved the decision, but rather they had not objected when they had been told that no other option was possible.

Professors Benton and Kaplowitz said that they now do not know whether there are other meetings between January 2003 and August 2003 to which they had not been invited and about which they had not been aware. They said that their assumption is that the three looseleaf binders they had been given were not supposed to include the minutes of the meetings from which they had been excluded, but they do not know this for a fact. The timing of the delivery of the binders by SOM just as the two of them arrived for a meeting lead them to assume that the three huge binders had not been vetted because of the chance timing of events. Another possibility is that it may have been thought by others that the two would not have the time or inclination to read the tremendous amount of documents and data they were given just as the Spring semester was about to begin. Again, this is speculation on their part.

But they both did read all the documents in the SOM binders and in response to their extremely disturbing discovery, Professor Benton and President Kaplowitz wrote to President Lynch on February 17 [Attachment A]. They have not yet received a response. They will report further at

the next Faculty Senate meeting.

Senator Francis Sheehan explained that the placement of the Science labs on the lower floors of the tower is very troubling to the members of the Science Department because Science labs are the most likely site for fires and other hazardous incidents. Because fires burn upward, Science labs should be on the upper floor(s), and ideally should be the top floor(s) or as close to the top floor(s) as possible. That is why the Science labs are on the fourth (top) floor of North Hall.

Furthermore, he said, any fire or accident that might occur in the Science labs could lead to toxic chemicals being released. Science labs are placed on the lower floors, everyone situated on the floors above the labs would have to pass through or by the contaminated area. That is another reason why our Science labs, which contain many toxic chemicals, are on the top floor of North Hall. Senator Sheehan noted that the original plan for Phase II, as presented to the College community in May, did have the Science labs on the top floor of the building.

Asked by Senators for the reason for the change in placement from the top floor to the floors below the other academic departments, President Kaplowitz said that at the end of August she and Professor Benton were at a meeting attended by a few John Jay administrators and two SOM architects at which they were shown a new design for Phase 1l: the lower, horizontal building design presented in May had been changed to a tall vertical building.

Subsequently, John Jay administrators told them that the design change had been made by *CUNY* facilities administrators and SOM without consultation with John Jay but that when the John Jay administrators were shown the new design they did not object because in their opinion the new design was a significant improvement because it provides a much larger outdoor commons, more rooms that have windows, and a more cohesive design.

Senator Sheehan explained that the narrower tower design and the larger outdoor commons result in a smaller footprint for Phase II and, therefore, the Science labs, which were to be on one floor, the top floor, are now to be on three floors, below the other academic departments. The reason for the placement lower in the building, as explained to the Science faculty, is that this much taller Phase 1l building will have an insufficient number of elevators to provide vertical transportation to all the students to the labs (since all students are required to take two lab courses) if the labs are high in the building. The plan is for the labs to be inaccessible by elevators and instead be accessible only by an escalator.

Senator Sheehan also reported that the Science faculty have been working closely with the Science laboratory consultant, June Hanley, who has been trying to resolve serious issues resulting from the smaller building footprint, such as the placement of the labs on three floors rather than on one floor and the challenges which that creates.

To the surprise and dismay of the Science faculty, he said, he and his colleagues have just learned that June Hanley will no longer be working on the Phase II project. Senator Sheehan presented a Resolution approved earlier in the day by his Department and he requested that the Senate endorse the Resolution of the faculty of the Department of Forensic Science. He, therefore, made a motion that the Senate endorse the following Science Department resolution:

Despite her willingness to continue, June Hanley, the Phase II Science

Consultant, has been taken off the project after being relocated within her company. Science Department representatives (1) have engaged in dozens of hours of meetings with Ms. Hanley since the inception of Phase 11, as well as in numerous telephone and email communications, (2) have noted her commitment to safe, efficient and practical laboratory design and planning, within the constraints of the inter- and intra-floor plan presented to her and (3) appreciate her in-depth knowledge of the Science Department's teaching and research needs. The Science Department resolves that Ms. Hanley's removal significantly compromises the success of the laboratory planning aspect of the project and requests that she remain as the science specialist.

The Senate endorsed the Science Department's Resolution by unanimous vote.

