

## Faculty Senate Minutes #380

**November 14, 2011**

**1:40 PM**

**Room 630 T**

**Present (40):** Michael Alperstein, Andrea Balis, Elton Beckett, Erica Burleigh, James Cauthen, Demi Cheng, Kathleen Collins, Lyell Davies, Virginia Diaz-Mendoza, James DiGiovanna, Mathieu Dufour, Janice Dunham, Jennifer Dysart DeeDee Falkenbach, Terry Furst, Jay Gates, Norman Groner, Maki Haberfeld, Devin Harner, Richard Haw, Shaobai Kan, Karen Kaplowitz, Kwando Kinshasa, Anru Lee, Richard Li, Yu Ma, Vincent Maiorino, Evan Mandery, Roger McDonald, Sara McDougall, Mickey Melendez, Brian Montes, Catherine Mulder, David Munns, Richard Ocejo, Rick Richardson, Raul Rubio, Francis Sheehan, Staci Strobl, Denise Thompson

**Absent (9):** Jana Arsovska, Beverly Frazier, Lior Gideon, Demis Glasford, Laura Greenberg, Veronica Hendrick, Tim Horohoe, Manouska Saint Gilles, Patricia Tovar

**Guest:** Professor Mary Gibson

### Agenda

1. Adoption of the agenda
2. Announcements & Reports
3. Approval of Minutes #379 of the November 3, 2011, meeting
4. Election of three faculty members to the Search Committee for Associate Provost for Research and Strategic Partnerships
5. Proposed revision of CUNY's policy on student/faculty sexual relations
6. Faculty Senate Response to Pathways
7. Review of the agenda of the November 21 meeting of the College Council

1. Adoption of the agenda. Approved.

2. Announcements & Reports [Attachment A, B]

Chancellor Goldstein is visiting each CUNY campus; he began his visits last semester and completes them next month. He will be visiting John Jay on Thursday, December 1, at 2 pm, in

the theater. At each event, the Chancellor speaks and then takes questions from the audience.

The Senate also received, as part of the agenda packet, Dean Lopes' response about issues raised by the Faculty Senate about the Honors Program [Attachment A] and a recent memo by CUNY Vice Chancellor for Legal Affairs Frederick Schaffer about the Pathways initiative [Attachment B].

**3. Adoption of Minutes #379 of the November 3, 2011, meeting. Approved.**

**4. Election of three additional faculty members to the Search Committee for Associate Provost for Research and Strategic Partnerships**

President Kaplowitz reported that of the five faculty members whom the Faculty Senate had elected on November 3 to serve on the Search Committee for Associate Provost for Research and Strategic Partnerships two were not accepted by the Provost because they both are directors of an institute or center and, as such, report to the Associate Provost for Research and Strategic Partnerships and, therefore, would have a conflict of interest were they to serve on the Committee. The Provost had asked that the Senate replace the two, Professor George Andreopoulos and Professor Jonathan Jacobs, from among the remaining three candidates, but upon reconsideration after discussing the situation with President Kaplowitz Provost Bowers said that if the Senate were to decide to recommend that she do so, she would appoint all three of the remaining but not yet elected candidates.

Several Senators objected to the Provost's rejection of two faculty members recommended by the Faculty Senate; they said that the reason for the exclusion does not make sense; they noted that this criterion for eligibility was established after the process was completed; and they asserted their continued support of the Senate's recommendation of Professors George Andreopoulos and Jonathan Jacobs to serve on the search committee. One Senator provided the text of the policy at Hunter College about search committees, which includes the following statement: "For administrative positions, persons who will be subordinates, peers, and/or superiors of the person selected may serve on the Search Committee." This is from page 12 of Hunter College's "Recruitment and Search Guide" which can be found at

[http://www.hunter.cuny.edu/affirmativeaction/Recruitment\\_and\\_Search\\_Guide\\_Final.pdf](http://www.hunter.cuny.edu/affirmativeaction/Recruitment_and_Search_Guide_Final.pdf)

Some Senators recommended that the Senate elect the remaining three candidates as alternate search committee members.

President Kaplowitz proposed that the Senate elect all eight of the candidates, since all eight are eminently qualified and are willing to serve; she said, moreover, that if there is a conflict of interest, the larger the search committee the less influence any one member will have. She explained that if the Senate elects all eight of the candidates, it will not be complicit in the

after-the-fact exclusion and that it will be up to the provost to accept or reject those whom the Senate recommends. The Senate agreed to this course of action and in doing so elected all eight. The vote was 37-0-3. The eight candidates elected by the Senate for recommendation for appointment to the search committee by the Provost are: Professors George Andreopoulos, Joshua Freilich, Michele Galietta, Jonathan Jacobs, Bilal Khan, Nathan Lents, John Staines, and Cathy Spatz Widom.

The Senate expressed its interest in reviewing the College's search committee guidelines and proposing amendments if needed.

**5. Proposed revision of CUNY's policy on student/faculty sexual relations: Senators Staci Strobl, Francis Sheehan, Karen Kaplowitz [Attachment C]**

Vice President Francis Sheehan proposed revisions to the letter to be endorsed by the Senate as did Senator Roger McDonald. The amended letter, to be sent to Chancellor Matthew Goldstein, was approved by the Senate. The vote was 35-4-1.

**6. Faculty Senate Response to Pathways proposed 30-credit core [Attachment D, D-2]**

The Senate considered whether to amplify its statement of November 3, which President Kaplowitz reported has also been endorsed and adopted by the Council of Chairs. She referred the Senators to Attachments D and D-2, which comprise faculty responses to Pathways received by the Faculty Senate Office.

Senator Evan Mandery proposed the following statement for transmittal to the CUNY Board of Trustees: "The Faculty Senate of John Jay College of Criminal Justice acknowledges the merits of facilitating student transfers within CUNY, but this can be accomplished without the imposition of a new curriculum. The faculty of a college should determine the content of its general education curriculum. We reject Pathways because it disrespects and bypasses faculty governance and also on the grounds that it lacks sufficient depth and breadth to provide our students with a quality liberal arts education. The Faculty Senate urges you to rescind your vote of June 27, 2011."

Many Senators spoke in favor of Senator Mandery's statement. A motion was made to amend Senator Mandery's statement by adding it as a preface to the Senate's 8-point criticism of Pathways adopted at its November 3 meeting so that the statement to be sent to the CUNY Board of Trustees would be Senator Mandery's statement plus the Senate's 8-point critique. Senator Mandery opposed this proposed amendment and the motion failed by a vote of 12-16-3. The motion to transmit Senator Mandery's statement to the Board of Trustees was approved by a vote of 21-7-3.

Senate Secretary Andrea Balis said she would transmit the statement to the Board of Trustees on behalf of the Faculty Senate.

**7. Review of the agenda of the November 21 meeting of the College Council**

The Model Syllabus is the agenda again. With regard to the term "office hours," which was objected to by the faculty, Provost Bowers and President Kaplowitz developed a compromise that the item be listed on the model syllabus as "contact hours." The Senate endorsed this solution.

Also on the agenda is a proposal from the Department of Protection Management for a change of name to the Department of Security, Fire and Emergency Management.

Also the approval of four new courses in the CJ BA major; a Sociology course on global migration; Elementary Arabic I & II; Elementary Japanese I & II; and Elementary Portuguese I & II.

The proposed policy from both the Faculty Senate and the Undergraduate Curriculum and Academic Standards Committee Regarding Change of Grade After Final Grades are Filed has been withdrawn so that the Graduate Studies Committee can consider the policy and vote on whether to be a sponsor of it; if it decide to do so, the policy would apply to both graduate and undergraduate students and courses.

The meeting was adjourned at 4:00 pm.

Submitted by

Virginia Diaz-Mendoza  
Recording Secretary



## ATTACHMENT A

### Agenda Item #2a: Dean Lopes' response to the issues raised by the Senate about the Honors Program

Dear Karen,

I am writing to thank you for bringing to my attention the three amendments to the new Honors Program proposal that were passed by College Council in May 2009. As the Dean of Undergraduate Studies, I am responsible for oversight of the Honors Program and appreciate the keen interest of colleagues in the success of the program. The following describes the actions that we have taken to address the amendments to the Honors Program proposal, which was adopted by College Council in May 2009; it also identifies some outstanding questions and requests for the Faculty Senate's consideration with regard to the resolutions.

