

**Faculty Senate Minutes #527
John Jay College of Criminal Justice**

Wednesday, September 14, 2021

1:40 PM

Zoom

Present (33): Alex Alexandrou, Chevy Alford, Andrea Balis, Ned Benton, Mohamed Ben Zid, 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, Vicente Lecuna, Anru Lee, Samantha Majic, Gerald Markowitz, Mickey Melendez, Patrick Raftery, Maureen Richards, Stephen Russell, Francis Sheehan, Charles Stone, Fritz Umbach, Adam Wandt, Violet Yu

Absent (5): Elton Beckett, Yuk-Ting (Joyce) Lau, Alexander Long, Hyunhee Park, Gregory Sheppard

Invited Guest: President Karol Mason

Guest: Professor Maria Volpe

Agenda

- 1. Adoption of the agenda**
- 2. Announcements**
- 3. Adoption of Minutes #526 of the September 1, 2021, meeting**
- 4. Election: Faculty Senate Technology Committee**
- 5. Reopening: Spring 2022 semester**
 - a. Update on Senate Questions**
 - b. CUNY letter about goals for Spring 2022**
 - c. Proposed Faculty Senate Resolution On Spring Schedule Modalities**
- 6. Guest: President Karol Mason**
- 7. Proposal to Extend the Queue of Honorary Degree Candidates by Two Years**
- 8. Proposed Resolution on Counting and Reporting of Regular Faculty Lines**
- 9. Proposed Resolution on Environmental-Social-Governance Investing by CUNY-related entities**
- 10. Status of the College Faculty Elections Committee**
- 11. New business**

1. Adoption of the Agenda. Approved.

2. Announcements

President Ned Benton reported that the two f-t faculty lines charts that he had created and had shared with the Senate at our last meeting have been sent to the chancellor, to the entire CUNY Board of Trustees, to the governor, the speaker of the Senate, the speaker of the Assembly speaker, ad to the two chairs of the Assembly and Senate higher education committees, both of whom are from NYC.

Senator Jerry Markowitz suggested that the UFS work with the PSC to lobby Albany. President Benton said the PSC has already been contacted and they are thinking of jointly filing a civil rights complaint, arguing the CUNY's underfunding is illegal.

VP Karen Kaplowitz noted that she and approximately 20 other faculty members had been plaintiffs in a lawsuit against the governor about 20 years ago because of the racial inequity of the funding of CUNY as compared to SUNY; the Center for Constitutional Law (CCL) had represented them *pro bono*. She recalled that although the suit was unsuccessful – it was a Republican administration at the time – the lawsuit provided a platform for press conferences and media coverage and said that perhaps the same course of action might be taken again. She also suggested that a large group of CUNY students and faculty could each speak for 3 minutes (the maximum allowed) at the CUNY Board of Trustees Borough Public Hearing for Manhattan which is in October; by having a large group, each person could read a few paragraphs of a long statement explaining the issues and the charts could be circulated at the same time. President Benton said this is a good idea.

3. Adoption of Minutes #526 of the September 1, 2021, meeting. Approved.

4. Election: Faculty Senate Technology Committee

The Faculty Senate elected two additional members to the Faculty Senate Technology Committee: Shweta Jain (Math & CS) and Marie-Michelle Strah (TLC Online Faculty Fellow).

5. Reopening: Spring 2022 semester:

a. Update on Senate Questions to administrators

The Senate had sent questions raised at the previous Senate meeting to the senior administration and posted their answers to the faculty using the Faculty Senate listserv.

b. CUNY letter about goals for Spring 2022

The VC for Academic Affairs & University Provost wrote to the presidents and provosts this month stating that CUNY's goal for the spring 2022 semester is 70% in-person/hyflex courses and 30% hybrid and online courses. Other goals are outlined in the communication. JJ's Reopening Committee had recommended against hyflex courses, in which the professor teaches students who are in the classroom while simultaneously teaching to students who are attending online and whose faces are on a screen; students enrolled in the course may switch back and forth between attending in person and attending virtually or they may use just one modality for the entire semester. (The Reopening Committee gave permission, with the Provost's agreement, to a few Science faculty who wanted to try the hyflex method.)

