

**Faculty Senate Minutes #545
John Jay College of Criminal Justice**

Thursday, November 10, 2022

1:40 PM

Zoom

Present (32): Tarun Banerjee, Elton Beckett, Ned Benton, Janice Bockmeyer, Raisa Castillo, Frank Chen, Serguei Cheloukhine, Silvia Dapia, Peter Diaczuk, Jonathan Epstein, Jessica Gordon-Nembhard, Heath Grant, Amy Green, Maki Haberland, Emily Haney-Caron, Karen Kaplowitz, Catherine Kemp, Edward Kennedy, Anru Lee, Kyoo Lee, Joseph Maldonado, Marie-Helen Maras, Brian Montes, Ray Patton, Susan Pickman, Maureen Richards, Stephen Russell, Francis Sheehan, Thalia Vrachopoulos, Adam Wandt, Sung-suk (Violet) Yu, Zhun Xu

Absent (7): Chevy Alford, Jonathan Gray, Mohammad Islam, Veronica Johnson, Yuk-Ting (Joyce) Lau, Ana Pego, Robert Robinson

AGENDA

- 1. Adoption of agenda**
- 2. Approval of Minutes #544 of the October 27, 2022, meeting**
- 3. Updates from members of Governance Committees**
- 4. Update on proposed Charter and Bylaws Amendments**
- 5. Discussion: Faculty Experience with the Office of Accessibility Services**
- 6. Discussion: A new \$500,000 Faculty Opportunities Fund**
- 7. New business**

1. Adoption of agenda. Approved.

2. Adoption of Minutes #543 of the September 28, 2022, meeting. Approved.

3. Updates from members of Governance Committees

President Benton reported that at the last Council of Chairs meeting there had been a spirited discussion of the progress of the 43 searches taking place for new full-time faculty. The chairs are concerned that a number of factors in how we advertise and conduct the searches result in delays. The accumulated effect is not good for the college in that by the time we're able to make offers, especially to candidates with diverse backgrounds, those candidates are no longer available because they've accepted other offers. They asked President Mason to attend their next meeting.

4. Update on proposed Charter and Bylaws Amendments

Following the Senate's last meeting, a meeting took place between four members of our Executive Committee – Ned Benton, Karen Kaplowitz, Catherine Kemp, Francis Sheehan – and

the two lawyers for the college – Tony Balkissoon and Jill Maxwell. Consensus was reached about all the proposed amendments, subject to vote of the Faculty Senate and, ultimately, of the College Council. Because of the Senate’s opposition to legal counsels’ proposals to amend the language regarding the FPC and the BPC, legal counsel withdrew its proposals, with President Mason’s concurrence. The following are the actions of the Faculty Senate:

Proposed Amendments to the Charter and College Council Bylaws

Faculty Senate Approved Proposal #1:

1. Amendment of the College Council Bylaws: Eliminate the Committee on Faculty Elections. Change to College Council Bylaws, Article 1, Section 3 (“Special Committees”).

Current:

A. Committee on Faculty Elections

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.

Proposed Change (additions in red underline, deletions in strikethrough):

[Reserved]

~~A. Committee on Faculty Elections~~

~~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.~~

Result:

Special Committees
[Reserved]

Rationale:

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.

Faculty Senate Approved Proposal #2:

2. Amendment of the College Charter: Require bylaws for non-departmental majors. Change to Charter, Article 2, Section 3 (currently, “Departmental Bylaws”).

Current:

Departmental Bylaws.

Each academic department shall adopt bylaws, which shall be subject to review and approval by the Executive Committee.

Proposed Change (additions in red underline, deletions in strikethrough):

~~Departmental~~ Bylaws for Departments and Non-Departmental Programs. ~~Majors.~~

Each academic department shall adopt bylaws, which shall be subject to review and approval by the Executive Committee. The faculty of non-departmental programs majors shall adopt bylaws, which shall be subject to review and approval by the Committee on Undergraduate Curriculum and Academic Standards and by the Executive Committee of the College Council. The bylaws of each non-departmental program major shall include the necessary and sufficient criteria for faculty membership.

Result:

Bylaws for Departments and Non-Departmental Programs.

Each academic department shall adopt bylaws, which shall be subject to review and approval by the Executive Committee. Non-departmental programs shall adopt bylaws, which shall be subject to review and approval by the Executive Committee.