1. **Amendment 1** Only one cohort has completed one year of the program and two additional cohorts have completed several weeks of the program. Cohort one includes 25 students, the entering fall 2011 first-year cohort 24 students, and the sophomore fall 2011 cohort approximately 30 students. Next year a new first year cohort will join the program along with a junior cohort. It will not be until the following year-- fall 2013-- that the program will achieve a steady state of 230 students.

I have been collecting information for the continuous improvement of the program. A report that describes the experience of the fall 2010 cohort and the program's development during the first year will be completed and shared with all governance bodies by the end of the fall 2011 term. Data on the entering fall 2011 first year and sophomore cohorts will not be available until the students complete the academic year.

A. I have not had the methods approved by College Council or UCASC because I did not know about the amendment until you brought it to my attention. The program is in its infancy, enrollment is not yet at steady state and courses have only been offered experimentally so that they can be easily improved based on outcomes and experience this year and next. Student learning outcomes for honors cannot be assessed on the program level until a cohort graduates.

2. **Amendment 2** I will be able to report on the number of honors students in each major and the students' academic experience by the end of the fall 2011 term. I can then further explore the experiences of different students in different majors, conduct discussions and consultations with the faculty director, the advisory committee, the Faculty Senate, UCASC and honors faculty members, in order to adequately address any issues fully.
3. **Amendment 3** Given that the new program is underway, I would propose as an alternative that we survey the students and faculty in the current program. This effort can be undertaken during the current academic year and a report issued in May 2012.

Best regards,

Anne



## ATTACHMENT B

**A Message From General Counsel and Senior Vice Chancellor for Legal Affairs Frederick P. Schaffer On The Pathways Project and Faculty Authority Regarding Academic Policy**

### **A Message From General Counsel and Senior Vice Chancellor for Legal Affairs Frederick P. Schaffer On The Pathways Project and Faculty Authority Regarding Academic Policy**

November 3, 2011 | Bulletin

Questions have been raised as to whether the resolution adopted by the CUNY Board of Trustees at its meeting on June 27, 2011 regarding the establishment of an efficient transfer system and the subsequent implementation of that policy by the Chancellor are inconsistent with certain authority granted to faculty councils and the University Faculty Senate ("UFS") by the Board's Bylaws as interpreted by case law. For the reasons set forth below, the Board has clear and final authority to adopt academic policy as set forth in that resolution and to direct the Chancellor to implement it in accordance with the procedures established by the Board.

#### The Pathways Project

For decades CUNY students have endured an arbitrary, inconsistent and incomprehensible "system" relating to the transfer of credits among its colleges, especially the transfer of credits in satisfaction of the requirements for general education and majors. The result has been that the many students who transferred from one CUNY college to another each year were not able to get their course credits accepted at their new college and had to re-take courses, thereby spending additional time and money for courses beyond the 120 credits necessary to satisfy those requirements. A number of efforts were tried over the years to remedy this problem, such as improvements in the TIPPS system and bilateral articulation agreements, but they have proved to be inadequate. The basic problem is structural – it is difficult to establish a smooth and comprehensive system of transfer when each college, and each department at each college, retains the authority to evaluate every transfer credit to determine whether it is the equivalent of a course that satisfies the requirements of the general education or major curriculum. This problem is compounded by the fact that there are wide discrepancies in the number of general education credits required at each college, and at some of them the required number of credits far exceeds national norms. It was therefore necessary to establish a system-wide framework while leaving course-specific decisions to college faculty and governance bodies.

Accordingly, the Chancellor directed the Office of Academic Affairs to produce a report detailing the scope and causes of the problem and recommending solutions. That report was sent to the UFS in October 2010. To facilitate the sharing of information and the circulations of comments, the Office of Academic Affairs established a web site ([www.cuny.edu/pathways](http://www.cuny.edu/pathways)).

Hundreds of documents and comments were posted there over the ensuing months. In addition, the Executive Vice Chancellor for Academic Affairs and her staff attended more than 70 meetings of faculty governance organizations, disciplinary councils and other faculty and student groups to discuss the issue and proposed solutions. As a result of this process, the proposal put forth by the Chancellery was modified in significant ways to permit greater flexibility. Furthermore, in order to permit full consideration by all constituencies within the University, the schedule for presentation of the matter to the Board was delayed from the May 21 to the June 27, 2011 Board meeting. A number of faculty organizations and departments passed resolutions regarding this matter; some opposed the proposal of the Chancellery, while others requested more time for discussion. The University Student Senate ("USS") passed a resolution supporting the proposal.

The Board's Committee on Academic Policy, Programs and Research considered and approved the Pathways resolution at its meeting on June 6, 2011. A public hearing was held on June 20, 2011 which lasted more than three hours and was almost exclusively devoted to the final proposal. There were 67 speakers, including students, faculty and administrators. The students and administrators who spoke were uniformly in favor of the proposed resolution. The faculty speakers were divided, with a slight majority in opposition but a substantial minority in favor.

At its meeting on June 27, 2011, the Board of Trustees unanimously passed the resolution (which may be found at <http://policy.cuny.edu/text/toc/btm/2011/06-27/> at pages 120-22). The resolution did the following:

General Education Framework – The resolution established a "Common Core" consisting of 30 credits for all CUNY colleges and a "College Option" for baccalaureate programs consisting of 12 additional credits. All undergraduates will be required to complete the Common Core to graduate with an A.A., A.S. or baccalaureate degree. Moreover, any courses completed within the Common Core at a CUNY college will be transferable in satisfaction of the Common Core at any other CUNY college. All baccalaureate students will be required to complete the College Option credits in order to graduate, except that students who transfer from an associate program to a baccalaureate program may not have to satisfy all of the 12 additional credits depending on the total number of credits they earned in their associate program and whether they earned an associate degree. All College Option credits will be transferable among all CUNY baccalaureate colleges.

The resolution further provided that the Chancellor, in consultation with the Council of Presidents, the UFS and the USS, will convene a Task Force of faculty, students and academic administrators, with faculty members predominant, to recommend to the Chancellor a structure for the Common Core by December 1, 2011. The Task Force is specifically charged with (i) developing the broad disciplinary or interdisciplinary areas constituting the Common Core, as defined by learning outcomes, and (ii) identifying the number of credits to be allocated to each such area. After the Task Force makes its recommendations, and the Chancellor approves the structure of the Common Core, all of the colleges must specify the individual courses for the Common Core, all of which must meet the approved learning outcomes. The programs and courses will be developed and proposed by the colleges in accordance with their governance



plans and will be subject to the same process of review and Board approval as are all other academic matters.

Majors – The resolution also mandates that clear pathways be created for the largest transfer majors. To that end it provides that the Chancellor, in consultation with the Council of Presidents, the UFS and the USS, will convene relevant academic discipline committees consisting predominantly of faculty. Those committees are charged with recommending to the Office of Academic Affairs between three and six courses that will be accepted as entry-level courses for beginning the major, or as prerequisites for such courses, by all colleges offering those majors.

Elective Courses – In addition, the resolution requires that all courses taken for credit at an undergraduate CUNY college be accepted for credit at every other college regardless of whether a specific equivalency exists at the transfer college to an extent consistent with grade requirements and residency rules. This means that every course taken at every CUNY college must receive at least elective credit at every other college.

Miscellaneous – Finally, the resolution contains several provisions to ensure appropriate implementation of an efficient transfer system. It requires the expeditious evaluation of course credits for general education, major and elective courses and an appeal system for students who wish to appeal the denial or restriction of transfer credit. It also requires technological assistance to provide colleges with academic information about their transfer applicants and students and their advisors with information about the transferability and major-requirement status of courses.

Even before the Board had passed this resolution, the Executive Vice Chancellor for Academic Affairs and University Provost had asked the UFS Executive Committee to nominate faculty members to serve on the Task Force. The Chancellor repeated that request to the Chairperson of the UFS after the Board action. In addition, the Chancellor wrote to all of the college presidents requesting the curriculum vitae of the UFS representatives and alternates on their campus and of three additional faculty members that the president would recommend for membership on the Task Force. The college presidents responded to the Chancellor's request. However, the UFS chose not to nominate faculty for the Task Force because the Chancellor would not agree to its demand that a majority of the Task Force be selected from a list of nominees to be supplied by the UFS. The Chancellor then appointed the members of the two components of the Task Force – the Steering Committee and the Working Committee. The Steering Committee is chaired by Michelle Anderson, Dean of the CUNY School of Law, and is composed of 11 faculty members (one of whom is a member of the UFS Executive Committee), two campus-based academic administrators and two students. The Working Committee is also chaired by Dean Anderson and is composed of 36 faculty members, two students and one campus-based administrator.

