

Faculty Senate Minutes #178
John Jay College of Criminal Justice

December 11, 1998

9:30 AM

Room 630 T

Present (26): Dorothy Brace, Anthony Carpi, James Cauthen, Effie Papatzikou Cochran, Glenn Corbett, Edward Davenport, Janice Dunham, Nancy Egan, P.J. Gibson, Amy Green, Edward Green, Lou Guinta, Karen Kaplowitz, Jane Katz, Kwando Kinshasa, Stuart Kirschner, Gavin Lewis, Patricia Lickliger, Tom Litwack, James Malone, Mythili Mantharam, Ellen Marson, Lydia Segal, Carmen Solis, Martin Wallenstein, Bessie Wright

Absent (10): C. Jama Adams, David Brotherton, Enrique Chavez-Arviso, Holly Clarke, Sandra Leftoff, Jill Norgren, Patrick O'Hara, Dagoberto Orrantia, Daniel Pinello, Jacqueline Polanco

Guests: Professors Ned Benton, Bonnie Nelson, Maria Volpe

Invited Guests: Prof. Antony Simpson, CUNY Trustee Kathleen Pesile

AGENDA

1. Announcements from the chair
2. Approval of Minutes #177
3. Proposed statement on faculty Web pages on JJ Web servers
4. Declaration of vacancy in the office of Senate vice president
5. Declaration of 4 vacancies on the Senate
6. Determination of method to fill vacant College Council seats
7. Proposal to change the Senate's April 28 meeting to April 29
8. Update on the CUNY Proficiency Test
9. Writing across the disciplines: discussion
10. Consideration of candidates for honorary degrees
11. Invited guest: CUNY Trustee Kathleen Pesile

1. Announcements from the chair

President Kaplowitz provided an update on the issue of faculty access to their offices. Subsequent to his November 18 meeting with the Faculty Senate, at which the Senate raised the issue of faculty access to their offices, Vice President Robert Pignatello invited her, on behalf of the Senate, and Professor Harold Sullivan, on behalf of the Chairs, to meet with him and Provost Wilson on December 3. Professor Sullivan, who was unavailable, was represented by Professor Robert Crozier. At this

meeting, a draft letter to the faculty, co-signed by the two vice presidents, articulating a new policy about faculty access to their offices, was agreed upon. The letter, which is being distributed to the faculty, states that the College is open between 7 AM and 11 PM Monday through Friday; from 7 AM to 6 PM on Saturdays; and from 9 AM to 5 PM on Sundays and holidays. But faculty and faculty only will henceforth have access to their offices from 6 AM to 12 AM (midnight) every day of the year, including weekends and holidays.

There is one caveat and one major addition to the access policy. The caveat, which President Kaplowitz called eminently reasonable, is that when the College is officially closed -- in other words, when non-faculty are not permitted to enter, faculty must show their valid John Jay ID card and sign in and sign out.

The important (unwritten) addition to the policy is the agreement she and Professor Crozier obtained by which a member of the faculty, if the situation is urgent, will have access to her or his office at all other times, or stay beyond midnight, a situation Prof. Crozier and she assured the vice presidents will not occur frequently. This will be permitted as long as the faculty member has a valid John Jay ID and signs in and signs out. Although they agreed to this provision, Provost Wilson and Vice President Pignatello chose to not include it in the public letter. Security officers will be trained to permit such access. She and Professor Crozier said they would convey this information through the Senate, and its Minutes, and through the Council of Chairs.

The new policy is announced in a letter, signed by Vice President Pignatello and Provost Wilson, which has been sent to all faculty:

"In response to faculty interest there will be a change in the policy regarding access to both the Tenth Avenue and North Hall Buildings when they are closed.

"Currently, the buildings are open 7 a.m. to 11 p.m. Monday - Friday and Saturday 7 a.m. to 6 p.m. Sunday and Holidays the buildings are closed. This will remain the same for staff and students.

"Faculty have had access from 9 a.m. to 5 p.m. on Sundays and Holidays. However, effective December 7, [1998,] hours for faculty access to the buildings will be extended as follows:

"Seven days a week, including holidays: 6 a.m. to 12 midnight. Faculty accessing the campus during off hours will be required to sign in/sign out and present a valid John Jay Identification Card at the security desk.