7. **Proposed Resolution on the manner by which faculty on search committees for dean and above should be chosen: Executive Committee**

A motion was made to adopt the following Resolution: Resolved, That it is the considered opinion of the Faculty Senate that in keeping with one of the key principles of higher education, that of shared governance, that faculty members on search committees for the position of dean and above be elected by the appropriate faculty body(ies) for appointment by the President of the College. The motion was approved by unanimous vote.

8. **Proposal on the funding of a College subscription to turnitin.com: Executive Committee**

In May 2003, the Faculty Senate unanimously approved a resolution to recommend that the College subscribe to turnitin.com, an online plagiarism detection service, as a way to deter plagiarism and as a way to respond to suspected instances of plagiarism.   This recommendation was communicated to Provost Wilson who then asked Associate Provost Kobilinsky to study the recommendation. Associate Provost Kobilinsky has expressed his support of the recommendation that the College subscribe to turnitin.com.

However, on December 18, Provost Wilson told President Kaplowitz that he does not have the $7,000 in his budget that an annual subscription to turnitin.com would cost John Jay. (Turnitin.com's subscription fee to colleges is based on the number of students enrolled at the college.) The Provost, instead, has offered to co-sign, with the President of the Faculty Senate, a letter to the Student Technology Fee Committee requesting that the Committee fund the subscription, and any ancillary costs, from the $1.5 million collected annually at John Jay from the Student Technology Fee, which may be used only for technology that is related to student learning, teaching, and research.

President Kaplowitz noted that she does not have the authority to sign a letter as President of the Senate *unless* specifically authorized to do so by the Faculty Senate. Thus the Executive

Committee has placed this item on today's agenda.

Senator Tom Litwack said that while he does not know how much money is currently in the Provost's budget, he does know that the College certainly has the money to pay for a subscription to tumitin.com and for the ancillary costs.

The Senate members expressed **an** unwillingness to have the Senate request that the costs be paid for by the Student Technology Fee and also expressed a concern that the students on the Student Technology Fee Committee might not support the proposal, even though the problem of plagiarism is an issue which students at John Jay have identified as of great concern to them. Students who do their own work feel unfairly treated by faculty who are unable to prevent plagiarism or who do not penalize plagiarized work submitted by other students. Senators expressed their opinion that it is the College's responsibility to uphold standards and, thus, to provide a subscription to turnitin.com.

President Kaplowitz suggested that an alternate approach is to submit the Senate's proposal to the College Council. The Senate unanimously endorsed this course of action.

Senator Betsy Gitter moved that the Senate ask Associate Provost Kobilinsky to speak at the College Council in support of the Senate's proposal that the College subscribe to turnitin.com. This motion also passed by unanimous vote.

9. Student access to North Hall on Sundays to meet with faculty: Senator Michele Galietta [Attachment B]

Senator Michele Galietta reported that when she and colleagues in the Psychology Department arrived to work in their North Hall offices on Sunday, February 15, their presence was questioned by North Hall Security Officers but that they succeeded in entering the building, which they knew they could do because of the February 3,2004, policy [Attachment B].

But despite this policy, which provides for access to the buildings by students seven days a week from 9:00 am to 6:30 pm [Attachment B - p. 2], and despite the fact that she and her colleagues had appointments to meet with and work with their Masters students that Sunday, when their students arrived at North Hall with their John Jay ID cards the students were told by the Security Officers that they could not enter North Hall to meet with their instructors because the building is closed on Sundays.

Senator Galietta said she spoke with the Security Officers and then with their Supervisor and was told that unlike T Building, which is open on Sundays, because classes are held in T Building and the Library in T Building is open, no classes are held on Sundays in North Hall and, therefore, students are not permitted to enter North Hall on Sundays. Senator Galietta said one of her students had traveled for several hours from New Jersey to meet with her.

Finally the Security Supervisor permitted the students to enter North Hall but required the students to leave the building at 1 pm, long before they and their instructors had planned. Many of the Masters students are engaged in their own research and some are working on research projects with faculty.

Furthermore, in September, the Psychology Department will have their first doctoral students in the new doctoral program in Forensic Psychology and these students will need access to North Hall to conduct their research.

President Kaplowitz said that on Sunday, upon receiving an email from Senator Galietta, she telephoned Senator Galietta in her North Hall office and on Monday she telephoned Security Director Brian Murphy, who said that North Hall is closed to students on Sundays.

