

**Faculty Senate Minutes #551
John Jay College of Criminal Justice**

Wednesday, March 29, 2023

1:40 PM

Zoom

Present (34): Chevy Alford, Ned Benton, Janice Bockmeyer, Raisa Castillo, Frank Chen, Silvia Dapia, Peter Diaczuk, Jonathan Epstein, Jessica Gordon-Nembhard, Heath Grant, Amy Green, Maki Haberfeld, Emily Haney-Caron, Mohammad Islam, Veronica Johnson, Karen Kaplowitz, Catherine Kemp, Edward Kennedy, Anru Lee, Kyoo Lee, Joseph Maldonado, Marie-Helen Maras Brian Montes, Ray Patton, Susan Pickman, Maureen Richards, Robert Robinson, Stephen Russell, Francis Sheehan, Liza Steele, Thalia Vrachopoulos, Adam Wandt, Zhun Xu, Sung-suk (Violet) Yu

Absent (5): Elton Beckett, Serguei Cheloukhine, Jonathan Gray, Yuk-Ting (Joyce) Lau, Ana Pego

AGENDA

- 1. Adoption of agenda**
- 2. Approval of Minutes #550 of the March 14, 2023, meeting**
- 3. Governance Reports**
- 4. Definition of Majority Vote for Governance Bodies**
- 5. Discussion: Promotion of Lecturers**
- 6. Discussion: May faculty grade for both attendance and participation?**
- 7. Discussion: Ways to acknowledge faculty for their professional achievements**
- 8. New Business**

1. Adoption of agenda. Approved.

2. Adoption of Minutes #550 of the March 14, 2023, meeting. Approved.

3. Governance Reports

VP Karen Kaplowitz reported from the Executive Committee that in communicating with Senator Jessica Gordon-Nembhard about issues raised by the Senate's Racial Justice & Inclusion they analyzed the membership of this year's Senate and found that of 39 members, 19 are faculty of color, which is 50% of the members. Asked by a senator who was included in this calculation, Karen said the 19 faculty of color are Asian, Black, and Latinx. She said that while we always strive to improve, this is something we can be very proud of.

4. Definition of Majority Vote for Governance Bodies

President Benton presented a proposed Bylaw amendment, to be placed on the agenda of the College Council if approved. He reported that Tony Balkissoon has approved the language but does not support this change. The proposed amendment, which appears below, was approved without dissent, by a vote of 32-0-2.

Amend Section I.1 of the College Council Bylaws by adding the following:

xv. For the governance bodies and committees listed below, a positive vote by a majority of the membership, including vacancies, of the governance body or committee is required to pass a motion or to fill positions by election. A greater proportion can be required pursuant to approved bylaws.

- College Council
- College Council Executive Committee
- Committee on Undergraduate Curriculum and Academic Standards
- Committee on Faculty Personnel
- Budget and Planning Committee
- Committee on Graduate Studies
- Academic departments, graduate programs, non-departmental academic programs, for elections, curricular proposals, and for revisions of bylaws.

Rationale: This aligns college voting practices with expectations since 2004. The effect is to ensure that elections and motions reflect the positive votes of a majority of the membership of a committee including vacancies. The expectation promotes collegial consensus.

5. Discussion: Promotion of Lecturers

President Benton said that Tony Balkissoon researched this issue and determined that colleges can't convert a Lecturer line with a person on that line to an Assistant Professorship. A Lecturer has to apply to an open Assistant Professor line and then take leave from their Lecturer line. President Benton said he has come up with a method for doing this, which Allison Pease and Angela Crossman have both approved.

Tony Balkissoon agrees with the language that Ned has drafted but Tony disagrees in principle with the procedure, preferring to wait to see what CUNY negotiates with the PSC, which Ned considers to not be a good strategy. President Benton explained that paragraph III.F.d. of the FPC Guidelines says that a Lecturer can apply for an Assistant Professor position: this is true. Also true is that we are permitted to conduct a search for an Assistant Professor for which only Lecturers teaching at our college are eligible.

Senator Heath Grant asked why the Lecturer is required to wait until possessing a CCE before applying. President Benton said that if a Lecturer has the CCE, then s/he retains the Lecturer

line if not successful at obtaining the Assistant Professorship. It's also a chance for the college to have five years of the Lecturer's service, which is important to the administration. The search committee would be the FPC, after a recommendation from the department P&B.

