

FACULTY SENATE MINUTES #131

John Jay College of Criminal Justice

November 21, 1995

3:15 PM

Room 630 T

Present (26): Yahya Affinnih, Luis Barrios, Edward Davenport, Jane Davenport, Robert DeLucia, Janice Dunham, Arlene Geiger, Elisabeth Gitter, Elizabeth Hegeman, Karen Kaplowitz, Andrew Karmen, Sandra Lanzone, Tom Litwack, James Malone, Mary Ann McClure, Robert McCrie, Ruth O'Brien, Dagoberto Orrantia, Daniel Pinello, Chris Rashbaum, Marilyn Rubin, Frederik Rusch, Carmen Solis, Davidson Umeh, Agnes Wieschenberg, Daniel Yaliso

Absent (12): Arvind Agarwal, Michael Blitz, Peter DeForest, P. J. Gibson, **Amy** Green, Lou Guinta, Zelma Henriques, Lee Jenkins, Kwando Kinshasa, Gavin Lewis, Henry Morse, Maurice Vodounon

Guests: Haig Bohigian (Mathematics/PSC Chapter Chair), Pat O'Hara (Public Management)

1. Announcements from the chair
2. Approval of Minutes #129 and Minutes #130 of the October 11 and November 9 meetings
3. Invited Guest: Professor Pat O'Hara, Coordinator of the 1996 Conference on Criminal Justice Education
4. Base Level Equity, funded vacant lines, and the PSC position: Guest: Professor Haig Bohigian, PSC Chapter Chair
5. Honorary Degree Candidates: Professor Barry Latzer, Chair, Committee on Honorary Degrees
6. Proposed resolution on elected department chairs
7. Report of the Ad Hoc Committee on Personnel Process Guidelines: for Senate action

1. Announcements from the chair [Attachment A]

State Senator Catherine Abate has accepted our invitation to our Friday, December 8, meeting. Senator Abate represents the district that John Jay's T Building is located in and spent more than 20 years working in the criminal justice field before being elected to the Senate a year ago.

The Senate's recommendation that Professor Robert Grappone's name be included on the In Memoriam wall has already been put into

action: a plaque inscribed with his name has been ordered by the In Memoriam Committee.

Tonight at 5:30 is the final performance of De Donde, directed by Senator Amy Green. The play, the production, and the student actors have received high praise by all who have seen the play.

T.H.E. PAC (The Higher Education Political Action Committee) has 160 paid members including members of the CUNY Chancellory, several CUNY college presidents, and a number of CUNY administrators. The John Jay members of the Advisory Board are Professors Daniel Pinello and Karen Kaplowitz, both of whom have offered to transmit checks to the group's treasurer: checks are to be made payable to T.H.E. PAC.

President Kaplowitz reported that she testified at the hearing on the Governor's upcoming executive budget held by the NYS Black and Puerto Rican Legislative Caucus last Tuesday, November 14, at John Jay. Professor Sandi Cooper, Chair of the University Faculty Senate, and Professor Martha Bell (Brooklyn) Chair of the CUNY Council of SEEK Directors, also testified, as did the Chancellor and several Vice Chancellors. [See Attachment A.]

Rosario Ferre will be the keynote speaker of Women's History Month on Wednesday, March 27, at 3:15 in the T Building Theater. Ms. Ferre's latest novel, The House on the Lagoon, has been nominated for the National Book Award. The author; who writes in both Spanish and in English and has written stories, essays, and novels, lives in Puerto Rico, where she was born.

A Better Teaching Seminar on "Race in America: Faculty Perspectives and Reports from the John Jay Classroom" will be on November 30 at 3:20 in Room 630T. The moderator is Professor James Malone. The panelists are Professors Migdalia DeJesus-Torres, Jannette Domingo, Betsy Hegeman, Karen Kaplowitz, Barry Latzer, Jerry Markowitz, Harold Sullivan, and Basil Wilson.

The Town Meeting on Tuesday, November 28, is on the topic: "Does Race Play a Role in the Education at John Jay?" Professor Ruth Shapiro is the facilitator and the resource panelists are Karen Kaplowitz, Hector Ortiz, Harold Sullivan, and Basil Wilson.

The UFS Fall Conference on December 1 is on "Restructuring the University." Those wishing to attend should contact Karen Kaplowitz.

President Kaplowitz reported that both Faculty Senator Luis Barrios and she, as President of the Faculty Senate, were honored on November 15 at the College's annual Puerto Rican Heritage Festival, as were Dean of Students Hector Ortiz and a student. All four received beautiful plaques and she said she was very moved to have been so honored. None of the honorees knew in advance and so it was both moving and unexpected. She expressed her appreciation to the Puerto Rican Studies Department and to the Puerto Rican Student Association.

She also reported that she and two other plaintiffs, Sheldon Weinbaum and Cecilia McCall, and one of the lawyers, Franklin Siegel, of Weinbaum v. Cuomo (now Weinbaum v. Pataki), the lawsuit seeking funding for CUNY on an equitable basis with SUNY, met a week ago with politicians and community leaders on Saturday, November 11, at the Martin Luther King Labor Center in the Bronx to invite them to sign onto an amicus brief: 40 of the elected officials and community leaders from New York City and from upstate signed statements indicating their interest in signing an amicus brief.

2. Approval of Minutes #129 and Minutes #130 of the October 11 and November 9 meetings

Minutes #129 of the October 11, 1995, meeting and Minutes #130 of the November 9, 1995, meeting were approved.

