

FACULTY SENATE MINUTES #115

John Jay College of Criminal Justice

November 22, 1994

3:15 PM

Room 630 T

Present (25): Yahya Affinnih, Arvind Agarwal, Michael Blitz, Ira Bloomgasden, Orlanda Brugnola, Heesa Costa, Edward Davenport, Peter DeForest, Robert DeLucia, Janice Dunham, Arlene Geiger, P. J. Gibson, Elisabeth Gitter, Lou Guinta, Diane Hartmus, Elizabeth Hegeman, Zelma Henriques, Karen Kaplowitz, Gavin Lewis, Tom Litwack, Peter Manuel, Dan Pinello, Carmen Solis, Maurice Vodounon, Bessie Wright

Absent (13): Jane Davenport, Pat Gary, Laurence Holder, Richard Koehler, Leona Lee, Barry Luby, James Walone, Henry Morse, Jill Nsrgren, Charles Reid, Edward Shaughnessy, Davidson Umeh, Agnes Wieschenberg

Agenda

1. Announcements from the chair
2. Approval: Minutes #113 of November 2 & Minutes #114 of November 15
3. Update on base level equity reallocation
4. Resolution on scheduling classes during the "free" (sixth) period
5. Report on admission rates to law schools of John Jay students

1. Announcements from the chair

President Kaplowitz reported that the Senators will be receiving a packet of recent articles about CUNY which the executive committee is compiling in preparation for the Senate's meeting with Vice Chancellor Elsa Nunez-Wormack on December 9. These articles, which are an almost unrelievedly negative attack on CUNY, will be the context, in part, in which Vice Chancellor Nunez-Wormack will be making her remarks and answering our questions. One is Heather MacDonald's 22-page article "Downward Mobility: The Failure of Open Admissions at City University" in City Journal (published by the Manhattan Institute). A second article is an op-ed piece by John Leo, which is based on the MacDonald article, and which appeared in both the Daily News entitled "CUNY Has Been Ruined by Lack of Standards," and in Newsweek, under the title of "A University's Sad Decline." A third, written by Jim Sleeper, "At Last, CUNY's Going Back to School," just appeared in the Daily News. Several other articles will also be sent, including several reviews of the new James Traub book about CCNY, City on a Hill.

Dr. Nunez-Wormack holds two very important positions: She is the

University Dean for Academic Affairs and she is also the Vice Chancellor for Student Affairs. It was in her capacity as the University Dean for Academic Affairs that Dr. Nunez-Wormack gave the recent presentation to the Board of Trustees' committee on academic affairs about retention rates, graduation rates, and remediation that was reported to the Senate last month and that led the Senate to decide to invite Dr. Nunez-Wormack.

President Kaplowitz suggested that when Vice Chancellor Nunez-Wormack comes to the Senate on December 9, the Senate should continue its effort8 to have John Jay's budget made more equitable by making the case to her that the lack of sufficient numbers of full-time faculty and of sufficient resources is hurting our ability to properly address issues of retention and academic standards. She noted that Vice Chancellor Nunez-Wormack is an influential voice at 80th Street in her dual capacity and that as the University Dean for Academic Affairs she reports to Vice Chancellor for Academic Affairs Richard Freeland, who has been asked by the Council of Presidents' Ad Hoc Committee on Base Level Equity to provide information and reports. (In her capacity as Vice Chancellor for Student Affairs she reports directly to Chancellor Reynolds.)

President Kaplowitz cited, as an example of the issues being raised by the trustees, that at the previous week's meeting of the Board's academic affairs committee, a trustee asked why all the colleges do not follow the example of those colleges that require students to remain in certain programmatic modules until they pass at least the reading and writing proficiency tests. This is, in part, an issue of resources, which she said, she told the trustees.

Senator Litwack agreed that this is a very good opportunity to convey to another member of the Chancellory John Jay's severe underfunding and the inequitable funding of John Jay compared to the more fiscally advantaged senior colleges.

President Kaplowitz then reported that the Senate's executive committee is recommending that the Senate invite Vice Chancellor for Facilities, Planning, Construction, and Management Emma E. Macari and that a special Friday meeting of the Senate be scheduled so the Senate can have sufficient time to hear the Vice Chancellor's presentation and to ask questions and present the case for Phase II. She recalled that when President Lynch met with the Senate last week, he commended the suggestion that the Senate invite Vice Chancellor Macari so she can hear directly from the faculty as to why we need Phase II. President Kaplowitz said that when Vice Chancellor Macari first came to CUNY last year she had informally invited her to the Senate and the Vice Chancellor's response was that she would love to come. We should make the case, President Kaplowitz said, that we need Phase II not only because of the overcrowding and lack of classrooms, which is a result of our enrollment growth, but because we can not fulfill our special mission and we cannot fully realize the potential of our special and unique majors without the proper configuration of space and the proper equipment and facilities. The Senate agreed to invite the Vice Chancellor and to schedule a Friday meeting in February.

