

**Faculty Senate Minutes #533**  
**John Jay College of Criminal Justice**

Wednesday, February 9, 2022

1:40 PM

Zoom

**Present (35):** Alex Alexandrou, Chevy Alford, Andrea Balis, Elton Beckett, Ned Benton, Mohamed Ben Zid, David Brotherton, Marta Concheiro-Guisan, Silvia Dapia, Jonathan Epstein, Jessica Gordon-Nembhard, Heath Grant, John Gutierrez, Maki Haberfeld, Jay Hamilton, Marta-Laura Haynes, Christopher Herrmann, Mohammad Islam, Veronica Johnson, Karen Kaplowitz, Catherine Kemp, Erica King-Toler, 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 (3):** Yuk-Ting (Joyce) Lau, Hyunhee Park, Gregory Sheppard

**AGENDA**

1. Adoption of agenda
2. Announcements
3. Approval of Draft Minutes #532 of the December 3, 2021, meeting
4. Proposed Governance Reporting
5. Proposed Resolution on Assessment of the Faculty Personnel Process
6. Proposed Resolution on Assessment of Human Resources Administration
7. Proposed Faculty Senate Statement on CUNY Budget Allocation
8. Proposed Faculty Senate Statement on CUNY Space Planning and Updating the John Jay College Physical Master Plan
9. Proposed Initiative of the Faculty Senate for the Spring 2022 semester

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

2. **Announcements**

President Benton announced that John Jay has received 17 lecturer lines from CUNY, which the provost has just allocated. He asked Senator Gerald Markowitz whether these lecturer lines are adjunct conversion lines; the answer was that although there is a desire to help long-term adjunct faculty, there is no requirement by CUNY that these lines be used as adjunct conversion lines.

3. **Adoption of Minutes #532 of the December 3, 2021, meeting.** Approved.

#### **4. Proposed Governance Reporting**

President Benton proposed that Senators report to the Senate when issues of interest and importance come before various college governance bodies, so that the Senate may be apprised in a timely way. The following volunteered to report:

- a. College Council – Ned Benton & Karen Kaplowitz
- b. Undergraduate Curriculum and Standards – Fritz Umbach
- c. Graduate Studies – Heath Grant
- d. Racial Justice and Inclusion Committees – Jessica Gordon-Nembhard
- e. Faculty Senate Technology Committee – Mickey Melendez
- f. Financial Planning Subcommittee – Erica King-Toler
- g. Strategic Planning Subcommittee – Ned Benton
- h. Faculty Personnel Committee – Maki Haberfeld
- i. Chairs and Provost’s Advisory Committee – Maki Haberfeld
- j. Student Evaluation of the Faculty Committee – Violet Yu
- k. JJ Chapter of the PSC – Jerry Markowitz

#### **5. Proposed Resolution on the assessment of the Faculty Personnel Process**

President Benton reviewed the proposed resolution, noting that what we would be calling for is a formal plan for assessing the faculty personnel process using objective measures of success and an annual report. The proposal is also to call upon the FPC to assess salary equity; this is required in the CUNY Bylaws and in the JJ Charter. He said one of the struggles of our Middle States accreditation process is that we have been doing assessment of our curriculum but not of our personnel processes or human services and of student service.

**Whereas**, the Middle States Commission on Higher Education (MSCHE), and John Jay College policies, expect the college to maintain faculty personnel policies and practices that assure a sufficient number of faculty members whose performance is reviewed regularly and equitably based on written, disseminated, clear, and fair criteria, expectations, policies, and procedures; and

**Whereas**, the MSCHE, and John Jay College policies, expect the college to maintain faculty personnel policies and practices that are fair and impartial in hiring, evaluation, promotion, discipline, and separation; and

**Whereas**, the MSCHE, and John Jay College policies, expect the college to regularly assess the compliance of faculty personnel policies and practices with the above expectations;

**Therefore**, the Faculty Senate calls upon the Faculty Personnel Committee to require that our faculty personnel process be regularly assessed based on a written plan that complies with assessment best practices including regular reporting on:

- Compliance with policy and procedure requirements of the CUNY Board of Trustees Bylaws, the College Charter, the College Bylaws and the Faculty Personnel Guideline; and
- Compliance by candidates with the Faculty Personnel Guidelines in their submissions; and
- Compliance with CUNY and College Charter requirements relating to faculty compensation equity, including Measures of equity in faculty compensation by rank and within rank by gender and race/ethnicity, and
- Measures of faculty personnel processes and outcomes, documenting the state of compliance with MSCHE expectations summarized above; and objectively documenting outcomes of the faculty personnel from initial appointment through reappointment, retention, tenure, and promotion, overall and by gender and race/ethnicity.