3. Invited Guest: Professor Pat O'Hara, Coordinator of the October 3-5, 1996, Conference on Criminal Justice Education

Professor Pat O'Hara, of the Department of Public Management, was introduced in his new capacity, as the Coordinator of the second Conference on Criminal Justice Education, which will be at John Jay on October 3-5, 1996. Professor O'Hara was invited to be the coordinator by the faculty conference steering committee, and Provost Wilson endorsed the committee's selection. Earlier in the semester the Faculty Senate voted to again co-sponsor the conference and so the Senate's executive committee invited Professor O'Hara to today's meeting for a brief, preliminary introduction.

President Kaplowitz noted that Professor O'Hara had done a brilliant job coordinating the New York State Political Science Association's conference a year and a half ago, which had been held at John Jay, and that we are very fortunate that he has accepted the invitation of the steering committee to take on this new challenge.

Professor O'Hara distributed a programmatic description of the conference and noted that most of the programmatic events will be on Friday, October 4, and Saturday, October 5, which makes it possible for John Jay faculty to attend and to participate. He asked the Faculty Senators to bring back to their departments a very strong encouragement that they participate. He noted that this year's conference was tremendously successful and gave John Jay tremendous visibility across the country at the highest levels of criminal justice education and in criminal justice agencies and that we all want to repeat that next year. He reported that he has obtained a special phonemail number for the Conference: 237-8056.

Professor O'Hara urged the Senators to consider submitting proposals for papers and also to share with him any ideas for the conference that they have. He said that everyone at John Jay is, of course, involved in criminal justice education and, therefore, he hopes everyone will attend and contribute in some way. Noting that the Conference professionally advances all of us at John Jay, he said he looks forward to receiving ideas and help from all his colleagues.

4. Base Level Equity, funded vacant lines, and the Professional Staff Congress position: Guest: Professor Haig Bohigian, PSC Chapter Chair [Attachment B & C]

Professor Haig Bohigian (Mathematics) was welcomed in his capacity as the Chair of the John Jay Chapter of the Professional Staff Congress (PSC). President Xaplowitz explained that Professor Bohigian is at today's meeting in response to comments made at the last Senate meeting about the PSC's position with regard to funded vacant lines. She explained that she had received a call from Professor Bohigian who had been told about the Faculty Senate discussion and that she had invited him to either send a written statement which would be read into the Senate minutes or to come to the next Senate meeting, which is what he said he preferred to do.

The Senate's executive committee then put the issue of the PSC's position about funded vacant lines on the agenda and formally invited him to speak to that specific issue as he had requested.

Professor Bohigian said several people had told him about the discussion but that before making a statement he would appreciate knowing in full what had been said at the last Senate meeting about this issue and said that he had been told that Professor Litwack had been the one who raised it.

Senator Tom Litwack explained that at the last Senate meeting he had reported having sent a letter to Professor Bohigian last semester, on April 25, and he distributed copies of the letter to the Senate [Attachment B].

Professor Bohigian expressed his appreciation that his request to have this put on the Senate agenda was agreed to and he drew the Senate's attention to the second paragraph of Senator Litwack's letter, saying that paragraph contains the central premise. The second paragraph states: "The question is simply this: Is it the PSC's position that no member of the PSC should be fired as long as some CUNY units retain funded vacant lines?"

Professor Bohigian said obviously this is like asking is it the union's position that we expect a salary increase in the next round of negotiations: the answer is, "Of course." The difficulty, he said, lies in the premise of funded vacant lines. That becomes the real issue. Professor Bohigian said that depending on who one asks, the answer is there are no funded lines or that the funded lines are designated. He said that after receiving the letter from Tom, at the subsequent meeting of the University Faculty Senate he asked the Chancellor the question and her response is that there are no funded vacant lines, that these lines are not available. He said he did ask for additional information and did obtain on his own a 1994 report that refers to vacancies in the University and as of that date there are 10,450 allocated lines and 540 vacancies are listed. The question is what are those vacancies.

Professor Bohigian said that none of the vice chancellors will give a straight answer when asked. He said that the PSC has been trying to determine the answer and to the best of its ability it has determined that the question can be presented in the following way: "If, Tom, you took a fellowship [sabbatical] leave, would you like to be able to come back to your position?"

Senator Litwack said that is not what the funded vacant lines are. Professor Bohigian said that while that is Professor Litwack's statement, when he has asked for additional backup evidence on this there is no indication that these lines are anything more than an accumulation of retirements that have not been reallocated, fellowship leaves, non-paid leaves, or promised leaves, which run typically at 5% of the University's lines. So 5% of 10,000 results in approximately the 540 lines listed. Also, Professor Bohigian said, to some extent some colleges use these lines to run their adjunct programs: the lines are funded and instead of putting a full-time person on them they run adjuncts off them. He said he cannot tell what every college is doing but that John Jay on the list had only five vacant lines out of 540 at that time.

The question, Professor Bohigian said, is what is exactly the nature of these lines: we cannot get a clear answer from the University. He said that clearly the PSC's position is that our primary goal is to save people at any expense. In fact, the PSC just

made an agreement with the City whereby the PSC was able to provide \$600 million in savings in order to guarantee no layoffs: that's, of course, in the community colleges. But that has always been the PSC's position and we will do everything possible to continue to hold that position, he said.