2. Approval of Minutes #113 of November 2 and Minutes #114 of November 15

By a motion duly made and seconded, Minutes #113 of the November 2 meeting and Minutes #114 of the November 15 meeting were approved.

3. Update on base level equity [Attachment A]

President Kaplowitz reported that she and Senator Litwack are working on a letter [Attachment A] to Baruch President Matthew Goldstein, the chair of the Council of Presidents, ad hoc committee on base level equity and that as soon as the minutes of the last COPS ad hoc committee meeting are available they will be sent to the Senate. [Copies of the two sets of COPS minutes are available from the Senate's Executive Committee.]

Senator Gitter asked whether the University Faculty Senate has taken a position on base level equity. President Kaplowitz said that the topic has not yet been raised at the UFS. Everyone is waiting for the final report of the Council of Presidents' ad hoc committee which is due in December. She noted that President Matt Goldstein has asked to meet next week with the UFS Executive Committee, of which she is a member, to brief the committee, and that Professor Ned Benton, chair of John Jay's Budget Planning Committee is a member of the UFS Budget Advisory Committee, and so we have John Jay representation on these two very important bodies.

4. Proposed resolution on the scheduling of undergraduate classes during the "free" (sixth) period

The Senate's executive committee is presenting a revision of an earlier proposal, which had called for no 6th ("free") period classes to be offered henceforth. The Senate had rejected that proposal because of the paucity of classroom space. This revision of the proposal recommends that courses be scheduled during the sixth period only if two conditions are met: first that the course also is offered during another time slot (so students, who must pay student activity fees, have a choice if they need that course); the second condition is that the teaching of sixth period courses be restricted to adjunct faculty who volunteer to teach during that period. The reasoning for the latter condition is that adjunct faculty (of whom there are twice as many as full-time faculty) are not eligible to represent their departments on departmental or college committees, which almost invariably meet during the 6th period. The proposal also recommends that we stop scheduling sixth period classes when sufficient numbers of classrooms are available during the other periods.

Senator Brugnola spoke against restricting the teaching of sixth period courses to adjunct faculty because to do so would send the wrong kind of message to adjuncts. She said that while she understands the reasoning behind the proposal and recognizes its logic, it is an inappropriate way to solve the problem.

Senator Litwack spoke in favor of the proposal, saying that many adjuncts, quite properly, limit their activities at the college to teaching their classes and those adjuncts, such as Senator Brugnola, who want to be more involved would not be required to teach during the sixth period according to this proposal. Therefore, he said, there is nothing wrong in limiting sixth period courses to adjuncts and there is no wrong message sent as long as adjuncts do not have to teach during that time period if they do not want to.

Senator Bloomgarden said that he has problems with the proposal to limit sixth period courses to adjunct faculty: in the effort to do good, he said, we are taking away some of our own prerogatives as faculty. If a full-time faculty member, knowing full well his or her own obligations and responsibilities to the community of the College,

wishes to teach in the sixth period, this body that represents the faculty should not forbid it.

Benator Gitter asked who is meant to be the audience for this resolution. Senator Litwack said that the Senate's position is necessarily an advisory one: the Board of Trustees has mandated that it is the prerogative of department chairs to determine the teaching schedule of the faculty. Senator Gitter recommended that the Senate ask the chairs to take up this issue.

President Kaplowitz supported this suggestion. She said that Senator Litwack is correct that scheduling is the Chairs' prerogative and that the Bylaws of the Board of Trustees make this explicit. She noted that despite this, as far as she has been able to determine, there was no discussion by the Council of Chairs about whether sixth period courses should be offered. First a pilot program of a few sixth period classes was conducted to see if students would register for them, then when students did register the pilot was expanded to 34 sections this semester, and it will presumably be expanded even further next semester. She said this proposal is really to ask the Chairs not to schedule full-time faculty during the sixth period.

Senator Bloomgarden said the obligation of faculty to fulfil their responsibilities to the College is taken seriously here and if people want, in effect, to cut themselves off from the community we should not say they should not do this. He said if faculty want to teach during this time they should be able to. But we should make sure that faculty are not pushed into teaching during that time.

Senator Hegeman said that as someone who has been assigned to teach during the sixth period next semester and who comes from a very small department that is stretched very thin at the moment, she does not feel that she really has a choice about the matter. Senator Bloomgarden said that full-time faculty who do not volunteer to teach during the sixth period certainly should not be required to.

