

FACULTY SENATE MINUTES #132 : PART II

John Jay College of Criminal Justice

December 8, 1995

9:30 AM

Room 630 T

Present (29): Yahya Affinnih, Arvind Agarwal, Luis Barrios, Michael Blitz, Edward Davenport, Jane Davenport, Janice Dunham, Arlene Geiger, Elisabeth Gitter, Amy Green, Elizabeth Hegeman, Zelma Henriques, Karen Kaplowitz, Sandra Lanzone, Gavin Lewis, 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, Maurice Vodounon, Agnes Wieschenberg

Absent (9): Peter DeForest, Robert DeLucia, P. J. Gibson, Lou Guinta, Lee Jenkins, Andrew Karmen, Kwando Kinshasa, Henry Morse, Daniel Yalisove

Guests: Chevy Alford (SEEK), Ned Benton (Chair, Budget Planning Committee/Chair, Public Management Department), Robert Crozier (Chair, English Department), John Donaruma (Communication Skills), Nydia Flores (Director, ESL Center), Gerald Markowitz (Chair, Thematic Studies Department), Robert Panzarella (Law, Police Science, & CJ Administration), Chris Suggs (English), Harold Sullivan (Chair, Council of Chairs/Chair, Government Department), Larry Sullivan (Chief Librarian)

Invited Guests: Vice Chancellor for Academic Affairs Richard M. Freeland, New York State Senator Catherine M. Abate

8. Invited Guest: New York State Senator Catherine M. Abate

New York State Senator Catherine M. Abate arrived at 5 PM.

President Kaplowitz: Welcome, Senator Abate. We are so appreciative that you accepted our invitation both because of your long career in the fields of criminal justice and because you represent the district that John Jay's T Building is located in.

Senator Abate: Thank you so much for inviting me. I am very interested in talking with you about John Jay and about CUNY.

President Kaplowitz: Senator Abate was elected in November 1994 as the Democratic State Senator representing the 27th Senate District, which includes parts of the Upper West Side, as well as lower Manhattan, the Lower East Side, Midtown, Greenwich Village, Chelsea, and Clinton. Before being elected to the State Senate, she was appointed by Mayor David Dinkins to the position of Commissioner of the NYC Department of Correction, whose 13,000 employees are responsible for the 19,000 inmates in the City's 16 jails and detention facilities. Prior to being

Correction Commissioner, she served in various law-related positions, including Commissioner of the NYC Probation Department, Chair of the NYS Crime Victims Board, Executive Deputy Commissioner of the State Division of Human Rights, and Training Director of the Criminal Defense Division of the Legal Aid Society. Senator Abate, a cum laude graduate of Vassar, received her law degree from Boston University Law School in 1972 and joined the Legal Aid Society that year as a trial lawyer.

Senator Abate is the ranking member of the Senate's standing committee on Crime Victim, Crime and Correction. She is on several other committees: Children and Families, Codes, Health, Housing and Community Development, Judiciary, and Labor. She also serves on several taskforces: Welfare Reform, Women's Issues, Criminal Justice and Education.

Senator Abate has sponsored and co-sponsored several bills during her first year on the Senate, most recently a bill to permit victims of false imprisonment to collect compensation from the Victim's Board.

Senator Abate: Yes. The bill passed: it stemmed from my work with the Crime Victim's Board. There are so many victims that came before the agency and they obviously were traumatized -- they had undergone enormous mental, psychological, stress -- and yet were ineligible for compensation. Unless you were a child or a senior it was required that you were physically injured. Someone who was kidnapped may or may not be physically injured and if they were not physically injured they did not qualify for compensation. Now, under the law that I introduced, these victims will receive compensation for loss of earnings and will be reimbursed for counseling, even though there are no medical expenses. Although not a large number of people are affected, there were about 700 people a year who had been turned away.

President Kaplowitz: You were elected to the Senate just a year ago this month and having sponsored a successful bill in this first year must be very gratifying, especially given this very long, difficult year.

Senator Abate: Yes, this has been a very long year. And, in fact, there are six bills that I either introduced or co-sponsored that became law. That will probably not happen again this year because I am a Democrat in the State Senate and, as you know, I am in the minority. Whereas the Democrats control the Assembly -- control what gets on the floor, what gets out of committee -- the Republicans control that in the Senate.

President Kaplowitz: We are very interested in your work in criminal justice areas, given the mission of our College, and we are also especially interested in issues of higher education. You were at a meeting last February that Borough President Ruth Messinger organized so that elected City and State officials could be fully briefed about CUNY's budget situation and I remember you saying in a very forceful way that you wanted to know what the issues are. We have already had as guests this year Assembly Member Scott Stringer and Assembly Member Larry Seabrook, both of whom are John Jay graduates. We wanted to meet with you as soon as we could, both because of your 20 year career in the criminal justice field but also because we remember what happened at John Jay a number of years ago at the reception in your honor which coincided with a CUNY-wide student protest against proposed tuition increases. I was at that reception in the Theater Lobby and remember it well.

Senator Abate: It is a wonderful story. It was probably one of the most exciting nights of my life. I now have something to tell people at cocktail parties. I can tell the story briefly for those here who might not know about it. When I became Probation Commissioner there was a reception for me -- I think it is fairly commonplace that President Lynch offers newly inducted commissioners some kind of a reception. I became

Commissioner during the difficulties with the student body. There was student activity, to say the least. The students were very respectful of me -- they did not disrupt the party until I finished my very brief statement, but they came in to where the reception was being held, and they tossed over cheese and wine and emptied everything on the floor. Some guest lost his temper and hit one of the students and one of my staff had the wherewithal to grab that individual and throw him into the cloakroom. And so this individual and my staff member were in the cloakroom and the students would not let them out. And President Lynch was mortified because here he was so gracious to give me this party. I wouldn't leave because I said I have staff here and I said I wouldn't leave until this gets settled: it was totally inappropriate for me to go home until it was settled. I don't know how we got the students out. President Lynch was at my doorstep that night apologizing. I thought it was an extraordinary event. No one was hurt. It was quite exciting. I was hoping it was not a reaction to my speech [laughter] and the beauty of it was that six months later the students invited me back, apologized, and gave me a plaque: it was actually quite lovely. And so I actually was given two receptions. Everyone at John Jay on the faculty and everyone involved in putting this reception together were so upset because they thought I was upset but I wasn't. I was kind of amused by the whole thing.