President Kaplowitz explained that the problem is that Senator Litwack and she both know that there are funded vacant lines different from the ones Professor Bohigian is referring to. These vacant funded lines are lines the CUNY colleges have chosen not to fill: the most recent data available to Senator Litwack and to her show that the University's senior colleges had 626 funded vacant lines, funded at 82% or more of their dollar worth, and those colleges chose to keep them empty to use the money for things such the purchase of computers, hiring adjuncts to give released time to full-time faculty (a lump sum budget is given to colleges for the adjuncts they need to cover their course sections), and so forth.

In that most recent data, President Kaplowitz noted, showing the University having 626 vacant funded lines, John Jay had minus one vacant line: in other words, John Jay was paying the salary of one more person than we were funded for. She explained that vacant lines are funded at 82% of their dollar worth (although some lines are funded at 100% of their worth but most are funded at 82% and none at less than 82%). In some cases last year, colleges chose to retrench people rather than to give up these funded vacant lines. But, she said, if Professor Bohigian is saying that he does not know this for a fact, then we're approaching the question from very different positions. Professor Bohigian said that is exactly the case.

Senator Litwack said that perhaps Professor Bohigian's position is not so different because Senator Litwack said his understanding is that many of these lines, in fact a large component of these lines, are lines that became vacant when people retired and that were riot filled and, he said, he believes that is what he heard Professor Bohigian said. But, he added, that is very different from someone going on sabbatical or on an unpaid leave. Senator Litwack said that Professor Bohigian has raised a number of very good issues **and** very difficult issues: to the extent that these lines are being used to hire adjuncts they are being used to employ people. It still, he said, raises the question, though, as to whether a tenured member of the PSC should lose his or her job -- and tenured members are being fired at other branches of CUNY -- as long as colleges have vacant funded lines.

Professor Bohigian said he is being asked a question that is beyond his capability to answer. He said he has enough trouble taking care of the PSC problems just at John Jay. He said that Professor Litwack is asking about a University-wide issue that he does not have a grip on in his union capacity. Even the Chancellor, he said, when it is convenient to **her** says this is a University and there should be a University-wide standard but **when it's** convenient to her she says each college is unique and separate and should have separate criteria and standards and so she'll allow **some** flexibility.

Professor Bohigian said that what has happened is that in each instance where a college has retrenched and in some instances it was a function of college presidents who couldn't wait to retrench -- we are very fortunate at John Jay because Gerry Lynch has never retrenched and, he said, he doubts if he ever will unless a great catastrophe takes place -- but at some institutions, college presidents can't wait to retrench, they formulate plans, they redefine units in order to retrench specific individuals, some

college presidents have redefined a department so that one person is left in a department so as to be able to retrench that one person. There is no way, he said, that the PSC can control that kind of thing. He said the PSC has fought these actions and in most instances those retrenchments have been reversed. It is not only a matter of protecting tenured members, he said, it is a matter of protecting everybody, tenured or not. These senior colleges with the most flexibility are the ones, by the way, that have suffered the most in the last round of budget contractions.

As you know, Professor Bohigian said, the Chancellor's Office now controls all the retirement lines: those lines are no longer controlled completely by the college: the Chancellor has the right to redistribute those lines as she sees fit. If we had ten retirements, he said, that doesn't mean that the College will get ten new lines: it is up to the University's Central Administration to reallocate those lines. This creates an entire political structure, he said, and added that one can't ignore the politics of this: college presidents are reluctant to buck the Chancellor because if they do when people return from that particular college and it's time for reallocation of those lines the Chancellor may not give back all the lines, she may give back only half, etc.

Senator Litwack said he certainly does not expect Professor Bohigian at this meeting to personally answer every question that he has about the issue. But, Senator Litwack said, he does think he should have received a response to his letter before this date. He said he also accepts that it may be that the union has limited power, overall. However, Senator Litwack said, he does think it is not too much to expect to hear from the union, not from Professor Bohigian personally, but from the union, exactly what the answer to these questions are. For example, Senator Litwack asked, as long as tenured members of the faculty are being fired, is it not the union's position that not a single dollar of the money from the funded vacant lines should be used for anything other than to pay for faculty?

Professor Bohigian said that this comes back to the premise. He added that the reason Professor Litwack did not get an answer was that whenever he asked for the evidence from Professor Kaplowitz to support the premise of the letter he has not received the evidence. Professor Bohigian said it is rather difficult to provide an answer if someone claims to have evidence -- such as that the lines are funded at 82% -- and does not give over that evidence. He asked for the evidence. He said he can not respond if the premise is not proven.

Senator Litwack asked Professor Bohigian whether he is saying that the union, that our union, doesn't have the ability to find out from this University precisely what the situation is regarding the status of the funded vacant lines? Senator Litwack said he is not saying that Professor Bohigian should be able to obtain this information personally but that the union should be able to do so.

Professor Bohigian said that every time the union has asked for this information, the union has been unable to get it or has been given an equivocal answer. He said the Chancellor will say one thing and the Vice Chancellor for Budget will say another. He said the union can't bring the University to court to get this information.

Senator Litwack said the union certainly can: a Freedom of Information lawsuit would instantly get that information. Senator Litwack said he would like to make a formal request before the Faculty Senate: he said he would like the union (not Professor

Bohigian but the leadership of the union) to respond to his letter in writing. Senator Litwack said that if the union leadership's response is that they cannot discover from the University what the status is regarding the funded vacant lines he would like to see that in writing because, frankly, he said, if the union leadership cannot get this information they should be removed from office for dereliction of duty.

Professor Bohigian responded that Professor Litwack is becoming adversarial. Senator Litwack said he is being adversarial because the jobs of people at John Jay are at stake.

