

**Faculty Senate Minutes #543  
John Jay College of Criminal Justice**

**Wednesday, September 28, 2022**

**1:40 PM**

**Zoom**

**Present (34):** Chevy Alford, Tarun Banerjee, Elton Beckett, Ned Benton, Janice Bockmeyer, Raisa Castillo, Serguei Cheloukhine, Peter Diaczuk, Jonathan Epstein, Jessica Gordon-Nembhard, Heath Grant, Jonathan Gray, Amy Green, Maki Haberfeld, Emily Haney-Caron, Mohammad Islam, Veronica Johnson, Karen Kaplowitz, Catherine Kemp, Edward Kennedy, Kyoo Lee, Marie-Helen Maras, Brian Montes, Ray Patton, Ana Pego, Susan Pickman, Maureen Richards, Robert Robinson, Stephen Russell, Francis Sheehan, Thalia Vrachopoulos, Adam Wandt, Sung-suk (Violet) Yu, Zhun Xu

**Absent (4):** Silvia Dapia, Yuk-Ting (Joyce) Lau, Anru Lee, Joseph Maldonado

**AGENDA**

- 1. Adoption of agenda**
- 2. Approval of Minutes #542 of the September 12, 2022, meeting**
- 3. Updates from members of Governance Committees**
- 4. Proposals for Amendments of the College Charter and Bylaws**
- 5. FY 2022 Budget Report**
- 6. New business**

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

**2. Adoption of Minutes #542 of the September 12, 2022, meeting.** Approved.

**3. Updates from members of Governance Committees**

Senator Jessica Gordon-Nembhard reported as chair of the Faculty Senate Committee on Racial Justice and Inclusion. The committee, through the Senate's executive committee, requested funding to support the research the committee is doing but so far there has been no success. She has a meeting with Provost Pease about piggy-backing on research monies. The provost also suggested a work-study student. Senator Sung-suk (Violet) Yu reported that the Graduate Studies Committee has voted to recommend removing the qualifying exam in the MPA program.

President Benton reported that last week's meeting of the College Council achieved quorum, but only barely. He has written to the CUNY legal counsel suggesting that when CUNY formulates the rules for hybrid meetings, that those who attend remotely because they have been exempted because of one of the permissible exemptions, that they be counted toward

the quorum. Senator Francis Sheehan said the OML states that a person who is attending remotely can vote but cannot be counted toward the quorum. President Benton said he believes CUNY is drafting rules for all of CUNY and he thinks the rules may provide a different interpretation.

#### **4. Proposals for Amendments of the College Charter and Bylaws**

Last year, the Senate decided to propose to the College Council that the Faculty Elections Committee be eliminated because faculty now vote electronically and, so, we no longer require a committee to count paper ballots. When we submitted the proposal, the college legal counsel, Tony Balkissoon, suggested he, representing the administration, and the Senate jointly develop a series of proposals to amend our charter and bylaws so we can present them as a package to both the College Council and to the CUNY Board of Trustees. Amendments of our charter must be approved by College Council and then by the CUNY Board; amendments of our bylaws need be approved by the College Council only.

***Proposal #1: Eliminate the Faculty Elections Committee from the College Charter.*** The rationale is that this committee traditionally counted secret paper ballots cast in college-wide elections in which the faculty was the electorate. These college-wide faculty elections have been changed whereby faculty now cast secret votes electronically, and the Department of Information Technology, using electronic software, provides the election results to the organizers of each election. Thus, there is no longer a role for the Faculty Elections Committee. *This proposed Charter amendment received a unanimous affirmative vote (as it had last semester).*

***Proposal #2: Amend the College Charter to require non-department majors to adopt bylaws.*** Although academic departments, which control majors, as well as graduate programs are required by the Charter to adopt bylaws, there are majors that are interdisciplinary or outside departmental authority and, thus, have no bylaws. This amendment would correct this oversight. Senator Ray Patton proposed that the term “major” be changed to “programs.” Asked why such bylaws are needed, President Benton explained that without bylaws, no one knows who the faculty members of the program are; this has been identified as a problem several times recently. Senator Patton asked if this proposal means that minors outside of departments must also have bylaws. President Benton said *we will return to this questions at our next meeting, after consulting with legal counsel.*

***Proposal #3: Amend the College Charter to state that faculty lose their governance rights upon resignation or upon notice of non-reappointment and that faculty in Executive Compensation Position titles lose their faculty voting rights.*** This is required by CUNY policy but is not widely known. It was also suggested that the title of “Distinguished Lecturer” be added to the list of titles enumerated in the Charter, as this is a title that did not exist when our charter was last amended. *This proposal was approved by unanimous vote.*

**Proposal #4: Amend the College Charter to permit faculty on leave to waive voting eligibility if they so desire.** While many faculty want to retain their voting rights while on leave, others would prefer not to. Because elections for chairpersons and P&B committee members require affirmative votes from a majority of all eligible voters, failing to participate counts the same as a “no” vote. That can result in pressure being placed on faculty on leave to participate in elections. This amendment gives faculty on certain types of leave the option of retaining voting rights or not. Senator Francis Sheehan supported this proposal but stated that the amendment should include a deadline by which a faculty member may waive such voting rights. President Benton agreed and said *we will return to this question at a subsequent meeting after consulting with legal counsel.*