On October 31, 2011, the Task Force released the draft of the proposed structure of the Common Core, which may be found on the Pathways web site. It provides for considerable flexibility to individual campuses in terms of what courses they may submit for inclusion in the 30-credit Common Core, as well as flexibility to the senior colleges regarding the 12 College Option credits. The Task Force has asked for formal campus consultation so that it can incorporate the best ideas from across the University in revising the structure before submitting it to the

Chancellor. Those campus responses are due on November 15. After reviewing them, the Task Force will submit its final recommendation to the Chancellor by December 1. Once the Chancellor has approved a structure for the Common Core, decisions concerning the courses that will be part of the Common Core will be made by the campus faculty governance bodies, subject to the usual approval processes of the Chancellery, the Board of Trustees, and the New York State Education Department.

The Chancellor also appointed William Kelly, President of the Graduate School and University Center, to direct the work of the committees charged with creating pathways for the largest transfer majors. On October 25, 2011 the Chancellor announced the composition of the committees that will recommend to the Office of Academic Affairs between three and six courses that will be accepted as entry-level courses for beginning the major, or as prerequisites for such courses, by all colleges offering majors in the disciplines of biology, business, criminal justice, English, nursing, psychology and teacher education. Nominations of the faculty members of those committees were sought from multiple sources, including discipline council leaders and the UFS; however, the UFS again declined to nominate anyone.

#### Applicable Law

Article 125 of the Education Law grants to the CUNY Board of Trustees complete and final authority to govern and administer CUNY, including the making and implementing of academic policy, including curricula. Section 6204, subd. 1, provides:

The board of trustees shall govern and administer the city university. The control of the education work of the city university shall rest solely in the board of trustees which shall govern and administer all educational units of the city university.

Section 6206, subd. 7(a) goes on to provide:

The board of trustees shall establish positions, departments, divisions and faculties; appoint and in accordance with the provisions of law fix salaries of instructional and non-instructional employees therein; establish and conduct courses and curricula; prescribe conditions of student admission, attendance and discharge; and shall have the power to determine in its discretion whether tuition shall be charged and to regulate tuition charges, and other instructional and non-instructional fees and other fees and charges at the educational units of the city university.

In the exercise of its powers, the Board of Trustees has adopted Bylaws, which delegate certain functions to the Chancellor, the Presidents and other officers of the educational units of CUNY and to faculty councils and the UFS. In all cases, however, the Board of Trustees remains the final decision-maker.

Section 11.2 of Bylaws defines the position of Chancellor in relevant part as follows:

#### **A. Position Definition**

The chancellor . . . shall be the chief executive, educational and administrative officer of the city university of New York and the chief educational and administrative officer of the senior and community colleges and other educational units and divisions for which the board acts as trustees. He/she shall be the chief administrative officer for the board and shall implement its policies . . . . The chancellor shall have the following duties and responsibilities:

- a. To initiate, plan, develop and implement institutional strategy and policy on all educational and administrative issues affecting the university, including to prepare a comprehensive overall academic plan for the university, subject to the board's approval; and to supervise a staff to conduct research, coordinate data, and make analyses and reports on a university-wide basis.
- b. To unify and coordinate college educational planning, operating systems, business and financial procedures and management.

\* \* \*

- i. Nothing in this enumeration shall compromise or detract from the powers of the board of trustees as defined in the state education law.

Section 11.4 of the Bylaws sets forth the powers of each President, which include the power to "advise the chancellor and the board on all matters related to educational policy and practice" and to "[c]onsult with and make recommendations to the chancellor concerning all matters of significant academic, administrative or budgetary consequence affecting the college and/or the university".

Section 8.6 of the Bylaws sets forth the duties of the faculty. It provides, in relevant part, as follows:

The faculty shall be responsible, subject to guidelines, if any, as established by the board, for the formulation of policy relating to the admission and retention of students including health and scholarship standards therefore, student attendance including leaves of absence, curriculum, awarding of college credit, granting of degrees.

Section 8.7 provides that the responsibilities of the faculty shall be exercised through faculty councils. Pursuant to the governance plans adopted by each college and approved by Board of Trustees, each college has a senate or council, made up largely but not exclusively of faculty, which exercise the responsibilities of faculty councils.

In a similar vein, Section 8.13 of the Bylaws provides:

There shall be a university faculty senate, responsible, subject to the board, for the formulation of policy relating to the academic status, role, rights, and freedom of the faculty, university level educational and instructional matters, and research and scholarly activities of university-wide import. The powers and duties of the university faculty senate shall not extend to areas or interests which fall exclusively within the domain of the faculty councils of the constituent units of the university.

These provisions of the Bylaws make clear in two ways that the role of the faculty is advisory to the Board of Trustees, which retains final authority over all matters of academic policy. First, the faculty is charged only with the “formulation” of policy in certain areas. That means the expression of policy in a systematic form or statement. Thus, the faculty is charged with expressing its views and recommendations, not with actually *making* policy. Second, in the provisions dealing both with faculty councils and the UFS, the Bylaws provide that the faculty’s formulations of policy are subject to the Board or its guidelines.

Even with respect to the “formulation” of academic policy, the faculty councils and the UFS do not enjoy a monopoly of authority. Nowhere do the Bylaws state or suggest that faculty councils have *exclusive* responsibility to formulate academic policy. The Board of Trustees is empowered by statute to govern all aspects of the University and may do so without awaiting faculty proposals or consulting with the faculty councils or the UFS at all. Moreover, as noted above, Section 11.2 of the Bylaws provides that the Chancellor, as the chief executive, educational and administrative officer, has authority, independent of any policy formulated by the faculty, to “initiate, plan, develop and implement institutional strategy and policy on all educational and administrative issues affecting the university.” The Chancellor is free to consult with whomever he chooses as he considers and makes decisions regarding academic policy or the implementation thereof. To the extent the Chancellor wishes to consult with faculty, which is generally the case, he is not limited to faculty councils or the UFS for advice.

These principles are not merely formal or theoretical. They play out in practice every day and at every Board of Trustees meeting. Faculty proposals in the form of resolutions adopted by campus-based governance bodies are reviewed by the appropriate office within the Chancellery, which is the Office of Academic Affairs in the case of proposals regarding academic policy. In some cases, they are sent back to the originating campus with comments or objections. If they are approved, and are of sufficient importance to be considered individually by the Board as part of its policy calendar, such as the establishment of new programs, they are referred to the appropriate Board Committee, which is the Committee on Academic Policy, Programs and Research in connection with academic policy. If the proposals are routine, they are collected and incorporated into the Chancellor’s University Report. In either case, campus-based proposals do not become effective unless and until they are adopted by a resolution of the Board or approved by the Board as part of the Chancellor’s University Report. Moreover, with respect to the establishment or revision of significant academic programs, review and approval may also be required of the New York State Education Department.

At the same time, policy proposals are frequently developed within the Chancellery, and on occasion they may also come directly from a President. The Chancellor will usually rely on one of the Vice Chancellors to work on such proposals within his or her area of responsibility and to consult with affected constituencies within the University. In that regard, the Chancellor has on numerous occasions created task forces to develop, modify or implement policy on a wide variety of subjects, including academic integrity, intellectual property, computer use, sexual assault, tobacco use on campuses, student learning assessment and the establishment of the CUNY School of Public Health and the New Community College. In each of those cases, the Chancellor or his designee has selected faculty to serve on the task force, including some



proposed by the UFS. In no case, however, did the UFS nominees constitute a majority of the task force.

The above-described allocation of authority has been consistently recognized and approved by the courts, most directly in the *Polishook* decision, where the Appellate Division confirmed the ultimate authority of the Board of Trustees to make academic policy. *Polishook v City University of New York*, 234 A.D.2d 165 (1st Dep't 1996). In that case, certain faculty, including the president of the Professional Staff Congress, challenged resolutions of the Board of Trustees that had declared fiscal exigency, terminated faculty, implemented budget cuts and reduced the number of credits required for a baccalaureate degree from 128 to 120 and for an associate degree from 64 to 60, subject to waivers granted by the Office of Academic Affairs for undergraduate degree programs that require additional credits for certification or accreditation from outside professional organizations or for other compelling educational reasons. The lower court granted the petition and set aside all of those resolutions. The Appellate Division reversed that decision except as to the reduction in the number of credits. It specifically rejected the faculty's principal argument that the Board had violated the provisions of the Bylaws concerning faculty authority to formulate policy. As the Appellate Division held, "the Bylaws do not require the Board of Trustees to consult with the senior college faculties prior to implementing the Long Range Planning Resolutions as the Board of Trustees is charged with 'govern[ing] and administer[ing] the city university.' Education Law § 6204[1]." *Id.* at 166-67.