"Please note that this extension applies to faculty only."

President Kaplowitz said that, unfortunately, she has already received reports from the administration that in the short time since the policy of faculty access has been reinstated, a few faculty have been uncooperative, refusing to show their John Jay ID or to sign in or out. Senator Janice Dunham said the sign-in and sign-out policy is protection for faculty: if there is a problem in the building and the building must be evacuated, the security officer needs to know who is in the building and where.

Senator Kwando Kinshasa agreed, saying that signing out is important so if there is an emergency no one has to unnecessarily

risk his or her safety searching for people who have already left the building. Showing one's John Jay ID is also important, he said, both for the security of the College's buildings and property and the safety of students who work as security officers.

Senator Kinshasa asked whether it is also possible to have extended library access for students. Senator Janice Dunham, saying the best library is a library that never closes, noted that the library is on an extended hours schedule comprising an additional 30 hours a week from now until the end of final exams: the library is open until 10 PM during the week and until 8 PM on weekends. She added that the library has found that students do not stay beyond that because, like the support staff, they often have far to travel to get home.

Senator Dunham explained that to have these extended hours all year round would put a strain on the library staff, especially the support staff. She reported that there have been some discussions about a creating a study center on the first floor of the library, which would be staffed by security and which could be open all the time, but this would require some building construction and also a commitment from the Security Department.

Senator Martin Wallenstein moved a resolution:

"Resolved, That the Faculty Senate supports the requirement that faculty show their valid John Jay ID card and sign in and sign out during those hours when the College is officially closed, because such protocol is important for the security of faculty, for the safety of the security officer(s), and for the security of the buildings, and,

"Be it Further Resolved, That the Faculty Senate commends Vice President Pignatello and Provost Wilson for their responsiveness to the faculty's request for a resumption of the longstanding policy of faculty access to their offices."

The motion was seconded and adopted by unanimous vote.

President Kaplowitz reported that it is also important that we convey to our colleagues the fact that as faculty we have authority as to who enters our classroom. No one may enter our classroom who is not registered for our course, unless we give permission. Several very senior faculty have called her to complain that people, claiming to be John Jay students sent on behalf of the Office of Student Activities, have entered their classrooms and asked to speak to their students, during class, to sell discount tickets to night clubs. The faculty thought they had no choice but to let these individuals in because they believed the Dean of Student Activities had sent them.

First, this is a scam: these are not John Jay students nor have they been sent by Dean Smit nor anyone in the College; second, faculty have authority over their classroom and have not only the right to deny entrance to anyone not enrolled in the course but have the responsibility to exclude anyone or any activity not relevant to the course. If senior faculty are unaware of their authority over who enters their classroom, probably junior and adjunct faculty are similarly unaware. Senator Dunham said she has seen these people in action and can

see why some accede to their request: they look like students and are polite and pleasant and very credible.

Senator Martin Wallenstein agreed. He added that he has had the different but analogous experience of people entering his classroom claiming to be John Jay security officers needing to speak to one of his students but they have not been able to show proper ID and so he has not permitted them. Senator James Malone said the protocol, if they are security officers, is they must go to one of the several deans in the Office of the Vice President of Student Development and a dean then goes to the classroom to ask the instructor for permission to speak to a specific student: only a dean can request a student to leave a classroom for any reason. A security officer does not have such authority.

President Kaplowitz noted that she has also received many calls from faculty reporting that students are claiming that they must leave class in order to register by telephone because their appointment is for that particular day and time and faculty have questioned how the registrar could arrange telephone registration in such a way. The explanation is that the date and time assigned to each student is the earliest moment that the student's access code will be accepted by the telephone registration system but the student's code will be accepted at any later time and, therefore, students do not need to leave class to register nor should they be permitted to do so.

President Kaplowitz reported that at a Quality of Life Committee meeting the previous day, which Senator Glenn Corbett and she attended, it was announced that Mr. Phil Bock is the new chief administrator of Buildings and Grounds (B&G) effective yesterday and, thus, any B&G issues should be directed to him.

Commencement is Wednesday, June 2, at 10:30 AM in the theater at Madison Square Garden.