The resolution was adopted by unanimous vote.

## **6. Proposed Resolution on the Assessment of Human Resources Management**

President Benton noted that the Senate and Chairs have tried to address problems with HR in the past by this strategy of identifying problems as they arise, incident by incident, but that whack-a-mole approach doesn't work. Instead this proposal is a more holistic approach whereby we would be asked them to write and adopt a formal assessment plan, with metrics, and annually report on how they're doing. The Senate would review the plan. President Benton gave a few examples: the length it takes for adjuncts to be appointed to teach, receiving benefits, etc.

### **Assessment of Human Resource Management and Policy Compliance**

**Whereas**, the Middle States Commission on Higher Education (MSCHE), and John Jay College policies, expect the college to demonstrate fair and impartial practices in the hiring, evaluation, promotion, discipline, and separation of employees; and

**Whereas**, the Middle States Commission on Higher Education (MSCHE), and John Jay College policies, expect the college to demonstrate as well as compliance with all applicable federal, state, and Commission reporting policies, regulations, and requirements relating to human resource management including anti-discrimination and affirmative action measures; and

**Whereas**, the Middle States Commission on Higher Education (MSCHE), and John Jay College policies, expect the college to demonstrate human resources technical infrastructure adequate to support its operations; and

**Whereas**, the MSCHE, and John Jay College policies, expect the college to regularly assess the compliance of faculty personnel policies and practices with the above expectations;

**Therefore**, the Faculty Senate calls upon the college to require that our human resource management policies, systems and procedures are regularly assessed based on a written plan that complies with assessment best practices including regular reporting on:

- Compliance with policy and procedure requirements of the CUNY Board of Trustees Bylaws, the College Charter, and College Bylaws; and
- Compliance by prospective and current employees with personnel policies and procedures in their submissions; and
- Compliance with MSCHE, Federal, state CUNY and College Charter requirements relating to employee compensation equity, including requirements relating to human resource management including anti-discrimination and affirmative action measures, and
- Measures of personnel processes and outcomes, documenting the state of compliance with MSCHE expectations summarized above; and objectively documenting measures of personnel management from initial appointment through reappointment, retention, and promotion, overall and by gender and race/ethnicity.

The Resolution was approved by unanimous affirmative vote.

## **7. Proposed Faculty Senate Statement on CUNY Budget Allocation**

President Benton explained that this proposed Statement would be sent to the Chancellor and CUNY Board of Trustees. He explained that the Chancellor has created a secret task force to make recommendations about the budget allocation process; no one knows who is on the task force; no one knows who is on it; we do know that are no faculty members on it; no one knows the charge or the stated goals of the taskforce. This proposed statement addresses all this and more.

Senator Violet Yu noted that 10.7% of our students are Asian and, as another example, at Queens College 28% of their students are Asian and yet this proposed Statement reflects the invisibility of Asians at CUNY. President Benton said that the study was done by the University Faculty Senate and could be redone in two years and be more inclusive. Senator Yu said that for two years she has been trying to show the discrimination that exists against Asians and how

Asians are treated as invisible. She asked that at the very least a footnote be added that explains why Asians are not included in our Statement.

Senator Anru Lee said she agrees with Violet's comments about the absence of Asian students in this study and document, adding that we need to have a public discussion at the Faculty Senate about this issue. She said not all Asian-American students are privileged. If the Senate agrees that the funding inequity issue is a Black and Brown issue, only, then we should say so.

President Benton said he will bring to the Faculty Senate the data so that we can discuss it as a Senate. The reality is that the underfunding is a problem with Black and Latinx students but not with Asian or white students. He acknowledged he owes it to the Senate to share the data. He said the question is which groups are being underfunded and for which there is data to show this.

Senator Jessica Gordon-Nembhard said she doesn't like the term "minority." She said any alternate would be preferable, whether it is BIPOC, or Black/Brown students, or student of color. She added that "marginalized" would also not be acceptable because we are close to being a majority minority college. She suggested that the executive committee work out the precise language. Senator Chevy Alford asked that colleges not be called "inefficient" but something less harsh.