Senator Bloomgarden noted that Dean Gray had reported, in fact, that not all classrooms are utilized during either the first or fifth periods nor during the ninth period. He recommended, therefore, an alternate approach: that sixth period classes be scheduled only if and when all the other class periods have been completely filled.

Senator Geiger spoke against the proposal, saying there is already a serious problem of adjunct faculty feeling more and more excluded from the John Jay community. She said any recommendation to restrict a certain class period to adjunct faculty will worsen the sense that exists here that the faculty is the full-time faculty and that the adjunct faculty is somehow outside the faculty. She said it makes more sense to explore other possible space for classrooms, to explore Friday classes, and to schedule more first and fifth period classes. She added that the issue of adjuncts freely choosing to not teach during the sixth period is not realistic because adjuncts have very little leverage. Senator Litwack said that although the work and role of adjunct faculty is very important and very much appreciated by all of us at the College, nevertheless adjuncts are not the full-time faculty and do not have the same obligations and responsibilities as the full-time faculty.

Senator Gitter said the discussion has enabled us to understand more fully the inter-related issues that are involved. She recommends that the executive committee discuss this with the Council of Chairs and with the Provost and the Dean for Registration and report back to the Senate. The Senate supported this course of action. 5.

Report on John Jay students* admission rates to law schools
[Attachment B]

In response to **discussions** and requests by Senators at previous Senate meetings about the experience⁸ of their **students** who applied to law schools, the Faculty Senate's executive committee compiled data provided each year by the testing service that administers the LSAT, the law school admissions test [Attachment B].

President Kaplowitz explained that she distributed these tables earlier in the month at the Better Teaching Seminar on mentoring students who want to attend law school. She said the Better Teaching Seminar was extremely successful and that not only faculty but many students attended. She praised the moderator, Senator Jill Norgren, and the panelists: Professors Jane Bowers (English), Patricia Johnson (Law, Police Science, & CJ Adm), Barry Latzer (Government), Victor Williams (Law, Police Science, & CJ Adm), and two recent (Yay 1994) John Jay graduates who are first-year law school students, Yvonne Morales (Fordham Law) and Peter Silver (Hofstra Law). Both Ys. Morales and Mr. Silver said over and over that John Jay faculty must be more academically demanding of their students and that our faculty must grade more honestly than most do. She also reported that she and the panelists agreed that they would schedule this presentation again for students, to which faculty could of course attend, but the primary audience will be students.

as for the data, she said that it echoes what faculty have been reporting about their students' complaints. She referred to Table 11, which shows a sharp decrease in the percentage of John Jay applicants who are accepted by law schools, a decrease in some cases to only a half or in some cases to only a third of the percentage of applicants previously accepted. One of the dramatic changes, for example, is the rate of acceptance to Howard Law School; during the 1987-1991 period, the acceptance rate of John Jay students was 36%, then it was zero acceptance, and now the rate has risen to 13%.

She also reported that the Better Teaching Seminar panelists spoke emphatically about the absolute necessity of student⁸ taking LBAT preparatory courses because law schools rely so strongly on LSAT scores, an assertion that is strongly supported by the data.

Senator Manuel asked whether something happened between 1990/91 and 1991/92 because it seems there was a downward shift at that point. President Kaplowitz said the data raise many questions to which we do not know the answers and which may or may not be answerable.

Senator Bloomgarden said this is all related to the issue of standards. Students are being misled by the grades they receive. He said he knows there are a lot of good reasons for giving high grades and that some people even feel it is pedagogically sound to give students rewards for improvement rather than rewards for achieving absolute standards. This is something that is discussed in his department, the English Department, and his colleagues feel that these issues are very much connected: student⁸ think they are B+ or A- students because those are the grades they receive when, in fact, they are not. Those grades encourage them to apply to law school and yet when the law schools look at John Jay's grade distribution the law schools may then treat John Jay applicants, including those who are truly A+ students, negatively. And so the issue of law school admissions and our students' experiences with law school⁸ is really a standards issue.

Senator Gitter said that she would like to know whether more

student8 are applying to law schools, which maintain a static number of seats, and whether that right account for some or all of the shift in acceptance rates.

President Kaplowitz noted that the discussion at the Senate began when Senator Norgren reported that one of her very best students was told by Fordham that his GPA of 3.9 and LBAT of 141 do not merit acceptance because Fordham does not count John Jay's grades. She noted that Table VI shows that 48 John Jay applicants were not admitted to Fordham -- their average GPA was 2.86 and their average LSAT score was 141 -- but the four who were admitted had an average GPA of 2.75, which is lower than that of those not admitted, but the average LBAT score of 162 was higher. She said law schools are basing their decisions largely on the LBAT scores and our students are not prepared sufficiently well for the LBAT.