2. Adoption of Minutes #177 of the November 18 meeting

By a motion duly made and carried, Minutes #177 of the November 18, 1998, meeting were adopted.

3. Proposed Faculty Senate statement on faculty Web pages on John Jay Web servers: Proponent: Faculty Senate Committee on Technology [Attachment A]

Professor Bonnie Nelson, co-chair with Senator Lou Guinta of the Senate's Committee on Technology, a very active and important body, was welcomed. Professor Nelson was asked to first report, as a member of the search committee for the director of administrative computing (the position most recently held by Marc Eichen and before that by Peter Barnett), about the search. Professor Nelson reported that other members of the search committee, which was chaired by VP Robert Pignatello, were Professor Peter Shenkin (Mathematics), Donald Gray, and Lawrence Kobilinsky. The committee recommended three very good candidates.

The title of the position has been changed to Executive Director of Informational Technologies and now also includes academic computing. The new director is Marvin Weinbaum, who

begins on December 14. Mr. Weinbaum earned his bachelor's degree from City College in 1970, a Master's in education guidance and counseling from City in 1973, and a Master's in education administration in 1977. He was a classroom teacher and guidance counselor for seven years with the NYC Board of Education, then an assistant principal for Nassau Boces, then executive director for six years for the Education Consortium in Long Island City, and then director of computer services at LaGuardia Community College for eight years, where he also taught as an adjunct, following which he was director of Suffolk regional informational center, and most recently, for the past two years, director of technology services at the NYC Board of Education. Professor Nelson praised the choice.

Senator James Malone suggested that in the near future the Senate should discuss the fact that academic computing now reports not to the vice president for academic affairs but to the vice president for administration. In response, Professor Nelson and Senator Lou Guinta reported that on Director Marvin Weinbaum's second day in his new job, on December 15, he and VP Robert Pignatello will be meeting with the Senate's Committee on Technology so that the Committee can very clearly and very early emphasize the necessity of consulting with faculty with regard to any and all computing and technology policies and decisions which affect curriculum, teaching, research or other faculty areas. Senator Guinta said that VP Pignatello has been very anxious to ensure that Director Weinbaum meet with the Senate's Committee immediately upon assuming the position, and, indeed, the impetus for this meeting came from VP Pignatello.

Senator Guinta complemented Bonnie Nelson for being a terrific co-chair of the Senate's Committee on Technology. The Committee, he said, is the most enjoyable and excellent committee he has ever served on in all his years at John Jay. In addition to Lou Guinta and Bonnie Nelson (co-chairs), the members are: Professors Yahya Affinnih, Ira Bloomgarden, Farrukh Hakeem, Robert Hong, Katherine Killoran, Sandra Lanzone, Peter Shenkin, and Margaret Leland Smith. Professor Nelson noted that the Curriculum Committee has created a subcommittee on Computer and Research Literacy and many of the same faculty are on both committees.

Professor Nelson presented the Senate's Committee on Technology's draft proposed statement on faculty Web pages [Attachment A] which the Committee is asking the Senate to approve. The genesis of the proposed statement is that some faculty seem unwilling to put information for their students on the Web because they are uncertain whether the information will be censored, changed, or "cleaned up" according to someone else's idea of what a Web page should look like. Professor Nelson added that although she does not think such things are happening, the fact that faculty are concerned that this might happen has been sufficient impetus for the Committee to decide we should have a statement and that such a statement should come from the faculty. She and Senator Guinta reviewed many policies of many colleges as well as policies available from Cornell University's center on computer policy.

She said the initial plan was a statement on faculty course pages but the Committee decided to broaden the statement to address anything faculty might want to publish on the Web, whether material related to their courses, to their research or to other activities. She called the Committee's proposal a minimalist statement: the idea behind the statement is that publishing on the

Web is part of the faculty's academic freedom and the College, therefore, should not censor such materials. On the other hand, she added, faculty have a responsibility to abide by federal, state, and local laws and College and University policies.

The Committee's proposed statement references policies that apply to John Jay faculty and provides Web site addresses for information about copyright which is a very important issue because people often inadvertently violate copyright laws.