The Appellate Division affirmed the lower court's holding that there was no rational basis for the reduction in the number of credits required for a degree. *Id.* at 167. CUNY sought leave to appeal to the Court of Appeals on that issue. The parties then settled, thereby ending CUNY's appeal but leaving in place the Appellate Division's decision. In the settlement agreement, the Petitioners agreed that, with certain clarifications as to the reasons for which waivers might be granted, the resolution reducing the number of credits required for graduation had a rational basis, and the Board of Trustees reaffirmed that policy. In the settlement agreement, the Board of Trustees also recognized and reaffirmed the role of the faculty as set forth in Sections 8.6 and 8.13 of the Bylaws, which the agreement quoted verbatim. Thus, the agreement did not change the fact that the role of the faculty under the Bylaws is solely to formulate policy in certain defined areas, subject to the ultimate authority of the Board of Trustees, which the Appellate Division had ruled did not even require the Board to consult with the faculty councils before acting.

A similar result was reached by the Court in *Friedman v. Perez*, Index No. 117248/00 (Sup. Ct., N.Y. Cty., Aug. 18, 2000) (unpublished opinion). In that case certain faculty members at BMCC challenged the decision of the President, which was approved by the Board of Trustees, to replace a one-credit course with an orientation program for new students that carried no academic credit and was tuition free. That action was in accordance with the recommendation of an evaluation team from the College's accrediting body, but contrary to the recommendation of a departmental committee and before any action by any of the College's governance bodies. Petitioners argued that the procedure followed violated the Board's Bylaws, the BMCC Governance Plan and the Curriculum Committee Policy Manual which assign responsibilities to faculty bodies in formulating curriculum. The Court rejected that argument, holding:



Contrary to petitioner's contention, however, none of these provisions gives the faculty a veto power over the Board of Trustees, such that the board can consider only those changes which have been developed through the cited procedures and recommended by the faculty. The Board retains the ultimate power, authority, and responsibility to govern and administer the university, including the setting of course requirements.

Opinion at 3. *See also Mendez v. Reynolds*, 248 A.D.2d 62, 681 N.Y.S.2d 494 (1st Dep't 1998), where the Court held that an individual college in the CUNY system could not substitute its own preferred test for the one required by the Board.

This conclusion is entirely consistent with the decision of the New York Court of Appeals in *Perez v. CUNY*, 5 N.Y.3d 522 (2005). There the Court held that the Hostos Community College Senate and its Executive Committee were "public bodies" and therefore were subject to the Open Meetings Law. In order to reach that conclusion, the Court analyzed the authority of the College Senate under the Bylaws of the Board of Trustees and the Hostos Community College Governance Plan approved by the Board. It noted that the Board had delegated part of its authority under Education Law § 6206, subd. 7 by providing in Sections 8.6 and 8.7 of its Bylaws that the faculty and faculty councils were responsible for the formulation of policy relating to certain areas; it also noted that the Governance Plan of Hostos Community College similarly authorized the College Senate "to formulate new policy recommendations and review existing policies" in a number of areas. *Id.* at 526-27. The Court went on hold that the College Council was a public body performing government functions, and therefore subject to the Open Meetings Law, for the following reasons:

The Senate is explicitly imbued with the power to formulate new policy *recommendations* and review existing policies, forwarding those *recommendations* to the Board of Trustees in areas as far-reaching as college admissions, degree requirements, curriculum design, budget and finance; it is represented on all committees established by the College President or Deans; it is to review proposals for and recommend the creation of new academic units and programs of study; it must be consulted prior to any additions or alterations to the College's divisions; and it is the only body that can initiate changes to the College Governance Charter.

Under CUNY's comprehensive university governance scheme, the College Senate is the sole legislative body on campus authorized to send *proposals* to the CUNY Board of Trustees, and although the policy *proposals* must first be approved and forwarded by the College President, they overwhelmingly are. While the CUNY Board retains the formal power to veto recommendations of the College Senate, that does not in and of itself negate the Senate's policy-making role or render the Senate purely advisory.

*Id.* at 530-31 (emphasis supplied).

Nothing in the holding of *Perez* casts doubt on the authority of the Board of Trustees to make the final decision with respect to academic policy. On the contrary, as the opinion makes clear, the role of faculty councils is to make policy "recommendations" or "proposals" that the Board may decide to enact or not; and unless enacted by the Board, they do not become University policy. Nor does anything in *Perez* suggest that the Chancellor may not consult with faculty on the

implementation of policy outside of the formal structure of faculty councils, especially where, as here, the Board has specifically authorized the Chancellor to do so. Indeed, even the UFS does not maintain that the implementation of the Pathways policy had to be undertaken solely through faculty councils and/or the UFS; rather, it demanded only that a majority of the Task Force should be selected from a list of its nominees. That demand had no support in law or prior practice, and the Chancellor correctly refused to accede to it.

In sum, the actions of the Board of Trustees and the Chancellor with regard to the Pathways Project are consistent both with applicable law and prior practice at CUNY. In the absence of nominations from the UFS, the Chancellor proceeded to appoint the members of the Task Force pursuant to recommendations received elsewhere. Nevertheless, faculty members comprise 86% of the body. The Task Force has nearly completed its work under the Board's resolution. There is no legal impediment to its continuing to do so or to the implementation of the structure of the Common Core that the Chancellor adopts pursuant to the Board's June 27 resolution.

## ATTACHMENT C

December 4, 2011

Matthew Goldstein, Ph.D.  
Chancellor  
The City University of New York  
535 East 80th Street  
New York, NY 10075

Dear Chancellor Goldstein:

The Faculty Senate of John Jay College of Criminal Justice has been studying the issue of sexual harassment on campus and CUNY's policies on this issue and as a result of what we have learned we recommend that the CUNY policy on sexual relationships between students and teachers be revised. The current CUNY policy *discourages* sexual relationships but it does not *prohibit* such relationships. Moreover, under the current CUNY policy, there are no guidelines for institutional decision-making in the event such a relationship develops, unless accusations of sexual harassment are made.

We recommend that faculty and staff be prohibited from having a sexual relationship with any student with whom the person has pedagogical and/or supervisory responsibilities. Because undergraduate students are particularly vulnerable to the unequal institutional power inherent in the teacher-student relationship and to the potential for coercion, we recommend that no employee shall have a sexual relationship with any undergraduate student, regardless of whether that employee currently exercises or expects to have any pedagogical or supervisory responsibilities over that undergraduate student.

Because graduate programs are discipline-based and because a graduate student's future courses are more predictable, we recommend that employees be prohibited

from having a sexual relationship with any graduate student over whom the person has pedagogical or supervisory responsibilities and with any graduate student enrolled in the same graduate program in which the person teaches or supervises.

We further recommend that any employee who has or learns of a conflict with the policy be required to immediately notify his or her department chair or supervisor, and that guidelines for institutional decision-making in the event such conflicts develop be promulgated.

The main rationale for our recommendation that there be a prohibition on these relationships is the inherent institutional power imbalance between students and those with pedagogical and/or supervisory responsibilities over them, a power imbalance that precludes any truly consensual relationship. In addition, such relationships, if known to others in the college community, may lead to an inhospitable learning environment which may damage the integrity of the learning process through conflicts of interest and other entanglements. Such relationships may also generate the perception that students in sexual relationships with employees of the college who have a power relationship over them have an unfair advantage over other students in grading and other discretionary matters.

Policies that prohibit sexual relationships between students and faculty (and others) exist at many universities including, for example, Yale University. A review of the public discourse about the Yale policy undertaken by our Faculty Senate reveals that the policy has largely been well-received by the campus and by the community. As such, we would see it as a working model for CUNY's consideration. The Yale University policy is attached to this letter.

Yale's policy is part of a national trend. Many other colleges are moving toward stricter policies, including Syracuse University, which prohibits faculty-student relationships and requires that any such relationships be disclosed to immediate supervisors. The University of California also prohibits faculty-student relationships with sanctions ranging from a letter of censure in the faculty member's personnel file to dismissal from the university. Similar policies are also found at the University of Oklahoma, University of Pittsburgh, University of Southern Mississippi, University of Iowa, University of Michigan, the College of William and Mary, and Pace University.