She said that what was recommended at the Better Teaching Seminar is that students should take the LSAT preparatory courses during their sophomore year, not when they are upper juniors or seniors, as most who take the preparatory course do. One of the faculty panelists, who attended law school after having earned a doctorate, noted that he took both the Kaplan and the Princeton preparatory courses and he recommended that students do the same if they can. She said that not only don't our students take two preparatory courses, most do not take any course -- one reason, of course, is that these courses are very expensive. She added that a member of the faculty who attended the Better Teaching Seminar reported that his LSAT score improved by 20 points after he took the Kaplan course. And so one issue is that our students are disadvantaged by not having taken a preparatory course or by not taking it early enough in the college career. As faculty who mentor students, we should know the important role that the LSAT score plays in the admission process and the important role LSAT preparatory courses play. She said that this information and the admission data should be distributed to our faculty.

Senator Bloomgarden asked whether any committee at the college has an official charge that would include studying such issues as those raised by the law school admissions data. The Undergraduate Standards Committee was suggested and it was noted that the president of the Faculty Senate is a statutory member and can be charged by the Senate to bring the issue to that body. Senator Bloomgarden moved that the data and the issues raised be submitted to the Standards Committee for its consideration and possible action and that the Senate be kept informed. The motion was unanimously approved.

Senator Litwack said we have had a Standards Committee for a number of years but that he has not witnessed any results of that committee's work. He said we have a very serious problem at the College and noted that Peter Silver, the law school student on the Better Teaching Seminar panel, who had been his student, had made that point. Senator Litwack said the problem is that we are not addressing whether or not we are really giving our students the educational opportunities they need and the academic standards they need to have. He said that if any one is going to seriously address this issue it will be the Senate and that it is good that Vice Chancellor Nunez-Wormack is coming to our next meeting.

Senator Litwack recommended that after we hear from Vice Chancellor Nunez-Wormack, the Senate should hold an all-day meeting of the entire faculty at which we discuss what we are going to do as a faculty about these issues. He said there are a lot of things that we can do at this College that we are not now doing. But, he said, we have to look at the entire picture, and we must grapple with this.

Senator Litwack gave some examples of things the Senate could do; we could propose a series of new courses, bridge courses, that are not now being given; for students who are not yet academically ready for the core courses; we could make a very strong statement that it is inappropriate for a department chair to ever criticize a faculty member for giving low grades; we could make a very strong statement that it is inappropriate to have a faculty member's reappointment, tenure, or promotion decision be in any way negatively affected because he or she gives low grades; we could require more objective testing of students' writing.

Be recalled two years ago when he was outvoted at the College Council, half of the membership of which is faculty, on a proposal to allow students to take up to 90 credits without having passed the reading or writing proficiency exam. The faculty voted overwhelmingly to approve this proposal, which he argued against. He said the Senate could bring the College Council a proposal that unless a student can read very well he or she may not take more than 45 credits: this would pass the College Council if all the faculty members and a single other Council member voted for it.

President Kaplowitz said that the issue of faculty members not being harmed because they give low grades is something that Senator Norgren also wants the Senate to take up, in the context of the student evaluation of faculty, because at the Better Teaching Seminar on mentoring students for law school, when the student panelists urged the faculty to be more demanding and to be more honest with their grades, a junior member of the faculty who said he is doing just that expressed his concern about how his students will evaluate him and whether and to what extent negative student evaluations harm a faculty member's career at the College. And so Senator Norgren has asked that both this question and the student evaluation form itself, which has a number of really inappropriate questions, be examined.

President Kaplowitz said she has asked the faculty senate leaders at the other CUNY colleges to send her a copy of their college's student evaluation form: each college designs its own form, although it is the CUNY Board of Trustees that has mandated that student evaluations of faculty take place at least once every academic year at all the colleges. She said that she has received a number of forms already and many of the demeaning and inappropriate questions on our form do not exist on the forms of other colleges. She noted that the Council of Chairs also wants to change our evaluation form and has asked for copies of the other college's forms when she receives them.

Senator Litwack said that ultimately it is the faculty who give students their final grades and that when students complain about their grades they invariably refer to the high grades they have received from other faculty. He said we need to raise the faculty's awareness about the consequences of giving grades that are not accurate reflections of a student's academic work.

Senator Gitter said that she and President Kaplowitz have been talking about the fact that what the John Jay graduates said at the Better Teaching Seminar really changed the way both of them are teaching their courses this semester.