The proposed Statement, with amendments, was adopted by a vote of 32-0-3. [See the Appendix of these Minutes for the text of the Statement.]

## **8. Proposed Faculty Senate Statement on CUNY Space Planning and on Updating the John Jay College Physical Master Plan**

President Benton reported that CUNY has dropped its space standards. Furthermore, CUNY is required to update campus master plans every 10 years but John Jay's was last updated 27 years ago. This is a problem because no big capital projects are possible without an updated master plan. This is particularly timely because CUNY is planning to sell properties, which means that they could be planning to see North Hall. If there were to do so, that would gut our proposal to use the NH site for a combined new site for John Jay and Guttman CC. In 2003, Middle States said John Jay should have its master plan updates but CUNY never appropriated the money to do so.

President Benton presented the next proposed resolution:

### **Space Planning for CUNY and John Jay College of Criminal Justice**

**Whereas**, along with the Academic Master Plan, each CUNY campus has a Board of Trustees-approved physical master plan, developed by appropriate planning

professionals in consultation with the campus facilities staff and members of the college community.

**Whereas**, physical master plans are updated in 10-year cycles, or as needed, these plans are the basis for CUNY's Five-Year Capital Plan Request to NY State.

**Whereas**, the physical master plans detail existing and anticipated facilities necessary to accommodate a University approved enrollment projection for a given target date, CUNY should maintain and implement space planning policies and guidelines. An essential foundation for system wide capital planning is information to prioritize campus needs. CUNY should develop and maintain space that it needs and repurpose space that it does not need.

**Whereas**, in November 2021 the development of guidelines was assigned to the CUNY Institute for State and Local Governance as part of the "Efficiencies for Reinvestment and Innovation" or ERI project, no timetable or plan for this important project has been publicly circulated.

**Whereas**, the tables in CUNY's 2018 space planning report on pages 18 and 19 summarize campus space needs compared to inventory, a footnote explains how CUNY space guidelines were applied to calculate needs. One campus had 140% of needed space and another had 60%.

**Whereas**, the same report for 2020 has omitted any references to space needs and simply presents actual space with no planning context at all.

**Whereas**, formulating capital investments without reference any space planning criteria is imprudent, and undermines the credibility of the requests.

**Whereas**, guidance should also take into consideration shifting modes of work and instruction and the space implications of the shifting modalities.

**Whereas**, CUNY may soon be considering decisions about the sale of properties and renewals of leased spaces, without a valid assessment of campus needs, CUNY cannot rationally decide and explain what leased spaces should be used for what purposes or which properties should be sold.

**Whereas**, physical master plan updates have been initiated or completed for Baruch College, Brooklyn College, City College, College of Staten Island, Hostos Community College, LaGuardia Community College, Lehman College, Queens College and York College.

**Whereas**, John Jay College's physical master plan was last updated in 1995 – 27 years ago. It is critical that the college be authorized to update our physical master plan.

**Whereas**, the Middle States Commission on Higher Education recommended the development and implementation of a physical master plan for John Jay College in 2003, and no action has ever been taken by CUNY on this recommendation.

**Therefore**, the Faculty Senate urges CUNY to promptly develop and implement space standards in capital project planning, development and maintenance; and

**Therefore**, the Faculty Senate further urges the Chancellor and the Board of Trustees to authorize and fund a physical master plan update for John Jay College.

The statement was approved by unanimous vote.

## **9. Proposed Faculty Senate Initiatives for Spring 2022**

Proposed Faculty Senate Initiatives for Spring 2022

- Amendments to the College 2013 Distance Learning Policy
- Studies on Senate diversity by the Faculty Senate
- Senate leadership development and transition
- Initiatives of the Racial Justice and Inclusion Committee
- Statement on faculty line allocation principles
- Statement on the status and quality of campus life of lecturers at the college
- Statement on post-pandemic governance meetings

### **Explanation of Proposed Faculty Senate Initiatives**

- Amendments to the 2013 Distance Learning policy: To generally update them and to clearly define synchronous online as an approved mode of instruction.
- The Senate actions on diversity: such as the review of membership of the Senate and the Executive Committee.
- Steps we are taking about Senate leadership development and transition.
- Initiatives of the Racial Justice and Inclusion Committee
- Statement on faculty line allocation principles: Possibly calling for equity across disciplines, departments and programs. We are about to have a lot of new lines.
- Statement on the status and quality of campus life of lecturers at the college: We are going to have more and more lecturers and we need to consider how to support them. We might do a confidential survey of lecturers to get ideas. Issues might include their eligibility to serve on department P&B committees, perhaps with a limit of one seat. Other issues involve whether we should avoid the concentration of lecturers in particular departments, programs, and disciplines. CUNY speculates that they might want to allow them to serve as chairs which could be problematic for the faculty

personnel process, but they might be excellent deputy chairs for department operations.

