

**Faculty Senate Minutes #524
John Jay College of Criminal Justice**

Friday, May 7, 2021

1:40 PM

Zoom

Present (36): Chevy Alford, Andrea Balis, Elton Beckett, Ned Benton, Mohamed Ben Zid, Marta Bladek, Michael Brownstein, Marta Concheiro-Guisan, Silvia Dapia, Lissette Delgado-Cruzata, Jonathan Epstein, Joel Freiser, Jessica Gordon-Nembhard, Heath Grant, John Gutierrez, Maki Haberfeld, Christopher Herrmann, Crystal Jackson, Veronica Johnson, Karen Kaplowitz, Erica King-Toler, Yuk-Ting (Joyce) Lau, Anru Lee, Alexander Long, Maxwell Mak, Mickey Melendez, Hyunhee Park, Edward Paulino, Atiba Rougier, Francis Sheehan, Marie Springer, Charles Stone, Lucia Velotti, Thalia Vrachopoulos, Adam Wandt, Violet Yu

Absent (3): Chelsea Binns, Amy Green, Christian Parenti

Guests: President Karol Mason, VP Laura Ginns, Director Gabriela Leal, Robert Kim, Henry Cruz, Professor Jay Pastrana, Professor Maria Volpe, Professor Marcia Esparza, Legal Counsel Tony Balkissoon

Agenda

- 1. Adoption of the agenda**
- 2. Adoption of Minutes #523 of the April 29, 2021, meeting**
- 3. Announcements**
- 4. Election of an additional Alternate Faculty Senate rep to the 2021-22 College Council**
- 5. Update & Proposed Resolution on the Fall 2021 Reopening**
- 6. Report from the Faculty Senate Committee on Racial Justice & Inclusion**
- 7. Invited Guest: Interim Director of Diversity & Inclusion Gabriela Leal**
- 8. Invited Guest: President Karol Mason**

1. Adoption of the Agenda. Approved.

2. Adoption of Minutes #523 of the April 29, 2021, meeting. Approved.

3. Announcements

Several amendments to the Faculty Personnel Committee (FPC) Guidelines were approved earlier today, all of them rooted in the FS Statement about the FPC Process adopted by the Senate three years ago. The first changes the appeal process so appeals will no longer be made to a gigantic committee which plays musical chairs, adding non-members to the deliberations and excluding other members. The change is being achieved by changing the four review committees to five; each of the four review committee will elect one of its members to be on the appeals review committee, which will comprise those four faculty members from the

review committees, plus two additional members on a rotating basis from. Furthermore, the appeals committee will not meet at the same time as the review committees, which means appeals can take place much earlier in the academic year.

The second change is that each academic department will have the right to write up expectations for its department members specific to their disciplines. President Mason is concerned that CUNY Central will say we may not do this but if that happens at least we will have tried.

A third proposal was for the creation of a special committee of the FPC charged with looking at Issues of faculty pay and equity but this proposal did not pass.

President Benton shared with the Senate a report that had just been presented to the Fiscal Affairs Committee of the CUNY Board of Trustees. It is a pilot savings Initiative; the pilot involves two senior colleges: John Jay and Baruch as well as two community colleges. The projected saving for John Jay will be \$969,938 annually, which John Jay can keep.

Senator Crystal Jackson said her department is concerned that the savings will be by further automation which will further cut off connections to our students. President Benton said that most savings are projected to be from cuts to the registrar's office and our registrar's office thinks the numbers aren't realistic. President Mason, VP Mark Flower, and Registrar Daniel Matos are very concerned the pilot will not work.

4. Election of an additional Alternate Faculty Senate rep to the 2021-22 College Council

The Senate elected Marie Spring as an alternate member on next year's College Council. The Senate had previously elected six alternate members.

5. Update & Proposed Resolution on the Fall 2021 Reopening

President Benton reported that CUNY is suddenly now requiring us to have 60% in-person enrollment in the fall, with registration being suspended and moved to June. He noted we had spent months developing our fall plan and had concluded that 11% was the maximum number of in-person sections we could safely hold, given the six feet of social distancing requirement. Senator Francis Sheehan said we are taking a very big risk in doing this. He noted that registration will start long after the semester is over and it will be very difficult to get students to register. He predicted there will be a significant hit to registration.

Senator Max Mak said his department has concerns beyond safety: we'll be teaching both in person and by zoom in the fall: do we have the Wi-Fi capacity? do we have the infrastructure? President Benton agreed that if everyone is trying to use zoom on campus this could be huge strain on our systems.