Vice President Blitz said he has been at the College for seven years and that he does not now experience the sense of community among the faculty that so attracted him to the College and made it a place he really wanted to be. He said his first impression of John Jay had been that there was a remarkable amount of conversation among the faculty and this is not what he sees now. He said he does not know if

the change is because there are so many more students, or that there are so many more demands on faculty, or that with more than four hundred adjunct faculty there is a sense of loss of community, because we do not know who moat of the members of our own departments are. One of the things the Senate can do, and the Chairs can do, is provide affirmative leadership in the spirit of collegiality and in the spirit of affirmation of the things that the faculty do well.

Senator DeLucia cited a situation that he became involved in just today as a counselor that illustrates many of the comments that have been made at today's meeting. He told about a student who has missed seven classes in each of the four courses she is taking. Upon the student's return to her classes the other day, three of the student's instructors agreed to overlook the fact that the student missed seven classes, including the mid-terms, but the fourth instructor is not willing to do this and the student is angry with the fourth teacher because the example of the other three has convinced her that the one teacher is being unfair. That teacher has been so pressured by the situation, by the fact that the other three instructors have simply permitted the student to continue in their classes, that she has decided to give the student a make-up midterm, which she did today, and if the student passes the exam the instructor might reconsider.

Senator DeLucia also said that the students are by and large very happy with the faculty. They have very good things to say about the faculty and many want to stay here for their graduate study because of their very positive experiences. But, he said, it is certainly true that many of our students have academic deficiencies and need academic and other forms of support. But, he said, there is no coordination of the tutoring services, the skills labs, and the other academic and student support services: the tutoring and other support services are scattered, those in charge of these services don't coordinate their services, students can't get appointments, there are all sorts of difficulties. We really need to organize all the academic services under one umbrella in a coordinated way. The support services that students need to improve their skills, which in turn will improve academic standards, are just not there, Senator DeLucia said.

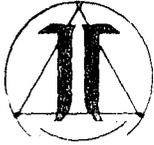
Senator Litwack said he feels very strongly that it is not morally right for us as a College to insist on proper academic standards unless we know that the students are given the means and the opportunity to succeed, that is, unless affirmative actions are taken to make it possible for students to achieve those standards. But, he said, if we do provide the opportunities for students to acquire the level of skills we require and the students, nevertheless, do not acquire that level of academic preparedness, then for the good of everybody those students should not be retained at the College.

The Senate supported Senator Litwack's proposal to have the Senate convene an all-day meeting of the faculty to deal with these issues after the Senate meets with Vice Chancellor Nunez-Wormack and disseminates the minutes of that meeting and materials, if any, that she provides to us on December 9.

By a motion made and seconded, the meeting was adjourned at 5:00 PM.

Respectfully submitted,

Edward Davenport
Recording Secretary



ATTACHMENT A

JOHN JAY COLLEGE OF CRIMINAL JUSTICE

The City University of New York
445 West 59th Street, New York, N.Y. 10079
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December 8, 1994

President Matthew Goldstein
Chairperson, Council of Presidents' Ad Hoc Committee on **Base Level Equity**
Baruch College
City University of New York

Dear President Goldstein:

We understand that the Council of Presidents' Ad Hoc Committee on Base Level Equity will be meeting on December 16th to formulate a draft report to the Chancellor in response to the committee's charge. We have read the minutes of the Committee meetings to date and documents provided to the Committee by Vice Chancellor Freeland and by Vice Chancellor Rothbard. We note that the Committee has agreed with your suggestion that the report to the Chancellor should begin with a set of principles (which, presumably, **would** form the bases of the Committee's recommendations). With appreciation for your and the Committee's commitment to maintaining an open process regarding the Committee's deliberations and ultimate recommendations, and with all respect, we would like to offer our **view** of what the primary principles guiding the Committee's recommendations should be from our perspective. We will state these principles briefly and then expand upon them further below.

1. The **University's** commitment to meaningful access, **excellence**, and equal opportunity **requires** that all Senior Colleges have a **sufficient** number of **funded** full-time faculty lines to **enable** all colleges to staff **at least 70%** of their classes with full-time faculty. This would be "**base level equity**."

2. **The** implementation of the **first phase** of **base level equity** should begin **immediately**, and base level equity **should** be **fully** achieved **within 5 years**.

3. Any **formula** for arriving at base level equity **should** take into account a **college's** contributions to **doctoral** education and sponsored research -- **but only to** the extent **that such contributions** are **not otherwise** compensated for or compensable by the use of vacant lines.

4. A commitment to **equal** opportunity for **all CUNY** senior college students **also** requires that a formula be developed **for** achieving greater equity amongst the Senior Colleges regarding the "**non-regulated**" portion of the budget than is currently the case.

