Faculty Senate Minutes #507
John Jay College of Criminal Justice

Thursday, April 23, 2020   1:40 PM   Zoom

Present (34): Andrea Balis, Elton Beckett, Ned Benton, Chelsea Binns, Marta Bladek, Teresa Booker, Gloria Browne-Marshall, Marta Concheiro-Guisan, Silvia Dapia, Sven Dietrich, Jonathan Epstein, Joel Freiser, Heath Grant, Amy Green, John Gutierrez, Maki Haberfeld, Michelle Holder, Karen Kaplowitz, Lila Kazemian, Yuk-Ting (Joyce) Lau, Cyriaco Lopes, Peter Mameli, Mickey Melendez, Catherine Mulder, Hyunhee Park, Edward Paulino, Tara Pauliny, John Pittman, David Shapiro, Francis Sheehan, Charles Stone, Marta Laura Suska, Rebecca Weiss, Violet Yu

Absent (7): Chevy Alford, George Andreopoulos, Lissette Delgado-Cruzata, Erica King-Toler, Xerxes Malki, Hung-Lung Wei, Guoqi Zhang

Agenda

1. **Adoption of the Agenda**
2. **Adoption of Minutes #506 of the April 1, 2020, meeting**
3. **Announcements: Budget update**
4. **Consideration of Secret Voting Guidelines for use during the shutdown of CUNY [Attached]**

   1. Adoption of the Agenda. Approved.

   2. Adoption of Minutes #506 of the April 1, 2020, meeting. Approved.

   3. Announcements: Budget update

President Benton reported that the Chancellor has put a freeze on new hires and on salary increases. Earlier in the day, President Mason told Ned and Karen Kaplowitz that faculty hires will be honored if offers have been made and accepted; so far 10 of the 15 faculty lines have been offered by the Provost Li and have been accepted by the candidates. The Chancellor will give 97% of Federal CARES Act funds directly to CUNY students and will give the remaining 3% to the colleges to allocate to their students as they wish. CARES money may *not* be given to undocumented students. John Jay's share of the CARES Act funds is $15.3 million; CARES Act funds are for students attending higher education institutions during this pandemic.

   4. Consideration of Secret Voting Guidelines for use during the shutdown of CUNY [Attached]

President Benton reported that the Senate's Executive Committee Secret asked the Senate Technology Committee, which is co-chaired by (Senator) Sven Dietrich and (Professor) Ellen Sexton, to research objectively secret ballot platforms and to make recommendations to the Senate Executive Committee. They have done so and of the two platforms they recommended – SimplyVoting and Helios – Joe Laub, the head of DoIT, has advised us that SimplyVoting is preferable. (The administration had planned to use SurveyMonkey but the Senate Technology Committee objected, saying SurveyMonkey cannot provide confidentiality of votes.) When the Executive Committee did not hear from the college administration about the need to purchase SimplyVoting for the April and May faculty elections, the Executive Committee volunteered to buy *SimplyVoting* for the Senate election out of their personal pockets and they would then make it available to the college for department and program use. The purchase price for unlimited elections at John Jay for a year is $,1000. Upon receiving that communication, the administration authorized the purchase of SimplyVoting.

President Benton said that there now needs to be a set of rules as to how to conduct faculty elections and communicated the fact of this need to the administration. The administration said no rules are needed, that each department and each graduate program should make up its own rules. It is the considered opinion of the Senate Executive Committee that faculty need to be absolutely assured that their voting choices are secret and anonymous and will remain so and that this is especially true for untenured faculty and for faculty coming up for promotion. Ad hoc and unilateral decision on the voting platform and voting rules by chairs and program directors will not provide confidence to faculty and may thus discourage them from voting; furthermore, it might render them vulnerable to retaliation if they do vote and their voting choices become known to their chairs or P&B members. Therefore, the Senate Executive Committee is recommending today to the Faculty Senate that the Senate should propose election rules for this semester and upon developing and approving these rules, we should submit it for approval by the Executive Committee of the College Council (ECCC). The reason we're recommending the ECCC is that the bylaws for departments and graduate programs, which are required by the college's Charter, have to be approved by the ECCC and any amendments to the bylaws require approval by the ECCC. We think these voting guidelines and the use of an electronic voting platform requires an amendment to department and program bylaws.

Senator Sven Dietrich suggested the resolution before the Senate for vote be amended to extend only to the end of the spring 2020 semester. Senator John Pittman suggested, in case the shelter in place order is still in place when the fall semester open, that the resolution be amended to be in effect until the first meeting of the Faculty Senate in the fall. He noted that we may find there were problems in voting and in following the Senate's guidelines and, if so, we should amend the guidelines and perhaps the electronic voting platform at the beginning of the fall semester.

The Senate debated the issue of whether faculty should be required to vote during a department or program meeting or whether they should have extended voting that could take place over a longer time frame so everyone, even those who miss the meeting, could vote. VP Kaplowitz spoke against the extended voting saying our guidelines should adhere as closely as possible to the current College and CUNY guidelines which require faculty to be present at a meeting to vote in an election (except for elections in which the entire faculty vote). She said the reason for this requirement is so that faculty can hear (and, if they wish) participate in discussions and election speeches and then make an informed vote. Senator Francis Sheehan also spoke against extended voting saying that if run-off elections are needed, the voting could take days or even weeks. President Benton spoke in favor of extended voting saying election meetings are scheduled purposely when he can't attend and thus he's been

disenfranchised and this would protect against that. A motion was made to vote on this. Those in favor of extended voting prevailed with a vote of 18 yes, 7 no, and 3 abstentions.

Shortly later in the meeting, Senator Sheehan looked up NYS Executive Order 202.1, which waives the need for the public to be present during the pandemic shutdown. He noted that the language is written in such a way that extended voting is probably illegal. Upon hearing the actual language of the Executive Order, the Senate decided to reverse itself and not give the option for extended voting in its Guidelines.

The second issue considered is whether the Executive Committee of the College Council (ECCC) is the appropriate body to recommend a voting platform. VP Kaplowitz suggested that the Senate be the body that makes the recommendation, especially since we already have. Senator Pittman said the Senate should not endorse a private entity. Senator Dietrich said he is not certain it is private. Consensus was that the ECCC should choose.

The Senate reviewed and approved the rest of the provisions and then voted on the Election Guidelines [Attached]. The vote was unanimous in favor. President Benton was thanked for his tremendous leadership in this matter.

The meeting was adjourned at 3 pm.

Minutes provided by
Karen Kaplowitz

Karen Kaplowitz