Professor Nelson said the Committee invited Vice President for Legal Affairs Robert Diaz to meet with it. She said Senator Guinta has been keeping the administration informed and the administration has been very supportive of this initiative but VP Diaz found the Committee's proposed statement problematic and sent a memorandum to the Committee two days earlier saying there should be a College-wide policy about every aspect of computing -- email, use of computers to search the Web, and so forth -- rather than a statement that addresses only Web pages. He thinks such a policy should be developed through a committee of faculty, students, and administrators.

Senator Guinta said VP Diaz had, interestingly, not thought of this issue as something to be addressed until the Committee raised it with him: but the sequence of events has reinforced the Committee's opinion that the faculty should take the initiative on this issue and develop a statement before the administration might make a decision which may not be acceptable to the faculty.

Senator Litwack asked whether VP Diaz suggested that the Senate not act on the Committee's proposed statement at this time. Professor Nelson said no: VP Diaz has developed a "draft suggested interim guideline" addressing both the College's official Web pages and personal Web pages. Senator Litwack asked if VP Diaz's draft was presented as a substitute for the Committee's statement or as an addition to it. Professor Nelson said it is not clear: in his cover letter, dated December 9, VP Diaz wrote:

"Pending the promulgation of a more detailed policy, the attached draft interim guideline can form the basis of an interim College web policy. Before the College officially sanctions the attached policy, I would be interested in receiving feedback from your subcommittee.

"I believe the guidelines developed by your committee can be immediately distributed by the Faculty Senate to its constituency as a Faculty Senate statement on Faculty web pages. I have deleted the sentence on censor of material as the guidelines I am proposing indicates that the College will not review materials placed on individual home pages but may remove an individual home page linked to the College server under certain circumstances."

Professor Nelson said she assumes such removal of a home page would be for violation of copyright laws and University policies but the language is much more vague than it should be. And, she added, VP Diaz's letter also says he believes a committee of faculty, students, and administrators should develop a policy but, she suggested, a statement on faculty Web pages should be developed by the faculty.

Senator Martin Wallenstein said it is very important that the

College's policy on computing not be determined by the Office of the Vice President for Legal Affairs. This policy should be developed in the very way it is being developed, he said.

Senator Guinta called development of computing policies a work in progress and explained that VP Diaz himself admitted to not having a background in this area until he began to look into the issue as the result of the Committee's draft proposal.

Senator Wallenstein said he sees no need to eliminate the statement about not censoring Web pages and, indeed, he added, that part of the statement should be underlined for emphasis. He noted that the word "can" in another section of VP Diaz's memorandum is of great and significant ambiguity: "Pending the promulgation of a more detailed policy, the attached draft interim guideline [developed by VP Diaz] can form the basis of an interim College web page **policy.**"

Senator Litwack said that VP Diaz is not opposing the Committee's guidelines as long as the one sentence about the College not censoring material is deleted and he, for one, does not think anything would be lost if that sentence were deleted.

Senator Kwando Kinshasa asked about the sentence in the Committee's proposed statement stating that faculty should "strive to present information in its most literate form, adhering to standard English usage." Professor Nelson noted the sentence uses "should" rather than "must." The Committee's reason for including this statement is that faculty are often not aware that home pages are very, very public and that anybody around the world can look at them: faculty are often not careful enough about such things as proofreading and a page that is sloppy, grammatically incorrect, or full of misspellings reflects very badly on the College. And so the Committee put this sentence in as a reminder. She added that the Committee is very aware that faculty may want to purposely write in a non-standard way: the Committee's purpose was to remind faculty to be careful to avoid inadvertent errors.

Senator Kinshasa said his focus is on the phrase "standard English usage," noting that faculty may choose to use languages other than English on their Web pages. He suggested the phrase "standard language usage" be substituted. Professors Nelson and Guinta accepted the suggested change.

Senator Wallenstein said if the Senate endorses the Senate Committee's statement, it should do so with the proviso that the Web page not be censored and should do so for two reasons: first, as a person in the field of communications he believes this should be underscored: secondly, if we were to remove that portion, it would give de facto approval of the College's right to censor faculty material. Professor Nelson agreed.