President Benton presented a resolution from the Senate executive committee opposing CUNY's decision [see the Resolution below]. Senator Adam Wandt thanked the executive committee. He spoke of the many refusing to get vaccinated and of the students in one of his graduate classes who do not want to return to the classroom. Senator Sheehan said many students are very concerned about what the impact of the vaccine will have on their bodies in 30 or 40 years from now. For us to be back at 60% we have to go to zero distancing. Senator Jessica Gordon-Nembhard also thanked the executive committee and suggested that the resolution would be stronger if we cited the PSC's position about 60%. The Senate authorized the executive committee to consider language about the PSC. The Resolution was approved without dissent.

**John Jay College of Criminal Justice Faculty Senate
Resolution on Safe Reopening and Face-to-Face Instruction
May 7, 2021**

Whereas, the Faculty Senate of John Jay College of Criminal Justice supports the goal of returning to face-to-face instruction in a manner consistent with the safety of students, staff, and faculty, and in a manner that promotes student success.

Whereas, CUNY's guidelines for Safe Campus Reopening (page 4) recommend:

- CUNY colleges differ in size, location, type of campus and number of students, faculty and staff, and each of these factors must be considered when developing strategies for addressing the issues laid out in this document.
- CUNY campuses must act with care, but also remain flexible. A single positive case of COVID-19 exposure on campus can undo local operations, at least temporarily, and undermine confidence in a college's ability to protect the safety of its community. For this reason, campus-specific plans need to move forward within a governance structure that reviews and approves those plans.

Whereas, the CUNY administration has ordered that in fall 2021 60% of classes must be offered in a hybrid or face-to-face format. This mandate departs from CUNY's own guidance in the following ways:

- It is not based on local campus conditions and does not invite consideration of such conditions.
- It does not reflect local campus information about student preferences and may force students to choose between withdrawing or registering for unfeasible instructional modalities.
- It mandates instruction modalities without governance review.
- It disrupts student planning and decision-making about course registration.

Therefore, the Faculty Senate of John Jay College of Criminal Justice urges the university administration to rescind the fall 2021 mandate, so as to allow campuses to plan for reopening based on local conditions and student, staff and faculty needs and preferences.

6. Report from the Faculty Senate Committee on Racial Justice & Inclusion: Senator Jessica Gordon-Nembhard (Chair)

Senator Jessica Gordon-Nembhard reported that the committee has four subcommittees: curriculum; student support; faculty support; pipeline to Faculty Senate. She said she and the other members are happy to be serving 3-year terms because there is so much work to do. They are monitoring how quickly curriculum change is happening; they are working with Dara Byrne and Allison Pease; they've talked with BSU (Black Students Union). They've discovered they don't know a lot and that things are moving really slowing. In the fall 2020 semester, there were two curricular changes and not much more this semester.

The committee had hoped to have baseline data by now in order to map the progress but have found it impossible to get a baseline. They are only able to see the Bulletin but even courses in the Bulletin may not provide accurate information because the courses and syllabi may have been changed. They will try to look at syllabi to see what, if anything, changed. The committee welcomes suggestions or support with regard to faculty diversity, support for diverse faculty, the ways the student evaluations can be unfair to FOC and especially women FOC. The committee plans to bring a resolution to the Senate in the fall that calls on a reduction of emphasis on the student evaluation of faculty. The committee is concerned about how we can better support the students, how we can help them as they struggle with regard to leadership.

President Benton suggested that the committee reach out to Professor Keith Markus who chairs the Committee on Student Evaluation of the Faculty. Senator Chris Hermann said that he and Senator Violet Yu are on the SEOF Committee and Jessica's committee can pass along concerns to them. Senator Lissette Delgado-Cruzata said there is no evidence of a way to solve the unfair impact that FOC and, especially, women FOC experience in the SEOF process; she said there's research all over the country showing the disparate, negative impact on women and FOC, that no instrument that has been able to solve this problem. Senator Crystal Jackson said that as a social scientist she agrees.

6. Election of additional Alternate Faculty Senate reps to the 2021-22 College Council

The Senate elected Marie Spring (Public Management) to serve as additional Alternate Member of the 2021-22 College Council. We had already elected six alternates at our previous Senate meetings. The faculty are allocated 8 alternate seats.

