

Faculty Senate Minutes #531
John Jay College of Criminal Justice

Monday, November 8, 2021

1:40 PM

Zoom

Present (34): Alex Alexandrou, Chevy Alford, Andrea Balis, Elton Beckett, Ned Benton, Mohamed Ben Zid, David Brotherton, Marta Concheiro-Guisan, Lissette Delgado-Cruzata, Jonathan Epstein, Jessica Gordon-Nembhard, John Gutierrez, Maki Haberfeld, Jay Hamilton, Marta-Laura Haynes, Christopher Herrmann, Karen Kaplowitz, Catherine Kemp, Erica King-Toler, Yuk-Ting (Joyce) Lau, Vicente Lecuna, Anru Lee, Alexander Long, Samantha Majic, Gerald Markowitz, Mickey Melendez, Patrick Raftery, Maureen Richards, Stephen Russell, Francis Sheehan, Charles Stone, Fritz Umbach, Adam Wandt, Violet Yu

Absent (4): Heath Grant, Veronica Johnson, Hyunhee Park, Gregory Sheppard

Agenda

- 1. Adoption of the agenda**
- 2. Announcements**
 - **Report of the Senate Spring 2022 Registration Student Preferences Survey**
- 3. Approval of the Minutes #530 of October 26, 2021, meeting**
- 4. Proposed resolution on student attendance policies for Spring 2022**
- 5. Potential Contract Issue of mandatory face-to-face instruction**
- 6. Invited Guest: President Mason**
- 7. Update: The Senate's Resolution on Online Excellence Referred to GSSC and UCASC**
- 8. Expectations of the College Council Executive Committee about Bylaws Revisions**
- 9. Sources of Funding for Initiatives of the Racial Justice & Inclusion Committee**
- 10. Future Status of the Faculty Elections Committee**

1. Adoption of the agenda. Approved.

2. Announcements.

President Ned Benton reported that the Senate's survey of student preference among course modalities shows that most prefer online synchronous classes. This reinforces our anecdotal reports that our students do not like asynchronous learning and reinforces the position the Senate is taking to the Online Excellence initiative, that the initiative should be providing for all modalities.

3. Adoption of Minutes #530 of the October 26, 2021, meeting. Approved.

4. Proposed resolution on student attendance policies for Spring 2022

The Executive Committee presented a proposed resolution on a range of ways for the college to cope with the likelihood that our students will register for in-person courses because there will be far fewer online course sections offered in the spring 2022 semester due to the Chancellery's mandate of 70% in-person course sections. After extensive discussion, the resolution was not acted upon because it was determined to not be sufficiently ripe for action at this time.

5. Potential Contract Issue of Mandatory Face-to-Face Instruction

Senator Jerry Markowitz reported that he and Senator Fritz Umbach have not yet received a further response from the PSC contract enforcement person. Senator Umbach said the initial reading by the PSC contract enforcement person is that she agrees with us but that further readings are required. Our local PSC chapter has written to her to get further updates.

6. Invited Guest: President Mason

President Mason said she is excited by the increasing normalcy of life on campus. She looks forward to a full return to the college we all joined, in other words, she is looking forward to engaging with each other and being a thriving community, which is what our students need. They need to see us, engage with us. She said she loves being back also because there is less misunderstanding when we meet in person and talk with each other than when we meet by screen. When we are fully present we do so much better.

Senator Sam Majic said she understands the arguments for being on campus and that she, in fact, prefers teaching in person, but her concern is the current poor state of classroom technology. Her projector dies every 15 minutes, there are supply-chain issues. She wondered how we are going to get everyone back when so much simply doesn't work. President Mason said that Joe Laub has ordered lots of equipment and updates. She also recalled that we managed to teach in the past without technology.

Senator Fritz Umbach said that he, too, prefers to teach in person and is, in fact, one of only three faculty members in his department who is teaching in person. He is teaching two courses in person and one online. He said he's concerned that next semester, with the decreased offering of online sections, students will sign up for in-person sections because nothing else is available and they will then ask their professors for flexibility because of the challenges that the pandemic poses for them. Because College Council policy requires that flexibility provided to one student must be given to all students at the same time, he was wondering if he might be permitted to turn some class meetings into online meetings.

President Mason said the policy of the College Council that was referenced was created by the faculty because the faculty control the College Council and, additionally, that policy is about giving a student extra course work to enable a student to improve his or her final grade and it is

not about any other kind of flexibility. She said professors have been flexible in the past when students have challenges and that they should continue to use that same flexibility.

President Benton said the concern that he hears from faculty is that because there are going to mostly face-to-face classes, students will enroll in those classes and then discover they can't attend. We're used to having one or two students with challenges; if we're talking about five or ten students who need different accommodations, a lack of flexibility regarding teaching modalities in the coming semester is different than we've had in the past. President Mason said that before the pandemic, 22 percent of our courses was online and now we have to orient students back to knowing they have to attend classes in person. We're going back to the pre-Covid world. In-person is better for their learning and development. Lots of pre-Covid concerns were that reliance on technology impairs social skills and impedes development. John Jay is not an undergraduate online institution. Students adapt. CUNY is one of last higher education institutions that is not fully back in person.

Senate Erica King-Toler asked about the status of our physical plant, especially the air quality. President Mason said outside air quality experts have given our air quality good grades and the physical plant is very clean. Never during the pandemic was it unoccupied. Additionally, we were able to advance lots of work to improve the physical plant during the shutdown.

