

**Faculty Senate Minutes #526**  
**John Jay College of Criminal Justice**

**Wednesday, September 1, 2021**

**1:40 PM**

**Zoom**

**Present (33): Alex Alexandrou, Chevy Alford, Andrea Balis, Elton Beckett, Ned Benton, David Brotherton, Marta Concheiro-Guisan, Lissette Delgado-Cruzata, Jonathan Epstein, Jessica Gordon-Nembhard, Heath Grant, John Gutierrez, Maki Haberfeld, Jay Hamilton, Marta-Laura Haynes, Christopher Herrmann, Veronica Johnson, Karen Kaplowitz, Catherine Kemp, Erica King-Toler, Yuk-Ting (Joyce) Lau, Anru Lee, Alexander Long, Samantha Majic, Gerald Markowitz, Mickey Melendez, Patrick Raftery, Maureen Richards, Stephen Russell, Francis Sheehan, Fritz Umbach, Adam Wandt, Violet Yu**

**Absent (5): Mohamed Ben Zid, Vicente Lecuna, Hyunhee Park, Gregory Sheppard, Charles Stone**

**Invited Guests: Professor Angelique Corthals; VP Mark Flower**

**Guest: PSC Chapter Co-Chair Zabby Hovey**

**Agenda**

- 1. Adoption of the agenda**
- 2. Organization and Work of the Faculty Senate**
- 3. Adoption of Minutes #525 of the May 20, 2021, meeting**
- 4. Election of faculty to College and Senate Committees**
- 5. Updated Resolution to Rescind the Honorary Degree awarded to Rudolph Giuliani**
- 6. Reopening of the John Jay Campus: Update on Executive Committee Resolution, Discussion of Reopening Experiences and Issues**
- 7. Letter on Faculty/Staff Residence Requirement: Commutable Distance Standard**
- 7. Budget and Faculty Hiring Plan and Searches**
- 8. New business**

**1. Adoption of the Agenda. Approved.**

**2. Adoption of Minutes #525 of the May 7, 2021, meeting. Approved.**

**3. Organization and Work of the Faculty Senate**

President Ned Benton explained that the Faculty Senate is the voice of the faculty. We are not subject to the Open Meeting Law although the College Council is. The members of the Senate comprise an overwhelming majority of the College Council. The strength of the Faculty Senate comes from this fact and the faculty that we select the faculty members for most of the governance committees on campus. He asked the Senator to each introduce themselves, which they did.

**4. Election of Faculty Members to College and Senate Committees.** Approved by unanimous vote.

a. College Council Executive Committee – 7 members

*CHEVY ALFORD – SEEK*  
*ANDREA BALIS – History*  
*NED BENTON – Public Management*  
*LISSETTE DELGADO-CRUZATA – Sciences*  
*HEATH GRANT – Law, PS, & CJA*  
*KAREN KAPLOWITZ – English*  
*FRANCIS SHEEHAN – Sciences*

b. Auxiliary Services Corporation Board – 3

*NED BENTON – Public Management*  
*MUCAHIT BILICI – Sociology*  
*ALEXA CAPELETO – English*

c. Student Activities Association Board of Directors

*Board Members – 2*

*JEAN-MARIE COL – Public Management*  
*LIZA YUKINS – English*

*Alternate Members – 2*

*TOY-FUNG TUNG – English*  
*STEPHEN RUSSELL – History*

d. Committee on Student Interests – 2

*ELLEN BELCHER – Library*  
*NICOLE ELIAS – Public Management*

e. Campus Public Safety Advisory Committee – 4

*ELLEN BELCHER – Library*  
*GLENN CORBETT – Security, Fire, & Emergency Management*  
*MANGAI NATARAJAN – Criminal Justice*  
*FRANCIS SHEEHAN – Sciences*

f. Appeals Panel for Student Complaints Against Faculty – 2

*JAMES DiGIOVANNA – Philosophy*  
*HEATH BROWN – Public Management*

g. Committee on Honors, Prizes, and Awards – 3

*ANRU LEE – Anthropology*  
*CATHERINE MULDER – Economics*  
*GLORIA PRONI – Sciences*

