

Faculty Senate Minutes #350

Wednesday, November 18, 2009

3:20 PM

Room 630 T

Present (43): Andrea Balis, Spiros Bakiras, Elton Beckett, Adam Berlin, Marvie Brooks, Erica Burleigh, Elise Champeil, Demi Cheng, Shuki Cohen, Edward Davenport, Virginia Diaz, Janice Dunham, DeeDee Falkenbach, Beverly Frazier, Joshua Freilich, Gail Garfield, Robert Garot, Jay Paul Gates, Katie Gentile, P. J. Gibson, Jessica Gordon Nembhard, Maki Haberfeld, Jay Hamilton, Richard Haw, Heather Holtman, Karen Kaplowitz, Richard Kempter, Tom Litwack, Vincent Maiorino, Nivedita Majumdar, Tracy Musacchio, Richard Perez, Nicholas Petraco, Rick Richardson, Raul Romero, Richard Schwester, Francis Sheehan, Robert Till, Shonna Trinch, Cecile van de Voorde, Thalia Vrachopoulos, Valerie West, Joshua Wilson

Absent (6): William Allen, Luis Barrios, Edgardo Diaz Diaz, James DiGiovanna, Evan Mandery, Peter Manuel

Invited Guests: Provost Jane Bowers and students Samantha Diaz, Alana Hans, and Philippe Larock

Guests: Professors James Malone, Daniel Pinello, Harold Sullivan

Agenda

1. Adoption of the agenda
2. Announcements & reports
3. Approval of Minutes #349 of the November 3, 2009, meeting
4. Discussion about hate speech at the College and about possible action by the Faculty Senate: Professor Daniel Pinello
5. Invited Guest: Provost Jane Bowers

1. **Adoption of the agenda.** Approved.

2. **Announcements & reports.** Noted.

3. **Approval of Minutes #349 of the November 3, 2009, meeting.** Approved.

4. Discussion about hate speech at the college and about possible action by the Faculty Senate: Professor Daniel Pinello [Attachment A, B]

Government Professor Daniel Pinello had written to the Senate about hate speech at John Jay, asking the Senate to address this issue [Attachment A]. He spoke about his witnessing hate speech in the classroom by students and then introduced three of his students, Ms. Samantha Diaz, Ms. Alana Hans, and Mr. Philippe Larock, each of whom spoke about their experiences of being targets and witnesses of hate speech in the classroom and who asked the Senate to do what it can to change the culture at the College.

President Kaplowitz distributed to the Faculty Senate and its guests CUNY's "Non-Discrimination Policy" [Attachment B]. The Policy begins with the following statement, which she read aloud:

The City University of New York, located in a historically diverse municipality, is committed to engendering values and implementing policies that will enhance respect for individuals and their cultures. The University believes that, in order truly to benefit from this diversity, the University must foster tolerance, sensitivity and mutual respect among all members of its community. Efforts to promote diversity and to combat bigotry are an inextricable part of the educational mission of the University. Diversity among the University's many members strengthens the institution, promotes the exchange of new ideas, and enriches campus life. The University does not condone and will not tolerate discrimination in employment or in its educational programs and activities.

The Senate voted to send a letter to the entire faculty about hate speech in the classroom and to draft such a letter for review and comment at the Senate's next meeting. The following faculty members volunteered to help draft the letter: Shuki Cohen, Karen Kaplowitz, Daniel Pinello, and Harold Sullivan.

5. Invited Guest: Provost Jane Bowers

Professor Dan Pinello and Senator Tom Litwack described to Provost Bowers the problems with the final exam schedule that was developed to add class days which were lost as a result of the closing of North Hall because of the bedbug situation. Professor Pinello urged that the College request a waiver of from the State so that we do not have to make up the missed days. Senator Litwack said that if that is not feasible, then we should follow the original final exam schedule and faculty should be asked to make up missed classes, if any, after final exams are completed. Provost Bowers said she would immediately communicate the problems identified during this

discussion with VP Richard Saulnier and she would also report the suggestions that have been proffered today.

The meeting was adjourned at 5 PM.

ATTACHMENT A

To: The Faculty Senate

From: Professor Dan Pinello (Political Science)

Re: Hate Speech at the College

November 11, 2009

Dear Senators,

I am aware of at least three incidents of antigay hate speech at John Jay College during 2009. The first two were reported to me by a student who took a course with me in the spring. She described the first event in a memo to me as follows:

"In March 2009, Professor [Name Removed] in PHI ____ asked the class to provide examples of valid arguments with the use of conditional statements. A student by the name of Latoya decided to participate. Latoya stated, 'If he looks like a faggot, talks like a faggot, dresses like a faggot, hangs out with a bunch of girls, then he is a faggot. He walks like a faggot. He talks like a faggot. He dresses like a faggot. He hangs out with a bunch of girls. Therefore, he is a faggot.' The Professor clearly had no control over the situation, and ultimately disregarded Latoya's remarks."