Rationale:

Most undergraduate majors are administered by departments according to provisions in their departmental bylaws. Non-departmental programs also need governance bylaws so that the faculty teaching in such programs have an agreed-upon set of rules by which to operate.

Faculty Senate Approved Proposal #3:

3. Amendment of the College Charter: Explicitly codify existing practice, and CUNY default, of faculty losing their governance rights upon resignation or notice of non-reappointment. Also explicitly codify the rule, from the Terms and Conditions of Employment for the Executive Compensation Plan, that employees in the ECP titles lose their faculty voting rights. Change to Charter, Article I, Section 3.a.i.

Current:

For purposes of this Charter, the “faculty” consists of those serving full-time in the titles of Distinguished Professor, Professor, Associate Professor, Assistant Professor, Instructor and Lecturer, except those serving in visiting or substitute titles and those on retirement leave.

Proposed Change (additions in red underline, deletions in strikethrough):

For purposes of this Charter, the “faculty” consists of those serving full-time in the titles of Distinguished Professor, Professor, Associate Professor, Assistant Professor, Instructor and Lecturer, except those serving in visiting or substitute titles, those who have submitted resignations, those who have received notice of non-reappointment, those in the Executive Compensation Plan, and those on retirement leave.

Result:

For purposes of this Charter, the “faculty” consists of those serving full-time in the titles of Distinguished Professor, Professor, Associate Professor, Assistant Professor, Instructor and Lecturer, except those serving in visiting or substitute titles, those who have submitted resignations, those who have received notice of non-reappointment, those in the Executive Compensation Plan, and those on retirement leave.

Rationale:

The loss of governance rights is mandated by CUNY Board of Trustees bylaw 8.1 and by the Terms and Conditions of Employment for the Executive Compensation Plan, both of which are binding on us. But the current Charter language makes that less than clear. This change adds clarity by making the rule explicit and close at hand.

Faculty Senate Approved Proposal #4:

4. Amendment of the College Charter: Permit faculty on leave to waive voting eligibility if desired. Change to Charter, Article II, Section 1 (“Departments”), first paragraph.

Current:

Each department shall have control of its own educational policies consistent with the provisions of the College Council, the Bylaws of the CUNY Board of Trustees and the New York State Education Law. Each member of the full-time faculty, as defined in Article I, Section 3.a.i, shall be allowed one (1) vote in all College and departmental elections. Except as specified in this Charter and the Bylaws and policies of the CUNY Board of Trustees, the organization and functioning of the department shall be determined by its members.

Proposed Change (additions in red underline, deletions in strikethrough):

Each department shall have control of its own educational policies consistent with the provisions of the College Council, the Bylaws of the CUNY Board of Trustees and the New York State Education Law. Each member of the full-time faculty, as defined in Article I, Section 3.a.i, shall be allowed one (1) vote in all College and departmental elections. A faculty member who is or will be on leave when an election is held can waive voting eligibility for that in-person elections during the leave. Except as specified in this Charter and the Bylaws and policies of the CUNY Board of Trustees, the organization and functioning of the department shall be determined by its members.

Result:

Each department shall have control of its own educational policies consistent with the provisions of the College Council, the Bylaws of the CUNY Board of Trustees and the New York State Education Law. Each member of the full-time faculty, as defined in Article I, Section 3.a.i, shall be allowed one (1) vote in all College and departmental elections. Such a member who is or will be on parental leave, disability leave, family and medical leave, or bereavement leave can waive voting eligibility for in-person elections during the leave.

Except as specified in this Charter and the Bylaws and policies of the CUNY Board of Trustees, the organization and functioning of the department shall be determined by its members.

Rationale:

While many voters who are on leave 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 who are on leave. For certain types of leave, that situation is undesirable. This amendment gives faculty on certain types of leave the option to retain voting rights or not.

Faculty Senate Approved Proposal #5:

5. Amendment of the College Charter: Update chair election provisions to permit faculty on leave to waive voting eligibility and clarify language regarding margin needed for election to match longstanding practice and CUNY bylaws. Change to Charter, Article II, Section 2 (“Departmental Chairpersons”).

Current:

The chairperson of each department shall be the chief executive officer. He or she must hold professorial rank, and shall be elected by secret ballot for a term of three (3) years by an absolute majority of all voting members of the full-time faculty of the department, as defined in Article I, Section 3.a.i, subject to the approval of the President and the CUNY Board of Trustees. Elections shall be held in May of the year in which the chairperson’s term expires. The new chairperson shall take office as of July 1 of the year in which he or she is elected.