Professor Litwack said we can not speak for the College. President Kaplowitz said the Senate can say that the College should not censor and suggested that the proposed statement be changed from "The College will make no attempt to censor or in any way alter the content, distribution, and/or format of any faculty Web page" to "The College should make no attempt to censor..... "

Senator Wallenstein asked by what authority VP Diaz might impose a policy. Professor Nelson said because these are College computers and a College server, the College does presumably have such authority but we want the College to not exercise such

authority as it may have.

President Kaplowitz suggested that the statement be amended in both the second and third paragraphs to add the phrase "on John Jay Web servers" whenever the phrase "Web page[s]" appears because faculty could put a Web page on a Web server not connected to nor linked to John Jay's server and thus this statement would not be nor should be applicable to such circumstances. She said although the title of the statement makes this clear, any passage quoted from the statement should also make this distinction unambiguous. Professor Nelson called this an excellent point, noting that the entire discussion by the Committee was predicated on the assumption that the statement is applicable only if a John Jay Web server is used.

Senator James Cauthen said his home page is not on John Jay's Web server but it is linked to John Jay's course home page and he, therefore, assumes he is subject to this statement. Professor Nelson said this statement, if it becomes College policy, would provide more protection for faculty whose Web page is on a John Jay server than for those who use a different server. Senator Guinta said another reason for this statement is the very fact that faculty are using another server and the Committee would like to see our faculty use our College's facilities without constraints that would inhibit their professional work or development.

Senator Anthony Carpi noted that the Committee's proposed statement speaks of faculty responsibility but not of faculty rights. He said some colleges claim that any material placed on its server is that college's property: he suggested that we add a statement asserting the author's ownership of his or her material. It was noted by Professor Nelson that Professor Jane Davenport is a member of a new University committee on technology, created as a result of the new union contract, and that the issue of ownership and copyright is being discussed University-wide by this group.

President Kaplowitz suggested that the Senate advise this new committee of our opinion on this matter. Senator Anthony Carpi moved the following resolution: "**Resolved**, That the Faculty Senate supports the idea that material on faculty Web pages on John Jay Web servers is the intellectual property of the faculty member who authored **it**." The motion was approved by unanimous vote.

Professor Litwack moved a revision to delete the phrase: faculty "should strive to present language information in its most literate form, adhering to standard language usage." He said the Senate should not suggest to faculty how they should express themselves, but rather should simply remind faculty that Web pages are public and reflect not only on the individual instructor but also on the institution. He suggested the phrase "are public" be added to the sentence so it would read: "Faculty should be aware that their pages are public and will reflect on the College and themselves [and should strive to present language information in its most literate form, adhering to standard language **usage**]" (The proposed added language is underlined and the proposed deleted language is in brackets.) Senator James Malone seconded the motion.

Senator Litwack said he feels very strongly that there should be no statement by the Senate suggesting to faculty that they should adopt "standard language usage." He noted that Huckleberry

Finn does not use standard language usage and that much of Beloved also does not and that often, to make a point, people use non-standard language usage. He said we should not advise faculty how they should express themselves but rather we should remind faculty, as they should be reminded, that faculty "should be aware that their pages are public and will reflect on the College and themselves."

Senator Guinta said the Committee discussed these issues at length: the concern is not the purposeful use of non-standard usage but inadvertent grammatical and spelling errors which would reflect poorly on the individual and on our College. Senator Litwack countered that people may embarrass themselves with the very content of what they write even if that content is expressed in the most elegant and grammatical language possible.

Senator Kinshasa spoke against the motion and proposed that only the phrase "adhering to standard language usage" be deleted. Thus, he proposed, the sentence should read: "**Faculty** should be aware that their pages are public and will reflect on the College and themselves and should strive to present information in its most literate form [adhering to standard language usage]." (Proposed added language is underlined and proposed deleted language is in brackets.)

Senator Kinshasa suggested that the inclusion of the phrase "**the** most literate form" and the deletion of the rest of the sentence is a compromise that would address both positions. Senator Litwack disagreed saying we should not tell faculty how they should express themselves: we should simply remind them that what they say is very public and will reflect on the College and on themselves. Any way of telling people how to express themselves is objectionable, he said.