President Kaplowitz: It is wonderful hearing you speak about the event in this way. We wanted to acknowledge what had happened, and that it had happened, rather than pretend that it had not.

Senator Abate: I have a story to tell as a result.

President Kaplowitz: We had hoped you were not feeling negatively toward the College as a result of that event six years ago and, furthermore, the College has changed in many ways since that event as has the University. We hope that you will be, as you promised you would be at that briefing a year ago, a strong advocate for CUNY, and we would like to tell you about CUNY, and that you will be a strong advocate for John Jay.

Senator Abate: Good. If you give me a pen I will take notes. But first, perhaps I might give you an update about what is happening in Albany. What I know in large measure is from what I read in the newspapers and the scuttlebutt in Albany, so you may know as much as I do. But this is the first time in many years that the Governor is going to release the budget on December 15, which is a month ahead of what is constitutionally required of him to do. What we are concerned about is that while it may be good because if we actually get a budget we can start working on the budget in advance, it depends on what information is actually going to be delivered on December 15, which is a Friday. Friday is a bad press day. If he delivers just a conceptual framework with not a lot of detail it is not going to be helpful. Comments recently made by Senator Bruno, who is the Majority Leader, the Republican Majority Leader of the State Senate, and recent comments by Governor Pataki indicate that the Governor is going back to CUNY and to SUNY.

As you know, last year the proposed cuts were much larger than what actually occurred and so the Legislature restored a lot of money. Originally Governor Pataki slated CUNY for a 26% reduction and you did not receive anything near that. The same thing with **SEEK**: there was going to be a huge cut and a lot of that money was restored. So they have said they are definitely going to cut Medicaid and Welfare and then they talk **about higher education: those are the three. We were all fully aware that** Medicaid and Welfare were going to be cut, but he is lumping higher education with them. On December 4, 1995, the Legislative Gazette reported that Senator Bruno, the Majority Leader of the State Senate, said: 'Where do you think we spend all this money? Roads, bridges? No. We spend it on Welfare, Medicaid, and subsidizing SUNY' -- which means

CUNY, too, -- as far as they are concerned SUNY is the same as CUNY in that they are talking about public higher education. 'We can't keep dropping billions of dollars down the drain, funding for people who don't really need it, who are just taking advantage of the system because it is there.' The reality is that the budget deficit is as small as \$3 billion and as large as \$5 billion. It is not clear, because I hear different reports, but it is at least \$3 billion because the first phase, the second year, of the tax cut is reaping a \$2.2 billion deficit. Then depending on what the revenue forecast is and also the diminution of Federal dollars coming to New York State will create an even larger deficit. So he said there are going to be substantial cuts to education and the other areas and he is also talking about laying off 10,000 more people.

So it is going to be a very, very difficult year. I am told that the Governor is going to fund his priorities and he is willing to make major cuts in those areas that are not his priorities. It will fall upon the Legislature, as it did last year, to restore some of those dollars. And we were successful, as Democrats, in getting some of those dollars back because some of the Republicans eventually were so embarrassed and they were hit at home. If we are going to be successful, the Republicans are going to have to feel the pain: they can not just see it as a New York City issue, and have it not effect them in Buffalo or Syracuse or Albany. And so when the Governor expanded it to SUNY it went into the Republicans' backyards. And when the Governor expanded cuts to healthcare which affects not just poor people but it also affects rich and middle-income people, it affected the Republicans. So the pressure has to be put not just on New York City Republicans -- just through ideology most of the Democrats are there and are really committed to supporting both CUNY and SUNY -- it is making sure that New York City Republicans are also supporting that agenda. So in terms of details, none of us will know until December 15 but no has disputed the fact that there are going to be massive cuts.

President Kaplowitz: Have you heard any talk about another tuition increase? Our students were faced this year, as you know, with a tremendous increase in tuition and with a cut in financial aid.

Senator Abate: They can keep reducing State aid: it used to be that 70% of the CUNY operating budget was funded by the State and it is now down to 50%. Then you become much more dependent upon tuition: where is that revenue going to come from? I think it is inevitable that as State aid decreases, tuition has to go up (at some point), unless you can figure out independent revenue streams. You can downsize, you can lay off staff, you can consolidate, you can increase class size, but there is a point at which it all produces diminishing returns and then eventually you have to increase your revenue.

Senator Jane Davenport: Any more rhetoric about building more prisons?