Proposed Change (additions in red underline, deletions in strikethrough):

The chairperson of each department shall be the chief executive officer. He or she must hold professorial rank, and shall be elected by secret ballot for a term of three (3) years by an affirmative vote of a majority of all eligible voters in the department ~~an absolute majority of all voting members of the full-time faculty of the department, as defined in Article I, Section 3.a.i,~~ subject to the approval of the President and the CUNY Board of Trustees. Eligible voters are members of the full-time faculty of the department, as defined in Article I, Section 3.a.i, but excluding anyone who has waived voting eligibility for the period of their leave. Elections shall be held in May of the year in which the chairperson’s term expires. The new chairperson shall take office as of July 1 of the year in which he or she is elected.

Result:

The chairperson of each department shall be the chief executive officer. He or she must hold professorial rank, and shall be elected by secret ballot for a term of three (3) years by an affirmative vote of a majority of eligible voters, subject to the approval of the

President and the CUNY Board of Trustees. Eligible voters are members of the full-time faculty of the department, as defined in Article I, Section 3.a.i, but excluding anyone who has waived voting eligibility for the period of their leave. Elections shall be held in May of the year in which the chairperson's term expires. The new chairperson shall take office as of July 1 of the year in which he or she is elected.

Rationale:

The first change brings the language into conformity with our current and longstanding practice of requiring a majority of all eligible voters, which is also the default rule under the CUNY bylaws. The second change is necessary to allow faculty to waive voting eligibility when they are on certain leaves.

Faculty Senate approved Proposal #6:

6. Amendment of the College Charter: Update P&B election provisions to permit faculty on leave to waive voting eligibility and clarify language regarding margin needed for election to match longstanding practice and CUNY bylaws. Change to Charter, Article II, Section 4 ("Departmental Committee on Faculty Personnel and Budget").

Current:

Each department shall establish a Committee on Faculty Personnel and Budget which shall be chaired by the chairperson of the department. In addition, the full-time faculty of the department, as defined in Article I, Section 3.a.i, shall elect four (4) full-time members of the faculty, as defined in Article I, Section 3.a.i, each of whom shall serve for one year. At least four (4) of the committee members shall be tenured. If the department has fewer than four (4) tenured faculty members, the committee shall be established as set forth in Article 9.1 of the Bylaws of the CUNY Board of Trustees.

Proposed Change (additions in red underline, deletions in strikethrough):

Each department shall establish a Committee on Faculty Personnel and Budget which shall be chaired by the chairperson of the department. In addition, the department ~~the full-time faculty of the department, as defined in Article I, Section 3.a.i,~~ shall elect four (4) full-time members of the faculty, as defined in Article I, Section 3.a.i, each of whom shall serve for one year. Election requires an affirmative vote of a majority of all eligible voters in the department. Eligible voters are members of the full-time faculty of the department, as defined in Article I, Section 3.a.i, but excluding anyone who has waived voting eligibility for the period of their leave. At least four (4) of the committee members shall be tenured. If the department has fewer than four (4) tenured faculty members, the committee shall be established as set forth in Article 9.1 of the Bylaws of the CUNY Board of Trustees.

Result:

Each department shall establish a Committee on Faculty Personnel and Budget which shall be chaired by the chairperson of the department. In addition, the department shall

elect four (4) full-time members of the faculty, as defined in Article I, Section 3.a.i, each of whom shall serve for one year. Election requires an affirmative vote of a majority of eligible voters. Eligible voters are members of the full-time faculty of the department, as defined in Article I, Section 3.a.i, but excluding anyone who has waived voting eligibility for the period of their leave. At least four (4) of the committee members shall be tenured. If the department has fewer than four (4) tenured faculty members, the committee shall be established as set forth in Article 9.1 of the Bylaws of the CUNY Board of Trustees.

Rationale:

These changes do two things. First, they explicitly codify our existing and longstanding practice of requiring a majority of all eligible voters, which is also the default rule under the CUNY bylaws. Additionally, the changes allow faculty to waive voting eligibility when they are on certain leaves.

Faculty Senate approved Proposal #7:

7. Amendment of the College Council Bylaws: Conform public access to committee meetings to requirements of State law and provide John Jay community access to all committee meetings. Change to College Council Bylaws, Article 1, Section 1, paragraph vi.

Current:

Subject to the provisions of state law, all College Council committee meetings are open to the public.

