

**Faculty Senate Minutes #498  
John Jay College of Criminal Justice**

Wednesday, September 4, 2019

1:40 PM

Moot Court NB

**Present (29):** Chevy Alford, George Andreopoulos, Ned Benton, Marta Bladek, Teresa Booker, Silvia Dapia, Lissette Delgado-Cruzata, Sven Dietrich, Jonathan Epstein, Joel Freiser, P. J. Gibson, Amy Green, John Gutierrez, Karen Kaplowitz, Erica King-Toler, Yuk-Ting (Joyce) Lau, Yue Ma, Xerxes Malki, Peter Mameli, Mickey Melendez, Edward Paulino, John Pittman, David Shapiro, Francis Sheehan, Charles Stone, Marta-Laura Suska, Roberto Visani, Rebecca Weiss, Violet Yu

**Absent (13):** Andrea Balis, Elton Beckett, Gloria Browne-Marshall, Marta Concheiro-Guisan, Gail Garfield, Heath Grant, Maki Habersfeld, Michelle Holder, Jennifer Holst, Catherine Mulder, Hyunhee Park, Hung-Lung Wei, Guoqi Zhang

**Agenda**

1. Adoption of the Agenda
2. Announcements
3. Election of a Senate member
4. Adoption of Minutes #397 of the May 23, 2019 meeting
5. Organization & Work of the Faculty Senate
6. Election of members of College committees
7. Invited Guest: Provost Yi Li
8. Proposed Resolution on Instructional Reassignments
9. Proposed Resolution on Open Meetings Law
10. New Business

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

2. **Announcements**

President Ned Benton reported that the budget situation is terrible: we are facing a projected deficit of between \$8 million to \$10 million this year. Part of the problem is that the \$3 million in rent we received from the Department of Corrections for North Hall will not be available this year because the DoC does not need the space for training this year.

President Benton also reported that the Faculty Senate advocated that service be counted more heavily in the personnel process and that has been officially adopted. The Senate also advocated that the personnel process's appeals procedure be made in accordance with NYS law

and the FPC is considering making a fifth review committee into an appeals committee, which would bring us into accordance. This is being taken up on September 6.

### **3. Election of a Senate member**

Yuk-Ting (Joyce) Lau was nominated and elected by unanimous vote to the Faculty Senate as an at-large Senator. Senator Lau was then nominated and elected as a Senate representative to the College Council.

### **4. Adoption of Minutes #497 of the May 23, 2019, meeting.** Approved.

### **5. Organization and work of the Faculty Senate**

President Benton explained that the Faculty Senate is the official voice of the faculty of the college and is recognized as such by the CUNY Board of Trustees. All the faculty members on the College Council, the college's governance body, are members of the Faculty Senate. Among its many responsibilities, the Senate populates the faculty members of college-wide committees. The Senate operates under Robert's Rules of Order but is not bound by the Open Meetings Law or the Public Officers Law. This means that motions pass by a majority vote of those Senators present and voting; secret ballots are permitted; and meetings can be closed to all but members. By contrast, the College Council, which also operates by Robert's Rules, must adhere to the Open Meetings Law and the Public Officers Law, which means the College Council meetings are open to the public; no secret ballots are permitted; how each member votes must be recorded and this information must be made available upon request; and for a motion to pass, it must receive at least a majority of the members of the entire body, regardless of how many are present as long as a quorum is present.

### **6. Election of members of College-wide committees:**

By unanimous vote, taken by secret written ballot, the following members of the faculty were elected to college-wide committees; some of these elections also require ratification by the College Council at its September meeting.