h. Student/Faculty Disciplinary Committee Faculty Chairs Panel – 3

*ROBERT McCRIE – Security, Fire, & Emergency Management*  
*DAVID SHAPIRO – Public Management*  
*PEGGILEE WUPPERMAN – Psychology*

i. Student/Faculty Disciplinary Committee Faculty Panel – 6

*CLAUDIA CALIRMAN – Art & Music*  
*JAMIE LONGAZEL – Political Science*  
*AIDA MARTINEZ-GOMEZ – Modern Language & Literature*  
*MAUREEN RICHARDS – LIBRARY*  
*MARTIN WALLENSTEIN – Theatre & Communication Arts*

j. Committee on Assessment – 7

*JENNIFER HOLST – Math & Computer Science*  
*EDWARD KENNEDY – English*  
*PETER MAMELI – Public Management*  
*TIM McCORMACK – English*  
*DAVID SHAPIRO – Public Management*  
*SANDRA SWENSON – Sciences*  
*SHILPA VISWANATH – Public Management*

k. Committee on Student Admissions and Recruitment – 5

*JENNIFER HOLST – Math & Computer Science*  
*ANNE HUSE – English*  
*MELISSA McSHEA – Public Management*  
*MOHAMMAD ISLAM – Math & Computer Science*  
*JOSE OLIVO – Math & Computer Science*

l. Committee on Student Evaluation of the Faculty – 4

*CHRISTOPHER HERRMANN – Law, Police Science & CJA*  
*KEITH MARKUS – Psychology*  
*SUNG-SUK VIOLET YU – Criminal Justice*  
*DANIEL YAVERBAUM – Sciences*

m. Student Appeals of Grades Committee – 5

*KASHKA (KATARZYNA) CELINSKA – Law, PS, & CJA*  
*MATTHEW PERRY – History*  
*MELINDA POWERS – English*  
*MICHAEL PULS – Psychology*  
*TOY-FUNG TUNG – English*

n. Faculty Senate Technology Committee

*ALEX ALEXANDROU – Security, Fire, & Emergency Management*  
*MOHAMED BEN ZID – Math & Computer Science*  
*KATE CAULEY – Library*  
*HEATH GRANT – Law, PS, & CJA*  
*MICKEY MELENDEZ – Counseling & Human Services*  
*PAUL NARKUNAS – English*  
*GABRIELLE SALFATI – Psychology*  
*ALEXANDER SCHLUTZ – English*  
*ELLEN SEXTON – Library*  
*DAVID SHAPIRO – Public Management*  
*MAGGIE SMITH – Law, PS, CJA*

*LIZA STEELE – Sociology*  
*VALERIE WEST – Criminal Justice*  
*ALAN WINSON – English*

## **5. Updated Resolution to Rescind the Honorary Degree awarded to Rudolph Giuliani**

President Benton explained that an honorary degree was given to Rudolph Giuliani in 1988; at that time, reflecting its negative response to the president's decision to recommend this candidate to the CUNY Board of Trustees, the Faculty Senate proposed the current procedure for selecting candidates to the College Council, which adopted it in 1989. As some senators know, last year the Faculty Senate voted to rescind this honorary degree. President Mason forwarded the resolution to the CUNY Board of Trustees which, however, has taken no action. Then on June 4, 2021, the Appellate Division of the NYS Supreme Court concluded that "there is uncontroverted evidence that respondent [Rudolph Giuliani] communicated demonstrably false and misleading statements to courts, lawmakers and the public at large in his capacity as lawyer for former President Donald J. Trump and the Trump campaign in connection with Trump's failed effort at reelection in 2020. These false statements were made to improperly bolster respondent's narrative that due to widespread voter fraud, victory in the 2020 United States presidential election was stolen from his client." Matter of Giuliani 2021 NY Slip Op 04086 Decided on June 24, 2021, Appellate Division, First Department.