Senator Amy Green asked why the FPC is needed as a central search committee. President Benton said that this process will be the same as a promotion and, thus, the recommendation from the department goes to the FPC.

President Benton was asked in the case where a Lecturer with a CCE turns out to be an unsuccessful candidate, can the department retain the Lecturer line and then fill it; he said no, because the faculty member is on leave from the Lecturer line. Also, the fiscal impact is that were a Lecturer to move into an Assistant Professor line, the salary of the Assistant Professor line would go to the former Lecturer with an added adjunct cost because of the new lower teaching load.

Senator Stephen Russell asked what chairs think about this idea. President Benton said if the Senate approves this proposal, we would share it with the Council of Chairs and, if they approve it, submit it jointly to the FPC. If the FPC votes it down, the Senate could still submit it to the College Council.

Senator Ray Patton spoke in support of the proposal, saying it makes a lot of sense, especially since it turns out that our FPC Guidelines are wrong. Yes, the language is null and void, said President Benton, who added that Provost Pease thinks his idea is more fair than what was in the Guidelines because the first step would now be the opening up the line by the provost.

A vote to approve the proposal and forward it to the Council of Chairs was approved by a unanimous vote. The proposal is as follows:

Senate Proposal: Lecturer Reclassification
DRAFT AS OF March 27, 2023

Whereas, The FPC Guidelines say that Lecturers can apply for promotion to Assistant Professor.

III.F.1.d. The College has the option to convert a Lecturer line to an Assistant Professor line, and, if the Lecturer holds a Ph.D. or equivalent terminal degree, to appoint the Lecturer to the Assistant Professor line. The action is initiated by the department and is subject to approval by the Provost and President, consistent with other standards and procedures for the appointment of Assistant Professors. However, the College does not have an obligation to move a Lecturer who has obtained a Ph.D. or equivalent terminal degree to an Assistant Professor title.

III.F.1.e. A Lecturer with CCE may apply for appointment to the title of Assistant Professor. A Lecturer with CCE receives no service credit toward tenure. While working

toward tenure in the Assistant Professor title, the Lecturer with CCE is on leave from the Lecturer title and retains the right to return to the title with CCE.

The Senate, having reviewed and deliberated about the above provisions, proposes that the above section be replaced with the following:

III.F.1.d. Lecturers can apply for appointment to new Assistant Professor lines authorized for search. The college may also authorize and post searches for one or several Assistant Professor positions, where eligibility for application is limited to John Jay College Lecturers with certificates of continuing employment (CCE) who otherwise meet the qualifications for appointment to an Assistant Professor position.

III.F.1.e. For such searches, the college will designate the Faculty Personnel Committee (FPC) as the search committee, although this will not require the FPC to undertake special activities. Lecturer candidates must apply to their department personnel and budget committees, submitting the same application materials as a tenure track professor applying for promotion. The applications are also posted for the open positions.

III.F.1.f. The expectation for a positive recommendation is “consistent with other expectations and procedures for the appointment of Assistant Professors.” The college has no “obligation to move a Lecturer who has obtained a Ph.D. or equivalent terminal degree to an Assistant Professor title.”

III.F.1.g. If the Department Personnel and Budget Committee recommends the candidate, the record is presented to the Faculty Personnel Committee (FPC) in the normal manner for a promotion, including review committee action. The FPC, if it eventually votes to support the application, would be acting as the search committee for the open positions. The candidate and application would be advanced to the Provost and the President as a finalist or one of several finalists for the Assistant Professor position. The President makes an independent decision to offer an appointment and submit the appointment to the university. III.F.1.h. Lecturers with CCE who are appointed to Assistant Professor lines are eligible to receive two years of service credit. While working toward tenure in the Assistant Professor title, the Lecturer with CCE is on leave from the Lecturer title and retains the right, at any point in the reappointment process, to return to the Lecturer title with CCE.

Rationale:

The existing sections of the FPC Guidelines have been determined by College Legal Counsel to not comply with applicable university regulations and contractual provisions. The college cannot reclassify a Lecturer to an Assistant Professor by converting the line from a lecturer line to an Assistant Professor line.