When asked about the Administration's February 3, 2004, policy which states otherwise, Director Murphy said the policy is incorrectly written, that the policy is meant to permit faculty but not students access to North Hall when North Hall is closed. He explained that the safety of those in North Hall is his primary concern and responsibility.

Senator Patty Zapf reported that, in addition, Security Officers refused Psychology faculty access to their North Hall offices on Thursday, February 12, when the College was closed because it was a holiday, despite the February 3 Administration policy. She said her main concern is about the doctoral program in Psychology: we cannot have our doctoral students barred from North Hall.

Senator Desmond Arias reported that he is regularly treated in a rude manner by Security Officers when he comes to North Hall to work in his office on Sundays and on holidays.

Senator Sung Ha Suh said her concern about access to North Hall on Sundays is whether faculty such as she, who has an isolated office on the third floor of North Hall and who works on Sundays and holidays in her office, will be safe in North Hall on Sundays if the building is open to anyone other than faculty with John Jay faculty ID cards, since there are no classes in North Hall on Sundays and very few faculty and no staff and few Security Officers in the building.

Senator Francis Sheehan said the Science Department provides a list to the Security Department of those students who are to be granted access on Sundays and on holidays so the students can conduct their work in the science labs.

Senator Sheehan explained that this procedure addresses the issues raised by Senators Galietta and Zapf, in that students who need to work in North Hall are provided access, and also by those raised by Senator Suh, in that only those students who are authorized to be in North Hall are in the building when the building is closed.

Senator Betsy Gitter suggested that a Faculty Senate ad hoc committee be formed to meet with Security Director Murphy to clarify the access policy and to identify issues, if any, that need to be resolved. This group would then report the results of the meeting to the Faculty Senate at the Senate's next meeting.

Two motions were made: first, that identified students be permitted access to North Hall on Sundays during the stated hours of student access, 9:00 am to 6:30 pm, to meet with faculty, and, second, that an ad hoc committee comprising Senators Betsy Gitter, Michele Galietta, Patty Zapf, Francis Sheehan, Karen Kaplowitz and, perhaps, others meet with Security Director Brian Murphy to clarify the policy and to identify issues that need to be resolved so as to meet the needs of students and of faculty whose offices are in North Hall and that Senator Gitter arrange and chair this meeting. The two motions were approved by unanimous vote.

10.   Presidential Search Committee update [Attachment C]

In accordance with the vote of the Faculty Senate at its last meeting, on February **4,** the 12 faculty who self-nominated or who accepted nomination for the 13 positions for full-time faculty to serve on the second faculty group that will meet with and assess the finalists for President of John Jay were elected. The Senate took that action without knowing the identity of the 12 faculty.

At the time of the nomination deadline, which was 5 pm on the day of the last Senate meeting, February 4, only 12 full-time faculty were candidates for the 13 positions.   These 12 are:

> Valerie Allen – English
> David Brotherton – Sociology
> Robert DeLucia – Counseling & Student Life
> Lotte Feinberg – Public Management
> Amy Green – Speech, Theater & Media Studies
> Stanley Ingber – Law, PS, and CJA
> Bonnie Nelson – Library
> Daniel Pinello – Government
> Chitra Raghavan – Forensic Psychology
> Lydia Rosner – Sociology
> Chris Suggs – English
> Daniel Vona – Law, PS, and CJA

Although at the time of the Senate meeting on February 4 only **2** adjunct faculty were candidates for the 2 adjunct positions on that group, by the 5 pm deadline another adjunct faculty member became a candidate. As a result, secret, mail ballots were sent to all adjunct faculty. The following 2 adjunct faculty were elected by the adjunct faculty:

> Roderick MacGregor – Mathematics
> Abby Stein - TSP/Psychology

The Senate was provided with CUNY Guidelines for Campus Visits for Presidential Searches [Attachment C].

11.   Update on the development of a workplace privacy policy [Attachment D]

On December 16, at a Labor-Management meeting of the PSC with President Lynch and the four Vice Presidents, President Lynch agreed with faculty at the meeting that it is important to have a strong College policy on privacy.

The faculty members at that meeting who are members of the Senate or of the Council of Chairs are Francis Sheehan, Harold Sullivan, and Karen Kaplowitz, who are all also on the PSC Executive Board. Other faculty present at the meeting were Professors Jim Cohen, Marnie Tabb, Carmen Solis, Glenn Corbett, and Jerry Markowitz.