- Statement on Post-Pandemic Governance Meetings: How should the college conduct governance meetings once the pandemic is over? Should the Senate advocate for hybrid meetings when some members participate in person and others attend at a distance?

**10. Discussion: Experience of faculty in getting into our JJ buildings during both day and night and same for guests (job candidates)**

**APPENDIX**

**CUNY Budget Allocation Reform**

Faculty Senate Statement

New York State and New York City appropriate most funding to CUNY generally, specifying broad categories of expenditure. Then funds are allocated to campuses by CUNY, in a process administered by the Office of Budget and Finance and approved by the Board of Trustees. The Chancellor and the Board of Trustees have a legal, moral and financial duty to carry out their delegated responsibilities in a manner that is not arbitrary and that reflects independent and reasoned judgment in the best interest of CUNY and its mission, CUNY's students, faculty and staff, and the public.

The existing funding model is historical and incremental, and as a result, students benefit from different levels of faculty, staff and operating funds depending on the history of the campus they attend. While there can be justifiable reasons for differences in support, many differences cannot be supported based on principles of equity in the expenditure of public funds and equity in opportunities for student success. The current model is also sometimes unpredictable and untimely, so that deliberate campus financial planning is sometimes impaired or impossible. This occurs in part because State and City budgeting cycles and decisions can also be untimely and unpredictable.

The Chancellor has charged a working group of chairs and campus administrators to propose changes to the fund allocation model and protocols. The John Jay College Faculty Senate commends the Chancellor to the decision to conduct a study, but the Senate disapproves the Chancellors decisions for the membership of the group and disapproves the secrecy of the process.



However, it is not too late to improve the process, and therefore the Senate makes the following recommendations.

**Study and plan in an open and transparent process.**

The Chancellor's announcement was secret, the membership of the working group is secret, and the meetings of the working group are held in secret. Arguably this violates the State's Open Meeting Law, because the charge to the working group is to deliberate about, and recommend changes in an important public policy process involving expenditure of public funds. Furthermore, even if the working group could operate in a manner that legal counsel would consider to be legal, the benefits of choosing to open and transparent would outweigh any claimed benefits of secrecy.

**Include key CUNY stakeholders as participants in the project.**

While the exact composition of the secret working group has not been publicly revealed, no student or faculty member has self-identified as a member, and no faculty experts from the University Faculty Senate Budget Advisory Committee (UFSBAC) have been appointed, even though UFSBAC engaged in allocation model studies in the past.

**Establish and circulate the goals for improvement of the fund allocation process.**

The working group, in consultation with the Chancellor, should adopt goals for improvement of the fund allocation process, and share these goals with CUNY stakeholders and leaders so that they can offer comments and advice.

**Review prior CUNY studies of fund allocation.**

The UFSBAC engaged in studies in the past, particularly revisions to the Instructional Staffing Model that was used to transparently allocation instructional staffing resources in the past.

In 2003 CUNY contracted with a consulting firm to assist in the design of a funding and allocation model. The working group should review the records of this project, including the recommendations of the consulting firm and versions of a funding model that emerged.

**Adopt a principle of equivalent access to full-time faculty instruction between and within CUNY Senior colleges and professional schools, with a higher level of access in community colleges because of the higher faculty instruction workloads.**

While there are reasons for differences in section enrollment size and full-time faculty coverage rates and ratios based on academic disciplines, modes of instruction and levels of instruction, an instructional staffing model should promote equivalent access to full-time faculty instruction and services within the framework of the model. For example, mathematics students in a given level of instruction at senior college X should have the same opportunities for full-time faculty

instruction as mathematics students in the same level of instruction at senior college Y. The students are citizens of the same state and are paying the same tuition.

