

**Faculty Senate Minutes #561
John Jay College of Criminal Justice**

Friday, December 1, 2023

10:00 AM

Zoom

Present (33): Chevy Alford, Maria Arndt, Madhura Bandyopadhyay, Tarun Banerjee, Elton Beckett, Ned Benton, Heath Brown, Jean Carmalt, Kate Cauley, Peter Diaczuk, Jennifer Dysart, Nina Rose Fischer, Heath Grant, Maki Haberfeld, Veronica Hendrick, Mohammad Islam, Karen Kaplowitz, Catherine Kemp, Edward Kennedy, Vicente Lecuna, Anru Lee, Joseph Maldonado, Mickey Melendez, Brian Montes, Raymond Patton, Susan Pickman, Stephen Russell, Francis Sheehan, Todd Stambaugh, Charles Stone, Robert Till, Sung-Suk (Violet) Yu, Zhun Xu

Absent (4): Jonathan Epstein, Sofia Morote, Gregory Sheppard, Marie Springer

Invited Guests: Student Relations Manager Rachel Brown, Professor Nathan Lents, President Karol Mason, Interim Vice President & Dean of Students Danielle Officer

AGENDA

- 1. Adoption of the agenda**
- 2. Approval of Minutes #560 of the November 14, 2023, meeting**
- 3. Discussion: Leadership of the 2024-2025 Faculty Senate**
- 4. Invited Guest: President Karol Mason**
- 5. Proposed revision of John Jay bio on wall adjacent to L61: Executive Committee**
- 6. Consideration of Honorary Degree candidates: Prof. Nathan Lents, Chair of the Faculty Senate Committee on Honorary Degrees**
- 7. Ways to support faculty in the classroom, how to prevent disruptive student behavior, and what to do if a student is disruptive: Invited Guests: Interim VP and Dean of Students Danielle Officer & Student Relations Manager Rachel Brown**
- 8. Budget update: Ned Benton**
- 9. New Business**

1. Adoption of agenda. Approved.

2. Approval of Minutes #560 of the November 14, 2023, meeting. Approved.

3. Discussion: Leadership of the 2024-2025 Faculty Senate

President Kaplowitz recalled that in May 2023, when she agreed to again serve as president for a year, having served for many years before Ned Benton became Senate president, Stephen Russell was elected vice president with the plan and hope that Steve would be a candidate for president in May 2024. Steve explained that he has been asked by his current and two former department chairs, including the chair who hired him, to be a candidate for chair of his department, History, in May and that he feels he must accede to their request. Steve said that his time, so far, as Senate vice president has been a fantastic experience; he understands the college so much better and has never felt so connected to the college. He said he loves being the kind of person who doesn't complain about problems but instead finds solutions. He said he plans to run for the Senate for next year and to stand for election to the Senate's Executive Committee, if wanted, and to someday seek the leadership of the Senate. Karen said that she understands Steve's decision entirely but, of course, is disappointed because it is clear to her that Steve would be a fabulous Senate president; she said working with him has been a pleasure and she hopes he someday will head up the Senate.

Steve said his mentorship by Karen has been invaluable and he doesn't think he could have served as president without this opportunity to learn about the Senate and about the College and University. Karen said that she would be willing, if needed and asked to, to serve one more year as president to mentor a new vice president and she urged the Senators to consider being a candidate for vice president in May. She also urged senators to consider taking on this role and to let her know of any colleagues they think would be interested in being vice president and eventually president.

4. Invited Guest: President Karol Mason

President Mason asked for feedback from the Senate about the challenging environment across the country, including at our college, regarding pro-Palestinian and pro-Israel issues.

Asked about the posters and tabling of pro-Palestinian and anti-Israeli literature, President Mason said that Title VI is the key document. What is prohibited is speech that impedes our students' access to education. She met with Hillel students on November 28 and with Dean of Students Danielle Officer. Anything posted on walls and bulletin boards has to be approved in advance. Posters not approved will be taken down. Tabling is a different question: if the posters are at a student club's own table, they are permitted to display posters and other literature.