**Proposal #5: Amend the College Charter to update chair election provisions to permit faculty on leave to waive voting eligibility and also to clarify language regarding the margin needed for election to match longstanding practice and CUNY bylaws.** This proposal requires the same added information as to the deadline for a faculty member to declare the decision to waive voting rights while on certain leaves. *This was approved pending information about the deadline for waiving voting rights.*

**Proposal #6: Amend the College Charter to permit faculty on leave to waive voting eligibility for P&B members and also to clarify language regarding the margin needed for election to match longstanding practice and CUNY bylaws.** This proposal does two things. First, it explicitly codifies our existing and longstanding practice of requiring of majority of all eligible voters; additionally, the changes allow faculty to waive voting eligibility while on certain leaves. *This was approved pending further information about the deadline for waiving voting rights.*

**Proposal #7: Amend the College Council Bylaws to change open access to College Council committee meetings for members of the public to open access to only members of the JJ community.** NYS law does not require full public access to committee meetings, only to College Council meetings. Senator Stephen Russell suggested that committees should be permitted to grant access to the public if they so wish. Tony Balkissoon will be asked if this is permissible. *The proposal was unanimously approved.*

**Proposal #8: Amend the College Charter to conform permissible membership on the Committee on Faculty Personnel (FPC) with our longstanding practice of including at-large faculty members and at-large alternate faculty members.** JJ’s legal counsel, Tony Balkissoon, has proposed that the amendment add the following words: The chairperson of this committee shall be the president. The members of the committee may include the department chairs, the vice president of academic affairs, one or more deans designated by the president, and up to three faculty members selected by the faculty senate. His reason is that without this language, CUNY bylaws dictate the permissible membership of this committee. The CUNY bylaws are the same as what’s here, except that they do not include faculty members selected by the faculty senate. Including such members has been our longstanding practice, which we would like to maintain and codify. It should be noted that this amendment does not change what is currently in our College Council Bylaws, Article I, Section 2(E), which specifies the exact membership (for example, which deans are on the committee, and how many at-large faculty members are on the committee). With this Charter amendment in place, smaller changes can be made to the

membership by amending the College Council Bylaws, which does not require approval from the Board of Trustees. President Benton explained that the Board of Trustees Bylaws requires one College Personnel & Budget (P&B) Committee. When we amended our charter in 2007, we separated the P&B into two committees: the FPC and the BPC, with the CUNY Board's approval. And we named the committee members in our bylaws so that we could make changes more expeditiously than when they were named in the charter. By being in the bylaws, changes can be made without having to get approval each time by the Board of Trustees. Tony Balkissoon says we need to name the membership of the FPC in our charter, but, at the same time, he says we do not have to do this for the membership of the BPC. President Benton identified another problem: the language proposed by Mr. Balkissoon of "one or more deans" means that the president can name every dean to the FPC. Also, the phrase "may include the department chairs" is problematic; the language should be "shall include the department chairs." *It was agreed that this proposal will be further studied and brought back to the Senate.*

**Proposal #9: Amend the College Council Bylaws to remove student participants from Faculty Personnel Committee participation.** Currently, the Student Council may designate up to two students to review student evaluations of faculty members who are being considered for a personnel action and to summarize the content of those evaluations to the FPC. The proposal is to end this provision. Senator Jessica Gordon-Nembhard asked why the proposed change. It was explained that students who are to do this work are not members of the FPC because neither the CUNY Bylaws nor our charter permits student members; furthermore, student evaluations of faculty are confidential. It was pointed out that students have not actually performed this role because of the impossibility of reviewing more than 40,000 evaluations each semester and summarizing their content. Senator Amy Green said the confidentiality issue is of most importance to her, to which Senator Janice Bockmeyer agreed. VP Kaplowitz said that the CUNY Board of Trustees mandated student evaluations in the 1970s to give students a voice in the personnel process; she added that JJ used to conduct the evaluations once a year – the Board mandated the evaluations be administered at least once annually – but our Faculty Senate persuaded our administration to conduct them every semester, so that students have a full voice (and so that faculty have multiple evaluations). Senator Jessica Gordon-Nembhard said she wishes to be recorded as abstaining. *The proposal was approved, therefore, without dissent.*

**Proposal #10. Amend the College Charter to expand permissible membership in the College Budget and Planning Committee (BPC) to permit our longstanding membership practice.** This would be accomplished by adding the following language proposed by President Benton: **The composition of this Committee shall be set forth in the College Council Bylaws and shall not be limited by CUNY Bylaw 8.7(a).** Without this language, he explained, CUNY bylaws dictate the permissible membership of this committee, and it is much more restricted than our longstanding practice, which we would like to maintain. It should be noted that this amendment does not change what is currently in our College Council Bylaws, Article I, Section 2(F), which specifies the exact membership of the Budget and Planning Committee. With this Charter amendment in place, smaller changes can be made to the membership by amending

the College Council Bylaws, which does not require approval from the Board of Trustees. *This proposal was approved by unanimous vote.*

#### **5. FY 2022 Budget Report**

President Benton updated the Senate on the budget situation.

The meeting was adjourned at 3:02 pm.

Provided by  
Karen Kaplowitz