

**Faculty Senate Minutes #532**  
**John Jay College of Criminal Justice**

**Friday, December 3, 2021**

**10:00 AM**

**Zoom**

**Present (37): 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, 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, Vicente Lecuna, Anru Lee, Alexander Long, Samantha Majic, Gerald Markowitz, Mickey Melendez, Patrick Raftery, Maureen Richards, Stephen Russell, Francis Sheehan, Gregory Sheppard, Charles Stone, Fritz Umbach, Adam Wandt, Violet Yu**

**Absent (1): Hyunhee Park**

**Invited Guests: Professor Angelique Corthals, VP Mark Flower, Provost Yi Li, AP Allison Pease**

**Guest: Professor Marta-Laura Suska**

**AGENDA**

- 1. Announcements**
- 2. Adoption of agenda**
- 3. Approval of Draft Minutes #531 of the November 8, 2021, meeting**
- 4. Senate Elections**
  - a. Election to fill 2 delegate seats & 2 alternate delegate seats on the UFS**
  - b. Election of a f-t faculty member to fill a vacancy on the Faculty Senate**
  - c. Election of a Senator to the College Council to fill a vacant seat**
  - d. Election of a Senator to the College Council as an alternate member**
  - e. Election of a Senator to the College Council Executive Committee to fill a vacant seat**
- 5. Follow-up report on Senate's Resolution on the Online Excellence Initiative**
- 6. Invited guest: Provost Yi Li**
- 7. Discussion about Updating the 2013 College Council Policy on Distance Learning**
- 8. Consideration of Proposed Resolutions to amend the College Council Bylaws**
  - a. Eliminate the Faculty Elections Committee**
  - b. Require non-departmental majors and undergraduate programs to have bylaws**
- 9. Consideration of the JJ Bulletin Language about classroom attendance**
- 10. Discussion about Senate Leadership**

**11. Invited Guests: VP Mark Flower and Professor Angelique Corthals on pandemic plans and Omicron**

**12. New Business**

1. **Adoption of the agenda.** Approved.

2. **Announcements**

President Benton reported that CUNY's new commutable proximity requirement whereby faculty must be within commutable distance to their CUNY college is in effect for the spring semester and that he anticipates lots of problems for faculty.

Speaking about his report on the inequity between full-time faculty lines at SUNY and CUNY and about the inequity of full-time faculty lines between those SUNY and CUNY colleges that have fewer versus more students of color, he said he is working closely with the PSC lobbyist and is pleased to report that there is strong support for redressing the situation in the NYS Assembly and in the Attorney General's Office. VP Kaplowitz congratulated and thanked Ned for his splendid work on this initiative.

VP Karen Kaplowitz reported that the other day she learned by chance – only because she attended the Town Meeting – that a commencement ceremony for the classes of 2020 and 2021 is scheduled for January 11 at Barclays Stadium in Brooklyn. She said she was shocked to hear VP Brian Kerr report this and she then asked if faculty will be expected to process in their academic regalia and the answer was yes. She said faculty have always been consulted about commencement and other academic ceremonies until now. She said she thinks January 11 is a terrible date since so many faculty will be away for research and travel to academic conferences, because it is only a month away and plans have been made, because the pandemic is still raging and it does not make sense to ask thousands of people to travel by public transportation and to sit for hours and hours in a huge indoor stadium. She suggested we raise this with Provost Li when he meets with us later in the meeting. Senators concurred. A senator suggested we poll the Senators to see what percentage are unable to attend if the event were, indeed, held on January 11. An anonymous electronic poll was taken: 88% of the 37 senators reported they would be *unable to attend*. Senator Fritz Umbach asked if the contract with Barclays has already been signed. VP Kaplowitz said she would email Tony Balkisoon, the legal counsel who reviews contracts, and will report when she receives an answer from him.

3. **Adoption of Minutes #531 of the November 8, 2021, meeting.** Approved.

4. **Senate Elections:**

a. **Election to fill 2 delegate seats & 2 alternate delegate seats on the UFS**

Ned Benton (Public Management) and Karen Kaplowitz (English) were elected to the UFS delegate seats. Glenn Corbett (SFEM) and Marie-Helen Maras (SFEM) were elected to the alternate UFS delegate seats.

**b. Election of a f-t faculty member to fill a vacant seat on the Faculty Senate**

Mohammad Islam (Math & CS) was elected.

**c. Election of a Senator to the College Council to fill a vacant seat**

Heath Grant (LPS) was elected.

**d. Election of a Senator to the College Council as an alternate member**

Mohamad Islam (Math & CS) was elected.