c. Proposed Faculty Senate Resolution On Spring Schedule Modalities

The Senate considered the following proposed resolution from the Senate's Executive Committee:

John Jay Faculty Senate Resolution on Spring 2022 Schedule Planning

Approved by unanimous vote, September 14, 2021

Whereas the Interim Vice Chancellor for Academic Affairs has announced Planning Guidelines for Spring 2022 including the following:

- Aim for 70% in-person/HyFlex courses and 30% hybrid and online courses.
- Select courses for hybrid/online that, to the best of your knowledge, match student needs as well as the likely future mix of program delivery modalities.
- Prioritize instructors for online/hybrid/HyFlex who have done at least one training sequence in those modalities and/or demonstrated success.
- Aside from unusual circumstances, all full-time faculty members should teach at least one in-person course on campus.

In support of these guidelines and CUNY's future evolution, the digital learning initiative will be announced in the coming weeks as well as the next round of faculty professional development.

Whereas, the Vice Chancellor's recommendations are inconsistent with John Jay College's objective to achieve equitable student success across all learning modalities;

Whereas, the Vice Chancellor's proposed limitation of hybrid and online instruction to 30% of scheduled sections is arbitrary. Goal 1 of the "Access and Completion" pillar of the CUNY Performance Management Process is to "expand online education." In Fall 2019, the percent of student FTEs in online and hybrid instruction ranged from 3.3% to 23.2% in the senior colleges, so that a 30% limitation leaves vastly different ranges of discretion for campuses to respond to continuing needs and preferences of students for online and hybrid instruction.

Whereas, "HyFlex" is not a teaching modality with a defined instructional workload for CUNY faculty, even though it requires two course preparations, two course deliveries, two examination and assignment modalities, two methods of documentation attendance, and two assessment plans to document student learning, with absolute autonomy for students to flip from one mode to another without notice or any limitation.

Therefore, the John Jay College Faculty Senate recommends that CUNY or John Jay College provide:

1. A survey of students and faculty as to what course modalities they need and prefer,
2. Timely sharing of the survey results with faculty and students as a basis for schedule planning,
3. A policy goal that students should be generally enabled to enroll in classes in modalities they need and prefer;
4. Agreement that an accurate title for simultaneous instruction in dual modalities should be "Simultaneous Dual Modality" (SDM) instruction, not "HyFlex" because the "HyFlex"

term is associated with commercial products and has many definitions but no specific meaning;

5. Agreement that SDM instruction not be used or mandated until there is a common CUNY definition and workload definition for simultaneous dual modality instruction;
6. Agreement that the SDM instruction shall not be used or mandated, beyond limited pilot projects with willing instructors, until the Senate Technology Committee assesses available technologies to support SDM instruction and identifies satisfactory technologies, if any, to be deployed;
7. Agreement that SDM courses not be counted as classroom-based instruction unless the instructor or the department or program can require classroom attendance when academically necessary, along with a minimum requirement for classroom attendance by students;
8. Agreement that faculty should not teach SDM courses without workload remuneration for two preparations and deliveries of the same class; and
9. Agreement that any instructional modality campus performance metric adjust for the historical rates of online instruction in campuses prior to the pandemic.

In response to Senator Sam Majic's suggestion that technology considerations be studied and assessed with regard to hyflex courses, the resolution was amended by adding item #6 above. The Resolution was then adopted by unanimous vote.

6. Guest: President Karol Mason

VP Karen Kaplowitz commented about the memorandum from VC Lemon, saying that she and many others would be ready to teach in person only when vaccination is mandated of faculty and staff and not just of students; that surveys should be conducted of students and of faculty, asking what modality they want for the spring semester; and that she and others are concerned about VC Lemon's emphasis on hyflex courses, noting that JJ's Reopening Committee had decided to not use hyflex courses (although a few Science faculty who wanted to try this method of simultaneous classroom and online teaching were permitted to do so). President Mason said VC Lemon's letter was meant for provosts only; it was not meant to be circulated. She stated that faculty will not be required to use hyflex courses. And she said she understands the reason for wanting surveys but the university is interested in returning to normalcy, in coming back to in-person instruction.