And so the Faculty Senate Executive Committee has updated its resolution. The Senate adopted this updated resolution by unanimous vote:

### **Resolution of the Faculty Senate of John Jay College of Criminal Justice Recommending the Rescission of an Honorary Degree Conferred in 1988 on Rudolph W. Giuliani**

**Whereas**, John Jay College of Criminal Justice has been proudly conferring honorary degrees on truly meritorious and respected individuals since 1977, and

**Whereas**, Honorary degrees are intended to serve as a means by which a College can recognize the distinguished achievements of persons who have made significant contributions to the principles for which the institutions stand or to their academic or professional disciplines, and

**Whereas**, John Jay College of Criminal Justice conferred an honorary degree on Rudolph W. Giuliani on November 17, 1988, at a special convocation, and

**Whereas**, Rudolph W. Giuliani has engaged in a public campaign of lies, baseless conspiracy theories, and unsubstantiated lawsuits in order to convince the American public and the nation's courts of massive voter fraud and a stolen presidential election, and

**Whereas**, On January 6, 2021, Rudolph W. Giuliani exhorted a crowd near the U.S. Capitol, when electoral votes were being counted to determine the result of the presidential election, to engage in "trial by combat" because he "staked his reputation" that they would find election "criminality" there, and

**Whereas**, The actions of Rudolph W. Giuliani were not only an assault on truth but also helped to foment a violent insurrection against democracy itself, culminating in an uprising against our

country's Capitol and against our elected representatives, resulting in multiple deaths and injuries of police officers and other people, and

**Whereas**, On June 24, 2021 the Appellate Division of the New York Supreme Court for the Second Judicial Department concluded that "there is uncontroverted evidence that respondent communicated demonstrably false and misleading statements to courts, lawmakers and the public at large in his capacity as lawyer for former President Donald J. Trump and the Trump campaign in connection with Trump's failed effort at reelection in 2020. These false statements were made to improperly bolster respondent's narrative that due to widespread voter fraud, victory in the 2020 United States presidential election was stolen from his client." Matter of Giuliani 2021 NY Slip Op 04086 Decided on June 24, 2021, Appellate Division, First Department.

**Whereas**, Rescinding any degree, honorary or earned, is a serious matter, and the John Jay Faculty Senate does not make such a recommendation lightly, and

**Whereas**, The John Jay Faculty Senate members were able to carefully evaluate the facts and circumstances of Rudolph W. Giuliani's conduct, both in February 2021 and again in September 2021, because they are in the public record and in the judicial record, therefore

**Be It Resolved**, That it is the judgment of the Faculty Senate of John Jay College of Criminal Justice that Rudolph W. Giuliani engaged in conduct that is contrary to the values of our College and University and contrary to the qualities for which he was honored and that this conduct is not in keeping with commitment of our college to advance justice in its many dimensions through the values of diversity, equity, integrity, justice, respect, learning and scholarship, and

**Be It Further Resolved**, That the Faculty Senate of John Jay College of Criminal Justice considers Rudolph W. Giuliani to be unworthy of an honorary degree from John Jay College of Criminal Justice, and

**Be It Further Resolved**, That the Faculty Senate of John Jay College requests that Karol V. Mason, President of the College, forward to the Board of Trustees of the City University of New York the Senate's resolution recommending that the Board rescind the honorary degree conferred on Rudolph W. Giuliani in 1988, and

**Be It Further Resolved**, That the Faculty Senate of John Jay College requests that the Board of Trustees of the City University of New York act affirmatively on the recommendation that the honorary degree conferred on Rudolph W. Giuliani be rescinded.