Senator Abate: I am about to release a study about the impact of the last sentencing reform bill: this is a bill that was part of the last budget process. There were no hearings, the district attorneys and the judges and the defense bar, the people that would be affected by the sentencing reform, were never brought into discussion and as a result the sentencing reform had two components. On the one hand, it increased dramatically mandatory long-term sentences for certain second felony offenders, violent offenders, and first-time offenders. Then, on the other hand, with certain D and E and a few C felonies, mostly drug cases and non-violent felonies, there is a capacity with a District Attorney's consent, to have the individual, after conviction, to go to Willard's for 90 days -- Willard's was a psychiatric facility that is now converted to a drug treatment facility. It would be a diversion instead of someone going into a mandatory sentence in the State system. For instance, it used to be

that when a person was convicted he got one and a half to three and couldn't get probation because there was mandatory time. This provides the ability to get around the second felony offender law for non-violent offenders. Instead of going into the prison system they would go directly to Willard for 90 days and then go out to parole. Now, what can Willard accomplish in 90 days? I think this was just a political salvo: they wanted to use that facility, they wanted to keep jobs in that district, Republicans went for it because it helps retain jobs in the upstate districts. It was really politics because no one really believes that in 90 days you can do more than just give discharge plans and, maybe, make someone treatment ready. You are not going to make massive changes in peoples' lives. The problem with this is that as the population grew on the one hand because of the mandatory increased sentences, and they envisioned with this safety valve more people would be getting out to the streets faster, the DA's aren't cooperating -- they don't want to do it. People have talked about second felony offender reform for a long time, returning discretion to judges, because there are certain cases where a judge doesn't feel that a person needs to do time, someone may have been convicted on a felony 9 years ago, it was a drug offense, the second incident offense was a drug offense, which allowed the option of sending the person to residential drug treatment and five years probation. Under the current law that is not possible. With this amendment some of these people could successfully be diverted out of the system. Right now Willard has 7500 beds and at any given time only 200 beds have been filled which means that people stay in prison longer and if people are not going to be diverted they are going to be faced, not this year but in three years, with potentially massive overcrowding. I'm being very simplistic: we are doing different charts depending on the sentencing size, length of sentence, and then comparing it to the capacity of Willard and there are going to be all kinds of variations. If Willard is at 30% of capacity, there will be one outcome. If Willard is at 50% of capacity or at 10%, and depending on the sentencing length, there will be other outcomes.

The most realistic variable shows that in three years we are talking about at least a billion dollars. These are rough numbers: it can go as high as \$8 billion. I'll get you a copy of the report and you can do an analysis. And so money will have to be found. We always find the money for the prisons. And we pass the legislation, not really analyzing what the impact would be on prison growth and knowing full well that if we have to build more prisons that money will have to come out of healthcare and education and other such services. The issue of what prison accomplishes is, of course, another issue. Some people, unfortunately, need to be in prison. At the same time, when there are increasing mandatory sentences for certain violent offenders, they were taking away services from the prisons, vocational education, counselors, higher education programs. Only the ability of inmates to get a high school diploma remains. So there is going to be a lot more idle time, and the inmates are not just double bunking, they are double celling. When you have the combination of overcrowding, and they are at 137% of capacity, and it fluctuates, and in addition to that fewer services provided to inmates and then the double celling, it is just ripe for additional problems.

Senator Pinello: I would like to return to the anticipated cuts to the budget of CUNY. Given the plans for massive budget cuts, what political or other actions can or should we, as members of the Faculty Senate of John Jay College, take to fight these cuts?

Senator Abate: There are a couple of things. You need to show that your universe is different and what I mean by that is that you are now realistic, that you do not have the money you might have had a decade ago, and that you have made substantial systemic changes in the way you manage the facility. I know you have the long-term planning initiative that CUNY has been involved in but I don't know whether all the legislators really

know about the goals and missions of the planning and the outcomes of the planning. We certainly don't know what it is all about. If we all could be more knowledgeable -- and I mean all the decision makers in the Assembly and in the Senate -- as to what you have in fact accomplished to downsize, to streamline, to re-engineer how you do work and that you have done it and you have increased certain economies of scale and then show that last year's decrease was directly related to the decreasing enrollments. I assume there are decreasing admissions in light of the increased tuition.

President Kaplowitz: Yes, but not at John Jay. There has been a decrease in enrollment at CUNY but John Jay's enrollment has, in fact, increased.

Senator Abate: No enrollment drop at John Jay? But you are going to sink or swim, by and large, with the CUNY cuts. You will have some special capital construction projects that might sneak through but if there is an across the board cut to CUNY, you will be cut also. And so they will reach the point where you have eliminated waste and you've done some re-engineering and you're better managers and if you can show that there will be decreasing revenues because young people can't afford, can't continue to pay tuition. You can show that you are getting to the point where the decreased revenue won't permit you to function. Now, the problem is if they don't care whether you have the ability to function and then it is a losing argument. But I'd like to think that the majority of the Senators and Assembly do care about a sound educational system because they care about jobs. How are we going to be ready, in the year 2000, and have people ready for jobs without an education? What scares me is that the Governor's new proposal is talking about there being too many people in college who don't really belong there and that they go to college because they don't have any other options. They are talking about developing a vocational education program: has anyone read about this?

President Kaplowitz: I heard on NPR a discussion about the Governor proposing that students who have below a certain average would lose their financial aid.

Senator Abate: Yes, the proposal being discussed is that students who don't have a C average after four semesters would lose their financial aid. It didn't take into account progress, someone doing extraordinarily well given limitations of where they were the year before who really worked hard.

Senator O'Brien: Students at John Jay already must have a C average after four semesters to continue to be students here.

Senator Abate: But this would mandate that this be University policy, in effect, in that students would lose financial aid unless they maintain that average. You have to develop a very strong campaign to not only get into legislators' offices -- that is not difficult but you have to reach legislators from upstate and yet you are best off going to the legislators where you yourselves live or work -- but there are enough coalitions you can build between SUNY and CUNY to be able to reach legislators upstate. It is not enough, however, just to go into legislators' offices. You have to have follow up. You have to find out what the legislators have done, have they gone to the leadership, are they willing to do press releases and press conferences, and demonstrate? And it means massive letter writing campaigns.