Senator Jerry Markowitz asked what will be the process for deciding how to use these wonderful federal funds, which provide a tremendous opportunity for JJ. President Mason said the focus will be on faculty hiring and academic student success. The college's Budget Planning Committee is working on this. She said she and VP Mark Flower are looking at an all-funds budgeting model.

Senator Marta-Laura Haynes followed up on Karen's statement in support of mandatory vaccinations for faculty and staff in addition to students. President Mason said she too supports mandatory vaccinations for faculty and staff but she doesn't have the authority to make that call.

President Benton said it is unfair for CUNY to call for 70% in person and no more than 30% online for the spring semester. He also said he doesn't know why hyflex is being counted as in-person instructions given that students could opt to attend all class meetings online. Unlike all the other CUNY campuses, John Jay had a high percentage – 20% -- of online courses prior to the pandemic, meaning that we have

a very small margin to accommodate students who want online courses in the spring compared to colleges that did no online teaching before the pandemic. President Mason said the goal is to get people back on campus. The driving factor is to open up the campus again. She said she hears his frustration but disagrees; she disagrees with the focus on what students need instead of political goals of returning to normalcy. She added that it's more than political; there's lots of data about the mental health impact of online instruction, and it still is not clear what kind of loss of learning has happened online; and there is also the competitive aspect because students want attend in person.

Senator Patrick Raftery said that given that we have \$42 million in federal money and \$8 million in recurring monies will be used for faculty hires, is asked how are we going to get money for one-time purchases, such as for the library, which he represents. President Mason said that VP Flower is sending this info to the BPC today, adding that in 2022 we are using \$2.6 million to add to our OTPS budget and in 2023 we are adding \$890,000 to OTPS.

President Mason said she recognizes the tension between expectation and reality as we return to campus and she hopes we will get excited and become comfortable about coming back. She asked that we let her know what will make us comfortable. Our collegiality, our connections, will be more meaningful and rich if we see each in person. This is true for the whole JJ community.

7. Proposal to Extend the Queue of Honorary Degree Candidates by Two Years

Because JJ has not had a commencement ceremony in two years, the Committee on Honorary Degrees, a committee of the Faculty Senate, is requesting that the Senate temporarily amend the rule whereby honorary degree candidates approved by the Senate who have not received a degree within three years are removed from the list of eligible candidates and therefore become illegible to receive an honorary degree; the Committee on Honorary Degrees is asking that the current queue of approved candidates be extended for an additional two years.

Senator Gerald Markowitz said that as a member of the Committee on Honorary Degrees he asks the Senate to grant the Committee's request. He explained that the Committee worked hard to propose them and the Senate worked hard to approved them. Because candidates may not receive an honorary degree unless they attend an academic convocation or commencement ceremony and because we have not had such a ceremony for two years, the request is to extend the queue of two years. The Senate unanimously voted to extend the queue for two years.

8. Proposed Resolution on Full-time Faculty Position Count Reporting

President Benton explained that at John Jay if one were to ask for how many full-time faculty we have per FTE students, we would get one number from HR; another number from the provost's office; another number from the workload reporting office; another number from our budget office; and yet another number which is the sent to IPEDS. He said there should be at least a simultaneous counting of numbers and a reconciling of those numbers annually. The Senate unanimously approved the following resolution:

Whereas, the number of full-time faculty, available to provide instruction and student engagement and advising services, is a critical factor in student success; and

Whereas, the College seeks to increase numbers of full-time faculty members; and

Whereas, consistent and reliable reporting of numbers of full-time faculty members is necessary to plan, implement and assess faculty hiring initiatives;

Therefore, the Faculty Senate recommends that:

1. The Office of Institutional Effectiveness regularly produce a report of the number of full-time faculty members as to the start of fall and spring semesters.
2. The report should include and reconcile counts produced using different methods including the counts in CUNY financial reports, IPEDS, CUNY performance reports, as well as counts produced by the Provost's Office and by the Office of Institutional Effectiveness.
3. The report should include metrics for at least five prior years.