#### **Executive Committee of the College Council:**

Chevy Alford—SEEK; Andrea Balis—History; Ned Benton – Public Management; Sven Dietrich – Math & CS; Joel Freiser – Public Management; Karen Kaplowitz – English; Francis Sheehan – Sciences

**Town Hall Planning Committee:** Ned Benton – Public Management; Karen Kaplowitz – English

**Budget Planning Committee:** Ned Benton – Public Management; Karen Kaplowitz – English; Erica King-Toler – SEEK; David Shapiro – Public Management

**Appeals Panel for the Student Complaints Against Faculty Policy:** Jeanne-Marie Col–Public Management; Melinda Powers – English

**Committee on Student Honors, Prizes, and Awards:** Kevin Wolff –Criminal Justice; Madura Bandyopadhyay – English

**Campus Safety Advisory Committee:** Ellen Belcher – Library; Glenn Corbett – Security, Fire, and Emergency Management; Mangai Natarajan – Criminal Justice; Francis Sheehan – Sciences

**Committee on Faculty Elections:** Matluba Khodjaeva – Math & CS; Maria Kiriakova – Library; Ekaterina Korobkova – Sciences; Hyunhee Park – History; Maureen Richards – Library

**Student/Faculty Disciplinary Rotating Chairs Committee:** Heath Grant – Law, Police Science & CJA; Liliana Soto-Fernandez – Modern Languages & Literature; Jamie Longazel – Political Science

**Student/Faculty Disciplinary Committee Panel:** Margaret (Peggy) Escher – English; John Gutierrez – Latinx Studies Department; Robert McCrie – Security, Fire, and Emergency Management; Jose Olivo – Math & CS; Martin Wallenstein – Theater & Communication Arts; Peggilee Wupperman – Psychology

**Committee on Assessment:** Kim Liao – English; Peter Mameli – Public Management; Karen Okamoto – Library; Mechthild (Mecki) Prinz – Sciences; Stephen Russell – History; David Shapiro – Public Management; Sandra Swenson – Sciences

**Committee on Honorary Degrees:** Jama Adams – Africana Studies

**College-wide Student Appeals of Grades Committee:** Teresa Booker– Africana Studies; P.J. Gibson—English; Brian Montes – Latinx Studies Department Melinda Powers – English; Toy-Fung Tung – English

**Committee on Student Interests:** Ellen Belcher–Library; Nicole Elias – Public Management

**Committee on Student Admissions and Recruitment:** Ann Huse – English; Maria Kiriakova – Library; Elizabeth Nisbet – Public Management

**Food Services Subcommittee of the Auxiliary Corp Board:** Genesis Alberto – Math & CS; Ellen Belcher – Library

**College Council Alternate:** Glenn Corbett – SFEM; Robert Garot – Sociology

**Student Travel Committee:** Rosemary Barberet – Sociology

**Student Activities Association Board:** Jeanne-Marie Col – Public Management; Toy-Fung Tung – English

**Faculty Senate Technology Committee:** Alex Alexandrou – Math & CS; Sven Dietrich – Math & CS; Joel Freiser – Public Management; Mickey Melendez—Counseling; Muath Obaidat – Math & CS; Ellen Sexton – Library

## **7. Invited Guest: Provost Yi Li**

Provost Li reported that he has appointed Allison Pease to the position of interim associate provost for institutional effectiveness. Writing a strategic plan is easy, he said; what we really want is a shared and agreed upon purpose and implementation. As for faculty hiring, he is close to knowing how many lines we will have for which to begin searches. President Mason has approved his hiring plan which is predicated upon retirements and resignations. With every five resignations we should be able to hire an extra one or two faculty members because of salary differentials. He said he has read the executive summary of the COACHE report with great interest.

VP Karen Kaplowitz reported that she has heard from several faculty complaining about a movie being filmed on the first classroom floor of the New Building yesterday, during the first day of classes, disrupting classes and preventing faculty and students from being able to enter their classrooms. The film crew simply would not let people into the classrooms. She said the agreement we've had with the administration is that filming of movies and tv shows and any other rentals are absolutely not to interfere with teaching and learning. Senator John Pittman and Senator Marta-Laura Suska both reported that they too had had that experience yesterday, at different times of the day. Provost Li said that of course this is not acceptable and would follow up.

Senator Teresa Booker asked if the Provost's annual evaluation of the department chairs are public. She explained that when elections take place, such evaluations would be helpful. Provost Li said he leaves it up to the chairs as to whether they share the evaluations with their department or not. Some chairs choose to share and others do not. VP Kaplowitz said that his predecessor, Jane Bowers, had required chairs to share the evaluations with their department. Provost Li said he would reconsider his decision.