7. Invited Guest: Interim Director of Diversity & Inclusion Gabriela Leal

The Senate welcomed Interim Director of Diversity & Inclusion Gabriela Leal, who is our chief diversity officer and our Title 9 Officer, along with her colleagues: VP Laura Ginns, Henry Cruz, and Robert Kim. Director Leal said the report her office just issued on Discrimination and Harassment is the first-ever such report at John Jay and at CUNY and, indeed, very few

institutions publish this kind of report. The purpose, besides reporting, is to encourage others to come forward, as well as to shape training and prevention effort. She said their top priority was to protect the privacy of anyone who reported complaints. The report covers *any* complaint filed in calendar year 2019.

Robert Kim walked the Senate through the several data tables and charts which give visual snapshots. A total of 157 matters came to their office. He explained they handle all kinds of harassment and discrimination matters — not only verbal and physical — but unequal treatment. Of the 157 matters, 17 involve discrimination — unequal treatment — and most of these involve race and disability. There were 111 harassment matters: most involve sexual misconduct, followed by race. Of these 34 were investigated.

Senator Crystal Jackson, saying that 157 is a paltry number, asked a series of questions: what is being done about outreach? how many were turned away and not taken a report from? how was the decision made on the 34 to investigate? Director Leal said anyone who walked into our office, was counted and that was 157. She explained that her office doesn't press anyone to file or not file a complaint.

Senator Jackson noted that racial discrimination is very high on campus. She said 157 could have been the number of complaints she's heard in her classroom over the past three years. She said Ned Benton had read a statement to the Senate at our last meeting about the four faculty members (Ric Curtis, et al) and she asked when her office will make an official statement about these faculties. Gabriela Leal said her office is open for business and she and her colleagues love helping everyone who comes to them. She said it is hard to compare our 157 to other colleges because other colleges don't report their numbers. Senator Jackson stated that lots of people at the college are experiencing negatives as women and as people of color.

VP Ginns said this is a report of data and of numbers but it's also a report about people. She said they take every one of them seriously.

8. Invited Guest: President Karol Mason

President Karol Mason greeted the Senate by saying we have good news: we are getting vaccinated and the world is opening up. She spoke about thinking of holding a couple of welcome-back-to-campus receptions.

Senator Chevy Alford said counselors are in closer proximity to students than other faculty and this proximity is for eight hours a day. She asked whether plastic barriers will be provided in counselors' offices. President Mason said plexiglas barriers are not helpful and can, in fact, be harmful. She said we are following safety guidelines but the safest way is for everyone to get vaccinated.

Senator Crystal Jackson said at the last Senate meeting, a statement was read about the four professors [Ric Curtis, et al] and asked when will the college issue a statement. There are so

many rumors circulating. It doesn't feel safe to talk at the college. President Mason recalled that at a 2019 forum she said she wouldn't be making any more public statements. Subsequently there was a lawsuit. She added it is not her practice to put out statements on personnel matters even when they are not confidential but they are personal. Also everything she puts in writing inevitably appears in the newspapers and newspapers aren't always accurate. Her preference is to let the people concerned make their own statements. She asked the college's legal conference to add anything else he thinks pertinent.

Legal counsel Tony Balkissoon said he is aware of Ned's statement to the Senate and has no quibbles about it. In short: litigation was filed; John Jay hired a law firm to investigate; John Jay determined there were violations of our policies; confusion ensued because what appeared in news reports was not same as our investigations revealed; we are almost finished with the litigations; there has been no fact-finding since that first fact-finding; the He said he sees in the chat that someone has written that people are saying the faculty members were exonerated and stated that as a lawyer he can say this is not at all correct. Mr. Marcus settled; Mr. Spunt retired. So there is not much to go forward. Mr. Spunt agreed to never seek employment from any CUNY college.

Senator Charles Stone asked what is the rationale for opening at 60% in-person classes. Why not 55% or 65% and, also, will John Jay mandate vaccinations? President Mason said the 60% is aspirational and is not a mandate. We know that students want more in-person classes. There is no magic to the number except we want to give as much in-person experience as possible. As for vaccinations, John Jay doesn't have that authority. Only the governor or legislature can mandate vaccinations. She said if senators are hearing particular concerns, they should let Laura Ginns and her team know. There will be a testing protocol: people will have to be either vaccinated or tested.