For these reasons, we recommend that CUNY consider a policy which prohibits sexual relationships between undergraduate students and those who have or may have pedagogical and/or supervisory responsibilities over them as outlined above. We also recommend that any sexual relationships between graduate students and teachers be limited to those in which one party is not in direct academic, advisory, or professional supervision over the other.

We hope this policy will follow the spirit and language of the Yale policy. In doing so, we believe that CUNY will better protect the integrity, fairness, and security of its learning environments and will have the guidelines in place necessary to respond to improper sexual relationships which threaten those environments, the well-being of our students, and which expose the University and the employees involved to liability for violating laws against sexual harassment and sex discrimination.

Should you agree with us on the advisability of revising the CUNY policy on this matter, we ask that you consult with elected faculty governance leaders, especially the University Faculty Senate, in formulating the new language.

If you would like to discuss our recommendations with us we would be very pleased to invite you to one of our Faculty Senate meetings or, if you prefer, we would be pleased to arrange a smaller gathering of a group of Faculty Senate members to meet with you at your convenience.

Sincerely,

*Karen Kaplowitz*

Karen Kaplowitz, Ph.D.  
President, Faculty Senate  
John Jay College of Criminal Justice/CUNY

cc. Vice Chancellor Jay Hershenson  
President Jeremy Travis



## **ATTACHMENT C (addendum)**

### **Yale University Policy on Teacher-Student Consensual Relations**

The integrity of the teacher-student relationship is the foundation of the University's educational mission. This relationship vests considerable trust in the teacher, who, in turn, bears authority and accountability as a mentor, educator, and evaluator. The unequal institutional power inherent in this relationship heightens the vulnerability of the student and the potential for coercion. The pedagogical relationship between teacher and student must be protected from influences or activities that can interfere with learning and personal development.

Whenever a teacher is or in the future might reasonably become responsible for teaching, advising, or directly supervising a student, a sexual relationship between them is inappropriate and must be avoided. In addition to creating the potential for coercion, any such relationship jeopardizes the integrity of the educational process by creating a conflict of interest and may impair the learning environment for other students. Finally, such situations may expose the University and the teacher to liability for violation of laws against sexual harassment and sex discrimination.

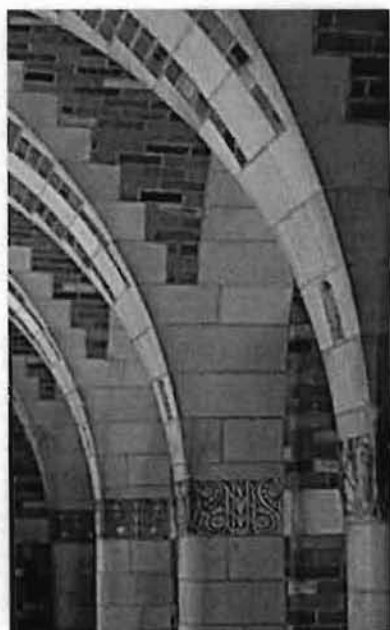
Therefore, teachers (see below) must avoid sexual relationships with students over whom they have or might reasonably expect to have direct pedagogical or supervisory responsibilities, regardless of whether the relationship is consensual. Conversely, a teacher must not directly supervise any student with whom he or she has a sexual relationship. Undergraduate students are particularly vulnerable to the unequal institutional power inherent in the teacher-student relationship and the potential for coercion, because of their age and relative lack of maturity. Therefore, no teacher shall have a sexual or amorous relationship with any undergraduate student, regardless of whether the teacher currently exercises or expects to have any pedagogical or supervisory responsibilities over that student.

Teachers or students with questions about this policy are advised to consult with the University's Title IX Coordinator, the Title IX Coordinator of his or her school, the department chair, the appropriate dean, the Provost, or one of his or her designees. A student or other member of the community may lodge a formal or informal complaint regarding an alleged violation of this policy with the University's Title IX Coordinator, with the Title IX Coordinator of his or her school, or with the University-wide Committee on Sexual Misconduct.

Violations of the above policies by a teacher will normally lead to disciplinary action. For purposes of this policy, "direct supervision" includes the following activities (on or off campus): course teaching, examining, grading, advising for a formal project such as a thesis or research, supervising required research or other academic activities, serving in such a capacity as Director of Undergraduate or Graduate Studies, and recommending in an institutional capacity for admissions, employment, fellowships or awards. "Teachers" includes, but is not limited to, all ladder and non-ladder faculty of the University.

It also includes graduate and professional students and postdoctoral fellows and associates only when they are serving as part-time acting instructors, teaching fellows or in similar institutional roles, with respect to the students they are currently teaching or supervising. "Students" refers to those enrolled in any and all educational and training programs of the University.

Additionally, this policy applies to members of the Yale community who are not teachers as defined above, but have authority over or mentoring relationships with students, including athletic coaches, supervisors of student employees, advisors and directors of student organizations, Residential College Fellows, as well as others who advise, mentor, or evaluate students.



## **ATTACHMENT D**

**Agenda item #6: Responses of faculty and departments to the Pathways Proposal for review as the Senate develops its response due on November 15**

**From the Faculty Senate – November 3:** The following list was developed and approved by vote of the Senate on November 3; this list encapsulates the Senate's initial response and was approved for transmittal to the Provost by November 10:

1. The Pathways proposal undermines John Jay's five-year, CUNY-mandated process of revising our General Education curriculum
2. We have learned that a general education curriculum must be outcomes based and, yet, Pathways is not outcomes based.
3. As presented, and in part because it is not outcomes based, Pathways' learning outcomes are not capable of being properly assessed.
4. Pathways is not responsive to Middle States, which requires an outcomes-based gen ed and, furthermore, John Jay is in the midst of its Middle States Reaccreditation process.
5. Pathways does not represent a true liberal arts education.
6. We at John Jay have developed a revised gen ed which is outcomes based, capable of being assessed, and which addresses the requirements of Middle States.
7. In our revision, we found that we could not reduce the gen ed curriculum below 46 credits without sacrificing these important goals. This is not an arbitrary number, but was arrived at after five years of working to reduce the size of our gen ed.
8. The Pathways process disrespected and bypassed faculty governance and faculty responsibility for curriculum.

### **From Senator Andrea Balis -- History: November 8**

My concerns about Pathways are similar to those of many other faculty members and that is that this plan ignores governance. But I do have other concerns as well. For one thing this is not an outcomes based general education curriculum. This is clear because the categories were developed and decided upon before the learning outcomes were developed and decided upon, which is simply impossible if one is creating an outcomes based curriculum. The learning outcomes must be developed and discussed first and there must be consensus about these outcomes in order for there to be a coherent curriculum. If one of the purposes of this exercise was to bring CUNY's Gen Ed into compliance with best practices we have not done it. And that is fairly obvious to anyone who is an expert in this area (as presumably Middle States is). From the point of view of John Jay, the situation is especially egregious. We received a mandate from 80th St. to reform our gen ed curriculum and we took that mandate very seriously. We began an intensive (exhausting even) 5-year effort to create a gen ed curriculum that not only conforms to best practices but that sincerely addresses the question of what a liberal education should mean to our College and University. We spent months considering the

relationship of our gen ed curriculum to our College's mission. We spent years making this a consultative process, presenting our work to the community as it evolved. While the gen ed we created was not perfect or what every member of our community felt it should be, we all understood the honesty of the process and respected that. The John Jay taskforce felt that the years of groundwork were important to ensuring that when we had a gen ed, everyone would understand what it is supposed to do and why. None of this has happened with Pathways. We worked closely with the AAC&U, taking advantage of all of the training options they provided at the Gen Ed boot-camp, and we continued the contact as we developed our project, making sure that we continued to conform to what SOTI literature proscribes. All of that time, energy and effort, done at the request of 80th St., is now to be ignored by order of 80th St. To say that this will constrain curriculum reform at the campus level is an understatement. We make ourselves experts, and our then our expertise is completely ignored.

---

**From Senator Sara McDougall -- History : November 6:**

The serious issues with faculty governance aside, I think the greatest overall concern is that the CUNY gen-ed is just too, too small, and that it is seemingly impossible to figure out how to work with(in) it.

Requiring at least one social science and at least one humanities course would help some, as would changing the title of the "American" segment, but what about foreign languages? What about speech? What about an additional science? Not to mention the changes that will take place at the college even if we do get a requirement of one humanities course. So many students might just take literature but not history, or the reverse, and that would first of all deprive them of exposure to major disciplines and would second of all make it far less likely that they would choose to major in one or the other discipline. Also, we will have the problem of fierce competition to offer courses in the gen-ed, and fierce competition for students, which will almost certainly create all kinds of dangerous incentives, as students here and everywhere flock to the easiest classes.