**e. Election of a Senator to the College Council Executive Committee to fill a vacant seat**

Fritz Umbach (History) was elected.

**5. Follow-up report on Senate's Resolution on the Online Excellence Initiative**

President Benton reported that the Senate's resolution on the Online Excellence Initiative was unanimously endorsed by the Graduate Studies Committee and has been placed by Dean Byrne on the agenda of the December 17 meeting of UCASC.

**6. Invited guest: Provost Yi Li**

Provost Li reported that we're at 63% in-person registration and implored faculty to not change their course modality without explicit support of their chair or graduate director as well as approval by the provost; he also implored faculty who teach in person, including hybrid, to not give any student permission to stay completely online so that the student can avoid the vaccination mandate. He said students have already been receiving messages about the need to upload their vaccination status: texts, cards, emails are being sent. Kathy Killoran and Sofia Morote's team will only cancel courses when really necessary. Courses required for graduation will be very carefully evaluated.

Senator Erica King-Toler objected to permitting students to register who are not yet vaccinated, saying we must communicate as clearly as possible. Yi agreed saying that many provosts have said that at meetings with the vice chancellor; many provosts disagree about the 10-day period for uploading vaccination information. CUNY's rationale to keep the 10-day deadline is that they see a pattern of increased vaccination when that is the extent of the deadline. At John Jay, 1800 or 1900 students weren't vaccinated and ultimately only 239 were disenrolled.

Senator Maki Haberfeld said the employee commuting policy presents a potential crisis for LPS Department if it extends to adjuncts because 35%-45% of LPS sections would have to be

cancelled. Provost Yi asked her to send him in writing specific information about his so that he may discuss it with HR, noting he has not paid sufficient attention to this new directive.

President Benton said he hadn't realized that the language of memo says "employees" have to live within commuting distance of NYC and that, therefore, this language extends the policy to adjuncts. Noting that we employ adjuncts from all over the world, he said the great thing about our online programs is that we recruit from among the best people from all over the world. He called it crazy to limit hiring to the NYC area. CUNY says it's a payroll issue and yet they already do have employees from all over and, furthermore, the employee (not CUNY) has the burden of paying the taxes in the state in which they reside. It's going to be a total disaster, in his opinion.

VP Kaplowitz reviewed the situation of the recently announced commencement ceremony set for January 11. She also reported that Tony Balkisoon, the college's legal counsel, has responded to her email; he is still reviewing the contract, which has not yet been signed. She added that she wrote again to him asking him to hold off giving the contract to President Mason, as there is a problem with the date. Provost Li said he will discuss this matter with President Mason.

## **7. Discussion about Updating the 2013 College Council Policy on Distance Learning: invited guest: AVP Allison Pease**

President Benton noted that the college's "Policy for Online Programs and Courses" was approved by the College Council in 2013 and, in the opinion of the Senate's executive committee, needs updating. Associate Provost Allison Pease is here as our invited guest because DOES reports to her. He enumerated possible changes to our online policy:

A.2 Delete the Middle States guidelines and best practices as they are obsolete. Consider adding the OSCQR (Open SUNY Course Quality Review) standards.

B.1 Separate the definition of a fully online course into two definitions, and renumber the rest. It currently says:

- B.1 A fully online course is a course in which 80% or more of the content is delivered online, typically requiring no face-to-face class meetings.

Proposed Change to:

- B.1 A synchronous fully online course is a course in which 100% of the content is delivered online, requiring at least 50% of class meetings in real time corresponding to class periods, with students and instructors attending together from different locations.
- B.2 An asynchronous fully online course is a course in which 100% of the content is delivered online, with students accessing class materials during different hours and from different locations.

D.1.c Replace with same guidelines as in the proposed revision of A.2.

AVP Pease said that she wants to hear what the faculty want changed, adding that she, too, wants to add the SUNY rubric.

Senator Adam Wandt said he understands scheduling and administrative benefits for making hybrid 50/50 (half online and half in person). But having taught online for many years, he believes the best method is for faculty to do what makes sense for them for each course they teach. He taught using the 50/50 model but now he's teaching 75/25 (75% online and 25% in person.) Faculty should be given discretion to do what's best for the students and the course.

President Benton said we do need a definition of hybrid for the person who does the scheduling in the registrar's office. The registrar has expressed concern about being transparent to students. It's difficult in CUNYFirst to describe hybrid classes if every hybrid class is different. AVP Pease said it's also very confusing to students if every hybrid is different. She also noted the space issue: a classroom can be used for two classes if it is offered 50/50. She added that this should go through the Standards Subcommittee of UCASC. President Benton pointed out that if the Senate is the first proposer, the issue gets discussed in both undergraduate and graduate studies, but if it goes to UCASC, then the Graduate Studies Committee is usually not involved.