And it means showing that it affects the middle class -- people don't care about the poor anymore -- it is less popular to talk about the poor but if it affects the middle class then it has a different resonance -- you need a massive letter writing campaign saying: 'I've worked all my life; my parents have worked all their lives; we have

contributed to this economy and we live in all the far reaches of this State.' That was how we were somewhat successful last year. Don't waste your letters on me: give me a single copy so I know what is going on.

Senator Litwack: What is the attitude of the upstate Republicans regarding SUNY? It seems to me that if there is anyone who could put pressure on the Republican legislators it is the upstate middle class.

Senator Abate: But they have to be organized too to contact their legislators. Last year was a unique year and hopefully there will be some loosening of the reins. You have a Republican governor for the first time in 27 years and a new majority leader, Senator Bruno. Most of the legislators were absolutely frightened of the combination. They were in power for the first time. People got new committee chairs and they were frightened to even dissent on the floor or give some contrary opinion. There was rarely a time when there wasn't a vote where the Republicans didn't vote in unison. Now maybe a year later, now that they are used to the Governor and they feel more comfortable being critical and they are more comfortable with the Majority Leader, maybe they will show some independence. There was no independence last year even though they knew it was not good for their constituents and that it might put them at harm's way. What they did, I think, was that a number of them went to the leadership and said they are going to get killed at home. You can kill people at home.

President Kaplowitz: I'd like to ask Professor Ned Benton to make a presentation about John Jay's need for space as a result of our continuously increasing student enrollment. Professor Benton is the chair of the faculty Budget Advisory Committee and is also chair of the Department of Public Management. The charts we have just given to you are charts he prepared for a visit of Vice Chancellor for Building Emma Macari with John Jay's Faculty Senate last March (Minutes #119) as well as charts he prepared for our meeting this morning with Vice Chancellor Freeland, the vice chancellor for academic affairs. Professor Benton, like you, has a background in corrections: he ran the Oklahoma Department of Correction for a number of years and, in fact, was at a meeting with you not long ago when you were Commissioner of Correction.

Senator Abate: Yes, of course.

Professor Benton: It is good to be meeting with you again. The charts that we gave to Vice Chancellor Freeland when he met with the Senate this morning illustrate points we thought might also be useful to you. The charts show the enrollment difference from 1992 to 1995 among the senior colleges of CUNY. The charts show that John Jay is the fastest growing college in CUNY and part of the reason for that is the relationship we have with the uniform services and the fact that the entrance requirement for the NYPD, for example, is 60 college credits, and New York's fire services is considering introducing the same entrance requirement.

Senator Abate: I understand why the growth at John Jay would reflect the College's special programs but why is there the enrollment decrease at, for example, City College? Is it that the number of middle-income and poor youngsters cannot afford to attend college?

Professor Benton: I think people are gravitating to schools that offer academic programs that are related to what they want to do.

President Kaplowitz: City College lost 900 engineering students -- 450 undergraduate and 450 graduate engineering students -- out of 3900 and that is because those 900 students were from outside the United States and the out-of-state tuition increase was so dramatic that tuition for those students is now \$8000 a year and they could not afford to continue. That

was a major loss for City College.

Senator Abate: Are they rethinking their academic emphasis at City?

President Kaplowitz: They have closed their school of nursing, they have closed nine academic programs, they retrenched -- fired -- 36 faculty and lost 43 faculty to early retirement, and they retrenched 12 non-teaching members of the instructional staff.

Professor Benton: But **it** is also important to recognize that even if a college experiences a one time loss of 900 students because of this semester's out-of-state tuition increase, that does not explain why the other colleges have not experienced the relative growth that John Jay has. The next chart relates directly to what we have been talking about: the specific focus of John Jay's programs which students are interested in. One of the concerns that the Chancellor has is that some of the CUNY colleges have programs for which there is not much enrollment and that many programs are duplicative around CUNY. And so those colleges are focusing their academic program planning on trying to rationalize their portfolio of programs. If you look at the right hand column, you see that we have the smallest number (except for one other college) of the number of programs in the University per 10,000 FTE students. So actually our configuration of programs represents what the Chancellor would like the rest of the University to become more like: more concentrated, more specialized, without duplications, focusing on doing a limited number of programs well rather than a large number of programs perhaps less well. We are somewhat ambivalent about the Chancellor's initiative because we feel that we have already achieved this at John Jay.

President Kaplowitz: You do know that 20 years ago John Jay was a comprehensive college with majors in all the liberal arts disciplines, including the humanities, and that at the time of the last fiscal crisis, in 1976, the College focused on the criminal justice and related majors and have not since then offered majors in any other disciplines. So we have only 17 majors, all related directly to our College's mission.

Senator Abate: Aren't you concerned that as you do your lobbying and as you pitch what John Jay has achieved that someone is going to say: 'That may be John Jay but it is not representative of the entire CUNY system'?

Professor Benton: When we lobby for John Jay, we lobby for Phase 11, for a new building. Otherwise, when we lobby, we lobby for CUNY.

Professor Litwack: We are telling you about John Jay because as the State Senator who represents our district if there should be the need for a legislative member item, we want you to know that **we** have already achieved the goal of being a very streamlined, efficient, and focused college.

Senator Abate: That much is clear. So you have done what basically the Legislature and the Governor asked of CUNY as a whole?

President Kaplowitz: That is right.

Senator Abate: What has been the negative impact of that? To focus on just one issue, what has been the impact of the elimination of programs? for the students? Because people care about impact. If we are lobbying on behalf of CUNY, what has the impact been of closing programs?

Senator Litwack: We are really experts about John Jay. I don't know that we can answer that question. I don't know that we can tell you, for example, the impact of the cuts on City College. But we can talk about the impact of the cuts on John Jay.