I know, or at least I think I know, that there is no hope that CUNY administration would consider adding even one more class, and so I am at something of a loss, and I think that other people feel that way as well.

I think that many (or even most) senators did want to say that this CUNY gen-ed is too small, and that many senators felt that these learning outcomes are extremely problematic (as Jay said, nothing, for example, requires that they learn how to read, as I keep saying, nothing

requires breadth because so many different departments could offer courses in so many different parts of the flexicore).

I have been going back and forth in my mind on if we should just say no loudly, or at least say firmly that this is not the gen-ed that we want, but as we are not being listened to, here are some changes that would at least help somewhat. I suppose the latter approach is much more constructive, I just hope that it won't undermine any efforts to prevent the implementation of the CUNY-wide gen-ed. I suppose there is not much reason to hope there.

Outside of senate I have seen a great deal of dissatisfaction, disappointment, frustration, and anger that the CUNY gen-ed was imposed upon us and at the disturbingly small and yet still overlapping content of the proposed gen-ed, and from many different groups who had no objections to the John Jay gen-ed.

The CUNY gen-ed is just so painfully small. Every time I think about it while I am teaching it makes me so sad. So many of the students I work with now are so woefully underprepared for college, let alone for the world after college, and this will only make them still worse prepared.

---

#### **From the Curriculum Committee of the Department of English: November 8**

Whereas the problem of transfer facilitation can be addressed without the imposition of a destructive new curriculum on the colleges of the City University and

Whereas the Pathways initiative has shown a total disregard for the legally defined and traditional rights of faculty governance over curriculum and

Whereas the imposition of a curriculum by a board of trustees, so contrary to the national best practices of curricular reform, will make CUNY an outlier in the educational community, and so will erode the national reputation of the university and

Whereas Pathways threatens to make the College less able to recruit and retain outstanding scholars and

Whereas Pathways would cut the general education curriculum in half, thus debasing the students' education and devaluing their education and the reputation of John Jay College of Criminal Justice and the City University of New York and

Whereas Pathways undermines the College's stated goal of striving "to endow students with the skills of critical thinking and effective communication; the perspective and moral judgment that result from liberal studies...and the awareness of the diverse cultural, historical, economic and political forces that shape our society" and



Whereas the contempt shown to the faculty in the discussion of Pathways undermines the college's stated goal of inspiring "both students and faculty, to the highest ideals of citizenship and public service"

The Curriculum Committee of the Department of English resolves that the Pathways Project cannot be redeemed by tinkering with its individual components and rejects Pathways on pedagogical, social, intellectual, and ethical grounds.

---

**From the History Department: November 8, 2011**

As faculty dedicated to CUNY, John Jay College of Criminal Justice, and the mission of "educating for justice," we represent our students when we ask that the curriculum proposed by the Pathways initiative be rejected.

Whereas the problem of transfer facilitation can be addressed without the imposition of an ill judged General Education curriculum that shows a total disregard for best practices as defined by organizations such as the American Association of Colleges and Universities;

Whereas Pathways violates best practices by eliminating essential elements of a liberal arts education and producing a curriculum that lacks depth and breadth;

Whereas Pathways, by diminishing access to fundamental subjects within John Jay's curriculum, irreparably damages our mission of "educating for justice."

In a moment of new majors and new energy surrounding the liberal arts at this College, Pathways threatens our ability to attract and retain students and faculty, thus eroding our national reputation.

The CUNY charter places curriculum development within the purview of the faculty and strictly prohibits the solo drafting of curriculum by the administration. The Pathways initiative violates the legally defined and traditional rights of faculty governance over the curriculum.

Whereas the imposition of a curriculum by a board of trustees, so contrary to the national best practices of curricular reform and the CUNY charter, will make CUNY an obvious outlier in the national educational community;

In conclusion, Pathways ignores the broad set of skills and knowledge required for our students to function and compete in the 21<sup>st</sup> century. It discourages rigor and damages standards at the College and encourages students to pursue the path of least resistance. Therefore, the Department of History rejects Pathways on pedagogical, social, legal, and moral grounds. We call for the Pathways Committee to be disbanded and a faculty elected group be named to address the problem of transfer facilitation.

---

**From Professor Martin Wallenstein – on behalf of the Department of Communication & Theater Arts – November 3:**

I have deep concerns that our students who need a speech class the most will be able to escape the core without having dealt with their very serious speaking problems. There are at least two categories where speech is one of the areas mentioned but, if I read the subcategories correctly, it is not the central focus of any of them. However, even if speech was the central focus, ***unless there is a separate class singled out (as it has been for writing, science and math) where speech is a central concern, students who need speech will avoid it like the plague.***

***The majority of students have stagefright at a level that it is a phobia.*** Almost all suffer from some degree of anxiety when speaking. Most of those who don't suffer from stage fright believe that "I can talk, so I can give speeches." They have no idea that this skill takes developing through study, training, and practice and their speeches and presentations are a disaster. *Neither the phobic and the blissfully ignorant will sign up for a speech option, and they are the ones who really need it.*

Unlike writing, that is covered from the beginning of grade school until high school graduation, there is no systematic speech education in public schools. We are the first and last crack at this for our students.

I know that years ago, the college had done a study that demonstrated that those students who took speech in their freshman year did better in other subjects (both related and seemingly unrelated to speech) than those who did not do so. Speech still accomplishes that. This is why the registrar places freshmen in that class early on.

***Unless we have a separate speech communication requirement, our colleagues across the college can expect a decline in the quality of student presentations and in the case of the reticent student, class participation as well.*** Moreover, the marriage of speaking and writing under the guidance of those trained to teach speech enhances student writing in a way that writing classes alone often fail to do. The studies linking effective speech to job-getting and job success are too numerous to mention.

I would support a much expanded core, but that does not appear to be happening. As Sean Connery's old Irish cop (with his famous Scottish brogue) asked in ***The Untouchables*** : "***What are you prepared to do?***" If the answer is "Nothing," or "Go with the flow," our students will suffer.

I propose two alternatives:

**Option One:** In the multiple class option, require that one of those classes make students focus on speech communication. This could be done using a subcategory with a multiplicity of classes all with this focus.

**Option two:** Include a stand-alone class in speech communication, argumentation, persuasion, or public speaking.

Any class in either option one or option two will include significant components in writing, information literacy, critical reasoning skills, and information organizing and structuring principles, and an ethics component, as well as the performance aspect of the class, thus meeting other significant general education objectives.

---

#### **From Professor Silvia Dapia – Foreign Languages & Literature: November 7**

As far as foreign languages are concerned, it is difficult to believe that any serious university would not mandate at least some serious knowledge of non-English languages and non-American cultures in this increasingly globalized world. How would our graduates ever compete for career positions in any field involving international business, politics, law, or other issues? This is especially egregious in a cosmopolitan, multi-national city like New York that aspires to be a world leader.

We have seen in our own college that a general education proposal can be manipulated to benefit selected programs, at the expense of others, without reference to the skills and knowledge that educated graduates of higher education programs ought to have in today's world. While I do not know the players behind this initiative in the CUNY offices, the proposal bears many of the same shortcomings.

---

#### **From Professor Marny Tabb – English: November 7:**

I realize that all of the following objections to the CUNY Common Core program have been considered by 80th St. However I urge that each one of them be again presented as part of the college's formal, on-the-record response to the proposed curriculum. My concerns begin with general principles then turn to specific curricular issues.

1. A restrictive, centrally mandated general education curriculum is not an appropriate solution to transfer problems within CUNY. The solution needs to be administrative, not curricular. CUNY can require that colleges be more flexible in what they accept as gen ed transfer credit.

For instance: a Shakespeare course taken at a student's former college could be substituted for a general education literature course required by the new college. A course in premodern Chinese history and philosophy could count as either a general education history or philosophy course.

Other procedural objections should be raised. I recognize that many faculty members have participated in the CUNY CC development. Nevertheless, the individual colleges have relinquished an unacceptable amount of curricular autonomy. We should join other CUNY colleges in objecting to this appropriation of faculty and local college authority.

2. Learning outcomes are extremely malleable and so less meaningful as a guarantee of rigor than suggested by 80th Street. For this reason, our general education curriculum should remain structured by discipline, broadly conceived (sciences, social sciences etc.) rather than learning outcomes.

The rationale for basing requirements on learning outcomes rather than disciplines may stem in part from an effort to eliminate the current reliance of many gen ed courses on textbooks, short-answer exams, and the like. A better solution would be better to lodge learning outcomes inside of the disciplinary structure.