Professor Bohigian said if Professor Litwack has the evidence, what is the problem about turning it over. Senator Betsy Gitter said the evidence is irrelevant: assuming these funded vacant lines exist, what is the position of the union?

Professor Bohigian said there is a simple answer: the union is opposed to having any vacant funded lines as long as people are being let go.

But, President Kaplowitz said, Professor Bohigian is saying he and the union leadership do not know that there is such a thing as funded vacant lines.

Senator Litwack asked that the union leadership put in writing a statement that it is the union's position that as long as there are funded vacant lines, no one should be let go as long as that money is spent for anything other than faculty.

Senator James Malone said that it is not a good idea to try to suggest what the union's position should be as long as the union answers the question that Senator Litwack has raised. Professor Bohigian said the union has. Senator Malone said the answer has to be in writing and it has to be addressed to Professor Litwack since he raised the question in writing to the union. Will the union do that, he asked? Professor Bohigian said as long as the premise is a valid premise.

Senator Betsy Hegeman said she agrees with Senator Gitter: this is a matter of principle. She said it seems to her to be very simple that the union must take a position in public, not just to Senator Litwack but to the entire community of New York. She said it is very important for the union to do this. She said that Senator Litwack, as we all know, has put in an enormous amount of effort about this issue and is undoubtedly willing to share the information.

President Kaplowitz explained that Senator Litwack does not have the information in his possession, the evidence proving that the vacant lines are funded at 82% of their worth: she explained that she has the evidence and that the evidence is in the form of documents which she shared with Senator Litwack when they worked together on the letters to 80th Street arguing for more equitable funding of John Jay College subsequent to which 80th Street announced and implemented Base Level Equity.

President Kaplowitz further explained that Professor Bohigian asked her for the evidence, since Senator Litwack's letter had been cc'd to her, but that he did not ask Senator Litwack for the evidence. She also reported that she told Professor Bohigian that the evidence that she has consists of documents that she can not show him or anyone else because they will reveal the source of the documents and that the person who provided them to her cannot be

revealed: she explained that she gave her word to this person as did Professor Litwack, when he studied the documents with her, that they would not reveal this person's identify and, therefore, she can not hand over or show the documents.

But, President Kaplowitz said, the point is that she knows and Professor Litwack knows that vacant lines are funded, because they based their work on what came to be called Base Level Equity on these documents, as well as on other documents, that show that vacant lines are funded. President Kaplowitz said there would not be Base Level Equity if there were not funded vacant lines because it is those funded vacant lines that are being reallocated from the more fiscally advantaged senior colleges to the fiscally disadvantaged senior colleges, the most fiscally disadvantaged senior college being John Jay. John Jay is now scheduled to receive 64 funded faculty lines under Base Level Equity, over a period of time [See Attachment C].

Professor Bohigian said then John Jay should not get those 64 lines if it would mean people would have to be let go. Professor Litwack said these are vacant lines: they are lines of people who have already retired. President Kaplowitz further explained that the lines are vacant either because the people on the lines retired, or because they died, or were non-reappointed, or resigned from their job: thus the lines, once filled, are vacant now.

Professor Bohigian asked how could the lines be vacant and at the same time be funded? President Kaplowitz explained that if the line is filled, the college receives funding equal to 100% of the line's worth, but if the line is vacant the college still receives funding but the funding is equal to 82% of the dollar worth (though some vacant lines are funded at a higher percentage: none, however, is funded at less than 82%). She said that was that basis of the Faculty Senate's analysis which it transmitted to the Chancellory and Base Level Equity was subsequently implemented by the Chancellory.

Professor Bohigian said the union will provide a response to the best of its ability and, he added, the union's position is always in favor of saving live people in their positions as opposed to using funded lines for nonacademic reasons.

Senator Gitter moved that the Faculty Senate formally request that Senator Litwack's letter be answered in writing by the end of January either by Professor Bohigian as a representative of the union or by the union leadership. The motion was seconded. The question was called and approved by unanimous vote. The motion was approved by a vote of 25 yes, 0 no, and 1 abstention and, thus, passed without dissent.

5. Proposed honorary degree candidates: Professor Barry Latzer, Chair, Committee on Honorary Degrees

Professor Barry Latzer (Government) was welcomed in his capacity as the elected chair of the Committee on Honorary Degrees. Professor Latzer said that he would hike to begin by thanking the members of the Committee on Honorary Degrees, whom he characterized as very diligent and conscientious. The members, in addition to himself, are Professors Jane Bowers, Peter DeForest, Jannette Domingo, Daniel Gasman, Maria Rodriguez, and Tony Simpson.

Professor Latzer reported that the Committee reviewed in detail more than 20 candidates for honorary degrees and on behalf of the

Committee he is recommending candidates for deliberation and vote by the Senate. Professor Latzer explained that the Committee on Honorary Degrees considered each candidate without knowledge of the name or position of the nominator so that the candidates could be considered on their merits without the possible influence of the person who made the nomination. Similarly, he is presenting the candidates to the Senate without revealing the identity of the name or position of those who made the nominations.

It was explained that for a name to be forwarded to the President of the College, the Senate must approve a nominee by an affirmative vote of three-quarters of the members of the Senate present and voting by secret ballot. Only the names of those candidates who are approved by the Senate are recorded in the Senate minutes because the candidates did not seek such nomination and do not know they have been nominated. For the same reason, deliberation about the candidates is conducted as an off-the-record discussion. Each candidate is considered and voted upon independently and the votes are not announced until after all the candidates have been voted on so that each candidate is considered on her or his merits and not in the form of a competition.