5. There need be no conflict between the basic goal of achieving "base level equity" and the Board of Trustees' policy mandating Support for "academic program planning" if the assured "base" of full-time faculty at each Senior College is sufficiently high.

We will expand upon these points shortly. First, however, we wish to address what we believe may be a point of conceptual confusion. It concerns the distinction between the Instructional Staffing Model [or ISM] and the concept of (and any formula for) "base level equity."

As we understand it, the **ISM** determines, via an objective and neutrally applied formula, the total "teaching power" that should be available at every Senior College given their enrollments in their particular programs. The **ISM** does not determine **what** percentage of that "teaching power" -- at each college or system-wide -- is or should be generated by full-time faculty. By contrast, a model for achieving "base level equity" would, presumably, be concerned with more fairly equalizing, amongst the Senior Colleges, the extent to which the teaching power dictated for each college by the ISM (as adjusted for fiscal limitations) is staffed by full-time faculty.

The ISM may well be outdated; and a revision of the ISM may well -- and appropriately -- dictate that certain colleges should have more (or less) teaching power, relative to other colleges, than they currently have. In turn, even given the achievement of base level equity, a revision of the ISM may well mean that certain colleges will "deserve" more, or fewer, full-time lines than would otherwise be the case in order to maintain the **same full-time/adjunct ratio** for their newly determined proper "teaching power." However, we believe, for conceptual clarity, factors such as contributions to doctoral education and sponsored research should not be included in the ISM (even if they are included in the model for determining base level equity).

The ISM, we propose, should continue to determine what total "teaching power" a college needs (given **its** enrollment and particular programs). The model for "base level equity," we suggest, should determine the minimum number of available full-time faculty lines that a college should have -- given the teaching power that it needs (as determined by the ISM), and the importance of staffing most classes, at every Senior College, with full-time faculty. We will proceed with this understanding in mind.

Please allow us now to address in more detail the basic principles we have suggested should guide the Committee's recommendations:

1. The University's commitment to meaningful access, excellence, and equal opportunity requires that all Senior Colleges have a sufficient number of full-time faculty lines to enable each college to staff at least 70% of its classes with full-time faculty. Simply stated, our students will not have a reasonable opportunity to succeed in college, much less to obtain an excellent college education, unless a high percentage of their courses are taught by full-time faculty. And certainly students at fiscally disadvantaged Senior Colleges with high percentages of adjunct taught courses (amongst other resource related disadvantages) do not have an equal opportunity to succeed as their counterparts at more advantaged colleges. Thus, the **goal** of having at least 70% of classes taught by full-time faculty is already stated Board policy. Indeed, we believe, achieving this goal is so important for our students -- and so essential to satisfying the principle of equal opportunity -- that achieving this goal should be the highest priority of the Committee -- and of the University.

[Of course, a portion of a college's full-time faculty is always unavailable for teaching -- through leaves, release time for chairpersonships, and the like. Therefore, in order to actually staff 70% of its courses with full-time faculty, a college must have a ratio of full-time faculty lines / actual faculty lines that is somewhat greater than 70%. And currently, it appears, the average ratio of "FT Faculty / Actual Faculty" throughout all the Senior Colleges is 78% ("Actual Faculty" being, currently, 78.93% of the FTE teaching power dictated by the ISM). Accordingly, we believe that a base level equity model should seek to provide each Senior College with sufficient full-time faculty lines to maintain a ratio of FT Faculty/ Actual Faculty that is between 70% and 78%.]

2. The first phase of the implementation of base level equity should begin immediately, and base level equity should be fully achieved within 5 years, at the latest. Although the John Jay faculty has strongly urged, and strongly supports, the achievement of base level equity, we have always accepted that it would be achieved gradually. However, given the severe disadvantages that are currently suffered by students (and faculty) at fiscally disadvantaged colleges, we believe that the overriding reasons for achieving base level equity also require that it be achieved as quickly as reasonably possible. (Would whatever difficulties a shift of resources might entail for advantaged colleges nearly match the difficulties currently and regularly encountered by disadvantaged colleges -- and their students?) Yet, from our inspections of the model for moving toward base level equity apparently distributed to the Committee by Vice Chancellor Rothbard (labeled "Instructional Staffing Model - 1994-95 Budget") it is not clear to us that this model will achieve base level equity within 5 years if the "unit teaching power adjustment" is closer to \$10,000 than to \$20,000.

3. We agree with what appears to be the developing sentiment of the Committee that a college's contributions to doctoral instruction and released-time granted to faculty via sponsored programs should be taken into account in determining a college's available full-time faculty resources (and, therefore, the number of full-time faculty lines a college needs to actually be able to staff the proper percentage of its courses with full-time faculty). However, if fairness in the distribution of faculty lines is truly to be achieved, then the base level equity formula must also take into account other resources available to that college for having and funding full-time faculty lines.