Proposed Change (additions in red underline, deletions in strikethrough):

~~Subject to the provisions of state law, all~~ College Council committee meetings are open to all current John Jay faculty and staff and all currently enrolled John Jay students ~~the public.~~

Result:

College Council committee meetings are open to all current John Jay faculty and staff and all currently enrolled John Jay students.

Rationale:

The prior language was intended to state that College Council committee meetings are open to the public “as required” by State law. But State law trumps our bylaws, so that statement wasn’t required. And its wording could instead have been misread to mean that all College Council committee meetings are open to the public, even if not required by State law, unless prohibited by State law. The current changes fix those problems, and additionally provide, as desired, that College Council committee meetings are open to our own community members (which is something we want to do, even if not required by State law).

Faculty Senate agreed to the withdrawal of Proposal #8:

8. Amendment of the College Charter: Conform permissible membership in the Committee on Faculty Personnel with our longstanding practice of including at-large faculty members. Change to College Charter, Article I, Section 9E, first paragraph.

Current:

There shall be a Committee on Faculty Personnel which shall review from the departments and other appropriate units of the College all recommendations for appointments to the instructional staff in the following ranks: Distinguished Professor, Professor, Associate Professor, Assistant Professor, Instructor, Distinguished Lecturer, Lecturer, Chief College Laboratory Technician, Senior College Laboratory Technician, and College Laboratory Technician, and make recommendations to the President. It shall also receive from departmental Personnel and Budget Committees recommendations for promotions and reappointments with or without tenure, together with compensation, in the aforementioned ranks of the instructional staff and shall recommend to the President actions on these matters. It may also recommend to the President special salary increments. The President shall consider such recommendations in making his or her recommendations on such matters to the CUNY Board of Trustees.

Proposed Change (additions in red underline, deletions in strikethrough):

There shall be a Committee on Faculty Personnel. 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. The committee which shall review from the departments and other appropriate units of the College all recommendations for appointments to the instructional staff in the following ranks: Distinguished Professor, Professor, Associate Professor, Assistant Professor, Instructor, Distinguished Lecturer, Lecturer, Chief College Laboratory Technician, Senior College Laboratory Technician, and College Laboratory Technician, and make recommendations to the President. It shall also receive from departmental Personnel and Budget Committees recommendations for promotions and reappointments with or without tenure, together with compensation, in the aforementioned ranks of the instructional staff and shall recommend to the President actions on these matters. It may also recommend to the President special salary increments. The President shall consider such recommendations in making his or her recommendations on such matters to the CUNY Board of Trustees.

Result:

There shall be a Committee on Faculty Personnel. 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. The committee which shall review from the departments and other appropriate units of the College all recommendations for appointments to the instructional staff in the following

~~ranks: Distinguished Professor, Professor, Associate Professor, Assistant Professor, Instructor, Distinguished Lecturer, Lecturer, Chief College Laboratory Technician, Senior College Laboratory Technician, and College Laboratory Technician, and make recommendations to the President. It shall also receive from departmental Personnel and Budget Committees recommendations for promotions and reappointments with or without tenure, together with compensation, in the aforementioned ranks of the instructional staff and shall recommend to the President actions on these matters. It may also recommend to the President special salary increments. The President shall consider such recommendations in making his or her recommendations on such matters to the CUNY Board of Trustees.~~

Rationale:

~~Without this language, CUNY bylaws dictate the permissible membership in 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 of the Committee on Faculty Personnel (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.~~

Faculty Senate approved Proposal #9:

9. Amendment of the College Council Bylaws: Conform membership in the Committee on Faculty Personnel with our longstanding practice and with CUNY bylaws by removing ineligible student participants. Change to College Council Bylaws, Article I, Section 2E, second paragraph.

Current:

The Student Council may designate up to two (2) students, with at least 30 credits earned at the College, to serve as liaisons to the Review Subcommittees of the Committee on Faculty Personnel. The student liaisons shall be subject to College Council ratification. The role of the student liaisons shall be to review student evaluations of faculty members being considered by the subcommittees for reappointment, promotion and tenure and to summarize the content of those evaluations at a time designated by the Review Subcommittee. Student liaisons are not members of the Committee on Faculty Personnel.