## **6. Reopening of the John Jay Campus: Update on Executive Committee Resolution, and Discussion of Reopening Experiences and Issues**

President Benton reviewed a resolution written and adopted by the Senate Executive Committee following a special meeting of the Senate on August 19; the resolution reflected the opinions expressed at the meeting:

## RESOLUTION OF THE FACULTY SENATE EXECUTIVE COMMITTEE August 19, 2021

**Whereas**, the Faculty Senate held a special meeting on August 19, 2021 to discuss the schedule for reopening as it relates to classroom-based instruction, and as it relates to mask requirements;

**Whereas**, the Chancellor has communicated to the students that that unvaccinated students will have a maximum of 45 days from the date of the FDA approval to get fully vaccinated and upload verification documents to CUNYFirst;

**Whereas**, reported COVID-19 cases in New York County continue to rise;

**Whereas**, the Chancellor has announced that, in a classroom, if a vaccinated professor is teaching a class and is able to keep social distance from everyone else in the class, he or she may choose not to wear a mask;

**Whereas**, the College reopening plan proposed a stronger mask policy that did not provide for the exception announced by the Chancellor.

**Therefore**, the Executive Committee of the Faculty Senate, acting during the summer to convey the sense of the Faculty Senate, resolves that:

- ◆ For Fall 2021, all instruction should be conducted online until 45 days following the date of FDA approval of a COVID vaccine, when the CUNY mandatory vaccination policy, as described by the Chancellor in an email to all students, takes effect, and
- ◆ For Fall 2021, John Jay College should enforce a no-exception mask mandate for all persons within our campus facilities.

The Executive Committee sent the resolution to the Chancellor and to the CUNY Board of Trustees and to the John Jay administration. There has been no response by the Chancellor or the Board. President Benton invited comments and questions from the senators.

Senator Sam Majic asked what will happen to students after 45 days if they have not uploaded proof of their vaccination to CUNYFirst. President Benton said his understanding is that the Chancellor has said those students will be disenrolled without refund.

Senator Jessica Gordon-Nembhard asked what happens to faculty who said they would teach in-person or hybrid and are not doing so because they do not feel they would be safe? Senator Chevy Alford asked what professors are supposed to do in terms of a student's attendance record if the student becomes sick, lets the professor know, and has to stay home to quarantine. She said she is asking because of 11 students registered in her in-person class, only six showed up and of those six, two were extremely late because of the long entry lines.

When a senator stated that the provost has told chairs they may change a course's modality, Senator Maki Haberfeld, chair of the LPS department, said the chairs have absolutely no authority to do so. President Benton responded that a couple of weeks ago, John Jay had said that whatever is said in CUNYFirst could not be changed unless exigent; recently, he and Karen showed the provost and Mark

Flower that Baruch and others had said that chairs and others had the authority to change modality, explained that he and Karen also said they didn't think JJ's hardline is CUNY's policy. Most recently at a meeting, the provost and registrar said the same thing but then walked back their position on the grounds that we have a commitment to our students to teach courses the way we said we would in the course schedule. He said the Senate could take the position that there should be more flexibility.

Senator Joyce Lau said she has young children and requested an accommodation to teach online but was told her request was too late. She asked what the social distancing requirement is in the classroom and whether the professor is the one responsible for this. Senator Fritz Umbach said his chair forward an email from our provost saying that the 50% requirement of in-person class sessions for hybrid courses may be reduced to 30% in-person if the professor choose. He said he is teaching in person and also has young children and it is a heavy lift to get some students to wear a mask and others to wear it properly. A senator asked whether professors have to tell anyone besides their students if they are reducing the number of in-person class sessions in a hybrid course.

Senator Patrick Raftery said as a librarian he's on campus four days a week and while most students are wearing masks in common areas, some are not. Although he and his colleagues have been told not to say anything to students without masks, he has done so. He also reported that lots of students are coming into the library to take online classes.

Senator Jerry Markowitz asked whether the Reopening Committee mandated social distancing of our students in the classroom and also asked whether students are required to be 3 feet apart. Senator Umbach added that he has 25 students, which mean there can only be 1.5 feet between them. Senator Lissette Delgado-Cruzata said that students are not social distancing even when there's space. She noted that the messaging has been about what's best for students, but there's been nothing about the fluidity of the situation. We simply don't know level of risk. Flexibility is the key for us to be successful for us and our students. Can professors be authorized to have more flexibility based on their assessment of the risk to them and their students, she asked.