3. Foreign language requirements must be restored to the general education curriculum. The requirements should include two semesters of a language new to the student or of advanced level courses in a language begun in high school.

Foreign language study is crucial. Students learn from the inside about the culture of the countries speaking the language they study. They learn linguistic structure, which helps their writing in English. Most important, without college-level language courses, our students will be utterly unprepared for the global society they will live and work in. If foreign language courses are not challenging enough for students as presently taught, they should be enriched, not relegated to an alternative on the gen ed menu.

Moreover, CUNY should offer ample opportunity for students to learn non-traditional languages -- for instance Arabic, Chinese, and African languages -- key to 21st century global realities.

This foreign language study should form part of the Required Common Core, expanded by 6 to 8 credits to accommodate it.

A CUNY without required foreign language courses does an enormous disservice to our students, who will be culturally and professionally impoverished and consequently lose competitive edge in a tight labor market. It will "brand" the entire university as third rate.

3. A related omission: no student should graduate from college without having taken at least

one history course. With the learning-outcomes based curriculum this scenario is entirely possible.

Many CUNY students come to college with little understanding of the world they live in, of what it is now and how it got to be that way. The Pathways General Education Curriculum does not address this ignorance. By taking one required history course, students can learn that a) countries and peoples have a past; b) this past shapes their present and future.

In short, we must defend and enhance a rigorous liberal arts education.

## **ATTACHMENT D-2**

**Agenda item #6: Further responses of faculty and departments to the Pathways Proposal for review as the Senate develops its response due on November 15**

**NOTE: The following responses to Pathways were developed or received after the document labeled "Attachment D" was prepared:**

**From: Undergraduate Curriculum & Academic Standards Committee (USCAC) – November 10:**

The UCASC met on November 10<sup>th</sup> in a special session to respond to the proposed Pathways proposal. The UCASC protests the proposal on the following grounds.

1. The Pathways proposal undermines John Jay's five-year, CUNY-mandated process of revising our General Education curriculum. We developed a revised general education curriculum. It is outcomes based, scaffolded to permit the development of student skill and knowledge over time, capable of being assessed, and fully addresses best practices as described by the AAC&U and the requirements of Middle States.
2. In our revision, we found that we could not reduce the general education curriculum below 46 credits without sacrificing these important goals. This is not an arbitrary number, but was arrived at after five years of working to revise our general education curriculum.
3. The Pathways proposal's outcomes are too wide-ranging and ambitious for a 30-credit core curriculum. They do not permit the scaffolding of curriculum at the 100 and 200 levels. They more appropriately represent outcomes for an undergraduate baccalaureate degree and should be scaled back since they are intended to encompass learning that is to be achieved during the first 30 credits.
4. The proposal does not represent or provide a true liberal arts education.
5. The Pathways' process disrespects and bypasses faculty governance and faculty responsibility for curriculum.
6. The s proposal lacks rigor, dumbs down the curriculum, and does not prepare our students to become world citizens.

At a minimum, we recommend the following specific changes to the Pathways proposal.

1. Increase the common core to at least 36 credits.



2. Specify that the six-credit increase proposed in 1 above be allocated to a foreign language, which would become part of the *Required Core*. Take foreign languages out of the World Cultures category.
  3. Ensure that all transfer students, even those with associates degrees, take the full 12 credits of the senior college's specific, general education core.
  4. Add a fifth category to the *Flexible Core* that specifies historical knowledge and skills. Name this category *The Historical Dimension*.
  5. Revise the learning outcomes so that they are appropriate for 100 and 200 level courses and limit them so that they are ambitious but achievable in 36 credits.
  6. Clarify the meaning of the term discipline further. Science includes many disciplines, which could be represented in the *Flexible Core*.
  7. Ensure that John Jay's Forensic Science major can remain in place. It is a carefully scaffolded and sequenced 73-credit curriculum, which necessitates general education courses throughout the student's plan of study.
  8. Ensure that the Forensic Science associate degree programs of the CUNY Justice Academy can remain in place; they also represent carefully scaffolded curricula, which allow students to transfer with ease and to succeed academically.
- 

**From: The Council of Chairs – November 9:**

**The Council of Chairs endorsed the November 3 Statement of the Faculty Senate and adopted it as its Statement as well:**

1. The Pathways proposal undermines John Jay's five-year, CUNY-mandated process of revising our General Education curriculum
2. We have learned that a general education curriculum must be outcomes based and, yet, Pathways is not outcomes based.
3. As presented, and in part because it is not outcomes based, Pathways' learning outcomes are not capable of being properly assessed.
4. Pathways is not responsive to Middle States, which requires an outcomes-based gen ed and, furthermore, John Jay is in the midst of its Middle States Reaccreditation process.

5. Pathways does not represent a true liberal arts education.
  6. We at John Jay have developed a revised gen ed which is outcomes based, capable of being assessed, and which addresses the requirements of Middle States.
  7. In our revision, we found that we could not reduce the general education curriculum below 46 credits without sacrificing these important goals. This is not an arbitrary number, but was arrived at after five years of working to reduce the size of our gen ed.
  8. The Pathways process disrespected and bypassed faculty governance and faculty responsibility for curriculum.
- 

**From: Department of Science – November 10**

The faculty of the department of Science feels that the current model proposed by CUNY Pathway for Life and Physical Sciences is both inadequate and will result in a tremendous disservice to our students by minimizing their exposure to math and science.

Educating our students in mathematics and science is a way of providing them with more employment opportunities. Scientific training teaches them to apply critical reasoning and the ability to interpret data. In our challenging economy, these skills, which have been shown to vastly increase employment success and improve salary prospects, would give our students a superior edge.

Currently, College students in the United States are lagging in their knowledge of Math and Science when compared to similar students in many other Countries. The outcome of the proposed Pathways Core Curriculum will be to exacerbate the problem.

**Learning outcomes**

- The learning outcomes cannot be completed in one semester (via a single 4 credit science course) and are incongruent with how students actually assimilate information and learn science.
- Even the achievement of 3 of the 6 learning outcomes as outlined by the Core Curriculum model are incompatible with the realities of accomplishing them in a 4 credit laboratory course. This may lead to a discrepancy between the syllabus/course description stated outcomes and the realities of the students' skills and knowledge at the end of the course.

**STEM courses**

- The core curriculum allocation of only 4 credits for both Math and Science are incongruent with the efforts of both CUNY ("Decade of the Sciences") and Mayor Bloomberg's initiative to increase STEM education in New York City.

As it stands, we feel that the current CUNY Pathway Core Curriculum model is doing students a disservice by eroding their already poor exposure to science, and decreasing their competitiveness in the world job market.

While we agree with the learning outcomes of the CUNY Pathway Core Curriculum model, we must emphasize that they cannot realistically be achieved in a single 4 credits course. We look forward to working with the CUNY Pathway Curriculum committee towards a better understanding of the needs in general science education.

The John Jay Department of Science Curriculum Committee

---

**From: The Curriculum Committee of the English Department – November 8**

Whereas the problem of transfer facilitation can be addressed without the imposition of a destructive new curriculum on the colleges of the City University and

Whereas the Pathways initiative has shown a total disregard for the legally defined and traditional rights of faculty governance over curriculum and

Whereas the imposition of a curriculum by a board of trustees, so contrary to the national best practices of curricular reform, will make CUNY an outlier in the educational community, and so will erode the national reputation of the university and

Whereas Pathways threatens to make the College less able to recruit and retain outstanding scholars and

Whereas Pathways would cut the general education curriculum in half, thus debasing the students' education and devaluing their education and the reputation of John Jay College of Criminal Justice and the City University of New York and

Whereas Pathways undermines the College's stated goal of striving "to endow students with the skills of critical thinking and effective communication; the perspective and moral judgment that result from liberal studies...and the awareness of the diverse cultural, historical, economic and political forces that shape our society" and

Whereas the contempt shown to the faculty in the discussion of Pathways undermines the

college's stated goal of inspiring "both students and faculty, to the highest ideals of citizenship and public service"

The Curriculum Committee of the Department of English resolves that the Pathways Project cannot be redeemed by tinkering with its individual components and rejects Pathways on pedagogical, social, intellectual, and ethical grounds.

---

**From: Department of History – November 8**

As faculty dedicated to CUNY, John Jay College of Criminal Justice, and the mission of "educating for justice," we represent our students when we ask that the curriculum proposed by the Pathways initiative be rejected.