One area of appropriate difference in full-time faculty access is the community colleges, where, by contract, the full-time faculty instructional workloads are higher. Faculty members annually teach more course sections. While these differences in faculty workloads may not be fundamentally equitable or justifiable, as long as the differences exist, they should result in greater access to full-time faculty instruction for community college students, compared to campuses where the faculty workloads are lower.

**Assure that minority students have equivalent access to full-time faculty instruction.**

A University Faculty Senate study compared faculty/student ratios based on the race/ethnicity of students. The analysis treated the SUNY and CUNY senior colleges (Carnegie Classifications 18-23) as a single state-funded set of campuses. It asked whether access to full-time faculty is equitable for minority-serving campuses.

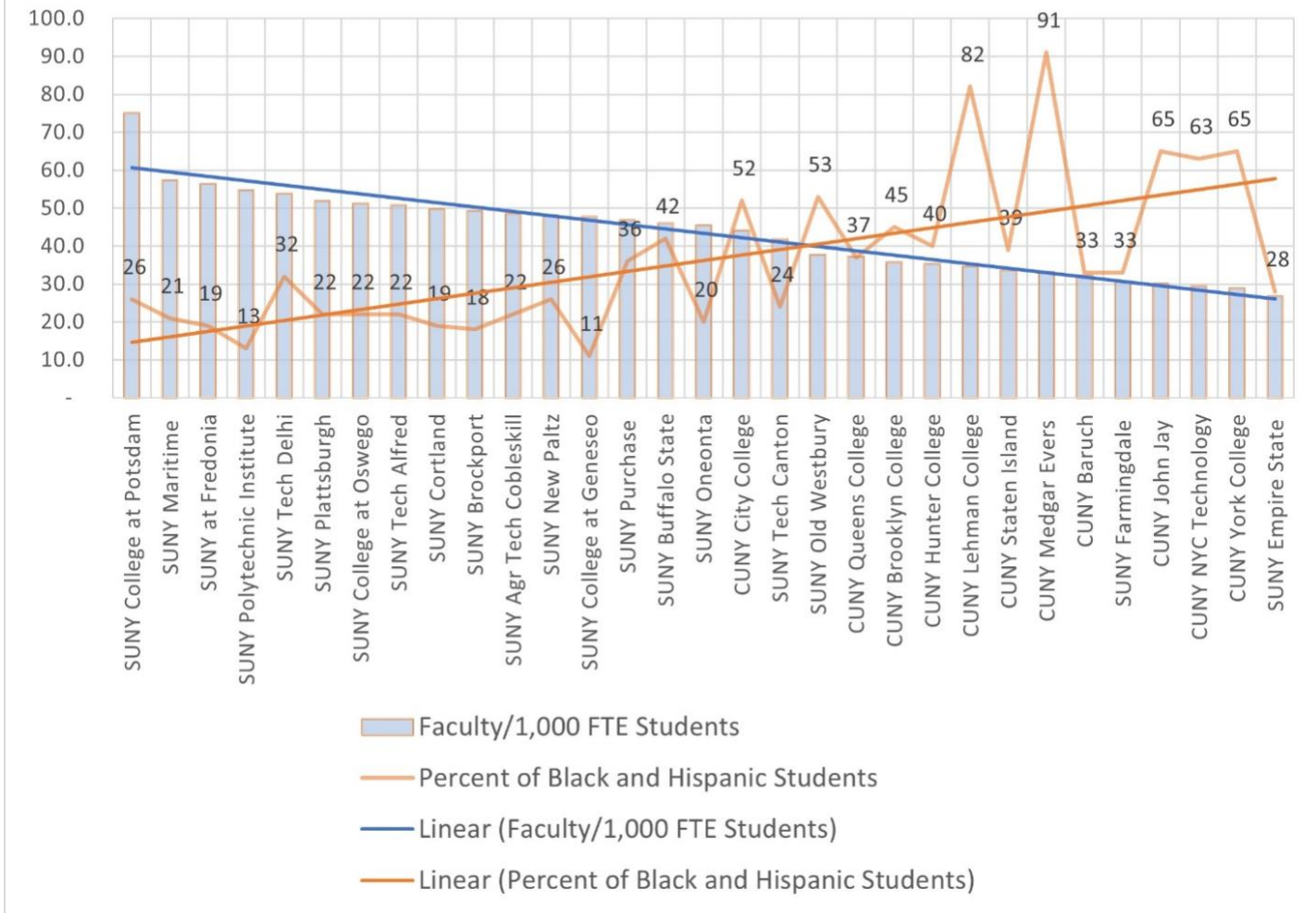
- The bars represent the campus rates of faculty per thousand students, ordered based on the highest rates (such as SUNY Potsdam and SUNY Maritime) to the lowest rates (such as CUNY York and SUNY Empire State.) See Appendix Three for the Fall 2019 IPEDS dataset.
- The graph, which includes the numbers, presents the percent of Black and Hispanic students at each campus.