Senator Elton Beckett said he decided to teach by Zoom because there had not been enough information at the time we had to make our decisions and he's troubled by the memo from the provost praising only those who are teaching in person. Senator Adam Wandt said he knows that there are untenured faculty who have health issues who decided to teach online accordingly who felt a lot of pressure to teach in person and who now have concerns as to how much that choice will affect tenure and promotion decisions.

President Benton said the Executive Committee will send these questions to the relevant administrators and forward the responses to the Senate.

## **7. Letter on Faculty/Staff Residence Requirement: Commutable Distance Standard**

President Benton referenced a letter sent on August 24 from VP Oswald Frazier addressed to faculty and staff with an address outside NYC – including adjuncts teaching online:

Because of the remote work environment necessitated by the COVID-19 pandemic, many employees wanted to change their address of record either because they were remaining long term in another state or because they actually had moved out of New York State and no longer wanted NYS taxes withheld. This creates a substantive administrative issue for CUNY because we are not set up as an employer in states

beyond the “commutable distance standard,” and as such cannot withhold other states’ incomes taxes, participate in those states’ unemployment programs or monitor and apply effectively the myriad localized state and municipality laws outside of the New York City Metropolitan Area.

**For these reasons, CUNY will begin to enforce the commutable distance standard more stringently during the Fall 2021 semester and disallow employees from using residential addresses that do not comply with this requirement as soon as possible, but by no later than the close of the Fall 2021 semester.** While we understand fully that the pandemic created a host of unusual circumstances that forced us to reshape our operations for the time being, the restrictions wrought by the pandemic have been declining, and it is anticipated that we will return to a mostly pre-pandemic work environment in the near future.

President Benton said that he has ascertained that: (1) there are no words in any CUNY document that requires this; (2) the author was the CUNY Office of Labor Relations which, in his mind, suggests they know there is no CUNY policy; and (3) for the searches in the fall, all will say the position is based in NYC. He said he can’t speculate what happens next.

## **8. Budget and Faculty Hiring Plan and Searches**

President Benton reported on an August 4th document from the provost to the chairs. He added that later today, at 4 pm, the Fiscal Planning Committee is meeting; at that time, we will learn what happened after the Budget Planning Committee approved the budget on August 24. We will also learn how CRRSSAA funds will be spent.

He then shared a chart he has created showing the number of full-time faculty per 1,000 f-t equivalent students at SUNY, CUNY, and John Jay from 2003 to 2019. In 2003 CUNY and SUNY had the same number but over the years the SUNY ratio goes up while the CUNY ratio goes down from 43 to 34. During this time, CUNY’s enrollment increased by 33% but SUNY’s enrollment increased by only 7%. As for John Jay, we had 31 f-t faculty per 1,000 FTE students in 2003 and 30 in 2019.

He then showed a second chart that he has created which shows CUNY and SUNY full-time faculty per 1,000 FTE students as well as the percentage of Black and Hispanic students. The chart shows that the colleges with the most FTE faculty per 1,000 FTE students have the fewest Black and Hispanic students and the colleges with the fewest FTE faculty per 1,000 FTE students have the greatest number of Black and Hispanic students.

The chart shows that the SUNY and CUNY colleges that have the most full-time faculty have the fewest Black and Hispanic students. This, he said, is an illustration of structural racism because it is a racist outcome for which no one can claim responsibility. He said the University Faculty Senate is sending a report with these charts to the CUNY Board of Trustees and to the governor and the majority leader of the Senate and Assembly and to the chairs of the higher education committees of the Senate and Assembly (both of whom happen to come from NYC). He said they might also send the report to the Civil Rights Division of the US Department of Education. He added that he and Karen said at the President’s Leadership Council the other day that our college’s achievements are *despite* terrible fiscal inequities.

President Benton said he would send copies of the report, with the charts and the data used for the charts, to the Senate members when the report is finalized.



He then shared a letter from Provost Li to the department chairs sent August 4, 2021, outlining the principles of his faculty hiring plan. Each year for the next three years, 10 substitute lines would be converted to tenure-track lines and searches would take place.

The meeting was adjourned at 2:55 pm.

Provided by Karen Kaplowitz