She said our job as educators is to help our students engage in difficult conversations; right now, they're just yelling at each other. The best outcome is if we get our students to engage in dialogue with each other. We have to teach them how to do that and how to be respectful while doing that. We have to find some way to talk about our values.

Senator Maki Habelfeld said she's a dual citizen of the United States and of Israel, having been born in Poland, the daughter of Holocaust survivors. She said it's not very complicated, noting that many of her friends support Palestine, but none support Hamas, which is a terrorist organization, designated as such by the United States. To call for "Palestine from river to the

sea” is to call for the extinguishing of Israel. Students using megaphones to scream at us creates an unsafe work environment, a violent work environment, an environment that makes her not want to come to work anymore.

Senator Madhura Bandyopadhyay said she teaches first-year English Composition and her students know she’s of south Asian origin as are most of them. She said they seem to be going through lots of distress; she sees this in their response papers. Most of them are Muslim, which she is not, but they see her as someone they can open up to. They tell her there’s not much space at the college where they can talk about their experiences. She herself is new to John Jay and she’s not sure how to deal with this.

President Mason said that long before October 7, Dartmouth created a class on the history of the Middle East. This semester they have used the class as a way to hold conversations, which drew thousands of students. She acknowledged that it’s been pointed out to her that Dartmouth is not as diverse as John Jay.

VP Stephen Russell added that Dartmouth is residential, heavily funded, and there are as a result lots of different experiences and lots of interactions. His uncertainty is with the discourse of safety. His own child has a father of mixed race and a mother who is Jewish. He wants for his child what he wants for his students: to feel safe but not protected against the realities of the world.

President Mason said even before October 7, students said they didn’t feel safe on campus. But when, after meeting with student groups, she parsed out what they were saying she realized they were really saying they didn’t get the reception they felt they should have received. Both groups of students feel physically unsafe. She asked for suggestions for speakers, noting that the recent book talk by Professor Oded Leshem, author of *Hope Amid Conflict*, moderated by Steve Russell, was well attended by both Jewish and non-Jewish students. She spoke of how literature and art give us a way to discuss difficult topics, adding that the safety piece is because they are a different generation. When people hear strong rhetoric, there is a physiological reaction, a visceral reaction. She said she asked the Students for Justice in Palestine (SJP) if they can stop looking at the images from the war.

Senator Sofia Morote said she was trying to avoid the topic of the Palestinian-Israeli conflict but her students want to talk about it, they want to hear each other. She grew up with Palestinians and with Jews and both groups feel comfortable talking to her. They want to be listened to. She listens to them outside classroom as well, but they never know her position. She’s had no bad experiences so far. One student didn’t want to work with another student and she said: focus on your topic, it’s your job. And it worked.

President Mason said relationships are important. Our Student Council leaders change every year. She’s an eternal optimist, a hopeaholic. We need to help them have those relationships.

Senator Joseph Maldonado thanked the president for her comments and for her focus on relationships. We have to embrace that it's failure of leadership as to why students can't have conversations and that we must create spaces for those conversations, spaces where accountability matters. Many have learned to ask questions, which defuses anxiety; those who have knowledge have slowed down and explained things. At the beginning of every semester, he establishes a covenant with his students, a Peoples' Institute, creating a space where we're interrupting the conspiracy of silence. He said as a new full-time faculty member, he is told to not say too much, to keep his head down. He's not indicting anyone in this meeting but this isn't the advice he should be receiving.

Senator Heath Grant commended what Joseph Maldonado said. Free speech is very important, but so is safety. Academic freedom is not only the freedom to teach but also the freedom to learn. Jewish students feel they have to hide their identity, not just at John Jay; they feel they have to keep their heads down. He said as a gay faculty member who wears a kippa, he knows what the students are feeling. A Jewish student came to him during the summer saying he felt alone – Jews are an extreme minority at the college – and so he advised the student to join Hillel. The student said he couldn't do that because he'd be bullied as a Hillel member.