On the left side, campuses with the lowest percentages of Black and Hispanic students have the best ratios of faculty per thousand students. On the right side, campuses cluster with the highest percentages of Black and Hispanic students, with poor ratios of faculty per 1,000 students. Stated simply, in NY State's publicly funded senior colleges, white students have substantially greater opportunities for full-time faculty instruction, compared to Black and Hispanic students.

The meeting was adjourned at 3:03 pm.

Provided by  
Karen Kaplowitz

SUNY and CUNY Faculty per 1,000 FTE students (bars) and Percent of Black and Hispanic Students (graph)



The new funding allocation model should prioritize new faculty lines to campuses that serve comparatively higher proportions of minority students, yet have comparatively lower faculty-student ratios.

The allocation procedures should require campuses to consider how each campus can internally assign the new faculty members to prioritize programs that serve comparatively higher proportions of minority students yet have comparatively lower faculty-student ratios.

### Enhance Funding for Student Support and Academic Success

Some campuses serve higher proportions of students who require or may benefit from additional student support and academic success services because of personal, family, social, medical and educational backgrounds. The model should enhance student support and

academic success funding per student for these campuses based on metrics that capture these factors.

### **Develop and apply staffing and resource models for administrative and service functions.**

There are wide variations across CUNY campuses in employment and expenditure levels and ratios for administrative and service functions. In principle, the comparative staffing and overall cost per 1,000 students to provide financial aid services should be similar. If several campuses are providing quality services at lower rates and ratios, the resource allocation model should build in periodic review and adjustment to fund best practices rather than historical practices. Because CUNY has many campuses implementing centralized policies and procedures served by centralized information systems, CUNY ought to function as a learning and adapting organization, identifying and adopting successful practices developed at one campus for the benefit of all campuses.

CUNY has also initiated and supported a project of the CUNY Institute for State and Local Governance titled “Efficiencies for Reinvestment and Innovation” or ERI. As of May 2021, the project had identified \$76.6 million in short-term and long-term initiatives such as modernizing human resource practices, updating purchasing systems, and updating systems for space and event scheduling. The lessons learned from these projects should be reflected in the new funding model.

Several CUNY campuses have contracted with a service from HelioCampus to measure rates and levels of expenditure on administrative functions, and to compare the rates with comparable campuses. The working group should review these reports and consider whether similar measures might be considered in formulating the new funding model.

### **Apply the funding model to Graduate and Professional Schools**

The funding model should be applied to Graduate and Professional Schools as well as the senior and community college. While there may be benefits to their independent identities and structures, the cost of operating these organizations should reflect best practices in the funding model, and if the provisions of administrative and student services are greater because of a school’s size and independence, collaborative relationships with other CUNY campuses should be encouraged to achieve comparable costs and service quality.