President Kaplowitz reported that following that meeting, President Kaplowitz reported, she

conveyed the substance of that discussion to Dean James Levine, in his capacity as chair of the Taskforce on Workplace Privacy, a taskforce which the Senate had asked President Lynch to establish. She later emailed Dean Levine asking him the status of the work of the Taskforce. Dean Levine responded to her inquiry [Attachment D].

In the meantime, Professor Harold Sullivan decided to draft an alternate workplace privacy policy, which he is in the process of doing. The Senators decided there is not sufficient time at today's meeting to further discuss this issue and also decided to not take further action until they have the opportunity to review the alternate privacy policy that Professor Harold Sullivan is now drafting.

12. Proposed Resolution to replace the plurality voting method with the Hare System of proportional representation: Senator Evan Mandery [Attachment E]

A Proposed Resolution to replace the plurality method of voting with the Hare System of Proportional Representation and an appendix explaining the Hare System had been included with the agenda packet. Given Senator Evan Mandery's absence, this agenda item was tabled.

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

Respectfully submitted,

Edward Davenport
Recording Secretary

&

Amy Green
Executive Committee Member-at-Large

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

Memorandum	February 17, 2004
To:	President Gerald W. Lynch
From:	Professors Ned Benton and Karen Kaplowitz, Faculty representatives to the Phase II Steering Committee
cc:	Provost Basil Wilson, Vice President Robert Pignatello
Subject:	Apparent Break in Phase II Consultations

We have been reviewing the January 16, 2004 Schematic Design notebook, which we received on January 21, and have encountered some information that concerns us.

In the section on Meeting Minutes, six important meetings are reported about which neither of us was informed, nor to which either of us was invited. Yet these six meetings were attended by the rest of the Steering Committee, that is, by the John Jay members of the Steering Committee, except we two, by SOM, by Vice Chancellor Macari's staff, by the consultants, and by **DASNY** representatives. The fact that we were not informed about or invited to these meetings is inconsistent with the representations of the College administration about the role of the Steering Committee and the role of the faculty representatives as full members of the Steering Committee - the College's official consultative and policy committee for the Phase II project.

Many of the topics discussed and many of the decisions made at these meetings were very important. The fact that we were not even informed after-the-fact, until we received the formal notebook at the end of the process, is inappropriate. We were unknowingly placed in the position of attending meetings where topics and issues were presented and discussed which most participants had previously discussed without our knowledge and without, of course, our participation.

We believe that this represents a serious breach in the relationship between our College administration and our College faculty, whom we represent on the Steering Committee.

We do not know if the other members of the Steering Committee were given the impression that we were unavailable or uninterested. **As** you know, both of us attended every meeting about which we were informed, with only one meeting missed by one of us, when the meeting was rescheduled and Ned was scheduled to be out of town on a professional matter. We made it clear that we would meet on weekends and on holidays, which we did when such meetings occurred. There was no reason for our not being informed and included at every meeting, especially since

we abided by the ground rules set at the very beginning. We consider those ground rules to have been unilaterally abrogated.

Our concerns should be understood in the context of our discussions and negotiations, from the start of the planning and design process, about the nature of faculty participation in the planning and design process. The faculty objected when the original plan was proposed in early **2003** involving a Phase II "Advisory Committee" that included faculty representatives and a decision-making "Steering Committee" that excluded the faculty. After further discussion and reflection, you decided to include us, as the two faculty representatives on the Steering Committee, selected by the leadership of the Faculty Senate and Council of Chairs.

The issue arose again in August, when we were apprised of major revisions to the Phase II plan - the alteration from the horizontal design, as presented to the College community in May, to a tower design. We were advised that the revised plan was developed during the summer, and it was represented to us that the Steering Committee was not involved in the deliberations. We noted that we were both available to attend meetings throughout the summer, that we were frequently at the College, but we were never notified of or invited to any Phase II meetings during the summer, and no information about the circumstances or nature of the changes were reported during the summer. When we learned about the major changes in the design plan, we asked that the College community be given a presentation of the new plan because of the substantial nature of the changes involved. The presentation has yet to take place.