Senator Abate: Then let's talk about the impact of the cuts on John Jay last year. You had the same cut as the other colleges, I assume. But you managed because you had the tools as an institution to deal with it because you had increasing enrollment. But how are you going to respond to the legislators when they say: 'You received the same cut last year and you seemed to do quite well. Won't you do well next year if we cut you again because you will become that much more entrepreneurial, you'll figure out a way and your enrollment is going up and so what is the problem?' Your success may become a problem for you.

Senator Dunham: Let me answer in terms of the library. The library budget must now cover technology as well as all the traditional costs of books, periodicals, and so forth. When the library budget is cut the problem becomes how to keep the computers working. If you were in our library on an ordinary day you would see students standing six deep around those terminals that work. But if you can not pay for service contracts, the machines will not work and those service contracts come out of our library budget but that money should be available to purchase books and periodicals. So this is one area where the budget cuts really hurt John Jay's students.

President Kaplowitz: I'd like to give you this copy of the testimony I presented at the hearing of the Black and Puerto Rican Legislative Caucus on the impact of the Governor's budget on CUNY, in general, but specifically on John Jay. Here is John Jay, the only college in CUNY, for example, that has a forensic psychology major and we are the only college in the United States with a forensic psychology master's degree -- only one of two in the world (the other is in Australia) -- and yet only 25% of the course sections taught by the Psychology Department are taught by full-time faculty -- in other words, 75% of the Psychology course sections are taught by adjunct faculty. And we are grateful to our adjuncts, they are often wonderful teachers and colleagues, but they are not required to hold office hours (although many do nonetheless without compensation), they are not required to serve on committees, to develop curriculum, and so forth, and cannot provide the institutional and educational continuity for our students. We have a Criminal Justice major and a Criminology major both of which have a large sociology component and only 32% of the course sections are taught by full-time faculty. We have the only forensic science program in CUNY and in New York and only one of eight in the nation and yet only half the course sections are taught by full-time faculty and we can not update our equipment, the people we are graduating are not and can not be the world renowned forensic scientists such as Henry Lee -- who is a 1974 graduate of John Jay -- because we don't have the equipment, the computer technology. As you know, computer technology is the key to modern law enforcement and criminal justice work.

Senator Abate: And also public institutions of higher education are going to lose out because private institutions are investing in distance learning with all the infrastructure needed and that is the wave of the future. Even the residential, private colleges know that it may be a luxury to have residential schools.

President Kaplowitz: It is also important to note that our tremendous enrollment growth has resulted in a serious shortage of space at John Jay. I would like to ask Professor Benton to explain the three charts you have before you, which he developed. We want to brief you on our critical need for a new building to replace North Hall because you are the Senator who represents the district that Phase II is to be located in, contiguous to this building, T Building,

Professor Benton: The first chart compares the space we currently have to the space we need now and then projects the space that we will need.

Senator Abate: Based on what growth in enrollment?

Professor Benton: A 2.5% growth in enrollment each year, which is CUNY's enrollment growth target.

President Kaplowitz: But at John Jay we have actually been growing by **5%** each year. Professor Benton developed these three charts for Vice Chancellor Emma Macari, the vice chancellor for building, when she came to the Senate last March. Just recently, Vice Chancellor Macari told me that after meeting with us, and reviewing Professor Benton's charts, she had her staff do an independent analysis of our space needs based on our current enrollment and based on the nature of our academic programs and found that we have only 49% of the space that we actually need right now. And it is important to know, also, that the building that would be replaced, North Hall, has **75%** of the College's classrooms -- including the forensic science and psychology labs -- and **all** the student support services, including tutoring, computer labs, counseling, financial aid, registrar, and all the student clubs, the cafeteria, and so forth. North Hall is the main academic building and it is dangerously overcrowded.

Professor Benton: An architect who was part of a team that reviewed one of our programs, a program housed in North Hall, said that North Hall is dangerous and that all academic programs should be immediately moved out.

Senator Abate: I want to give you a book I prepared, since you are involved in strategic planning, prepared about the Republican budget, called "**An Attack on Equity,**"

President Kaplowitz: I don't know if you are aware of a lawsuit that a group of CUNY students and faculty from each of the campuses brought against the Governor in 1992 and the Legislature, arguing that CUNY is underfunded compared to SUNY in violation of the equal protection clause of the NYS Constitution and that the underfunding is the result of racial discrimination in that CUNY is largely students of color and SUNY is not. When we filed the lawsuit, we determined that from 1982, when the State took over the funding of the senior colleges of CUNY, until 1992, CUNY was underfunded **by** half a billion dollars. That underfunding has now reached almost a billion dollars. We are asking for equitable funding.

Senator Abate: Then you will enjoy the Report. It is not unlike the case brought by the Straphangers and it is real numbers. New York City Transit was the only transit system in the entire State that was cut. And I appreciate being given this copy of your testimony to the Black and Puerto Rican Legislative Caucus. I will read it and give it to my staff to review.

President Kaplowitz: The second chart shows the lack of space that John Jay has compared to the other CUNY colleges per student FTEs and the third chart shows our space distribution according to categories that CUNY uses: classroom, laboratories, and so forth. Our actual space is the front row of bars, our needed space as of 1995 is the second row of bars, and our projected need for each category in 2005 is the third row. What is significant is that our current need is so much greater than our actual space in each of the categories. So we desperately need Phase II and, in fact, a fire science professor in Professor Benton's department came to the Senate to talk about an external report conducted of one of our majors, which is housed in North Hall, and the external reviewers included a criminal justice architect. An entire page of the reviewers' 5-page assessment of the major was devoted to the fire, health, and safety hazards of North Hall and concluded that North Hall is a disaster waiting to happen. The fire science specialist came to the Senate and expanded upon that report and we all became frightened about being in that building and having our thousands of students in that overcrowded building. The

irony is that a college that specializes in fire science, security, and public safety is itself in need of improvement in these areas. And so this is a desperate need. Chancellor Reynolds has been fighting for Phase II on our behalf: it is a high priority of the University. We received help last year from the Legislature which provided funds for the purchase of the land -- Senator Roy Goodman played a key role -- and now we need funding first for the design of Phase II -- the Chancellor's asking budget this year includes a request for \$20 million to design Phase II -- and then we need funding next year to build Phase II. And so we wanted you to know about this issue from the perspective of the faculty.