Upon affirmative vote of the Senate the names are sent to President Lynch; those candidates he approves (and he has to date approved all) are forwarded to the Chancellor and to the Board of Trustees, for their approval (and to date they have approved all John Jay's candidates). Each college may award up to four honorary degrees at commencement: the CUNY Board of Trustees requires that the recipient must attend commencement to receive the degree.

The Senate approved the following people nominated by the Committee on Honorary Degrees: Alfred Blumstein, Rosario Ferre, Hugh Gallagher, and Rex Nettleford. The Senate also endorsed the Committee's recommendation that Dr. Nettleford deliver the commencement address. The Senate also approved two additional candidates for honorary degrees recommended by the Committee on Honorary Degrees: Julia Alvarez and Oliver Sacks.

The Senate applauded Professor Latzer and the Committee for its excellent work and expressed its appreciation. [The biographical materials about each candidate, which were provided to the Senate members, are available from the Senate's executive committee.]

6, Proposed resolution on elected department chairs [Attachment D]

President Kaplowitz reported that the previous Friday, November 17, the CUNY Council of Faculty Governance Leaders, unanimously approved a resolution against changing the current CUNY practice of faculty electing their department chairs to a system whereby chairs of departments would be appointed by the college president. The resolution arose from information from credible sources that the Chancellory is considering making this change, which would require only a vote by the members of the Board of Trustees amending the Board's Bylaws.

President Kaplowitz explained that a Resolution on this issue will be on the agenda of the University Faculty Senate on November 28 and if John Jay's Senate endorses the Resolution she would be able to report this at the UFS meeting in speaking in support of the Resolution. A motion to endorse the Resolution was made, seconded, and passed by unanimous vote [Attachment D].

7. Report of the Ad Hoc Committee on Personnel Process Guidelines:
for Senate action

The Ad Hoc Committee on Personnel Process Guidelines has issued additional recommendations for vote by the Senate and by the Council of Chairs and then for vote by the Personnel Committee. The members of the Ad Hoc Committee are Professors Marilyn Lutzker (Chair), Susan Larkin, and Dagoberto Orrantia (representing the Faculty Senate).

The Senate considered the issue of whether letters of evaluation solicited from outside experts that state the evaluator's disinclination to evaluate the work of the candidate should be included in the candidate's personnel file. The Ad Hoc Committee has recommended that such letters not be placed in the file because of the potential prejudicial impact but as the Committee's document states, the Provost's position is that such letters should be included in the file. The Committee's recommendation is presented in the report in the following way:

"D: Outside Evaluators:

Letters from suggested outside evaluators who decline to provide evaluations shall not be included in the file.

[New. This provision was recommended by the committee because of the possibility that such a refusal will negatively influence decisions by members of the P Committee. The purpose of the outside evaluators is to provide an evaluation; a person's refusal to do so is not relevant to the process.

However, the Provost raised strong objections to the suggested provision saying that it, in essence, was asking him to doctor a file; he feels the file should accurately reflect every letter sent out and every letter received and that he should not have the authority to alter the file."

Senator Rusch spoke in support of the Ad Hoc Committee's recommendation, citing his own case involving a letter that was placed in his file written by a person who declined to evaluate his book. President Kaplowitz noted that Senator Rusch's book was published by Oxford University Press and is the first and only edition of a major work of American literature. It was pointed out that outside evaluators may decline to write an evaluation because of personal illness, tragedy, imminent deadlines for their own work and that they may decline to write the evaluation without necessarily explaining these facts. The problem is that a refusal to write an evaluation is assumed to imply a negative assessment of the candidate's work when there may be no evaluation being made other than the evaluator's personal needs and abilities at that time.

A motion supporting the Ad Hoc Committee's recommendation that letters from outside evaluators declining to make an evaluation not be included in a candidate's file was approved by unanimous vote. The other recommendations of the Committee were tabled.

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

Respectfully submitted,

Edward Davenport
Daniel Pinello

Co-Recording Secretaries



ATTACHMENT A

JOHN JAY COLLEGE OF CRIMINAL JUSTICE

The City University of New York
445 West 59th Street, New York, N.Y. 10019
212 237-8000 / 8724

Testimony at the Hearing of the
New York State Black and Puerto Rican Legislative Caucus

November 14, 1995

John Jay College of Criminal Justice
The City University of New York

Dear Members of the New York State Black and Puerto Rican
Legislative Caucus,

My name is Karen Kaplowitz. I am a Professor of English at John Jay College of Criminal Justice and the President of John Jay's Faculty Senate. I am also a member of the Executive Committee of the University Faculty Senate, the governance body which represents all the faculty of the City University of New York.

On behalf of the faculty and students of John Jay College of Criminal Justice, and on behalf of all CUNY faculty and students, I ask you to continue your invaluable work in fighting for the funding needed by the City University of New York.

Your support for CUNY and for its historic mission of educating New York City's poor and working class people has been and must continue to be a clarion call to your colleagues on the State Senate and Assembly and to the Governor.

The crisis is much less economic than political. Well orchestrated voices have been raised against public higher education. Those voices have argued against the use of public tax dollars for what they scornfully refer to as "entitlements."