The issue came up a third time last October, when we received a draft memorandum proposing an "Executive Committee" which excluded faculty members but included all other members of the Steering Committee. We were told that this was an idea proposed by the architects. We raised our objections with you at a meeting including Professor Harold Sullivan and Vice President Pignatello, and you agreed to eliminate the newly proposed Executive Committee, and retain only the Steering Committee and the User Committees - thus restoring the consultative structure that we all had agreed to and engaged in fi-om the start.

The following is a list of the meetings that took place from August 2003 to date.

August 28th: We participated in a meeting of the John Jay members of the Steering Committee at which the major changes in the project over the summer were reported to us - the plan changes described above.

September 24th: We participated in a meeting of the JohnJay group in Vice President Pignatello's Conference Room.

October 2: [no notice/invitation] This meeting is titled "Progress Meeting #1." During this meeting, topics included the meeting structure for the Schematic Design Phase, Vertical Transportation, approaches to the "Building Stack" including relocating the Sciences to the lower floors.

October 15: [no notice/invitation] This meeting included a discussion of Phase II population data and circulation, further discussion of the stacking of floors, expansion of the course schedule

grid, and departmental organization.

October 22: [no notice/invitation] This meeting included discussion of space planning updates, the decision to locate the faculty/staff lounge as part of the faculty/staff dining area, and vertical transportation.

October 28: [no notice/invitation] At this meeting, the faculty/staff lounge was further discussed, as well as relocation of the Psychology Department to the 10th floor. Twenty topics appear in the minutes.

October 30: We attended a scheduled Steering Committee meeting.

November 4: We attended a scheduled Steering Committee meeting.

November 13: [no notice/invitation] This meeting took place at SOM offices. A design model of the building was presented and discussed. Other topics included departmental conference space, classroom windows, adjunct offices the faculty line matrix, administrative space for the Ph.D. Program in Forensic Psychology, and vertical/horizontal movement.

November 17: Karen attended a Steering Committee meeting, which was rescheduled to a time when Ned had to appear at a U.S. District Court hearing in Puerto Rico.

November 20: We attended a scheduled Steering Committee meeting.

November 24: We attended a meeting of the John Jay members convened by Vice President Pignatello.

December 4: [no notice/invitation] This meeting included discussion of options for arranging space, such as relocating the Moot Court to the 9th floor, increasing the Conference space to 1,800 square feet, and whether faculty offices would have operable windows. Reference was made to a December 9th lunch meeting where a final decision would be made about major space configuration options. We do not know if that meeting took place but we can confirm that if it did take place we were not informed about it or invited.

December 18: This was a Steering Committee meeting where we both attended and participated.

We cannot imagine interpretations of this record that could reflect favorably on the College administration. It is our intention to share this letter with the Faculty Senate and the Council of Chairs. We hope that the effects of this lack of consultation will not prove to be beyond remedy - on the project plan and design itself, on the confidence of the faculty in the planning and design decisions, and on the confidence of the faculty in the administration's commitment to shared governance at our campus.

Attachments: October 1, 2003 Preliminary Phase II Committee list
October 10, 2003 email reflecting elimination of Executive Committee

John Jay Phase II Schematic Phase Committee List
October **1,2003**

Executive Committee

President Gerald Lynch
Provost Basil Wilson
Vice-president Robert Pignatello
CFO Robert Huffman
Phase II Coordinator Ynes Leon

Steering Committee

Provost Basil Wilson
Vice President Robert Pignatello
Faculty Senate Pres. Karen Kaplowitz,
Public Manag. Chair Ned Benton
CFO Robert Huffman
Phase II Coordinator Ynes Leon

Classroom Committee

Dean James Levine − Chair
Doug Salane − Co- Chair
Paul Brenner
Amy Green
Norman Groner
Bill Pangburn
Mathew McGee
Lorraine Moller

Phase II Schematic Phase
P2
Science Committee

Lawrence Kobilinski − Chair
Francis Sheehan Co-Chair
Anthony Carpi
Peter De Forest
Thomas Kubic
Henrietta Nunno

Academic Office Committee

[N.B. The proposed list continues for several pages, which were included in the letter to President Lynch but which are not included here.]

From: Ynes Leon (yleon@jjay.cuny.edu)   Sent: Mon 10/20/2003 10:28 AM
To: Karen Kaplowitz
cc: Robert Pignatello, Ned Benton
Subject: Re: schematic committees

Hi Karen;
The Executive Committee has been eliminated. There is only the Steering
Committee and the User Committees.