AVP Pease said there are even more sections of the policy that need updating than Ned has identified. For example, E2, which is about assessment strategies, which is something we've been out of step with since the pandemic began. We should have lots of low-stakes assignments, in her opinion. Also, CUNY isn't supporting remote proctoring or student identity verification technologies and so they should be removed from the policy.

AVP Pease also asked about F1 and F2, which require faculty to either prove their proficiency in using Blackboard or to complete a faculty development program in order to be permitted to teach online. She suggested that we may want to offer an easier approach, given that faculty have been teaching online.

## **8. Consideration of Proposed Resolutions to amend the College Council Bylaws**

### **a. Eliminate the Faculty Elections Committee**

The first proposal is to eliminate the following text from the Bylaws:

There shall be a Committee on Faculty Elections which shall conduct faculty elections. The committee shall be comprised of five (5) full-time members of the faculty, as defined in Article I, Section 3.a.i of the Charter. The reason is because this committee traditionally administered college-wide elections in which the faculty is the electorate. These elections are now conducted electronically, and the Senate and the Provost's Office organizes various college-wide faculty elections and the Department of Information Technology conducts the elections.

A motion to propose that the College Council so amend the Bylaws was approved by unanimous vote.

**b. Require non-departmental majors and undergraduate programs to have bylaws**

The proposed amendment is to add the following language: Non-departmental majors shall adopt bylaws, which shall be subject to review and approval by the Executive Committee.

The rationale is that most undergraduate majors are administered by departments according to provisions in their departmental bylaws. Non-departmental majors, sometimes called programs, need governance bylaws to provide clear ways for faculty to hold elections and oversee curriculum.

**9. Consideration of the JJ Bulletin Language about classroom attendance**

The issue here is that faculty are often told by their students that CUNY is a non-attendance taking university and that, therefore, the professor has no authority to base part of their grade on their class attendance. VP Kaplowitz explained that CUNY's designation is for legal purposes only. If CUNY were an attendance taking institution, we would be subject to attendance audits by the federal government and subject to huge fines if any infractions were discovered. Before CUNY changed its designation to non-attendance taking, all faculty had to submit their attendance records for every course every semester to the registrar at the same time that they submitted final grades. In doing so, we were attesting to the presence or absence so recorded. At a different CUNY college during that period, a student who was arrested by the police gave as his alibi his presence in class. The professor was asked to provide sworn testimony that that was where this student was on that date, at that time. The professor declined to do so as he could not be absolutely certain that his attendance taking was accurate.

The point is, she said, that faculty have every right to take attendance and, indeed, some would say they have a pedagogical duty to do so. So the question is, how can faculty be informed of their right to take attendance and of the meaning of the "non-attendance taking institution."

Senators reported having had received these assertions from their students many times; some Senators reported that administrators did not back them up. Some said they stopped taking attendance, although they want to, because they believed that not being an attendance-taking university prohibited them from doing so.

The following language from the undergraduate and graduate bulletins make clear that faculty may take attendance and factor attendance into final grades. But several Senators pointed out that we no longer receive paper versions of the bulletins and that, therefore, they never refer to them and that it is unlikely any faculty do so. And students simply don't read the bulletins, especially now when they are online only. The need was expressed for a way to let the faculty (and students) to know what the policy means.

The following language of the undergraduate and graduate bulletins was made available to the senators:

**Undergraduate Bulletin:**

**Standard Courses:** Students are expected to attend all class meetings as scheduled. Excessive absence may result in a failing grade for the course and may result in the loss of financial aid. The number of absences that constitute excessive absence is determined by the individual instructor, who announces attendance guidelines at the beginning of the semester in the course syllabus. Students who register during the Change of Program period after classes have begun are responsible for the individual course attendance policy, effective from the first day of the semester.

**Developmental Courses:** In developmental courses, students are automatically considered excessively absent if their absences exceed the number of times a class meets in any two-week period and are not eligible for passing grades. In classes that meet once a week, more than two absences are excessive. In classes that meet twice a week, more than four absences are excessive. In classes that meet three times a week, more than six absences are excessive.

**Graduate Bulletin:** Class attendance and participation are factors in assessing student performance. Faculty will advise students at the beginning of the semester of attendance requirements.

The Senate unanimously voted that the Senate place on the agenda of the College Council a statement to be issued by the College Council, if approved, stating that CUNY is a non-attendance-taking university, that then explains what that means legally, that then explains what that means in practice for faculty and students, that explains what choices are therefore available to faculty. If adopted by the College Council, the statement would be circulated to the faculty and would be included, as appropriately modified in terms of length, on the model undergraduate syllabus and the model graduate syllabus. The executive committee will share the proposed statement with the Senate before submitting it to the College Council.