One way of demonstrating the dire consequences of the inadequate funding of CUNY is to look at a specific college: I would like to cite John Jay for several reasons in addition to the fact that I chair the Faculty Senate of John Jay: the Chair of the Black and Puerto Rican Legislative Caucus is a John Jay graduate, this hearing is taking place at John Jay, and John Jay was in the forefront of academic program

planning in that 20 years ago, in 1976, we engaged in massive academic program planning, becoming a very focused college with majors in only those areas that are related to our criminal justice and public service mission. Our majors exist at no other CUNY college and in many cases at no other college in New York City.

At John Jay, we specialize in the education of the current and future public servants who help our society in its struggle for justice: social justice and criminal justice. Police chiefs, criminologists, forensic psychologists, forensic scientists, correction experts, security specialists all over the country studied and graduated from John Jay. Many of our graduates live in this State and work as public servants, contributing to a safer and more just society.

All our non-criminal justice and public service majors were dropped from the College's offerings in response to the fiscal crisis of 1976. We lost, for example, our Psychology Major and instead we are the only CUNY college with a Forensic Psychology Major, one which is highly rated and in great demand. Yet only 26% of the Forensic Psychology course sections are taught by full-time faculty this semester. We lost our Sociology Major and instead have majors in Criminology and in Criminal Justice, which have a large Sociology component and yet only 32% of the course sections offered by the Sociology Department are being taught by full-time faculty this semester. We have the only Forensic Science program in CUNY and it is only one of eight in the nation and yet only 45% of the course sections offered by the Science Department are being taught by full-time faculty. Of course, adjunct faculty are often excellent teachers and dedicated members of the college community but by definition they are not able to provide the continuity, the curricular development, the advisement, and the service on college committees that are required of full-time faculty.

At John Jay, our core courses are largely taught by adjuncts as well: Only 39% of our English Department courses are taught by full-time faculty. Only 38% of our Mathematics courses are taught by full-time faculty and only 25% of our Speech and Theater courses are taught by full-time faculty.

In Fall 1988, we offered 898 sections, 61% taught by full-time faculty. In Fall 1995 we are offering 1,087 sections, only 49% taught by full-time faculty.

We have 10,029 students this Fall 1995 semester, although our physical plant is designed for only 5,000 students.

This enrollment figure of 10,029 represents a headcount increase of 3.7% and an FTE increase of 6.7% over Fall 1994.

In total, only 50% of our course sections are taught by full-time faculty. Yet, CUNY's Master Plan goal is to have 70% of course sections taught by full-time faculty (and graduate teaching assistants). Almost all accrediting agencies and councils of higher education require or recommend that **75%** of course sections be taught by full-time faculty.

I and my colleagues support Chancellor Reynolds' asking budget for **\$4 million** for new faculty lines. Since 1989, CUNY's enrollment has increased by 20% but our full-time faculty has decreased by 20%. CUNY is committed to access but the budget cuts and tuition increase and financial aid cuts of last year resulted in an enrollment decrease at **CUNY**. The need and demand exist: the New York City public schools had an enrollment increase of 25,000 students this year. But **CUNY's** historic mission of access and excellence is being undermined by the cuts in CUNY's budget and in financial aid and by the increased tuition.

Not only do such cuts sever the lifeline of public higher education for the people of our City, but such policies **are** short-sighted because **CUNY** contributes to the economy of New York State:

- * The economic contribution of CUNY to New York State's economy is \$12.1 billion per year. This is more than 10 times the current CUNY budget.
- * CUNY graduates stay in New York, support New York's economy and pay \$414 million more in State and City taxes each year than they would have paid if they had not gone to college.
- * **CUNY's** employees pay another \$63 million in State and City taxes each year: the combination of taxes paid by students and employees equals \$477 million **annually**.
- * **CUNY** students **spend** \$1 billion each year while in college and **CUNY's** graduates spend \$3.9 billion more in New York each year than they would have spent had they not gone to college: thus the CUNY student and alumni expenditures in New York State in 1993 was **\$4.9 billion**.
- * A college education **is** an investment; a person **with** an associate degree **will** earn \$230,808 more over a 40-year career than someone who finished high school but did not go to college. And a **bachelor's** degree recipient can expect to earn \$690,000 more than a high school graduate.

Black and Puerto Rican Legislative Caucus
Karen Kaplowitz
November 14, 1995
Page 4

- * Women, people of color, and immigrants will make up a growing proportion of the labor force over the next decades. Approximately 61% of CUNY students are women, 68% of CUNY's undergraduates are people of color, and more than 45% of those entering CUNY in 1993 were foreign-born.

By not providing sufficient funds to CUNY, Governor Pataki is making not fiscal policy but de facto educational policy and, as a result, the very nature and mission of this University is being threatened in a most fundamental way. If the State legislature does not provide sufficient funding for CUNY, it will have participated in what will ultimately be the destruction of a great University.

On a personal note: I grew up in desperate poverty in Bedford-Stuyvesant and then in Long Island City. But I always knew that the ladder out of poverty for me would be CUNY and I always knew that if I worked hard and studied that CUNY would be there for me. But the rungs on the ladder are being broken one by one and it is heartbreaking for me to see the ladder being dismantled.

Our voices, yours and **ours**, must be unambiguous. We must make it understood that public higher education is not only a fundamental good for the people of New York who study at CUNY but for the people of the City and State of New York who benefit from CUNY.

I have appended to my testimony charts that show the impact of the budget cuts on CUNY to date.

I and my colleagues urge you to prevent this destruction of CUNY from happening. Thank you for providing a forum for this testimony.