Karen Kaplowitz wrote:

>Hi Rob
>
>Ned and I would like to propose that the steering committee members all
>have the right to attend any of the meetings of any of the schematic
>committees, as their schedules and interests permit. Ned has offered
>to set up a web calendar that ynes can maintain of meetings, if
>everyone agrees to this.
>
>We suggest and are available to explain and discuss the following committees:
>
>Exec Comm:
>Lynch
>Wilson
>Pignatelllo
>Huffman
>Leon
>Benton
>Kaplowitz
>
>Steering Committee:
>Wilson
>Pignatello
>Huffman
>Leon
>Benton
>Kaplowitz
>
>Classroom:
>levine -- chair
>moller - co-chair
>salane
>brenner
>pangburn
>mcgee
>steve penrod
>peter shenkin
>kirk dombrowksi
>karen kaplowitz
>
>science:
>as is
>
>academic office:
>mameli - chair
>marshall - co-chair
>baez
>blotner
>galietta
>stevens
>harold sullivan
>
>

[N.B. This email with an alternate list of committee members continues beyond this page, all of which was included with the letter to President Lynch but which is not included here.]
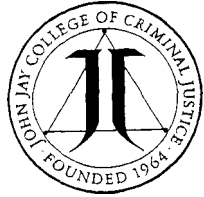
John Jay College of Criminal Justice
The City University of New York
Office of Administrative Affairs
899 Tenth Avenue, New York, NY 10019

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 tified 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.

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 turning 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

CAMPUS VISITS FOR PRESIDENTIAL SEARCHES

THE CITY UNIVERSITY OF NEW YORK

- Groups of not more than 15 persons shall be selected by the faculty, chairpersons, students, alumni (often includes community representatives), senior administrative staff and administrative staff of the College to meet with the campus visitors.

- Group members must commit themselves to meet every candidate; alternates are not permitted. They must also make themselves available for an organization meeting and follow-up meeting after each visit to discuss the candidate and to develop group recommendations. Thus, in forming the groups, please emphasize the commitment of time each member must make and discourage those who can only attend sporadically. Each group shall make a concerted effort to select individuals from as wide an array of its constituency as possible.

- Each group should meet together, prior to the first campus visit, in order to develop a series of questions to ask the candidates. Each candidate should be asked to respond to essentially the same list of questions. Follow-up questions can certainly be asked as a dialogue emerges between the candidate and the group; but a core list of questions should be the structure for the meeting so that the group will have a basis of comparison in making its recommendations. The groups should decide on questions that will reveal the candidate's general views and encourage their responses to specific issues or problems. Questions of a personal nature should be avoided. Note that the candidates will have received a comprehensive package of materials about the College and The City University of New York.

- The group should choose a convener, who will welcome each candidate, call on the various questioners, and keep note of the time. Nameplates (including name, title, department/office) of interviewing group may be quite helpful to the candidates. The group may choose to ask the candidate to make an opening statement (specifying a preferred amount of time for that). For consistency, the committee should attempt to ask all candidates the same questions in the same order. Specific questions should be assigned to members of the group (with the same person asking the question at each meeting, or the question rotating among various members of the group). If there is time, at the end of the session, candidates should be invited to ask a few questions. It can be helpful if, a few minutes before the scheduled conclusion of the session, someone knocks on the door, reminding the convener of the need to bring the meeting to a close.

- An open forum will be scheduled to enable the campus community to have more exposure to the candidates. A facilitator shall be selected to monitor the question-and-answer period.

- Groups should be urged to refrain from making inquiries about specific candidates through telephone calls or any other means. Carrying out background checks on the candidates is the responsibility of the Search Committee and should not be undertaken by any member of the campus community. The campus visits are an opportunity to sell the College to our candidates.

- Members of the Presidential Search Committee may serve as hosts during the interviewing sessions. The host should introduce himself/herself and welcome the candidate, providing a short synopsis of the candidate's biography. The host should remind his/her colleagues that questions should be related to the position of President. If questions are inappropriate, the host should intercede and ask the candidate not to answer an inappropriate question. The host should also remind the group during the open forum to return the completed feedback form to the Search Liaison at the completion of the meeting.

- Meetings with the candidates should take place in a conference room, with a table large enough to seat 15. A glass and pitcher of water should be placed at the candidate's place on the table. A few chairs on the sides should also be available for Search Committee members and staff who may wish to attend these meetings as observers. There should also be a private room made available in which the candidate can rest between interviews.