Whereas the problem of transfer facilitation can be addressed without the imposition of an ill judged General Education curriculum that shows a total disregard for best practices as defined by organizations such as the American Association of Colleges and Universities;

Whereas Pathways violates best practices by eliminating essential elements of a liberal arts education and producing a curriculum that lacks depth and breadth;

Whereas Pathways, by diminishing access to fundamental subjects within John Jay's curriculum, irreparably damages our mission of "educating for justice."

In a moment of new majors and new energy surrounding the liberal arts at this College, Pathways threatens our ability to attract and retain students and faculty, thus eroding our national reputation.

The CUNY charter places curriculum development within the purview of the faculty and strictly prohibits the solo drafting of curriculum by the administration. The Pathways initiative violates the legally defined and traditional rights of faculty governance over the curriculum.

Whereas the imposition of a curriculum by a board of trustees, so contrary to the national best practices of curricular reform and the CUNY charter, will make CUNY an obvious outlier in the national educational community;

In conclusion, Pathways ignores the broad set of skills and knowledge required for our students to function and compete in the 21<sup>st</sup> century. It discourages rigor and damages standards at the College and encourages students to pursue the path of least resistance. Therefore, the Department of History rejects Pathways on pedagogical, social, legal, and moral grounds. We call for the Pathways Committee to be disbanded and a faculty elected group be named to address the problem of transfer facilitation.

---

**From: Department of Art & Music – November 10:**

With respect, we submit the following for your consideration: The fine arts have always been associated with evolved civilizations; and its study has the unique potential to expose students to diverse cultures across time and place. With the proposed General Education program, for the first time in the history of many of the CUNY colleges, no specific fine arts classes will be required of our students.

The fine arts offer our students an opportunity for the development of intellectual, creative, imaginative and independent thinking and skills unique in the University. In the words of Albert Einstein, who believed that he could not have conceived of his scientific innovations were he not a creative thinker:

*"Imagination is more important than knowledge. For knowledge is limited to all we know and understand, while imagination embraces the entire world, and all there ever will be to know and understand."*<sup>1</sup>

According to recent government surveys, students who study the fine arts are:

- ✓ Four times more likely to be recognized for academic achievement
- ✓ Three times more likely to be elected to class office in their schools
- ✓ Four times more likely to participate in math and science initiatives
- ✓ Three times more likely to attend classes regularly
- ✓ Four times more likely to receive citations for writing

Simply put, students who study fine arts statistically outperform those who do not in all subject areas including literature, math and science; and such students are far more likely to succeed as professionals and responsible members of society.

Having said this, **we respectfully request that you include in your report on the General Education program a request that the Board reconsider its decision to identify a broad "liberal arts" requirement for General Education rather than a specific fine arts requirement**, which may well result in no fine arts education for our students—a regrettable oversight that most of the top rated universities in the country deem inappropriate. A specific fine arts curriculum is required as part of a General Education program at Harvard, Princeton, Yale, Columbia, MIT, University of Chicago, University of Pennsylvania, Duke University, Dartmouth, Northwestern,

---

<sup>1</sup> Albert Einstein, quoted in "What Life Means to Einstein," *The Saturday Evening Post* (26 October 1929).

---



Michigan, Maine, California, etc. Why should we disadvantage our CUNY students by excluding this important aspect of their education from specific General Education requirements?

We sincerely hope that you will consider our request and its substantial merits.

---

**From: The Department of Interdisciplinary Studies Program – November 8:**

By an unanimous vote on November 8th, the Interdisciplinary Studies Program of John Jay College passed the following resolution regarding the proposed Pathways general education model:

Whereas the problem of transfer facilitation can be addressed without the imposition of a destructive new curriculum on the colleges of the City University and

Whereas the Pathways initiative has shown a disregard for the legally defined and traditional rights of faculty governance over curriculum and

Whereas the imposition of a curriculum by a board of trustees, so contrary to the national best practices of curricular reform, will make CUNY an outlier in the educational community, and so will erode the national reputation of the university and

Whereas Pathways would cut the general education curriculum in half, thus debasing the students' education and devaluing the reputation of the City University of New York and

Whereas Pathways undermines the College's stated goal of developing "a richer array of rigorous undergraduate... programs that meet students' educational and professional aspirations" and

Whereas Pathways undermines the college's own innovative and rigorous General Education reform and its goal of becoming a more vibrant center of intellectual and cultural exchange.

Therefore the Interdisciplinary Studies Program concludes the Pathways Project should be re-thought, re-envisioned, and re-designed in consonance with the principles of shared governance, best practices, and student success.

---

**From: Prof. Marny Tabb – (former Chair & member) Department of English – November 9**

To the Pathways Committee:

I applaud your efforts to address the transfer problems that have long plagued our students. I realize that all of the following objections to the CUNY Common Core program have been considered by your committee. However I urge you to reconsider. My concerns begin with procedure then turn to specific curricular issues.

1. Procedure: Solving Problems of Student Transfer.

A restrictive, centrally mandated general education curriculum is not an appropriate solution for transfer problems within CUNY. The solution needs to be administrative, not curricular. CUNY can require that colleges be more flexible in what they accept as general education transfer credit, for instance stipulating that a Shakespeare course taken at a student's former college be substituted for a general education literature course required by the new college or that a course in premodern Chinese history and philosophy satisfy either a general education history or philosophy course.

2. Procedure: College and Faculty Autonomy.

The 80th-Street mandated curriculum attempts to homogenize college curricula. Again, this is the wrong solution to the problem of transferability. But there are larger issues involved. I recognize that many faculty members have participated in Pathways curriculum development. Nevertheless, the individual colleges have relinquished an unacceptable amount of curricular and faculty autonomy and local college authority. This overturns procedural practices that have been in place for decades. At a minimum, such changes must be widely discussed before implementation.

3. Procedure: Learning Outcome vs Disciplinary Structure.

Learning outcomes are extremely malleable and so less meaningful as a guarantee of rigor than suggested by the Pathways committee. For this reason, our general education curriculum should remain structured by discipline, broadly conceived (sciences, social sciences etc.) rather than by learning outcomes.

The rationale for basing requirements on learning outcomes rather than disciplines may stem in part from a praiseworthy effort to eliminate the current reliance of many general education courses on textbooks, short-answer exams, and the like. A better solution would be better to lodge learning outcomes inside of the disciplinary structure.

4. Curriculum: Curtailment of General Education Credits.

A forty-two credit general education curriculum is woefully inadequate for our students. It relegates absolutely essential courses like philosophy (currently required of all John Jay students) to voluntary status. Students should certainly be offered credit space for minors, certificate programs, and the like -- but not the 30-35 "free" credits this impoverished CC curriculum will provide.

I assume that one of the reasons to cut the general education curriculum so drastically is to accommodate credit-heavy majors. But Pathways has the procedure backwards. General education modifications should be made for those students rather than curtailing the Common Core curriculum for everyone.

#### 4. Curriculum: Foreign Language Requirement.

Foreign language requirements must be restored to the general education curriculum. The requirements should include two semesters of a language new to the student or of advanced courses in a language begun in high school.

Foreign language study is critical. Students learn from the inside about the culture of the countries speaking the language they study. They learn linguistic structure, which helps their writing in English. Most important, without even minimal college-level language competency, our students will be utterly unprepared for the global society they will live and work in. If foreign language courses are not challenging enough for students as presently taught, they should be enriched, not relegated to alternative status on the gen ed menu.

Moreover, CUNY should offer ample opportunity for students to learn non-traditional languages -- for instance Arabic, Chinese, and African languages -- key to 21st century global realities.

This foreign language study should form part of the Required Common Core, expanded by 6 to 8 credits to accommodate it.

A CUNY without required foreign language courses does an enormous disservice to our students. Moreover, it will "brand" the entire university as third rate.

#### 3. Curriculum: History Requirement.

No student should graduate from college without having taken at least one history course. With the learning-outcomes based curriculum this scenario is entirely possible.

Many CUNY students come to college with little understanding of the world they live in, of what it is now and how it got to be that way. The Pathways General Education Curriculum does not address this ignorance. By taking one required history course, students can learn that a) countries and peoples have a past; b) this past shapes their present and future.

In short, for our students, for college and faculty autonomy, for our national reputation, CUNY must promote a rigorous, college-based liberal arts education as an academic foundation for its students. To be sure, transfer problems must be addressed, but imposing a university-wide, minimalist general education curriculum does not achieve this goal and does much collateral damage. I urge you to facilitate a major re-appraisal and revision of this program.

---