This process enables the reclassification of a Lecturer to an Assistant Professor, in a manner that conforms with university rules and labor contract provisions which do not permit promotion of Lecturers to the Assistant Professor rank, but which do allow Lecturers to apply for open Assistant Professor lines if they meet the qualifications, and which allow the college to set employment as a John Jay College Lecturer with a CCE as a qualification in the position vacancy notice.

When the college authorizes and posts the Assistant Professor line(s) intended for Lecturers, the fiscal impact would be acknowledged. However, the net cost is limited to any salary increase eventually awarded, and the cost of adjunct coverage to offset the reduced teaching load. The salary of the candidate as an Assistant Professor would be offset by the salary saving of the temporarily vacated (by leave) Lecturer line.

Contract Provisions: [highlights added for emphasis]

9.8 Instructors and non-certificated Lecturers with **four or more years of continuous full-time service in those titles** immediately preceding appointment to the rank of Assistant Professor **shall receive two years of service credit toward the achievement of tenure in the title Assistant Professor.**

By August 31, preceding the first full-year appointment to the title Assistant Professor, **the employee shall state, in writing, his/her preference regarding whether or not he/she wishes to waive the service credit toward tenure provided in the previous paragraph.** In the event the employee wishes the service credit waived and the President or the President's designee approves, the service credit shall be **waived irrevocably.** In the event that the employee wishes to have the service credit applied or **does not state a preference, the service credit shall apply.** Approval or denial of the request shall not be subject to the provisions of Article 20 [complaint, grievance, arbitration].

11.1 The title Lecturer shall be a tenure-bearing (certificate of continuous employment) title used for full-time members of the faculty who are hired to teach and perform related faculty functions, but do not have a research commitment. A certificate of continuous employment shall be granted in accordance with the provisions of Article 12. Persons appointed to this rank shall be entitled to all faculty retirement and other fringe benefits and shall be scheduled in accordance with the provisions of Article 14. In the Schools of General Studies, Lecturers who are employed primarily to perform professional library functions shall not be required to perform guard duty or maintenance duties.

12.1 Members of this unit in the title Lecturer shall be **eligible for a certificate of continuous employment** upon a sixth full-time appointment in the title of Lecturer immediately preceded by five years of continuous full-time service in the title of Lecturer. In computing eligible time in service, such time shall commence with the first September of appointment.

12.2 When service has been continuous and a break in full-time service has occurred by virtue of a reduced schedule, such less than full-time service shall be prorated towards its equivalency in full-time service.

12.3 The certificate of continuous employment shall be valid only in the college or in the Educational Opportunity Center which makes the certificate or sixth appointment and shall carry with it the guarantee of full-time reappointment subject to continued satisfactory performance, stability in academic program, sufficiency of registration and financial ability.

12.4 The terms of this article do not apply to service in any title other than Lecturer.

12.5 Effective one year after initial appointment, no member of this unit in the title Lecturer shall be denied reappointment on the basis of professional incompetence unless he or she has been evaluated during at least three semesters (including the first year of appointment) according to the provisions contained in this Agreement, Article 18 and unless two of the last four evaluations indicate unsatisfactory professional performance.

12.6 An Instructor may be appointed in the title Lecturer immediately preceded by five years of continuous full-time service as an Instructor in the same department, in which case he or she shall receive a Certificate of Continuous Employment as a Lecturer. ARTICLE 22 INCREASED PROMOTIONAL OPPORTUNITIES

22.1 In order to increase promotional opportunities for members of the Instructional Staff in the titles Professor, Associate Professor, Assistant Professor and Instructor, and in an effort to reach goals of 30-30-30-10 expressed in Article XXX of the expired contract between the Board and Legislative Conference, the University agrees that budgetary considerations shall not constitute a ground for withholding promotions of qualified persons recommended for promotion to such titles in accordance with established criteria and procedures.