President Mason asked if they don't feel safe at John Jay, how will they feel safe in the world. She asked how do we prepare them for a world that is not as diverse as John Jay.

Senator Elton Beckett said this has been a long-time problem at John Jay. There's a deficit in our curriculum. Other than in our Dispute Resolution program, there's nowhere our students learn to listen. Corporations are having listening sessions; he suggested we have listening sessions as well. Our job is to prepare students to enter and succeed in the real world. Some students have been saying that they are afraid to speak up. We have to think of this in the long term.

President Mason said we are a busy commuter college and, so, it's a challenge to even get people into the room. Gabriella Leal, our Diversity & Compliance Officer, leads conversations of pockets of 30-40 people, but the question is how to enlarge that. Professor Leshem's talk drew 70-75 students.

Senator Heath Grant said we must be strategic. There's a perfect storm forming now for commencement and so one question is how the college is preparing for commencement. The quite obvious things are going to happen and it's very important to be prepared and be ready. President Mason expressed gratitude for that observation because her head is so firmly in the here and now that she's not been thinking that far ahead.

President Mason said her next topic is our financial situation. Our situation now is different from in the past. As a new president, she inherited a \$12 million deficit and then CUNY bailed us out each year thereafter; then Covid happened and the Feds bailed us out; but the City has cut the budgets of the community colleges and the State has not invested in CUNY. They've stopped funding our collective bargaining costs. And now CUNY has a \$123 million deficit and the CUNY colleges together have an additional \$153 million deficit. In other words, the

university is facing a \$300 million deficit. We can manage this at John Jay if we come together. We must hire fewer adjuncts; in fact, we were supposed to reduce the number of adjuncts when we hired all those full-time faculty, but that didn't happen.

President Mason said the real opportunity to help CUNY comes with the State; next year every legislator is up for reelection. The Supreme Court decision that affirmative action is unconstitutional provides an opportunity to tell our legislators that if they are interested in Black and Brown students, then CUNY is the university to invest in. The PSC message calling for a tuition-free CUNY is not effective. Legislators think that by closing the Tap Gap they took care of CUNY but of course that's not true. Legislators listen to faculty much more than they listen to administrators. Also, if the PSC asks for new faculty lines that will not help. John Jay has a structural deficit which is a deficit that has nothing to do with our behavior. The deficit about which she spoke a few minutes ago is not counting the anticipated collective bargaining agreement increase which, if not funded by the Legislature, will further increase CUNY's deficit. President Mason concluded that we have a window with the Legislature right now and asked: how we can get the PSC to lobby for an investment in CUNY.

Senator Susan Pickman said the message should be that CUNY is moving our students into the middle class, making them viable tax payers. President Mason agreed, saying that Queens College and CCNY did analyses about how much their graduates add to the tax base – John Jay couldn't afford to do this study – and they showed that their graduates add \$2 billion. In the wake of the affirmative action decision, this is, indeed, an important argument. President Mason thanked the Senate for the opportunity to meet.

5. Consideration of Honorary Degree candidates: Prof. Nathan Lents, Chair of the Faculty Senate Committee on Honorary Degrees

Professor Nathan Lents, chair of the Faculty Senate Committee on Honorary Degrees, presented candidates for consideration. After deliberations, the Senate, by secret ballot, approved the following four candidates and ranked the four in the following order of preference:

LeVar Burton
Ava DuVernay
Donna Ferrato
Rhiannon Giddens

6. Proposed revision of bio of John Jay on wall adjacent to L61: Executive Committee

The Senate considered new language proposed by Senator Joseph Maldonado and a revision of the text that had been proposed by the Executive Committee. The revised language proposed by the Executive Committee received an overwhelming vote of support:

John Jay was the first Chief Justice of the United States Supreme Court. His life is emblematic of our College's commitment to continuous inquiry into the nature of justice. Jay shaped the drive for American independence and served as legislator, diplomat, jurist, and author of several of the Federalist Papers, guiding the formation of our new nation. He helped negotiate the treaty that ended the American Revolution and secured British recognition of the United States. He served as Chief Justice of our state's highest court. He enslaved 17 people over the course of his life and was a founding member of the New York Manumission Society, which promoted freedom for all enslaved people. As a drafter of New York State's first constitution, he advocated for a provision to abolish slavery, which ultimately failed. Later, as Governor of New York, he signed the Gradual Emancipation Law of 1799, which resulted in emancipations leading to the end of slavery under New York State law several decades later. John Jay's life and career embody the aspirations and the tensions that to this day lie at the heart of our national heritage and spur continuous renewal of our mission to educate as well as to inspire fierce advocates for justice.

7. Ways to support faculty in the classroom, how to prevent disruptive student behavior, and what to do if a student is disruptive: Invited Guests: Interim VP and Dean of Students Danielle Officer & Student Relations Manager Rachel Brown

President Kaplowitz welcomed Interim Vice President & Dean of Students Danielle Officer and Student Relations Manager Rachel Brown, who work together, and explained that in preparation for this discussion, she had emailed the College's policy about the Behavioral Intervention Team [BIT], which is at [BIT.001 BEHAVIORAL INTERVENTION TEAM \(BIT\) 0.pdf](https://www.cuny.edu/bit/001_BEHAVIORAL_INTERVENTION_TEAM_BIT_0.pdf) ([cuny.edu](https://www.cuny.edu))

She noted that this topic became important to the Senate after a member of the faculty spoke at a recent Town Meeting about a student whom she described as disruptive in her classroom. VP Officer said disruptive student behavior is occurring at higher rates not just at John Jay but across the country. Mental health issues among students is on the rise. The pandemic and the lack of interaction by students with others is a cause. Students have to learn or relearn what it means to socialize, what the social norms are, and the necessity of showing up in our classrooms and in our offices.

VP Officer explained that if there's a troubled or disruptive student, a report is to be sent to the BIT team [the Behavioral Intervention Team] at bit@jjay.cuny.edu; the email automatically goes to every BIT member. As the BIT chair, she responds to the email saying that someone will be in touch. Who that is – Public Safety, Legal Office, Counseling, Conduct Officer, etc. – depends on the nature of the report. If the issue is a student's mental health, then Counseling will reach out. BIT's operations and communications are confidential; confidentiality ends if it is identified as a mental health issue.

The investigation of the active shooter event at Virginia Tech in 2007 that left 32 dead revealed there wasn't good communication between the different offices and divisions of the college. In response to that event and the findings of that investigation, John Jay created BIT in 2009. VP Officer explained that at that time she was appointed to BIT as the college's ADA Officer. If BIT receives a report that a student is disruptive in class, BIT brings the student in and conducts conversations with the student to help him

or her understand their role in the classroom. BIT consults with the faculty member about strategies, interventions, referrals, accessibility, and so on. Public safety is immediately notified. If a student is a danger to themselves or a danger to others; the director of public safety and the director of counseling are called in.

VP Officer said they close the loop by telling the professor that the matter has been resolved but that can be frustrating because they can't say anything more than that because of FERPA and HIPPA. The student is going through a college process. She said they do remove some students from the campus; they are put on a denied-access list, which means that public safety officers do not permit such students onto campus. Early intervention is best. An issue may build up over a semester and then come to a boil. BIT does a threat assessment; they assess whether a student is a threat; if the student has committed a violation of the conduct rules then the issue goes to public safety.

She explained that the most prevalent issue is disruptive behavior in the classroom; indeed, there has been an increase in the number of such cases this semester, and the majority of these cases involve mental health problems.

Student Relations Manager Rachel Brown explained that a classroom disruption is anything that interferes with a professor's ability to teach or a student's ability to learn. She said the goal of Student Affairs is to ensure the retention and success of our students. Their interactions with students is meant to be educational and not punitive. CUNY is in the process of updating the Henderson Rules (the University's rules of conduct); the CUNY Board of Trustees is working on this now. We are controlled by Article 15 of the NYS Education Law. The relevant Supreme Court decision is *Dixon v Alabama*, which decided in 1961 that students at public institutions of higher education cannot be disciplined without due process, including notice of their alleged violations and an opportunity to be heard. And, so, all students have the right to due process.