9. Proposed Resolution on Environmental-Social-Governance Investing by CUNY-related entities

President Benton explained that in March the Senate had first visited the issue of responsible investing by CUNY but had not had time to develop a statement for the Senate to consider. The John Jay Foundation has adopted a statement about responsible investment of its own funds and the Student Council has just passed a much narrower statement about the subject – it focuses on calling on CUNY to divest from fossil fuels -- which it has asked the Senate to endorse. Instead the Executive Committee is proposing a broader statement, which includes a series of recommendations for adopting an environmental, social, and governance [ESG] standard for investment by CUNY investment entities. He noted that studies show that investments do as well or better using an ESG screen than those that don't because with such a screen one is managing risk. He added that if the following resolution is approved by the Senate, he would circulate it around CUNY.

Senator Chevy Alford asked if our resolution would include our pension funds in TIAA. President Benton say that it does not because CUNY cannot control TIAA investments; but we can do that ourselves by choosing socially responsible funds to invest in as individuals.

The Senate approved the following FS Statement on CUNY-Wide Investment Policy by unanimous vote:

John Jay Faculty Senate Statement on CUNY-Wide Investment Policy

Approved by unanimous vote September 14, 2021

CUNY engages in financial investing of non-tax-levy funds managed at the university level, and some CUNY campuses maintain related investment foundations that also engage in financial investing of non-tax-level funds. CUNY also offers defined contribution pension options that allow employees to invest defined contribution pension benefits into investment funds authorized by CUNY. Investing of New York State pension funds are managed by the State Comptroller and investing of New York City pension funds are managed by the NY City Comptroller.

The concept of socially responsible and sustainable investing focuses on three dimensions of organization performance:

- **Environmental:** climate change and carbon emissions, air and water pollution, biodiversity, deforestation, energy efficiency, waste management and water scarcity;
- **Social:** customer satisfaction, data protection and privacy, gender and diversity, employee engagement, community relations, human rights, labor standards; and
- **Governance:** board composition, audit oversight and committee structure, anti-corruption and bribery, executive compensation equity, lobbying, political contributions, and whistleblower provisions.

ESG investing is an evolving field of practice that includes the development and application of environmental, social and governance metrics to inform investment decision-making and performance assessment.

Academic and professional studies consistently find that portfolios and business organizations that apply criteria to select for investments with higher measures of social responsibility, sustainability and ESG values yield portfolio value results that are comparable to and sometimes better than comparable portfolios without such restrictions. The following are some examples:

- There was no statistical difference in means and volatilities generated from the socially responsible investing indexes and conventional indexes.^[1]
- Negative screens based on environmental and social scores neither add nor destroy portfolio value, when cut-off rates are not too high. Governance screens can significantly increase portfolio performance under similar conditions. Thus, investors in the European stock market can do (financially) well while doing (socially) good.^[2]
- Companies that developed organizational processes to measure, manage, and communicate performance on ESG issues in the early 1990s outperformed a carefully matched control group over the next 18 years.^[3]
- Firms with a better ESG record than their peers produced higher three-year returns, were more likely to become high-quality stocks, were less likely to have large price declines, and were less likely to go bankrupt.^[4]

ESG principles are applied to varying extents in investment funds related to CUNY. For example, the NYC New York City Pension Funds' Boards of Trustees has formally adopted an investment policy titled [Corporate Governance Principles and Proxy Voting Policies](#).^[5] The New York State Common Retirement Fund (Fund), valued at an estimated \$226 billion, has adopted a goal to transition its portfolio to net zero greenhouse gas emissions by 2040.^[6]

The John Jay College Foundation adopted its Policy on Investments on December 13, 2018, and the policy included the following:

SECTION 11. SOCIALLY RESPONSIBLE INVESTING

The Foundation seeks investments that align with its mission, and to avoid investments that do not adhere to responsible environmental, social, and governance (“ESG”) practices. The Foundation recognizes that certain ESG factors are part of a comprehensive investment evaluation process and can have a material effect on financial returns.