Sincerely,



Karen Kaplowitz, Ph.D.
President, Faculty Senate



ATTACHMENT B

JOHNJAY COLLEGE OF CRIMINALJUSTICE

The City University of New York
445 West 59th Street, New York, N.Y. 10019
212 237-8000

April 25, 1995

To: Haig Bohigian, PSC Chapter Chair

From: Tom Litwack, Dept. of Psychology

Dear Haig:

As I'm sure you will recall, at our last PSC chapter meeting I raised a question about the PSC's position concerning an important matter relating to the current budget crisis. You asked me to put the question in writing for you, and told me that you would obtain an answer from the PSC. Although I have not found the opportunity to write to you until now, I would like to re-state my question and obtain an answer from the PSC.

The question is simply this: Is it the PSC's position that no member of the PSC should be fired as long as some CUNY units retain funded vacant lines?

It seems to me that the PSC's position on this issue should clearly, and unhesitatingly, be "Yes!" No member of the union should be fired just so that colleges with funded vacant lines can retain the prerogatives that such resources allow for. While the PSC must be committed to maintaining essential academic quality as well as jobs, unless it can be demonstrated that maintaining funded vacant lines is essential to academic quality, it seems clear to me that the PSC's position must be that funded *vacant* lines must be sacrificed before any members of the PSC are sacrificed. Therefore, I would also like to receive answers to the following questions:

If that is the PSC's position, has it been communicated to the Chancellor? If not, why not -- and when will it be? And if that is not the PSC's position, why not?

Thank you, Haig, for your attention to this letter and to my request. As a member of the PSC for over 25 years, I look forward to receiving the answers to my questions.

Sincerely yours,

Tom Litwack

cc: President Lynch
Karen Kaplowitz, President, John Jay Faculty Senate

ATTACHMENT C

ADJUSTED INSTRUCTIONAL STAFFING MODEL - 1995-96 Budget

Unit Teaching Power Adjustment = \$15,000

| Row | Base Model | BARUCH | BROOKLYN | CITY | HUNTER | QUEENS | LARGEST 5 COLLEGES |
|---------------------|--|-----------|---------------|---------------|-----------|-------------|--------------------|
| A | Enrollment • FTE | 11,501 | 10,792 | 9,542 | 13,036 | 11,966 | 56,837 |
| B | ISM Model FTE Teaching Power | 669 | 707 | 634 | 864 | 737 | 3,611 |
| B-1 | Revised Model FTE Teaching Power [Row B - Row C-2 - Row C-3 - Row C-4] | 654 | 698 | 616 | 839 | 726 | 3,533 |
| C-1 | Budgeted Full Time Faculty | 402 | 514 | 480 | 518 | 517 | 2,431 |
| c-2 | Less: Sponsored Research FTEs [Sponsored Research / Faculty Avg Salary] | 3 | 4 | 10 | 19 | 4 | 40 |
| c-3 | Less: PhD Teaching Adjustment (15% of Graduate Center Lines) | 3 | 5 | 8 | 6 | 7 | 29 |
| C-4 | Less: Academic Program Planning | 9 | | | | | 9 |
| C | Adjusted Full Time Faculty | 387 | 505 | 462 | 493 | 506 | 2,353 |
| D | 100% Model Adjunct FTE | 282 | 202 | 172 | 371 | 231 | 1,258 |
| E | Actual Adjunct FTE | 132 | 51 | 27 | 172 | 72 | 454 |
| F | Actual FTE Teaching Power | 519 | 556 | 489 | 665 | 578 | 2,807 |
| F-1 | Funded Portion of Revised Model | 79.4% | 79.6% | 79.3% | 79.3% | 79.6% | 79.5% |
| G | Enrollment ■ Revised Model Faculty | 17.6 | 15.5 | 15.5 | 15.5 | 16.5 | 16.1 |
| H | Ratio FT Faculty ■ Revised Model | 59.2% | 72.3% | 75.0% | 58.8% | 69.7% | 66.6% |
| J | Enrollment/ Actual Faculty | 22.1 | 19.4 | 19.5 | 19.6 | 20.7 | 20.2 |
| K | Ratio FT Faculty ■ Actual | 74.5% | 90.9% | 94.6% | 74.1% | 87.6% | 83.8% |
| Equalization of ISM | | | | | | | |
| AA | Full Time Faculty Target 77.1 % of 79.6 % of Revised Model [Row K * Row F-1 * Row B-1] | 401 | 428 | 378 | 515 | 445 | 2,167 |
| BB | Raw Basd Level Gain / (Loss) [Row AA - Row C] | 14 | (77) | (84) | 22 | (61) | (186) |
| CC | FT ■ Adjunct Equalization [Row BB x \$15,000 FTE Adjustment] | \$210,000 | (\$1,155,000) | (\$1,260,000) | \$330,000 | (\$915,000) | (\$2,790,000) |
| DD | Refined Base Level Gain/ (Loss) [Row CC ■ Row EE] | 3 | (17) | (18) | 5 | (14) | (41) |
| EE | Average Faculty Salary | 63,665 | 66,539 | 66,632 | 59,172 | 63,192 | 63,586 |

96ADBLE1. 6/1/95.