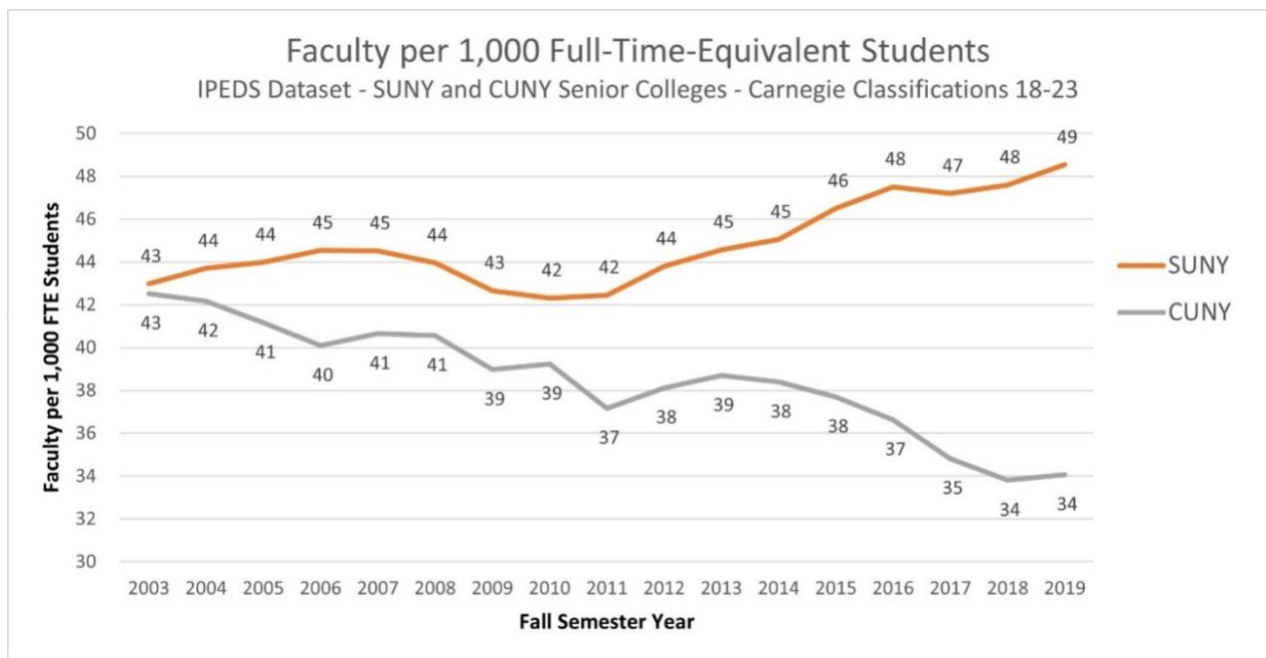
The levels of instructional staffing should also be consistent with the instructional staffing model intrinsic to the new fund allocation model. If the instructional staffing model is comparable in structure to the model CUNY implemented several decades ago, then graduate instruction will reflect smaller class sizes and higher ratios of faculty per 1,000 FTE student, but the results would be comparable for graduate instruction at other CUNY campuses.

### **Establish a formal assessment process for fund allocation.**

Once an updated fund allocation model is adopted and implemented, CUNY should develop a formal assessment plan for fund allocation, that can support the campuses in Middle States Commission on Higher Education. (MSCHE) MSCHE requires campuses to demonstrate “a financial planning and budgeting process that is aligned with the institution’s mission and goals, evidence-based, and clearly linked to the institution’s and units’ strategic plans/objectives.” While this is a responsibility of each campus, it is challenging if not impossible for campuses to demonstrate compliance with MSCHE expectations when CUNY allocates fund in a manner that is incrementally based on history.

MSCHE also requires campuses to demonstrate “periodic assessment of the effectiveness of planning, resource allocation, institutional renewal processes, and availability of resources.” While this is also a responsibility of each campus, the Chancellor should support the campuses by demonstrating that central fund allocation processes are subject to an assessment process that is at least as rigorous as the processes at each campus.

A benefit of rigorous assessment is that there might be improved awareness of adverse trends in resource allocation. For example, the following chart summarizes growing differences in faculty per 1,000 FTE students in senior colleges in SUNY and CUNY, starting in 2003 when there was virtually no difference, to 2019 when the difference had widened markedly.



Over the 17 years, SUNY senior college enrollment increased 7% (92,583 to 98,616) and full-time faculty increased 16% (3,970 to 4,595). At the same time CUNY senior college enrollment increased 33% (101,299 to 135,006) while full-time faculty increased 9% (4,264 to 4,649). SUNY’s faculty positions grew almost twice as fast as enrollment, while CUNY’s enrollments grew three times faster than CUNY’s faculty positions.

**Closing**

New York State and New York City appropriate most funding to CUNY generally, specifying broad categories of expenditure. Then funds are allocated to campuses by CUNY, in a process administered by the Office of Budget and Finance and approved by the Board of Trustees. The Chancellor and the Board of Trustees have a legal, moral and financial duty to carry out their delegated responsibilities in a manner that is not arbitrary and that reflects independent and reasoned judgment in the best interest of CUNY and its mission, CUNY's students, faculty and staff, and the public.