Consider an example: Every year a college with 100 full-time faculty lines allows 7 faculty members to teach 1 course in a doctoral program and releases each of those faculty members from one 3-credit college course. Effectively, that college now has 99 full-time faculty members, rather than 100, and this should be reflected in the calculations for determining the number of full-time lines the college should receive under base level equity -- but only if the college is not compensated, by the Graduate Center, with one or more Graduate Center lines! If, for example, the Graduate Center gave the college a full-time Graduate Center line in compensation for the college's contribution to doctoral education -- which, roughly, is what we believe to be the current practice -- then the college would effectively still have 100 lines for base level equity calculations.

Consider another example: A college releases a faculty member full-time to engage in a sponsored project -- and the sponsor of the project reimburses the college for the faculty member's salary. The college is then fully enabled to replace the released faculty member with a full-time replacement and the college remains as able as it was prior to granting the released time to staff its classes with full-time faculty.

Consider a third example: A college releases a faculty member full-time to engage in a sponsored activity but the sponsor provides the college with funds only for released-time recovery rather than for salary recovery. However, the college has vacant full-time lines. Why should not one of those vacant lines -- which, we understand, are funded at 82% of their value -- be used to "replace" the "lost" full-time faculty member, rather than "distributing" another line to the college via the base level equity formula? (Together with the released time-recovery funds, the college would be able to support the full cost of a replacement full-time faculty member.)

Every full-time faculty line that is distributed from the total pool of full-time faculty lines to an advantaged college is a line that could otherwise have gone to a disadvantaged college, and the goal of enabling all Senior Colleges to teach a high percentage of their courses with full-time faculty must remain in the forefront. We recognize and accept the possibility that some "advantaged" colleges may not be as advantaged as they seem to be. And, certainly, in determining a college's actual "full-time teaching power" that college's available resources for staffing its classes with full-time teachers should be taken into account. But that is precisely the point: A college's available resources for maintaining full-time faculty lines includes the compensation it receives for contributions to doctoral education and sponsored activities, and its vacant lines. Therefore, we believe, in arriving at base level equity, a college's contributions to doctoral education and released time granted for sponsored activities should be taken into account only to the extent that the college is not otherwise compensated for those activities or is not otherwise able to support those activities by the use of its own vacant lines.

[We understand that the Committee may well want to develop a mechanism for encouraging and rewarding colleges' efforts to engage in sponsored activities. Perhaps, therefore, a college's reimbursement for sponsored activities should be considered to be only a percentage -- say, approximately 75% -- of the reimbursement it actually receives. But to not significantly consider the reimbursement a college directly receives for engaging in sponsored activities -- or doctoral education -- in determining a college's actual ability to teach classes with full-time faculty would be to allow advantaged colleges to benefit unduly from their advantaged fiscal ability to release full-time faculty for various activities and would grossly discriminate against disadvantaged colleges that, because of their low full-time faculty / actual faculty ratios, cannot readily release full-time faculty for such activities, or for developing projects that can lead to external sponsorship. Moreover, if colleges were re-imbursed with full-time faculty lines for "sponsored" released-time activities that provided for only released-time recoveries, colleges would have no disincentive -- indeed, they would have a strong incentive! -- to release faculty in effect to subsidize external programs, with University resources, and at the expense of increasing the presence of full-time faculty at disadvantaged colleges.]

4. A commitment to equal opportunity for all CUNY Senior College students also requires that there be greater equity in the distribution of non-faculty lines, and other resources for support services, than is currently the case. We strongly support the statements of many members of the Committee to the effect that the "non-regulated" portions of the budget be examined in the near future with the aim of achieving greater equity in the distribution of all resources for student and faculty support. Achieving equal opportunity for CUNY students obviously entails more than affording them an equal opportunity to be taught by full-time faculty members, however important that consideration may be. It also entails providing each college with reasonably equal resources for providing student support services -- especially given the educational needs of CUNY students.

Morover, if CUNY will be rewarding those colleges that achieve certain goals -- be it sponsored activities or the retention of students -- then equity requires that colleges be given reasonably equal resources to achieve such goals. Disadvantaaeous treatment should not be allowed to be used to justify and perpetuate the continuation of disadvantageous treatment. At the least, we are sure you will agree, in a publicly funded University dedicated to fairness and reason resources should be distributed according to a system that is knowable, rational, and articulable.