To this end, the Foundation seeks investment managers that actively incorporate such ESG factors into their investment decision making

The John Jay College of Criminal Justice Faculty Senate commends the John Jay College Foundation for adopting the above ESG investment policy in 2018. The Faculty Senate recommends that the CUNY Board of Trustees, and the trustees and managers of investment funds related to CUNY, including funds that are related investment entities of CUNY campuses and funds associated with CUNY, CUNY authorized pension options for employees, and NY City and NY State pension funds take the following steps.

1. Formally adopt and implement investment policies that reflect Environmental, Social and Governance (ESG) principles of responsible investing.
2. Implement transparent financial performance reports that regularly report investment performance generally and for ESG performance.
3. With the CUNY Board of Trustees taking the lead for CUNY central investment funds, develop and implement a standard reporting format so that performance across CUNY, including and the related entity investment funds for campuses, can be reported to faculty, staff and students across the university

1 Managi, Shunsuke, Tatsuyoshi Okimoto, and Akimi Matsuda. "Do Socially Responsible Investment Indexes Outperform Conventional Indexes?" *Applied financial economics* 22.18 (2012): 1511-1527. Web. 2 Benjamin R. Auer. "Do Socially Responsible Investment Policies Add or Destroy European Stock Portfolio Value?" *Journal of business ethics* 135.2 (2016): 381–397. Web. 3 ECCLES, R. G.; IOANNOU, I.; SERAFEIM, G. The Impact of Corporate Sustainability on Organizational Processes and Performance. *Management Science*, [s. l.], v. 60, n. 11, p. 2835–2857, 2014. DOI 10.1287/mnsc.2014.1984. 4 https://www.iccr.org/sites/default/files/page_attachments/esg_part_2_deeper_dive_bof_of_a_june_2017.pdf 5 https://comptroller.nyc.gov/wp-content/uploads/documents/NYCERS-Corporate-Governance-Principles-andProxy-Voting-Guidelines_April-2016-Revised-April-2017.pdf 6 <https://www.osc.state.ny.us/press/releases/2020/12/new-york-state-pension-fund-sets-2040-net-zero-carbonemissions-target>

10. Status of the College Faculty Elections Committee (FEC)

VP Kaplowitz explained that historically a 5-member Faculty Elections Committee [FEC] has counted the ballots in faculty-side elections, such as for at-large members of the Faculty Senate and for at-large members of the Faculty Personnel Committee. But our elections during the past two years, because of the pandemic, have been done electronically, thus obviating the need to count hundreds of paper ballots. And because many more faculty have voted in these electronic elections, probably because of the convenience of voting this way, it is expected that henceforth college-wide elections will be conducted electronically. It is, therefore, understandable that during this month's call for members of college committees, no one volunteered to serve on the 5-member Faculty Elections Committee, in contrast to past years when all the seats – and seats for alternates – were easily filled. The question is, therefore, whether we should end the existence of the FEC. She noted that the college's Bylaws require the FEC but the Bylaws can be amended by vote of the College Council, unlike the Charter whose amendment requires not only approval of the College Council but of the CUNY Board of Trustees.

Senator Maureen Richards said that she, who has served on the FEC, and Professor Maria Kiriakova, who has long been the chair of the FEC, agree that electronic voting makes sense. She explained, though, that in addition to counting the paper ballots, the FEC would check whether every eligible voter received a ballot and whether there is a match between those who receive a ballot and those who vote. She added that she and Professor Kiriakova today sent a copy of the report template that the FEC used to Ned and Karen when they saw this item on today's agenda. President Benton expressed his appreciation and said the Executive Committee would review the report form.

The meeting was adjourned at 3:03 pm.

Provided by Karen Kaplowitz