VP Kaplowitz asked about our budget. She noted that at the last meeting of the Budget Planning Subcommittee, we were told that, like several other CUNY colleges, John Jay's fiscal plan for this year and the next were approved but that our fiscal plan for 2023-24 was not, because it was not projected to be a balanced budget. President Mason acknowledged that our budget for 2023-24 will be in deficit. CUNY wants a conversation with us about how to deal with this projected budget. She explained that long ago we pointed out to CUNY that we have a structural budget deficit. The federal recovery monies will expire after next year. Covid was horrible but it saved us financially and enabled us to think about how we will manage in future years. VP Mark Flower is developing an all-purpose budget. In actuality, we've never relied only on our tax-levy budget. But she wants us to think more holistically. The Chancellor has created a taskforce to study senior college budget allocations and she has been appointed to it. The taskforce is to report by April 2022. She said that studying the senior college budget allocation at CUNY is not going to solve John Jay's budget problems but it will make the process transparent, which it is not now. The Chancellor is working with the new Governor and she testified before the Higher Education Committee two weeks ago. She also moderated a NYS Legislature panel on higher education.

Senator Jerry Markowitz asked how the recovery money we received from the federal government is being spent. He asked if there is a document we can look at. President Mason said the budget committee saw that document; the key is what the federal government says we can and cannot do with that money. Her priority is to move the federal money into our general fund, which is how we can use it to help with our budget deficits. Some specifics are that we are spending the money on technology, faculty hiring (her top priority), and faculty development.

She noted that we're not permitted to hire faculty with the federal recovery funds but she was able to move the federal funds into our budget which will free up other monies to hire faculty.

President Benton raised the issue of the Online Excellence project, the \$2 million project to improve our online instruction for the future. He said the Senate is very supportive of efforts to improve our online instruction but that we disagree with Allison Pease and Judith Cahn about their focus. The Senate has asked that they use the \$2 million to equally support online teaching – including zoom, hybrid, asynchronous -- and in-person teaching. We'd like to see a balance in the three modalities. He asked if she had had a chance to think about this and offer any guidance.

President Mason said we are not permitted to use the federal recovery monies to help with zoom instruction, only with asynchronous instruction. President Ned Benton said we never heard anything to this effect. [Ed: Inquiries after the Senate meeting revealed that President Mason's statement was in error; President Mason apologized for this error.]

When President Benton repeated that we would like to see a balance among the three modalities, President Mason said it is too late; we already submitted the proposal to CUNY to spend \$2 million on asynchronous courses. She said she doesn't want to undermine our efforts to make online instruction successful; therefore, we need to find other money for other modalities. She noted that our new vice president for institution advancement, Ketura Parker, started today. VP Parker raised \$13.2 million last year at the University of North Carolina at Chapel Hill, despite the Covid pandemic.

7. Update: The Senate's Resolution on Online Excellence Referred to GSSC and UCASC

President Benton reported that he has sent the Senate's resolution on the Online Excellence initiative to both UCASC and GSC.

8. Expectations of the College Council Executive Committee about Bylaws Revisions

President Benton reported that President Mason has asked him to report to the College Council about department and program bylaws, which have been required by the College's Charter since 2007 when the Charter was amended. Before that, few departments and programs had bylaws and as a result rules often changed from year to year. The College Charter also mandates that the bylaws of each department and program s be approved by the Executive Committee of the College Council [ECCC] and that any amendments to bylaws also be approved by the ECCC.

The following is President Benton's Draft Comments on Department and Program Bylaws, for comment by the Senate:

When the College Charter was approved in ____ few departments or programs had bylaws, but the Charter mandated them. The ECCC was designated to review the

proposed bylaws, and any subsequent revisions of the bylaws. This was done primarily to save time for the College Council.

The ECCC was supposed review each bylaw to, at least, avoid violations of state laws, CUNY regulations, College Charter requirements and labor agreement provisions. For example, the CUNY Regulations and Charter provisions designated who could vote in department elections and, at the time, some departments allowed ineligible instructors to vote.

More recently we have encountered variance in election rules relating to resolving failed elections. There have also been issues involving how program faculty lose their membership status and lose their right to vote.

In summary, when a new bylaw or a revised bylaw is submitted, the ECCC is designated to review and approve the proposal, based on advice of legal counsel, to assure, at a minimum, that the proposed revision complies with state laws, CUNY regulations, College Charter requirements and labor agreement provisions. The ECCC could, in reviewing the proposal, find other concerns that might be a basis for withholding approval.

VP Kaplowitz noted that the Charter is silent on undergraduate programs that are not affiliated with any department and, as a result, those programs either do not have bylaws or have bylaws that have not been vetted by legal counsel nor approved by the ECCC. President Benton suggested that the Charter needs to be amended accordingly.

9. Possible Sources of Funding for Initiatives of the Racial Justice & Inclusion Committee

President Benton reported that the Senate's Committee on Racial Justice & Inclusion has requested funding for its activities, most notably for its research agenda. He explained that the Senate doesn't have a budget. On the other hand, there are great opportunities within Covid monies to carve out some funds. Senator Jessica Nembhard-Gordon, the chair of the RJ&I Committee, explained that they sent the budget request not knowing if the Senate receives a budget and to open up discussion about the matter. She has already hired a good student as a work study student using her own research funds but she doesn't think it should be her responsibility to fund a student doing research for a Faculty Senate committee. She noted that we are all struggling with ways to put in time and administrative support. President Benton agreed saying that possible sources of funding will be explored.

10. Future Status of the Faculty Elections Committee

VP Kaplowitz reported that, as promised at the last Senate meeting, she consulted with Tony Balkisoon, the college's legal counsel, who said that it is his opinion that further certification of election results, after SimplyVoting issues theirs, is unnecessary. President Benton said the

executive committee will draft a resolution, for our next meeting, to propose the discontinuation of the Faculty Election Committee.

The meeting was adjourned at 2:59 pm.

Submitted by Karen Kaplowitz