Senator Abate: It would be helpful if, once the Governor's budget is released, there could be an analysis of both the impact of last year's budget and the impact of future cuts: then you can really demonstrate the impact so it will not be hypothetical.

President Kaplowitz: The Chancellor's asking budget includes a request for more full-time faculty lines -- and this is something we support. We have lost so many full-time faculty through early retirement and through various forms of separation from the college. The Board of Trustees' master plan for CUNY calls for not only an enrollment increase but also an increase in full-time faculty with the goal of 70% of course sections at senior colleges taught by full-time faculty. At John Jay, 50% of course sections are taught by full-time faculty and in some departments only 25% of sections are taught by full-time faculty.

Senator Litwack: In large part, the impact of the cuts is that John Jay has fewer and fewer full time faculty, and it is the full time faculty who are the research faculty. In any great university, the faculty do research and CUNY has always been a great university. John Jay could be the greatest research institution in criminal justice if we could hire people to do research but we cannot hire the research faculty at present. The way we handled the cuts was that we did not close programs, because we had already done that 20 years ago, but more and more of our courses are taught by adjunct faculty.

Senator Geiger: Two or three years ago, a Fortune 500 survey looked at the factors that attract businesses to urban areas. The ability to educate the work force was right at the top. It wasn't taxes. It would be helpful to get that survey to legislators because they really care about the economy, about creating new jobs, and being competitive. That is what legislators might remember. You want to convince them in a compelling way and instead of you saying it the survey says it. I would also like to put in a word for the part-timers. It is not that the college needs more adjunct faculty but that adjunct faculty need to be better compensated for the work we do.

Senator Abate: How many hours a week do adjuncts get paid for? How much do adjuncts get paid?

Senator Geiger: Adjuncts are paid approximately \$2000 a course and if they teach three courses a semester, the maximum they are permitted to teach at a college, they are paid \$12,000 for the year.

Senator Litwack: And no compensation for other activities.

Senator Geiger: Absolutely no compensation including for office hours, which adjuncts **feel** a professional obligation to hold, and do hold, nor are we paid for advising students, nor for other work we regularly do.

Senator Abate: And what is the salary range for full-time faculty?

President Kaplowitz: The range is from \$34,000 for an assistant professor

to \$80,000 for the top scale for full professors.

Senator Abate: Where is the cost effectiveness of hiring adjuncts?

President Kaplowitz: A full-time faculty member teaches 7 courses a year and the least amount that a full-time faculty is paid is **\$34,000**. If those 7 courses are taught by adjunct faculty, at **\$2,000** a course, the cost comes to **\$14,000**. That is a **\$20,000** annual savings.

Senator Abate: And so an adjunct can never reach the **\$34,000** a year that is the beginning salary for a full-time assistant professor?

Senator Geiger: The maximum an adjunct can earn is approximately \$16,000 a year if an adjunct is assigned the maximum of three courses each semester and earns the maximum of **\$2500** per course.

Senator Litwack: This is not only half the annual cost of an assistant professor, it is only a third of the annual salary of an associate professor and only a fifth the cost of a full professor.

President Kaplowitz: And we have all had experiences of students coming to us for letters of reference and we ask: "Why are you asking me, with whom you last took an introductory course three years ago rather than one of your professors in an advanced **course**?" The reply is that their other professors were adjuncts who are no longer teaching here and who they cannot reach. There is no place on the application where the student can check off the fact that none of their teachers are at the college any longer to write a letter. Many of our students spend their first year or two at John Jay taking courses only with adjunct faculty and most are not like Professor Geiger, who does hold office hours (without compensation): many of our adjuncts are professionals who teach a course as an adjunct either at **8 AM** before rushing off to their job or at **8 PM** rushing here from their job. For example, you might want to teach a course as an adjunct and you would provide invaluable knowledge and insights to your students but it is unlikely that you would be able to provide advisement, office hours, and mentoring, given your other professional demands. Because of our budget shortfall, many of our courses, both introductory and advanced, are taught by adjunct faculty who are in situations analogous to your own.

Senator Geiger: In addition, many adjunct faculty are forced, for economic reasons, to teach at several colleges during any given semester and so they are often at other campuses or traveling to and from colleges. And for this reason some adjuncts are not as available to their students as they and their students would wish.

Senator Abate: So you have extremes: you have adjunct professors who put in virtually the same hours as full-time professors and then you have some adjunct professors, who have a law practice, for example, who sneaks away for an hour and a quarter class period and is never available outside of class. So you have both extremes.

Senator Geiger: That is right.

Senator Abate: And what percentage of classes are taught by adjuncts?

Senator Pinello: **52 percent** of the course sections are taught by adjuncts.

Senator Abate: **52 percent!**

President Kaplowitz: And in terms of the number of people who teach, there are more than twice the number of adjuncts, approximately **400**, than there are full-time faculty. Because many adjuncts teach only one or two

courses a semester, their numbers are greater than the number of full-time faculty even though they teach half the course sections at the College. This means that the department chairs have an enormous administrative task: for example, the English Department, in which I teach, has 30 full-time faculty and 80 adjunct faculty. This also means that the adjunct faculty do not receive mentoring from the full-time faculty nor is there oversight of their work because of the sheer numbers. This also leads to a feeling on the part of many adjuncts, although not all, as Professor Geiger can attest, of alienation from the department and from the College.