Manager Brown explained that there are three processes when there is a report about a student enrolled at JJ; report, investigation, and resolution. The investigation can include off-the-record consultations; they talk to the complainant and the respondent; they talk to other witnesses; they review security camera footage. They may take interim measures: for example, they may switch a student to a different class section; if the conflict is student to student, they might move one of the students to another class section; they might issue a no-contact order; they might put the student's name on a denied-access list kept by public safety; if it is a serious concern, something that is considered dangerous, they bring the issue to public safety, and to counseling, and to the dean of students. She explained that they will sometimes put a student on a denied-access list as the only way to get the student to come in and talk with them.

After the investigation is concluded, the resolution phase is next. If a policy has been violated, the student will often admit it. Jumping over a turnstile is the most frequent infraction; disruption of a class is the second most frequent infraction. If the student does not admit having violated a policy, then the Faculty/Student Discipline Committee [FSDC] process takes place. A student may be expelled only by the FSDC; on the other hand, if the student admits guilt, the Student Affairs Office cannot expel the student. Manager Brown said they have convened FSDC for four cases: all were for sexual harassment; only one went through to FSDC. A student may admit guilt up to the moment of the beginning of a hearing. In these cases, one

student was expelled and another student ghosted them and was blocked by both CUNY and SUNY.

The sanctions for lower-level violations might be requiring a student to write a reflection paper (of 500 words); attend mediation conferences (that involve making an apology); a disciplinary probation and then, if an infraction is committed during probation, the infraction gets treated more seriously; and, finally, suspension. The case that went to the FSDC involved a charge of serial rape – four rapes – by a student who lived in our dorm; this was the student who was expelled. Another student was suspended for a year for using a set of illegal key picks to steal money from our vending machines; another student who kicked a hole in a wall was sentenced to community service to pay off the cost of repair.

VP Officer said people are always surprised that they don't hold a lot of hearings; the fact is that our students want to go into law enforcement and so they admit their guilt so as to not have a notation on their transcript and so they don't have to give detrimental information on a job application. She explained that they do a session about this at freshman orientation, with small group work involving 20-25 students at a time.

She also spoke about our medical withdrawal policy; a student may choose voluntary withdrawal because of a mental health issue that makes him or her a danger to others; in this case the student must be cleared by a psychiatrist before being permitted back on campus. She recalled a case where a veteran was put into an in-hospital psychiatric ward and couldn't return for a semester. She added that details can't be provided because of FERPA and explained that counseling is covered by HIPPA.

Senator Ned Benton asked whether the serial rapist, in addition to being terminated from school, was referred for legal action. Manager Rachel Brown said yes, adding that there are frequently overlapping cases, with a student moving through both the college system and the criminal justice system at the same time.

Senator Jean Carmalt asked whether there is any communication across the CUNY colleges with regard to transfer students or whether FERPA prohibits this. VP Officer said that they do sometimes get information because there's sometimes a notation on a transcript. She said it's one of the things they have struggled with because CUNY does not have a centralized data base. She said they've asked for one over and over and over again, adding that we do have a data base at DoIT because Joe Laub created it. She said they bring this up every year at CUNY because students frequently move from one campus to another.

Senator Susan Pickman asked whether we have a sense of the age or class standing of students referred to BIT or whether they are transfer students or other such information. VP Officer said they don't have such information but agreed that they should and that they would now look into this. She added that one of the things they are planning to start doing is conducting role playing with students about how to be a student in the classroom. She said SEEK does a great job at this.