- Please arrange to have a room reserved for the use of each interviewing committee immediately after each group session or prior to the next day's session so that the group can discuss its impressions of the candidate. Each group should select one person to serve as recorder throughout the series of meetings to take notes for the final report.

- Search Office staff will accompany each candidate to the College on the morning of the visit; the Campus Liaison will make arrangements to take the candidate back to his/her hotel or to other destination, as needed, at the end of the day.

- After the final campus visit, each group will prepare an advisory evaluative report that will be sent to the Search Office. These reports should be relatively brief--a page or less on each candidate is the norm. The report should be clear, unambiguous--describing strengths and weaknesses of each candidate, and reflect as much as possible the consensus of the committee. Candidates should not be ranked. The conclusions and observations contained in the reports should be based solely on the interview sessions with the candidates. The original reports should be sent, by messenger, in an envelope marked "CONFIDENTIAL" *to* the Search Office, 535 East 80th Street, 3rd Floor.

January 28, 2004, email from Dean James Levine to Karen Kaplowitz;

Dear Karen,

The committee deliberated after our appearance before the Faculty Senate last semester and decided to put things on hold. The issue is whether it is feasible to rework the original proposal in light of the criticisms that were voiced.   Certainly a preamble could be added declaring the college's commitment to protecting privacy, the criteria for legitimate invasions of privacy could be narrowed and stated more precisely, and the issue of third parties which we discussed could be handled. A somewhat more problematic change would be to have the "privacy board" act before the fact rather than after fact. This is complex because time is often of the essence when these decisions must be made (the easy example being smoke coming from under a faculty member's office necessitating *immediate* access).

I gather that the president spoke in favor of a strong statement about protecting privacy at the labor-management meeting, which suggests an alternative approach: a general statement about principles rather than an articulation of processes (which is what our committee tried to do).   While such a statement would have the virtue of embodying rhetorical language about the college's strong commitment to workplace privacy, it might not be of much practical significance when decisions have to be made about breaching privacy.

The one thing I and the committee are disinclined to do is start getting into the details about appropriate access to information: who can look at the security department's camera images; what kinds of information can the sexual harassment officer obtain; who in the personnel department can look at personal information; what are circumstances when computer files of faculty can be examined, and so forth. Not only would this be an endless task requiring a tome of details, but I am very doubtful that the community could reach a consensus.

As I told you earlier, I would be happy to return to the Senate and continue the dialogue.

All the best,

Jim L.

Karen Kaplowitz wrote:
        Hi Jim

        Hope all is well with you.

        Would you bring me **up** to date as to the status of the draft policy on

        workplace privacy and/or the work of the taskforce.

        I would really appreciate it.

        Karen

Proposed Resolution: Senator Evan Mandery

> Resolved, That the Faculty Senate adopt the Hare System of Proportional Representation (described in Appendix **A)** for all Faculty Senate elections and that the Senate urge the College Council to adopt the Hare System for all college-wide elections.

Supporting statement:

While it is true that no system of voting can satisfy all constituencies, this is not to say that all voting systems are inadequate in the same way. The basic flaw of majority voting systems is that it often completely suppresses minority preferences. The electoral college is the most obvious example of this. If 50.1% of voters in a state choose a particular candidate, he or she receives the entire electoral vote of the state. With effective gerrymandering, it might be possible for a party with a 50.1% majority to win each and every Congressional election, thus leaving 49.9% of the voters without representation. (The Appendix below offers a further example.)

The basic tradeoff is this: majority elections are better when leadership is needed; proportional elections are better when the object is consensus. In an election for a national cabinet, majority voting is preferable – it is not undesirable for a constituency with even a bare majority to elect an entire slate – the elected officials need to lead. That concern may trump the problem of suppressing minority views. In a parliamentary election, proportional representation would be preferable, since the legislature presumably benefits from a diversity of viewpoints. College-wide elections are almost inevitably for bodies that better operate through consensus.

A further benefit of proportional voting is that it obviates carve-outs for individual constituencies. In the recent elections for presidential interview committees, under a proportional voting regime it would have been unnecessary to create seats for adjunct or junior faculty. The system would have ensured that these groups were represented in proportion to their representation in the faculty if they voted in the same proportion as members of other groups. This is the better course. There can be no remonstrations, say from the Professors whose last names begin with Z, why a seat was not created for their own group. The answer to them is to rally their troops to vote; the system will take care of the rest.