Senator Abate: What happens then if a student is having problems in a course and needs to confer with his or her teacher and needs help understanding the material?

Senator Litwack: The adjunct professor does not get an additional penny if he or she finds time to meet with the student and provide help. But full-time faculty are required to have office hours and full-time faculty tell their students to come during those hours if they are having any problems or if they want to discuss the material for any reason or that the student should make an appointment to see the teacher if the office hours are not convenient for the student.

President Kaplowitz: Because of John Jay's day/night course schedule we are the most available full-time faculty because we have a five or six hour break between our morning and evening classes. The irony is that we have this wonderful schedule but we don't have the numbers of full-time faculty we need. Students who transfer here always remark on this difference between John Jay and their previous college: that we are always available to them. But we need more full-time faculty in order to offer more day/night sections for in-service -- law enforcement and other uniform personnel -- students. Adjunct faculty, with exceptions, do not teach the day/night courses because the tremendous time gap between the morning and evening courses is an unfair and often unworkable condition of employment, especially for adjuncts who hold full-time jobs elsewhere or who teach as adjuncts at other colleges.

Senator Abate: There are certain factors that you have articulated that affect quality of education: larger class size, library and book resource reductions, more adjunct professors at the expense of full-time professors, loss of programs (although that is not critical at John Jay although it may be at other CUNY colleges), reductions of support services for students. Anything else?

President Kaplowitz: Lack of forensic science equipment, lack of sufficient classroom and other space, lack of computers.

Senator Pinello: We have only 100 computers for 10,000 students.

Senator O'Brien: And only four VCRs for 10,000 students.

Senator Abate: That is disgraceful. And you know what is frightening for you is that if you do not develop the infrastructure for greater computerization for distance learning and for other forms of instruction and research you are not going to exist. You are not going to survive. Other universities from either overseas or other states will provide the educational services for people in New York City. So if you can make that case, if **you** can scare people that if you do not receive sufficient funding there will be **no** public higher education system because you will be eliminated, you will not survive. There is something unseemly about the fact that there are upstate New York students who are now being educated by the University of Delaware, or someplace similar. To think that at some point we can not even support our own students and the

revenue doesn't even stay here. The revenue is then going to other states. It doesn't have to be Delaware or Pennsylvania, it could be California. For the very sophisticated legislators, they have to see that this could have some dire future implications.

Let me ask you: John Jay has not experienced a decrease in enrollment, but other CUNY colleges have. What is happening to those students who no longer can afford college and are not now in the CUNY system: where are they?

President Kaplowitz: Our sense of the situation is that many students did not attend CUNY this semester because they could not afford the tuition increase and the TAP cut and are working to save money to return. If, in fact, they do not return, we will have to reevaluate our assumptions about the cause of the aggregate enrollment drop at CUNY.

Senator Abate: That is very important information for all of us to get.

Senator Litwack: As a social scientist I have to say we do not know the answers to your questions. As far as I know, no one has done a study of this. But it is clear that the tuition increase did have an impact on the ability of students to attend college.

Senator Abate: The aggregate number of CUNY and SUNY students who were unable to continue or attend college because of the tuition increase could be a very sizable number. Those kinds of data and putting that information on a fact sheet is really helpful,

President Kaplowitz: The Legislature required both CUNY and SUNY to issue a planning document by December 1, a week ago. I'd like to give you a table that is included in CUNY's report: it shows CUNY's Master Plan enrollment growth of 2.5% each year, as well as the actual enrollment growth during the past years, and the enrollment decline this year and the projected decline in enrollment if the budget remains stable and also the projected decline if there are further budget cuts [Attachment A].

Senator Abate: This is very helpful.

President Kaplowitz: Did you receive a copy of Chancellor Reynolds' Budget Request, which was sent to the Governor in October?

Senator Abate: No.

President Kaplowitz: Let me give you this copy. It provides an excellent overview of CUNY's situation and needs and is accompanied by excellent charts and important data.

Senator Abate: Good. This will be helpful. And you have to let my office know, and you have to let other legislators know, how we can be helpful. Particularly what reaction you get from legislators. You may hear, before we do, what the Republicans or what the Governor is thinking.

Senator Geiger: The business community has been speaking about the need for a better educated workforce -- why don't the Republicans listen to them?

Senator Abate: I don't think anyone supports the Governor's cuts to public higher education. The problem is that individuals hear that there is no other option: they do not understand that we passed a sentencing reform bill that will eat up, in the long run, in 3 or 4 years, the money and more than the amount of money that could have gone to CUNY. But everyone wanted a tax cut and you can not have a tax cut and not make these budget reductions. The business community and certain other groups knew full

well what that tax cut meant.

Senator Litwack: I assume you did not vote for the tax cut? [laughter]

Senator Abate: No, I did not vote for the tax cut. There were four or five of us who did not vote for the tax cut.

President Kaplowitz: Which legislators should we meet with?

Senator Abate: Kenneth LaValle, Chair of the Senate Higher Education Committee, is key. Ed Sullivan, Chair of the Assembly Higher Education Committee, is also very important. Also, Leonard Stavisky who is the minority ranking member on the Senate Higher Education Committee.

President Kaplowitz: What else do you suggest we do?

Senator Abate: Keep me briefed whenever you have data and analyses, especially analyses of the impact of the cuts. To the extent that you are successful in organizing at a grassroots level you will, hopefully, be successful, but not totally successful. You have to make telephone calls, 50 calls a day to key Republicans and also to Shelly Silver, because the pressure has to be mounted -- he wants to support CUNY but he has to feel that this has to be a priority -- and you have to write letters.