Senator George Andreopoulos referenced Provost Li's email to the faculty about his planned discussions with faculty and asked what the topics will be. The provost said he's open to any kind of discussions, noting that he comes from the faculty and knows that faculty success is the core component for student success. He is going to have lunches with faculty and every week he is going to spend a morning or an afternoon with a different department, visiting its faculty. He said he will meet with any faculty member who requests a meeting with him.

President Benton said he has questions regarding the transparency of provostial discretionary reassigned time. The provost said he first needs to actually understand the provost's discretionary reassigned time: almost all are legacy arrangements. A fraction are retention agreements and a fraction involve chairs who were hired from the outside; those are both private. Others he would like a policy for.

Senator Andreopoulos asked whether for the sake of transparency the provost would come to the Senate and explain reassigned time. Provost Li said yes, he will come to the Senate and explain about categories but not details or specifics.

The Provost said he would like to come to every Senate meeting for 5-10 minutes.

## **8. Proposed Resolution on Instructional Reassignments**

President Benton presented a proposed Resolution, explaining that he and VP Kaplowitz were appointed by Provost Yi to a committee on instructional reassignments and that if the Senate were to adopt this resolution, it would help him and Karen in representing the faculty:

*Proposed Resolution: Instructional Reassignment, John Jay College Faculty Senate*

**Whereas**, the instructional workload requirements for faculty are defined by CUNY policy and provisions of the Collective Bargaining Agreement. Policies and Guideline for the administration of faculty workload are described in the John Jay College Policy FSR.034 Faculty Workload Policies and Guidelines. This document was last updated for Fall 2017 and is presently under revision.

**Whereas**, the teaching hour workload, specified in the Collective Bargaining Agreement, for Senior College professors was reduced from 21 hours to 18 hours, and for instructors and lecturers from 27 hours to 24 hours, the reduction to take place over three years to be fully effective starting with Academic Year 2020-2021.

**Whereas**, the University administration has stated that "This restructuring of the workload of full-time teaching faculty will enable them to devote more time to students and to academic research and other activities that contribute to student success." (Silverblatt memorandum, December 21, 2017)

**Whereas**, John Jay College elected to schedule the reduction over a two-year period such that the reductions become effective for Academic Year 2019-2020.

**Whereas**, to not disrupt teaching schedules in place for AY 2019-2020 the Provost announced that, "all current and documented reassigned time categories will remain in effect for AY 2019-2020 with the exception of time awarded as a result of the Workload Reallocation Program."

**Whereas**, the Provost announced that the current reassigned time policies and practices, with the exception of reassigned time for department chairs, would be reviewed in light of the new reduced teaching load agreement. Once the recommendations have been reviewed and decided upon, our guidelines will be updated and disseminated to all full time faculty.

**Therefore**, the Faculty Senate of John Jay College of Criminal Justice resolves that:

1. Policy FSR.034 Faculty Workload Policies and Guidelines should be updated to reflect the new teaching hour workloads, and to describe reassignment opportunities in clear, simple and transparent terms that define the duties and responsibilities of assignments and the basis for the number credits to be assigned. When additional salary compensation is also provided, it should be clearly described with the reassignment credits.
2. Consistent with the Provost's communication to the faculty, reassignment for Department Chairs, as currently described on page 19 of FSR.034, should not be considered for reduction or subsequently reduced.
3. Reassignment levels for Department Administration (FSR.034, page 19) and for Major Coordinators (FSR.034, page 20), non-departmental programs and majors (FSR.034, page 21) and graduate program administration (FSR.034, page 21), should not be reduced if the workloads and responsibilities are not changing.
4. Reassignments at the discretion of the Provost should be reviewed [by the Senate\*] based on the circumstances that justified the reassignments to honor the terms of the agreements made.