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N.B. Please see the following page of Attachment C for an explanation of this document

ATTACHMENT C (cont)

ADJUSTED INSTRUCTIONAL STAFFING MODEL - 1995-96

Unit Teaching Power Adjustment = \$15,000

| Row | Base Model | JOHN JAY | LEHMAN | EVERS | YORK | CSI | NYCTC | ALL SENIOR COLLEGES |
|---------------------|--|----------|-------------|----------|-----------|-----------|-----------|---------------------|
| A | Enrollment * FTE | 7,283 | 6,714 | 4,057 | 5,297 | 0,637 | 8,299 | 97,124 |
| B | ISM Model FTE Teaching Powers | 419 | 425 | 225 | 301 | 528 | 48 | 5,998 |
| B-1 | Revised Model FTE Teaching Power [Row B * Row C-2 * Row C-3 * Row C-4] | 417 | 414 | 225 | 299 | 525 | 48 | 5,902 |
| C-1 | Budgeted Full Time Faculty | 194 | 289 | 113 | 143 | 265 | 28 | 3,718 |
| C-2 | Less: Sponsored Research FTEs [Sponsored Research / Faculty Avg Salary] | 1 | 8 | 0 | 2 | 1 | | 52 |
| C-3 | Less: PhD Teaching Adjustment [15% of Graduate Center Lines] | 1 | 3 | 0 | 0 | 2 | | 35 |
| C-4 | Less: Academic Program Planning | | | | | | | 9 |
| C | Adjusted Full Time Faculty | 192 | 278 | 113 | 141 | 262 | 281 | 3,620 |
| D | 100% Model Adjunct FTE | 227 | 147 | 112 | 160 | 266 | 208 | 2,378 |
| E | Actual Adjunct FTE | 141 | 51 | 67 | 97 | 157 | 110 | 1,077 |
| F | Actual FTE Teaching Power | 333 | 329 | 180 | 238 | 419 | 391 | 4,697 |
| F-1 | Funded Portion of Revised Model | 79.8% | 79.4% | 79.9% | 79.8% | 79.0% | 79.9% | 79.6% |
| G | Enrollment / Revised Model Faculty | 17.5 | 16.2 | 18.0 | 17.7 | 16.5 | 17.0 | 16.5 |
| H | Ratio FT Faculty / Revised Model | 46.0% | 67.1% | 50.2% | 47.2% | 49.9% | 57.5% | 61.3% |
| J | Enrollment / Actual Faculty | 21.9 | 20.4 | 22.6 | 22.2 | 20.6 | 21.2 | 20.7 |
| K | Ratio FT Faculty / Actual | 57.7% | 84.6% | 62.9% | 59.1% | 62.6% | 71.9% | 77.1% |
| Equalization of ISM | | | | | | | | |
| AA | Full Time Faculty Target 77.1% of 79.6% of Revised Model [Row K * Row F-1 * Row B-1] | 256 | 254 | 138 | 183 | 322 | 300 | 3,620 |
| BB | Raw Base Level Gain / (Loss) [Row AA - Row C] | 64 | (24) | 25 | 42 | 60 | 19 | 0 |
| CC | FT / Adjunct Equalization [Row BB x 915,000 FTE Adjustment] | 4960,000 | (\$360,000) | 5375,000 | \$630,000 | \$900,000 | \$285,000 | \$0 |
| DD | Refined Base Level Gain / (Loss) [Row CC / Row EE] | 15 | (5) | 6 | 10 | 14 | 4 | 3 |
| EE | Average Faculty Salary | 60,932 | 62,484 | 60,302 | 60,460 | 84,142 | 61,379 | 62,904 |

N.B. Attachment C are pages 19-20 of the "1995-96 Operating Budget Allocation" dated October 3, 1995, from Vice Chancellor Richard F. Rothbard to the College Presidents, the Cabinet, the University Faculty Senate, and other officials of CUNY. Row BB shows the number of funded faculty lines that colleges are allocated according to the Base Level Equity model (to be distributed over time) and the number of funded faculty lines colleges will lose (those are the numbers that appear in parentheses) according to the Base Level Equity model.



JOHN JAY COLLEGE OF CRIMINAL JUSTICE

The City University of New York
445 West 59th Street, New York, N.Y. 10019
212 237-8000

Faculty Senate of **John Jay** College of Criminal Justice

Resolution on Elected Department Chairs

November 21, 1995

Approved by Unanimous Vote

RESOLVED, That the Faculty Senate of John Jay College of Criminal Justice endorses the Resolution on Elected Department Chairs which was passed by unanimous vote on November 17, 1995, by the CUNY Council of Faculty Governance Leaders, and be it further

RESOLVED, That the Faculty Senate of John Jay College of Criminal Justice authorizes the President of the Faculty Senate to report this action to the University Faculty Senate and to **urge** the University Faculty Senate to endorse this Resolution on behalf of all CUNY faculty:

WHEREAS, Department chairs mediate between department members and college administrators on matters involving curriculum, academic standards, faculty development, and budget and personnel, and

WHEREAS, The election of department chairs is central to the open expression of faculty voice, and

WHEREAS, Elected chairs at the constituent units of The City University of New York enjoy a collegial respect that derives from authority delegated by the majority vote of knowledgeable academic peers, and

WHEREAS, Authority **given** freely is more effective and accountable than authority **imposed**, and

WHEREAS, The 60-year CUNY tradition of elected chairs is of proven educational effectiveness and is of great importance to faculty morale, therefore be it

RESOLVED, That the faculty of The City University of New York opposes any attempt to alter the traditional system of elected department chairs at the University, **and** be it further

RESOLVED, That the faculty renews its commitment **at** this critical time in public higher education to the principle and practice of elected and representative department leadership as the most effective mode of departmental governance and departmental communication college-wide and University-wide, and be it further

RESOLVED, That this resolution be transmitted to the University Faculty Senate for consideration.