The second event was this:

"On May 12, 2009, while using a computer at the Computer Lab in North Hall, I overheard a student, say, 'She's in the picture with this faggot. Yeah, she's in the picture with this faggot.' I found that to be very disturbing, as I sat at my assigned computer writing my paper."

My student reported further that, on complaining of these events to a College dean, she was advised that the best remedy was for her to start a student club.

The third hate-speech incident occurred last week in one of my own sections of GOV101. Moments before the class began, a group of students in the classroom was arguing over the World Series. Erasing the chalk board and otherwise preparing the room for class, I wasn't paying much attention to the debate, which was heated. Yet one student (who apparently supported the losing team) suddenly shouted out that a member of the winning team was a "faggot." Then the student elaborated on his diatribe, repeatedly shouting out "faggot" in the process.

(continued)

Later that day, I sent this e-mail to the class:

"I try to treat all students with dignity. Likewise, I believe that students should deal with other people respectfully. Indeed, the recognition and acceptance of diversity among people and in society are characteristic of those who are well educated.

"Today, however, someone in the course did not live up to my expectations of mutual respect. Just before class began this morning, one student loudly and repeatedly used the word 'faggot' in the classroom. That word is a slur intended to hurt people who are gay. Its usage is unacceptable in civilized society, just as are other disparaging words that put down groups such as African-Americans, Latinos, Asians, the disabled, and other minorities.

"As a gay man myself, I was deeply offended by the repeated shouting of 'faggot' in the classroom. I suspect that lesbian and gay students in the course were equally troubled by the verbal attack.

"Please be aware that such disrespectful behavior is not acceptable in my classes and that I will commence disciplinary proceedings against any student who acts in a similar way in the future."

Another student in the GOV101 section thanked me for my e-mail and reported that she has "had this happen in many of my classes where the professor has not stood up and addressed this issue."

Accordingly, I request that the John Jay Faculty Senate address what more faculty can do to confront hate speech on campus.

Thank you,
Dan Pinello

Statement of Principles

The City University of New York, located in a historically diverse municipality, is committed to engendering values and implementing policies that will enhance respect for individuals and their cultures. The University believes that, in order truly to benefit from this diversity, the University must foster tolerance, sensitivity and mutual respect among all members of its community. Efforts to promote diversity and to combat bigotry are an inextricable part of the educational mission of the University. Diversity among the University's many members strengthens the institution, promotes the exchange of new ideas, and enriches campus life.

The University does not condone and will not tolerate discrimination in employment or in its educational programs and activities.

The City University of New York continues to recognize the important need to maintain at each campus equal access and opportunity for qualified students, faculty and staff from all ethnic and racial groups and from both sexes.

Policy Statement

It is the policy of The City University of New York and the constituent colleges and units of The University to recruit, employ, retain, promote, and provide benefits to employees and to admit and provide services for students without regard to race, color, creed, national origin, ethnicity, ancestry, religion, age, sex, sexual orientation, gender identity, marital status, legally registered domestic partnership status, disability, predisposing genetic characteristics, alienage, citizenship, military or veteran status, or status as a victim of domestic violence.

Sexual harassment, a form of sex discrimination, is prohibited under the University's Policy Against Sexual Harassment.

The City University of New York, as a public university system, adheres to federal, state, and city laws and regulations regarding non-discrimination and affirmative action including, among others, Executive Order 11246, as amended, the Civil Rights Law of 1866, Titles VI and VII of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Sections 503 and 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990, Section 402 of the Vietnam Era Veterans' Readjustment Assistance Act of 1974, as amended, the Equal Pay Act of 1963, the Age Discrimination in Employment Act of 1967, as amended and the Age Discrimination Act of 1975, the New York State Human Rights Law, the New York State Civil Rights Law, and the New York City Human Rights Law. The "protected classes," as delineated in Executive Order 11246 (Black, Hispanic, Asian/Pacific Islander, American Indian/Alaskan Native and Women), were expanded on December 9, 1976 by the Chancellor of The City University of New York to include Italian-Americans.

Should any federal, state, or city law or regulation be adopted that prohibits discrimination based on grounds or characteristics not included in this policy, this policy shall be read to prohibit discrimination based on those grounds or characteristics, as well.

Responsibility for Compliance

The President of each constituent college of the University, the Senior Vice Chancellor at the Central Office, and the Dean of the Law School shall have ultimate responsibility for overseeing compliance with this Policy at his or her respective unit of the University.

Discrimination Complaints

The City University of New York is committed to addressing discrimination complaints promptly, consistently and fairly. There shall be an employment discrimination complaint procedure administered by each unit of the University. Students who believe they have been discriminated against in violation of this Policy should bring their complaints to the Chief Student Affairs Officer for investigation by the officer or his or her designee in accordance with this Policy.

Retaliation against any member of the University community who has made a complaint of discrimination is prohibited.

Effective: July 1, 2006