President Kaplowitz: Professor Dan Pinello and I and other CUNY faculty have formed a lobbying coalition with SUNY faculty called THE PAC -- The Higher Education Political Action Committee -- to work for the election and re-election of supporters of public higher education and the removal from office of those who do not support public higher education.

Senator Abate: Once you have the power of that money they will know. When you ask a legislator to do something and you follow up and learn that the legislator has not done what you have asked, that legislator needs to receive phone calls and letters reinforcing that. And when legislators do good things, write them letters and thank them.

It's my birthday today, otherwise I would stay later, but a birthday celebration is awaiting my arrival home. And I've been away from home since my first meeting at 7:30 this morning and so I do have to leave although I would have liked to have stayed longer.

President Kaplowitz: We are so glad we are sharing part of your birthday with us. We are grateful that you accepted our invitation, both to thank you for all you are doing in Albany on our behalf and on behalf of the people of the State, and for being able to tell you, from a faculty perspective, about John Jay, including our urgent need for Phase II, and about CUNY. And this is especially true since you are the State Senator who represents this district.

Senator Abate: Thank you so much for inviting me. I have truly enjoyed our discussion and have found it extremely interesting. I know it will be helpful to me in my work in Albany.

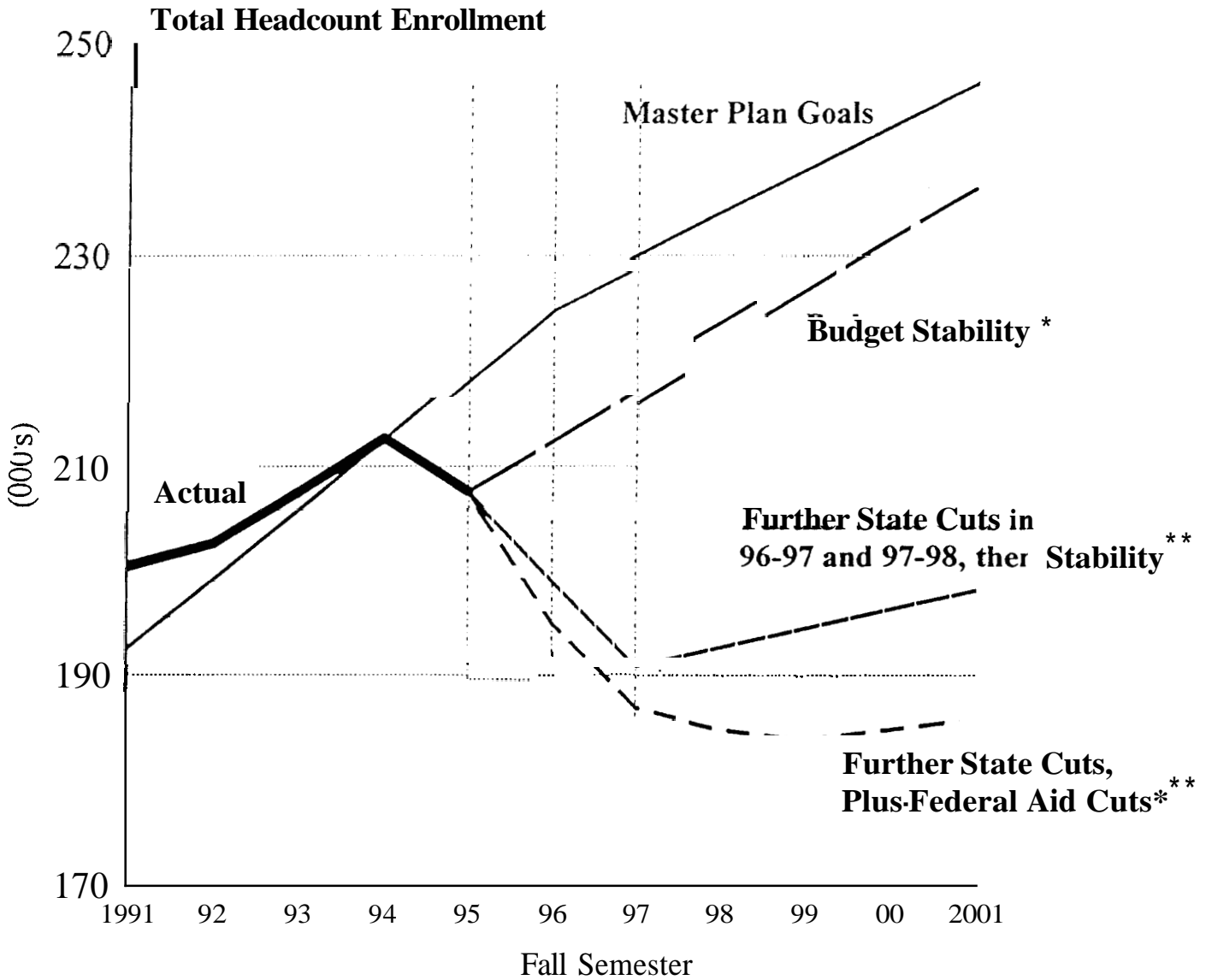
Upon a motion duly made and approved, the meeting adjourned at 6:30 PM.

Respectfully submitted,

Edward Davenport
Daniel Pinello

Recording Secretaries

Potential Impact of State Budget Cuts and Proposed Federal Aid Cuts on Enrollment



* Assuming no significant State Aid cuts, Federal Aid cuts, or tuition increases, and modest increases in funding for inflation.

** Assuming cuts in 1996-97 and 1997-98 comparable to prior year cuts and no further cuts of this magnitude thereafter.

*** Assuming an additional loss of 10% of the pool of students who would be affected by the proposed Federal Aid cuts in 1996-97 and 1997-98.