**10. Discussion about Senate Leadership**

President Benton reported that the executive committee has started to engage discussion about succession and continuity in the leadership of the Senate. This is not a coded way of saying he is quitting, because he is not, he said. He plans to serve, if elected, next year because next year is the final year of the Middle States self-study and site visit. He said he does not expect to serve the following year; but that might change. He invited discussion if senators want to assume a leadership or semi-leadership role. He recommended that such people consider serving on the executive committee next year and in that way they will be included in all the issues during the year and see firsthand how the Senate functions. He invited senators to consider a leadership role and those even thinking of it should tell a member of the executive

committee so we can strategize. In the end, of course, the Senate votes. This is not an attempt to rig anything. There is no leadership crisis, he said, adding that we want to do a really good job of transition.

Senator Erica King-Toler said she would like him and Karen to talk about what it's like to be a leader.

President Benton said it's extraordinarily interesting because you're in the middle of everything; you learn about everything; you're asked about everything; then you have to find how to respond. There are so many levers as a result and as a result there are so many ways to shape what goes on. It's a challenging job because of the role of the Senate in recommending faculty for all the college committees. The Senate president receives two courses of reassigned time each year. He assigns one of those courses to Karen. Things come up suddenly and sometimes it's necessary to respond immediately, such as the grading crisis during the pandemic.

It's a lot of work of many varieties. In some ways there's the whistleblower role: a faculty member comes to us and reports something, which we investigate and then say to the president or provost or registrar, etc.: "we have heard." Then there's the dance with the union, which has a special role to guard the contract and which is in charge of terms and conditions of employment; we try to not step on the union's toes and the union respects our role, but when the Senate and the union can collaborate, it's fabulous.

VP Kaplowitz said it is a wonderful experience, which she quite simply loves. Many faculty privately turn to us for confidential advice or help and that's very satisfying. She said this is a wonderful time to consider a leadership role, because President Mason and Provost Li really respect the Senate and turn to us for advice or partnership. And so do many, many other administrators. That was much less true for our previous president and absolutely untrue for the president before him. It's a pleasure to work with this administration: there's real respect and trust. She said it's a lot of work one must do because one's credibility can easily be lost. You have to know what you're talking about, which entails reading documents, checking facts, garnering pros and cons. There's lots of homework to do, lots of consultation to do, lots of follow-up and implementation of decisions made by the Senate. It's very time-consuming but gratifying, especially when people express their appreciation, which is, unfortunately, very rare. If you do the job well, it's taken more or less for granted.

Senator Jessica Gordon-Nembhard said we need more diversity in the Senate, more diversity on the executive committee (although we do have some), more diversity in terms of the president and vice president of the Senate. She said those open to the possibility of taking on leadership roles should ask questions of themselves such as: what kinds of support would you want; what kinds of obstacles are there for you. She noted that some of us who are faculty of color are overwhelmed already.



## **11. Invited Guests: VP Mark Flower and Professor Angelique Corthals on pandemic plans and Omicron**

Professor Angelique Corthals (Sciences) explained that the COVID-19 virus will have lots and lots of mutations and we won't know what each mutation will do. What's particularly scary is that lots of the mutations are on the spike portion that attaches to human cells, which may enhance its ability to attach including those who are vaccinated. 59% have been vaccinated in the US but only 24% of that 59% have had their booster vaccination.

President Benton asked her opinion about holding an in-person commencement ceremony on January 11. Professor Corthals said that from the pandemic point of view, she does not think it is wise. January 11 is right after the holidays, after lots of travel. May/June would be better.

Asked by Senator Jessica Gordon-Nembhard whether she would travel, Professor Corthals said she would not travel to Africa. As for domestic travel, we should follow precautions: in the airport, wear N95 masks, but on the plane it's ok to wear just a surgical mask. Asked how to pick the right mask, she said we should not buy from Amazon because there are too many counterfeits; we should be suspicious of masks marked with a K such as KN95 because that is a Chinese nomination and doesn't meet the same requirements as the U.S. models. She advised everyone to buy directly from 3M.

VP Mark Flower reported that we have 2,315 active employees at JJ; as of November 30, only 1342 employees (58%) have uploaded vaccination information. On December 17, CUNY started random pool testing for those vaccinated. He advised those who are not on campus to let him know so that their names can be removed from the pool of those who are subject to random testing. When such people return to campus, he can reactivate them in CUNYFirst. CUNY's testing site will only test those not vaccinated or in random pool testing. Those selected for pool testing must use one of 20 CUNY testing sites. The good news is that, at least in the first group, there were no positive tests. There have been self-reported infections and tracing. Those who are contacted in the tracing process have to be tested on their own, not at CUNY testing sites. He added that we don't want public safety officers to be the mask police and so everyone should do this when they see people on campus without a mask.