5. There need be no conflict between the goal of achievina "base level equity" and the goals of academic program planning if the "base" achieved by base level equity is sufficiently high. Simply stated, we believe that a plan for base level equity should achieve a "floor" of full-time faculty / actual faculty at each Senior College that would enable each college to staff the great majority of its classes with full-time faculty. Once that goal is achieved, however, additional resources -- including additional full-time faculty lines -- can (and, according to the Board of Trustees resolution of June 28, 1993, should) be provided to those colleges that meet the goals of academic program planning.

In conclusion, we applaud your efforts and the efforts of the Committee that we are familiar with to achieve equity in the distribution of CUNY's internal resources and, thereby, true equal opportunity for all Senior College students of CUNY. We understand from the minutes that we will have an opportunity to see and comment upon the Committee's report before a final report is submitted to the Chancellor. We look forward to seeing your draft report and expect that we will be communicating with you further thereafter. In the meantime, if you would like to discuss any of the contents of this letter with us, or if we can be of assistance to you or to the efforts of your Committee in any other way, please **do** not hesitate to contact us.

Sincerely yours,

Karen Kaplowitz
President, John Jay Faculty Senate



Tom Litwack
Senate Fiscal Affairs Committee

cc: Chancellor Reynolds
Deputy Chancellor Mucciolo
Vice Chancellor Freeland
Vice Chancellor Rothbard
President Lynch
Budget Director Brabham

John Jay College Law School Admission Data

TABLE I

	<u>1985/86</u>	<u>86/87</u>	<u>87/88</u>	<u>88/89</u>	<u>89/90</u>	<u>90/91</u>	<u>91/92</u>	<u>92/93</u>
Applicants	105	137	140	136	116	149	173	197
Accepted	55	65	56	53	47	61	49	59
% Accepted	52%	48%	40%	39%	40%	41%	28%	30%

TABU II

Law Schools with 75 or more known* applications from John Jay students

(Acceptances/Applicants)

	<u>1987/88 thru 90/91</u>		<u>1991/92</u>		<u>1992/93</u>	
Brooklyn	35/224	16%	66/72	8%	7/84	8%
Cardozo	16/56	29%	2/23	9%	1/20	5%
CUNY	37/135	27%	8/44	18%	13/71	18%
Fordham	1/44**	2%	1/50	2%	4/52	8%
Howard***	12/33	36%	0/8	0%	2/16	13%
New York Law	58/238	24%	7/85	8%	11/78	14%
NYU	3/95	3%	0/38	0%	0/24	0%
Pace	28/98	29%	7/34	21%	3/28	10%
Rutgers (C&N)	9/100	9%	0/34	0%	4/52	8%
St. Johns	11/56**	20%	6/63	10%	4/71	6%

* Represents 60% to 70% of applicants (i.e. those applicants who choose to have their results reported back to John Jay)

** Reports for the year 1990/91 only

*** For comparison purposes

TABLE III
Law School Data 1992-93

	<u>nationally</u>	<u>John Jay College</u>
% accepted	57%	30%
GPA	3.06	2.96
ESAT (all applicants)	151	141
LSAT percentile (all applicants)	50%	15% (approx)

TABLE IV

LSAT Scores 1992-93

<u>LSAT score</u>	<u>percentile ranking</u>	
175-180	99+	
170-174	97	
165-169	91	
160-164	78	
155-159	59	
<hr/>		
151	50	** average nationally
150-154	38	
145-149	30	
<hr/>		
141	15	** average for JJC (approx)
140-144	09	
135-139	04	
130-134	02	
125-129	01	
120-124	00	

TABLE V
Selected Acceptance Rates

<u>LSAT Scores</u>	<u>African-American</u>	<u>Hispanic</u>	<u>Other White</u>
155-159	87%	85%	79%
150-154	79	75	59
145-149	61	49	30
140-144	36	27	16
135-139	12	10	7

TABLE VI

Selected Law School Admissions 1992-93

<u>Law School</u>	<u>Not Admitted</u>			<u>Admitted</u>		
	<u>#</u>	<u>Av. LSAT</u>	<u>Av. GPA</u>	<u>#</u>	<u>Av. LSAT</u>	<u>Av. GPA</u>
Albany Law	14	141	2.81	2	150	3.56
American U	8	139	2.74	1	140	3.37
Brooklyn Law	76	141	2.81	7	154	3.21
Cardoza Law	19	141	3.80	1	167	3.00
CUMY Law	57	139	2.75	13	142	3.13
Fordham	48	141	2.86	4	162	2.75
Hofstra	34	140	2.80	2	151	3.34
Howard	14	138	2.67	2	145	3.09
New York Law	66	141	2.75	11	150	3.08
Seton Hall	29	138	2.74	6	147	3.06