Note on the following appendix: I've tried to present the system in a neutral manner below. I have plagiarized liberally from the websites of the many colleges that employ Hare proportional voting for their own faculty elections.

The Hare System of Proportional Representation

Purpose

The Hare System is intended to secure the representation of every shade of the electorate's opinion in direct proportion to its numerical strength.

What it seeks to rectifv

Under the usual form of voting for a list of people for a committee or representative body where several are to be chosen, a bare majority of the votes or even a plurality is sufficient to elect. The outstanding example of this system is the method used in this country for presidential electors. Equally glaring is the inequality where but one person is chosen to office in a representative assembly. The following example of a congressional election in Indiana indicates this:

Party	Votes	Representatives Elected
Democratic	291,288	13
Republican	166,698	0
Progressives	127,041	0
Others	55,807	0

In this instance, while 349,546 voters, a majority, went without representation, a minority elected all the representatives. This occurs with considerable frequency in American legislative elections.

The Mechanics of the Hare Svstem

1. **Nominations**

   Nominations are made by a petition signed by a stated number of voters. Any number of nominations may be made regardless of the number to be elected.

2. **The Ballot and Method of Voting.**

   A sample ballot is as follows:

   Sample Ballot
   Directions to Voters
   Put the figure 1 in front of the name of your first choice. If you want to express additional choices, do so by putting the figure 2 in front of the name of your second choice, the figure 3 in front of the name of your third choice, and so on. You may express as many choices as you please, without regard to the number to be elected.

   Your ballot will be counted for your first choice if it can help him or her. If it cannot help your first choice, it will be transferred to the first of your remaining choices whom it can help. You cannot hurt any of your favorites by marking

 lower choices for others. The more choices you express, the surer you are to have your ballot count for one of them. But do not feel obliged to express choices that you do not really have.

A ballot is spoiled if the figure 1 is put opposite more than one name or if checks are used instead of numerals to indicate choices. See the following example:

                    _2_ Jones
                        Smith
                    _1_ Brown
                    _5_ Black
                    _3_ Green
                        Grey
                    _4_ Wood
                    ___ Stone
                        Clark
                        Etc.

The voter in the above case has voted for five candidates in the order of his or her preference. The voter has said, in effect, "Brown is my first choice, but if her is not chosen, or if he already has enough votes to elect, I desire that you count my second choice, Jones, and so on down the list."

3.   The Counting of the Ballots: The Quota.

The first step in counting the ballots is to ascertain the number of first choices necessary to elect a candidate. This is obtained by the following formula:

$$\frac{\text{the number of votes cast}}{\text{the number to be elected} + 1} + 1 = \text{(Droop) quota}$$

For example, in an election in which there were 425 votes cast in balloting to elect 17 members on one ballot, the quota would be:

$$\frac{425}{17 + 1} + 1 = 24$$

Remaining factions are always discarded. The quota of 24 represents the least number of first choices a candidate may receive and still be declared elected. The extra "1" is added (after the division) because, without it, the quota would be 23, making it possible for 18 candidates each to receive 23 votes, when only 17 are to be elected.

4. The Counting of the Ballots: The Transfer of Votes.

The ballots are divided into piles according to the first choices indicated. It will then be found, we may suppose, that 27 have marked Jones as the first choice,

that 25 have marked Brown as first choice, etc. In tabular fashion, the results
might be as follows, according to the first choices marked:

> 27 Jones
> 25 Brown
> 14 Black
> 23 Green
> 16 Wood

Jones and Brown, having secured the quota of 24, are declared elected.
Jones has 3 more votes than needed for election. As these three ballots can no
longer help Jones to be elected, they are transferred to help elect other candidates.
Thus, the three ballots are transferred to the second choices indicated on each. If
any of these second choices are for Brown, who also has already been elected, the
third choice is given the ballot instead.
Brown's extra votes (i.e., those in excess of 24), are then distributed according to
second choice, etc.

If there are vacancies and if there are no surpluses, all the votes of the candidates
securing the lowest numbers are taken from them, there being little chance of their
election, and they are distributed according to their second or third or fourth choices, and
so on. This process is repeated until all seats have been filled.