**It is further resolved** that the above recommendations are consistent with the CUNY statement that "This restructuring of the workload of full-time teaching faculty will enable them to devote more time to students and to academic research and other activities that contribute to student success." Any reduction of administrative reassignment to offset workload reductions, when not accompanied by corresponding reductions in duties, does not enable the affected faculty, who serve in mission-critical roles in the leadership of departments, programs and majors, to devote more time to students and research. This is because, for these members of the faculty, teaching expectations and leadership/administrative duties would not materially change.

\*The phrase "by the Senate" was added by a motion to amend by Senator Andreopoulos and affirmative vote by the Senate.

Senator Roberto Visani moved to add a #5 to the first "resolved" clause whereby the Resolution also calls for an annual report by the Provost of the total reassignments of credits by category for clarity and transparency; the Senate approved this amendment.

The amended Resolution was adopted by unanimous vote.

## **9. Proposed Resolution on Open Meetings Law**

President Benton proposed the following resolution on the Open Meetings Law. He explained that when he presented the Senate's proposal for a reduction in size of the College Council,

which would require a Charter amendment approval by the CUNY Board of Trustees, the John Jay administration proposed to him that we change all College Council committees to college committees that would henceforth not be College Council committees. He said he began to feel there is a real divergence between the faculty and the administration with regard to the Open Meetings Law. He said we have to envision that word “faculty” every time the Law refers to the “public.” VP Kaplowitz explained that a court ruling in “Perez v CUNY” states that the college council of every CUNY college is subject to the Open Meetings Law and that every committee of the college council is also subject to the Open Meetings Law; if we were to make committees like the FPC non-College Council committees, those committees would not be subject to the Open Meetings Law and could, therefore, be closed to faculty, not have to have minutes, etc.

*Proposed Resolution: Compliance with the NYS Open Meetings Law, JJ Faculty Senate*  
**Whereas**, the Legislative Declaration (Section 100) of the New York State Open Meetings Law states the purpose of the law. “It is essential to the maintenance of a democratic society that the public business be performed in an open and public manner and that the citizens of this state be fully aware of and able to observe the performance of public officials and attend and listen to the deliberations and decisions that go into the making of public policy. The people must be able to remain informed if they are to retain control over those who are their public servants. It is the only climate under which the commonwealth will prosper and enable the governmental process to operate for the benefit of those who created it.”

**Whereas**, the 1966 AAUP Statement on Government of Colleges and Universities recognized that “The variety and complexity of the tasks performed by institutions of higher education produce an inescapable interdependence among governing board, administration, faculty, students, and others. The relationship calls for adequate communication among these components, and full opportunity for appropriate joint planning and effort.”

**Whereas**, if a court determines that a public body failed to comply with this law, the court has the power, in its discretion, upon good cause shown, to declare that the public body violated this law and/or declare the action taken in relation to such violation void, in whole or in part.

**Whereas**, Section 109 of the Open Meetings Law designated the New York State Committee on Open Government to issue advisory opinions from time to time as, in its discretion, may be required to inform public bodies and persons of the interpretations of the provisions of the open meetings law.

**Whereas**, the Open Meetings Law assures public notice of and access to meetings, and the same protections also protect the interests of the members of public bodies, assuring the deliberations and decisions are not made without the full opportunity for all members of the to participate.

**Whereas**, in academic organizations, the Open Meetings Law protects shared governance by assuring faculty members’ notice of and access to meetings of governance bodies, as they deliberate and decide matters of consequence to the academic mission.

**Whereas**, in academic organizations, the Open Meetings Law protects academic freedom, by assuring faculty members' notice of, and access to meetings of governance bodies, regardless of their views about the matters under consideration. The Open Meetings Law also promotes academic freedom by ensuring that all members governance bodies, including faculty members of governance bodies, are full participants in meetings.

**Be it therefore resolved** that the John Jay College of Criminal Justice Faculty Senate urges the leaders and governance bodies of the college campuses to fully and faithfully implement the Open Meetings Law in a manner that models to students and to the public our commitment to transparency, accountability, shared governance, academic freedom and the rule of law.

The Resolution was adopted by unanimous vote.

The meeting was adjourned at 2:50 pm.

Provided by Karen Kaplowitz