Senator Francis Sheehan said that in his department, Sciences, a colleague had a very negative experience with BIT. She was being stalked by a student who took and posted pictures of her on social media accompanied by obscene comments. Public Safety officers escorted her around campus, but the student remained on campus taking courses. Sciences doesn't offer many sections of its courses. His colleague was told that if the student needed to take a course, she shouldn't teach that course. He asked what is she supposed to teach if the student is taking a course in her area of expertise. He observed that everything is student oriented, not faculty oriented, and not oriented toward the other students who are not disruptive. He asked how much time passed between the first and fourth rape and how much time passed before the student was expelled.

Manager Brown said that an emergency suspension was used with that student. There's a frequent delay by people seeking help who are sexually attacked; there's often delay before the attack is reported but there was no delay once it was reported before the student was given an emergency suspension. He was out of the dorm by that night, immediately suspended, and given a date for the hearing, which was in March 2020. In another case, a student who had used a profanity in the classroom was out of the course within a week of the professor's report.

Senator Sheehan asked what right does a faculty member have to tell a student to leave the classroom. The entire class shouldn't have a class cancelled because one student is being disruptive. VP Officer said a faculty member should immediately pick up the phone that is on the wall of every classroom and Public Safety will immediately come and remove that student; the next day Student Affairs will deal with the situation. If a situation like that happens, a faculty member should send BIT a report by emailing BIT@jjay.cuny.edu

Senator Benton asked whether there is an annual report issue by Student Affairs and, if so, whether we might have a copy. VP Officer said that now that they have a data base, the answer is yes. She said the annual report issued for Spring 2018 is available.

Senator Heath Grant asked whether there is a standard or threshold by which a student can be removed permanently from a classroom. He gave as an example a student who had refused counseling, who claimed that her professor was poisoning her, and whom his department couldn't get removed from the course. VP Officer said they bring the student in and have a conversation about what it means to be a student, adding that online classes are the hardest to manage. They offer such a student a voluntary medical withdrawal and if the student refuses, they will give an involuntary medical withdrawal. She explained that CUNY manages this; it is CUNY who makes this determination. So the answer is yes. Manager Brown added this is a new policy and was not in place when the poisoning case took place.

VP Steve Russell said he is struck by the disjuncture between the large number of cases and the four FSDC hearings with only one expulsion. He spoke of the large numbers of students who feel threatened, who report infractions, but because the student admitted guilt they see the miscreant walking around campus, still taking classes

VP Officer said they do reach out to faculty members and to students. But the problem is that they can't tell them anything except that the issue has been resolved. Then students report their unhappiness and frustration on Discord and What's App chats. She asked that we please trust the college's processes and work with members of the Student Affairs division.

Senator Sung-Suk Violet Yu asked whether they ever inform professors about potential problems from transfer students who arrive with a notation on their transcript. She explained she's been getting very strange emails from a student. She reached out to her department chair and learned in this way that this student has been referred to BIT several times. She said if a professor were told to be aware, it would help that professor be prepared; she added that she understands about HIPPA. VP Officer said the answer is both yes and no. She said they are not made aware of students who are coming here with a problem. On the other hand, when they have a student who voluntarily withdraws, they do reach out to the student's other professors to ascertain if there were any other problems involving that student. She said they would rather know about problems sooner rather than later. Manager Brown added that any student who is designated a Level 2 or a Level 3 [the highest level] sex offender is required to report to Public Safety.

Senator Francis Sheehan said not telling a student's professors could create a problem. A Level 2 or Level 3 sex offender who is alone with a professor in the professor's office could prove dangerous for that professor. He asked about another situation: a student in a Science lab was obviously sick; there are very close quarters in a lab; the student clearly shouldn't have come to class. He asked what rights do the other students have, especially the two next to the sick student and the two opposite him, and what rights does the professor have. Manager Brown said that is up to the professor. A professor can remove a student at any time. On the other hand, a suspension is when a student is removed from all his classes at once. She added that a student in crisis often starts out coming to campus wearing dirty clothes and smelling unwashed.

8. Budget update: Ned Benton

Senator Ned Benton explained in more detail what President Mason had said earlier in the meeting about the CUNY deficit of \$300 million.

The meeting was adjourned at 3:00 PM

Provided by K. Kaplowitz