

**Faculty Senate Minutes #494
John Jay College of Criminal Justice**

Thursday, April 4, 2019

1:40 PM

Moot Court NB

Present (29): Chevy Alford, Valerie Allen, Andrea Balis, Rosemary Barberet, Elton Beckett, Ned Benton, Michael Brownstein, Ronald Calvosa, Marta Concheiro-Guisan, Silvia Dapia, Lissette Delgado-Cruzata, Sven Dietrich, Amy Green, Maki Haberfeld, Sheeba John, Hunter Johnson, Karen Kaplowitz, Erica King-Toler, Louis Kontos, Yue Ma, Brian Montes, Karen Okamoto, Jose Olivo, Vijay Sampath, Francis Sheehan, Thalia Vrachopoulos, Hung-Lung Wei, Rebecca Weiss, Guoqi Zhang

Absent (14): James Cauthen, Artem Domashevskiy, Jonathan Epstein, Joel Freiser, Heath Grant, Veronica Hendrick, Thomas Kubic, Vincent Maiorino, Josh Mason, Mickey Melendez, Frank Pezzella, Charles Stone, Marta-Laura Suska, Charlotte Walker-Said

Invited Guest: Professor Paul Narkunas

Agenda

1. Adoption of the Agenda
2. Announcements
3. Adoption of Minutes #493 of the March 21, 2019, meeting
4. Election of 2 UFS delegates
5. Election of Senate at-large members of the 2019-20 Faculty Senate
6. Election of members of the College Assessment Committee
7. Resolution of the Council of Chairs on Minimum Teaching Load amendment
8. FPC Appeals, Processes, and Issues

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

2. **Announcements.** Noted.

3. **Adoption of Minutes #493 of the March 21, 2019, meeting.** Approved.

4. **Election of 2 UFS delegates**

Terms of delegates are 3 years. Two delegate positions of representatives of the full-time faculty become vacant next month. A call for nominations went to all full-time faculty. There were two volunteers. By secret written ballot the Senate elected Ned Benton and Karen Kaplowitz.

5. Election of at-large Senate members of the 2019-20 Faculty Senate

By secret written ballot, the following were elected to represent the full-time faculty on the 2019-20 Faculty Senate and on the College Council:

Ned Benton – Public Management
Marta Concheiro-Guisan – Sciences
Lissette Delgado-Cruzata – Sciences
Heath Grant – LPS
Maki Haberfeld – LPS
Karen Kaplowitz – English
Louis Kontos – Sociology
Jose Olivo – Mathematics & CS
Hyunhee Park – History
David Shapiro – Fire, Safety, and Emergency Management
Francis Sheehan – Sciences
Charles Stone – Psychology

By secret written ballot, the following were elected to represent the adjunct faculty on the 2019-20 Faculty Senate and College Council:

Ronald Calvosa – Public Management
Joel Freiser – Public Management

6. Election of members of the 2019-20 College Assessment Committee

Because the Middle States re-accreditation process begins shortly, the Senate has been asked by John Jay's new Director of Assessment, Dyanna Pooley, to elect the 7 faculty members of next year's College Assessment Committee before the end of the semester so they will be in place at the beginning of the fall semester. In response to a college-wide call, the following 5 were self-nominated and elected by the Senate and will be recommended to the College Council for its ratification in May:

Amy Green – Interdisciplinary Studies

Peter Mameli – Public Management

Mechthild Prinz – Sciences

Stephen Russell – History

Sandra Swenson -- Sciences

7. Resolution of the Council of Chairs on Minimum Teaching Load amendment

President Benton reported that the Council of Chairs adopted a resolution calling on the provost to end the college's policy that every faculty member must teach at least one course on campus each semester unless a waiver is signed by the department chair and the provost. He said that this resolution is because the chairs feel that such a change in policy would make the work scheduling their faculty much easier. He said the Council of Chairs would like the Faculty Senate to endorse its position. VP Kaplowitz recalled that then provost Jane Bowers instituted the policy because too many full-time faculty were teaching their entire on-line schedules far from our campus: she recalls full-time faculty living in Puerto Rico, Boston, and California, noting that these were just people she personally knew who were doing this, never coming to campus and not sharing in the life of the college. She said she could imagine New York Post headlines decrying faculty at John Jay for being paid in excess of \$100,000 while living 3,000 miles away. President Benton said that the Chairs explained that the current policy is not enforced. VP Kaplowitz suggested that the Senate ascertain more facts about this situation before taking a position. A Senator asked how many faculty teach entirely online and was told that a great many do and the numbers are expected to increase as our online offerings increase.

Senator Maki Haberfeld said full-time faculty should not be living on a different continent or in a different state, but one can teach online and still contribute to the life of the college. She added that waivers are a problem because the chair doesn't always like the candidate. She said we should vote with the chairs requesting the provost to change the current policy. She said many members of her department, LPS, teach entirely online.