Senator Adam Wandt asked what happens if a faculty member refuses to do the testing. VP Flower said a person selected for random testing who refuses to be tested will not be permitted onto campus.

President Benton asked about CUNY's commutable proximity requirement. He noted that the requirement is framed as applying to "all employees" and, therefore, adjuncts are in that net. Yet we employ adjuncts from all over the country for our online courses; departments have dozens of adjuncts on the schedule for the spring semester who are not in the commutable distance perimeters. Will this affect the status of these people, he asked.

VP Flower said we have been raising two issues with CUNY. First, CUNY has no workplace policy and, in fact, we have medical exceptions and remote work agreements already in place. Second, CUNY doesn't have a good way of applying tax policy for people who live distant locations. President Benton noted that these people have been employed by us for many years. VP Flower said VP Oswald Fraser, our vice president for human resources, says that there has always been a requirement to live in the metropolitan area. President Benton said there's no actual policy and now, for the first time, job descriptions say the job is in NYC. He noted that the concern of the chairs is that we can't be in a situation of scheduling classes and then having to fire them because they are the ones who will be teaching those classes.

## **12. New Business**

### **a. Covid and the Spring Semester**

President Benton suggested that the Senate adopt a resolution alerting faculty to the likelihood of having to pivot at the beginning of the spring semester to online teaching. Senator Cathy Kemp said that in her department, Philosophy, most of the in-person instruction is conducted by adjuncts and so she agrees that a signaling to them is needed. She said that a resolution should speak to the need for contingency planning. Senator Jerry Markowitz said that the John Jay chapter of the PSC has a labor/management meeting scheduled for Monday and a Senate resolution would be a good way to signal the administration about the seriousness of this situation.

The following resolution was adopted by unanimous vote:

### **Resolution: Course Modality Contingency Planning**

#### **The John Jay College Faculty Senate**

- **Reaffirms** John Jay's Strategic Goal One to educate and support our undergraduate and graduate students at every step of their John Jay journey;
- **Supports** the excellent work of our administrators, faculty, and staff in designing and implementing CUNY policies and college plans during this pandemic, with the goal of a healthy and safe spring 2022 semester;
- **Appreciates** the loyalty and dedication of our students to John Jay and their cooperation with masking guidelines and vaccine mandates;
- **Expresses** concerns about the spring 2022 schedule which consists of 64% or more traditional in-person classroom sections when students expressed preference for no more than 25% of such sections, citing career, home, and family commitments and challenges during the ongoing pandemic;
- **Acknowledges** uncertainties about unfolding pandemic conditions such as a potential surge in post-holiday travel and winter cases and the effects of the Omicron variant;

- **Recognizes** that state, city, and university – but not John Jay – authorities determine the stages and degrees of in-person access for instruction, and that such authorities can advance or reverse stages based on conditions encountered;
- **Encourages** John Jay instructors to develop spring 2022 course plans that adhere to official mandates about in-person instruction, while providing for continuity of instruction and student learning if pandemic conditions worsen and the authorities require a temporary or long-term return to online instruction only.

**b. The Proposed January 11 Commencement Ceremony**

VP Kaplowitz proposed that the Senate adopt a statement to be sent to President Mason stating our disagreement with the planned commencement ceremony scheduled for January 11 and our reasons for it and requesting and recommending that it be cancelled. The following statement was adopted by unanimous vote:

Dear President Mason,

Given the uncertainties of pandemic conditions in the coming weeks, due to holiday travel and the Omicron variant, the anticipated level of vaccination of 2019 and 2020 graduates and their families (who have not been subject to CUNY vaccination mandates), the lack of notice to our faculty most of whom would be unavailable to attend due to the well-known, accepted, and expected practice of faculty travel during intersession to conduct research and attend conferences, and the lack of consultation with elected faculty leaders in conceptualizing and planning an academic event, the Faculty Senate voted unanimously, today, Friday, December 3, a day after learning about the planned commencement ceremony, to recommend and request that the 2020 and 2021 commencement ceremonies scheduled for January 11, 2022, be delayed until later in the spring semester.

[KK: A few hours after the Senate meeting, in response to the Senate's recommendation and request, President Mason cancelled the January 11 commencement ceremony.]

The meeting was adjourned at 3 pm.

Submitted by  
Karen Kaplowitz