President Benton spoke about gradual movement to full-funding of the TAP GAP and the priority for filling new faculty lines. Ned: rebound in some funding; TAP gradual full-funded; outlook and priority for new faculty lines. President Mason said she had been more optimistic than she is today. In the budget just approved, the TAP GAP won't be fully closed until 2025 but they also decided to not cover our fringe benefits which is \$40 million annually. That will eat up this year's \$500 TAP increase. The federal monies help our college in a way we weren't helped before, but the key though is how we will be permitted to use it; the CUNY BoT has to decide that. We'll be getting ARPA money from the federal government by the DOE hasn't yet issued guidelines about how we can spend it. The provost and faculty leaders will start developing a faculty hiring plan, but it must be a plan whereby we can pay faculty salaries once the one-time money runs out.

Senator Jessica Gordon-Nembhard said that as the chair of the Faculty Senate Committee on Racial Justice & Inclusion it is very clear we have very serious racial equity and inclusion issues at our college. It sounds like there is no money for us to hire a vice president for diversity and inclusion but we do need such a person. President Mason said she agrees with the need but she is prioritizing faculty hiring over that position. Not having a vice president for diversity and

inclusion means we all own this work. The college's Committee on Diversity & Inclusion, which is co-chaired by Professor Dante Tawfeeq and D&I Director Gabriela Leal and has 14 faculty members as well as Robert Kim and Oswald Fraser, is developing our own training. We will fill the vice president position when we can financially.

President Benton noted we'll be getting different tranches of federal monies but each is a one-time infusion of money and so we can't continue paying for positions if we hire. So the issue is how to best spend the one-time \$20million or \$30 million we'll be getting. President Mason said we don't know what the federal government or CUNY will tell us as to what we can spend the monies on. I want us to spend the monies so that we increase our CUTRA and then have that tax-levy money that is recurring.

Senator Erica King-Toler asked about spending the monies on infrastructure, including zoom in our classrooms, cameras in our offices, enhanced bandwidth and speed of internet. President Mason said we are trying to use federal stimulus money for that. Joe Laub is working to make the college more wired. She asked everyone to convey their ideas to him.

Senator Crystal Jackson asked if there will be a retirement incentive. President Mason said that only the NYS Legislature can do this and she hasn't heard any conversations about this. Senator Jackson said she doesn't like the climate at the college. President Mason said to her a main issue is how do we develop more trust at John Jay. There is an underlying lack of trust at our college. How do we learn to trust each other more?

Senator Francis Sheehan said many of us are in shock. It had seemed that as educators we had a logic about how we could safely reopen in the fall. The magic number of 60% may mean no social distancing especially in large classrooms, which will require students sitting next to each. He said it seems to him that the governor and mayor are using this to distract from what's going on in their political lives. He said his students are very uncomfortable about the 60% in-person goal. And with registration delayed until June, students will have to be reminded to register long after they finish the semester. That's the elephant in the room. We may find our enrollment declines. President Mason said we've not thrown the science out the window.

Senator Elton Beckett said that our chairs have asked us to make quick decisions about teaching in the fall but we have very little information to make these decisions. President Mason said we have to make leaps of faith. She added that if anyone gives you an answer to your questions, I wouldn't trust it.

Senator Marie Springer said we are making the assumption that students will register for in-person classes. President Mason said there are lots of unknowns. The 60% in-person might be one-time a week classes. Our plan is now for 11% in person classes. She said if she had the survey results, she would share them. What she has been told is that as of early April, a week after 16 year olds were eligible, 19% of CUNY students who responded to CUNY's survey said they had been vaccinated.

VP Karen Kaplowitz said that she has raised this to President Mason at previous meetings and wants to raise it here again. We've been told that those who need an accommodation to continue teaching remotely— other than an accommodation covered by the Americans with Disabilities Act – such as because a family member is immune-compromised or unable to take the vaccine – require permission from the chair of their department, which, in her opinion, is a mistake because this information is private and some chairs are biased toward and against certain of their department members. President Mason said this information has changed since yesterday: those faculty who need an accommodation are to go to HR, not to their chair. The Remote Work Policy is a different policy and CUNY is working on this.

Senator King-Toler said we need this information in writing. President Mason said the accommodation policy is what it has always been; the complication is the Remote Work Policy, which we're all working on. Legal Counsel Balkissoon said he thinks the point is that there is not enough communication. The Reopening Committee will communicate more frequently, he said.

The meeting was adjourned at 4:00 p.m.

Provided by Karen Kaplowitz