VP Kaplowitz moved to table the issue until more information is obtained. Senator Thalia Vrachopoulos seconded the motion. The vote was 22 yes, 2 no, 3 abstentions. The motion to table was adopted.

8. FPC Appeals, Processes, and Issues

A. FIDO: Senator Sven Dietrich reported having met with Director of Computing Joseph Laub and the PSC leadership on April 1 about FIDO, the online system for posting and reading documents for faculty who are being considered for personnel actions. He said there are usability issues; questions as to who is permitted to add and remove documents; how to add a log to keep records of additions and deletions and so there will be an official record of what documents are supposed to be available. He explained that right now anyone with access can add and delete. Senator Dietrich said rules will be developed and distributed as to who can do what. There are also intellectual property questions since there is such wide access. He said there is a serious need for integrity control.

Professor Paul Narkunas, John Jay's PSC grievance officer, said the PSC also has had issues with FIDO because it is an insecure platform and has brought up these issues at the labor-management meetings, which resulted in this meeting with Joseph Laub. Faculty whose

department chair does not like them are vulnerable to shenanigans because anyone can remove any document at any time; for this reason, he supports Sven's planned safeguard protections. These will also protect chairs and the FPC process. Another issue is that the letters from external evaluators are not put on FIDO because the system isn't secure enough to protect the anonymity of the writer; this problem has not yet been resolved. The entire physical personnel file is in provost's office and it is in that physical file that the external letters are kept. Due to a 2015 settlement agreement between the PSC and CUNY, the entire file is the definitive file. FPC members who are only looking at FIDO are not seeing the entire file and, therefore, in the process they are neglecting the due process rights of faculty.

Senator Dietrich said that a small committee on which he is serving is working on developing proposals to improve FIDO and solve these problems and said he would report back when the proposals are ready.

B. FPC VOTE. President Benton explained that the Charter says that the FPC must vote on each personnel action but right now the four review subcommittees vote but the FPC does not vote unless the review committee makes a negative recommendation and this is a violation of our Charter. Professor Narkunas said this is really important because the FPC Guidelines is the place holder of faculty governance in the personnel process and it is also important because the president is not an academic and has no experience in shared governance. Past practice has been that the president followed the recommendations of the FPC but now our president is reversing the votes of the FPC and of the review committees. The FPC is the faculty body; the review committee isn't really the faculty body. More importantly, the appeals committee as currently comprised is not the faculty body.

Senator Rosemary Barberet said the problem is that if the full FPC votes, it may reverse the vote of the review committee. VP Kaplowitz agreed, saying we cannot say the FPC must vote and must rubber stamp the review committee's recommendation. Senator Michael Brownstein agreed, saying we do not want the FPC to be forced to take hollow votes.

President Benton said he will report at this week's FPC meeting that the Senate agrees that there is a problem in that we are not in compliance with the Charter, but that we have not come up with a solution.

C. Appeal Notice: President Benton explained that the goal is to assure that candidates are not denied an appeal based on a misunderstanding as to how and when to signify an intention to appeal. He noted that just this month a candidate who received a negative vote did not know what to do next in the process given discrepancies between faculty protections in the college's FPC guidelines and in the collective bargaining agreement. The candidate emailed four different people at John Jay, all in official positions to know the answer and received 4 different answers. Professor Narkunas confirmed that this happened, noting that there is quite a bit of confusion about when the appeal process ends at campus and the grievance process begins. For example, the PSC collective bargaining agreement explains what to do after the FPC processes end but the FPC processes do not end until April. But the FPC vote, positive or

negative, must take place by December 1 according to CUNY, and the appeals process takes place in February; however, to file an appeal for a grievance, one must declare intent within 30 days after the final personnel action and so the unsuccessful candidate must file a “stop the clock” petition months before the FPC appeal occurs. President Benton said we need to have a form that includes a checklist on which is included the following choices: yes, I want to stop the clock; yes, I want to appeal; yes, I want to preserve the right to grieve by stopping the clock.

D. Articulation with Collective Bargaining Agreement Appeal. President Benton explained that what is needed is to identify steps in the FPC Guidelines and in the collective bargaining agreement that are the same with regard to the appeal and grievance steps so as to assure that candidates do not forfeit or misconstrue steps in the appeal process of the college and the union.

E. Appeal Body. President Benton said the FPC needs to revert the appeals process to what it had been previously, which is that the candidate appealed to the entire FPC. In other words, the FPC appeals body should be the same body as the FPC. VP Kaplowitz explained that the process now is that the unsuccessful candidate appeals to the members of the FPC, minus the 8 or 9 members of the review committee that previously voted on the candidate; substituting for those 8 or 9 faculty is an equal number of members of the appeals committee, which is elected each year by the faculty from among faculty who are not on the FPC.

Asked why the change had been made, President Benton said the FPC came to decide that double voting – voting by the review committee and then again by the FPC – is not wise and also that new people provide fresh eyes. He said the problem is that these new people may never have considered a single personnel action before considering an appeal.

The meeting ended at 2:50 pm.

Submitted by Karen Kaplowitz