22.4 The University agrees that budgetary considerations shall not constitute a ground for withholding appointment to **the rank of Assistant Professor** of a certificated Lecturer who has **earned a doctorate and has been recommended as for such appointment in accordance with established criteria and procedures.**

6. Discussion: May faculty grade for both attendance and participation?

The Senate continued its discussion from its previous meeting regarding an email that Dean Angela Crossman sent the faculty last month on February 8th which stated, in part, that

Faculty members often ask what the College policy is on student attendance. While we are not officially an attendance-taking institution, there is relevant policy guidance in the [Faculty Handbook](#) for undergraduate and graduate classes (pg. 30). Your attendance policy should be clearly stated on your syllabus – and students should not be penalized both for lack of attendance and lack of participation (that is a double penalty for the same absences). Beyond that, faculty have broad discretion in this area.

VP Kaplowitz further noted that in Dean Crossman's email, she provided the entries in the undergraduate bulletin (which is silent on the matter) and in the graduate bulletin, which states that

Graduate: The attendance policy for graduate courses in the current bulletin (under Academic Requirements and Regulations, <http://jjay.smartcatalogiq.com/2020-2021/Graduate-Bulletin/Academic-Requirements/Class-Attendance>) simply states: **Class attendance and participation are factors in assessing student performance.** Faculty will advise students at the beginning of the semester of attendance requirements.

This language makes explicit that attendance and participation are two factors, not two terms for the same thing and, thus, contradicts the language in the handbook.

Senate Janice Bockmeyer said we should ask that the language be removed because it doesn't reflect faculty practice or college policy.

A motion to communicate the Senate's request to the relevant administrators was adopted without dissent. The vote was 33-0-1.

7. Discussion: Ways to acknowledge faculty for their professional achievements

VP Kaplowitz reported that when she and Ned met with the provost during their most recent monthly meeting, Allison Pease, the provost said that at recent meetings with the faculty of two academic departments, the faculty had complained that their work wasn't being acknowledged. She asked if we might ask the Senate for suggestions as to how she might redress this situation.

Senator Janice Bockmeyer said she is very glad this is coming up. It has been a frustration for so many faculty that their active participation in national and regional organizations — holding office, serving on committees, chairing committees — does not carry weight at the Faculty Personnel Committee.

President Benton said that John Jay has always lacked a campus newspaper that reports and features the accomplishments of faculty, students, and programs. So many colleges have daily newspapers and we have none.

Senator Stephen Russell asked Janice whether she means recognition through course release or other recognition. He said he completely agrees with her: serving in one's discipline's professional organizations doesn't get one even a cookie. He also likes the idea of a newspaper or at least a newsletter.

Senator Adam Wandt said he has two pet peeves: one is that productivity in terms of the travel budget requires simply filling out the form, but no acknowledgement of the amount of one's productivity; the second is the lack of merit pay.

President Benton reminded the Senate that five or six years ago the Senate issued a statement about service. Our recommendations were incorporated into the FPC Guidelines. If we want to further refine our expectations, that's where we should focus.

Senator Amy Green asked what we mean by recognition. A newspaper would be great but we'd have to hire a whole dept to produce one. We do have kiosks throughout the campus. She asked whether the new expectations incorporated into the FPC Guidelines are actually taken into consideration in the FPC's deliberations and votes. She has directed plays; Thalia Vrachopoulos curates scores of exhibits. Do these carry any weight, she asked.

VP Kaplowitz spoke of the floors of empty walls in both the New Building and in Haaren as well as in our other campus locations. There could be wonderful posters – done in house – featuring huge photographs of faculty with information about their research. She recalled having seen such posters in the windows of the Haaren Hall atrium and learning so much about our faculty. Some were photos of faculty with the students they are doing research with. She said with so many blank walls, we could feature many, many members of our community. She also suggested a survey of the faculty asking questions about these matters.

President Benton said that as a member of the assessment committee that focuses on administrative offices, an issue recently came up: how do we assess the faculty personnel process. Someone suggested using a metric that measures the percentage of faculty who receive positive votes but he argued that this is not a valid measure. The committee is focusing on assessing how well the documents are processed for the FPC as opposed to the broader personnel process. The question is: do our faculty understand and have confidence in the personnel process. He suggested the Senate in the near future consider adopting a resolution about assessing the FPC process, including onboarding, the FPC Guidelines, mentoring, etc.

The meeting was adjourned at 3:01 PM

Provided by
Karen Kaplowitz