Proposed Change (additions in red underline, deletions in strikethrough):

The Student Council may ~~designate up to two (2) students, with at least 30 credits earned at the College, to serve as liaisons to the Review Subcommittees of the Committee on Faculty Personnel. The student liaisons shall be subject to College Council ratification. The role of the student liaisons shall be to review student evaluations of faculty members being considered by the subcommittees for reappointment, promotion~~

and tenure and to summarize the content of those evaluations at a time designated by the Review Subcommittee. Student liaisons are not members of the Committee on Faculty Personnel.

Result:

[No second paragraph]

Rationale:

Neither CUNY bylaws nor our Charter permit student participation on this committee, nor has it been our practice. This change updates the bylaws to conform to our practice and governing documents.

Faculty Senate agreed to the withdrawal of Proposal #10:

~~10. Amendment of the College Charter: Expand permissible membership in the Budget and Planning Committee to permit our longstanding practice, which is codified in the College Council Bylaws. Change to College Charter, Article I, Section 9F, first paragraph.~~

Current:

~~There shall be a Budget and Planning Committee which shall be responsible for reviewing budget information, making recommendations on the financial and budgetary matters of the College, and providing guidance on comprehensive and strategic planning for the College.~~

Proposed Change (additions in red underline, deletions in strikethrough):

~~There shall be a Budget and Planning Committee which shall be responsible for reviewing budget information, making recommendations on the financial and budgetary matters of the College, and providing guidance on comprehensive and strategic planning for the College.~~ 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).

Result:

~~There shall be a Budget and Planning Committee which shall be responsible for reviewing budget information, making recommendations on the financial and budgetary matters of the College, and providing guidance on comprehensive and strategic planning for the College.~~ 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).

Rationale:

~~Without this language, CUNY bylaws dictate the permissible membership in 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.~~

5. Discussion: Faculty Experience with the Office of Accessibility Services

VP Kaplowitz recalled that in May, President Mason told the Senate that her highest priority is providing services to students with disabilities. She asked for volunteers for an ADA committee comprising students, faculty, and administrators. At that meeting the following volunteered: Maki Haberfeld, Karen Kaplowitz, Erica King-Toler, Jennifer Rosati, and Francis Sheehan. The committee had its first meeting the other day and is hoping to learn from the Senate how the Office of Accessibility Services (OAS) can better serve both students and the professors in whose courses they are enrolled.

Senator Jessica Gordon-Nembhard said that it would be easier for faculty if OAS contacted faculty before the semester began with information about the accommodations needed and, especially, with information as to who is responsible for providing those accommodations. For example, she had a partially blind student who needed everything in WordX but she had already put everything in PDF. It took OAS more than a month after the semester began to convert the documents.

Senator Maki Haberfeld said her department, LPS, has many students registered with OAS and she, as chair, is copied on all the accommodation requests. Because so many of her faculty did not know what was expected of them, she invited Nadia Griffith-Allen, the director of OAS, to meet with her department.

Several senators suggested that the Counseling Center can provide students with documentation, but Senator Emily Haney-Canon said that although the Counseling Center has the ability to do so but does not have the capacity. There's a real lack of access and testing costs thousands of dollars for each student, she explained.

Senator Francis Sheehan said faculty need to know that it is their legal obligation to provide reasonable accommodation to their students. But, he added, an accommodation is not reasonable if it is in contradiction to safety, which is a big issue for the Department of Sciences. We need better communication between the faculty and & OAS. Two or three words in a box in saying what the accommodation is an accommodation letter is insufficient; OAS has to fully explain the accommodation and what it means. Senator Gordon-Nembhard agreed with Francis that it's essential to understand who is to provide the accommodation. OAS needs more money.

Senator Sheehan noted the OAS is open only from 9AM to 5 PM and, thus, not during first period classes nor during evening period classes nor on weekends. Furthermore, adjuncts are asked to provide double test time for ADA students although adjuncts are paid for only the one-period class.

President Benton suggested we find models and solutions from other CUNY campuses.

6. Discussion: A new \$500,000 Faculty Opportunities Fund

President Benton reported that the Auxiliary Enterprises Board has decided, at the recommendation of the president, two special projects: a \$1.5 million student success fund and a \$0.5 million faculty development opportunity fund. This is the seed money with more money to come from donors. The following questions have come up and is being asked from the Senate: what would a faculty development opportunity fund actually fund since OAR funds faculty research and travel? what should be the process of applying? who should decide on the recipients? what should be the limits on types of things requested? what should be the limits on the amount of each grant?

The meeting was adjourned at 2:58 pm.

Provided by
Karen Kaplowitz