Senator Stuart Kirschner suggested we not address the manner in which faculty present material, because if the administration presents guidelines which include the possibility of censorship (as implied in VP Diaz' memorandum which speaks of removing home pages "under certain **circumstances**"), we could compromise our ability to oppose such censorship were we to include language in our statement that suggests certain forms of expression are more acceptable than others because that could be incorrectly viewed as falling under the "certain circumstances" VP Diaz writes of.

Professor Nelson agreed, saying we should take the position that there should be no censorship unless the Web Page violates the law or violates an existing College or University policy. She also reported that VP Diaz's suggested interim policy is being brought to the Senate's Committee on Technology where it will be carefully studied.

Senator James Malone spoke in support of Senator Litwack's motion, on the grounds that the AAUP statement on academic freedom covers this issue by addressing the fact that faculty statements and faculty work are public. He urged that the Senate pass the Committee's proposed statement, as amended.

Senator Edward Davenport asked Senator Litwack if his objections are Constitutional. Senator Litwack said because there is nothing mandatory involved in this statement, he does not know if it would rise to a Constitutional level and would have to give the question more thought but, he added, certainly John Jay College is a public body and certainly the actions of the College

as a whole are controlled by the First Amendment: there is no question about that whatsoever. He added that he is not suggesting that the language in the Committee's proposed statement is unconstitutional. Senator Litwack added that unlike NYU, for example, which is not subject to the First Amendment, we, **by** and large, are because the First Amendment only applies to public institutions, not to private institutions.

President Kaplowitz suggested that a pragmatic reason to delete the phrase that Senator Litwack finds objectionable is that those who know to check their grammar and spelling will do so; those who don't know to won't even if we include this in our statement; and to include such language implies that we know or suspect something about some of our colleagues that perhaps we don't really want to admit in a public statement. She added that if any of us spotted clearly inadvertent errors on a Web page she would hope that the person would send a private communication, in an act of collegiality, to alert the author of the fact.

Senator Kinshasa asserted that we should let all users know, through this statement, that we expect literate communication on Web pages using John Jay's servers. Senator Amy Green said this is a baseline expectation she already has of her colleagues. He responded that such an expectation may, however, be unfounded. He said if someone puts something on a Web page that is terribly off base, we need to be able to point to a policy statement in order to do something about it. Senator Wallenstein said that faculty should be apprised of the fact that a Web page is not the place to dash off a first, unedited draft, which might not be sufficiently clear if Senator Litwack's motion passes.

Senator Kirschner asked whether the Senate agrees with him that profanity is literate, and the Senate concurred. Therefore, he said, if one wants to establish a standard one can not do so in one sentence. Senator Litwack said we say that profanity is literate but others would say profanity is not literate. And, thus, he said, this point further supports his motion.

The question was called. Senator Litwack's motion to delete "and should strive to present information in its most literate form, adhering to standard language usage" passed by a vote of 10 to 9.

Senator Gavin Lewis said that a statement about intellectual property should be added to the policy statement. Senator Janice Dunham agreed, suggesting that Senator Carpi's earlier resolution which we passed (see p. 8) be incorporated into the statement in the following way: the sentence in the second paragraph should read: "Authors maintain ownership and have full responsibility for the content and distribution of that content and should strive to maintain high standards of intellectual and academic integrity" [added language is underlined]. It was also recommended that the statement be further amended to change "Faculty-generated home pages" to "Faculty-generated Web pages" because Web pages could contain research and other materials other than course materials. The proposals passed by unanimous vote.

Senator Litwack asked whether the sentence about censorship should be retained as is: he asked if a Web page contains a clear and indisputable copyright violation, should the College not have the ability to censor it. The answer was yes. Senator Litwack pointed out that therefore the statement that "the College should make no attempt to censor..." is incorrect.

President Kaplowitz pointed out that the statement mandates compliance with various laws and policies, including copyright laws. One such policy listed in the statement is the CUNY Computer User Responsibilities Policy which addresses many issues, including copyright violations, and states: "Any user found to be in violation of these rules shall be subject to the following: suspension and/or termination of computer privileges, disciplinary action by appropriate college and/or university officials, referral to law enforcement authorities for criminal prosecution, or other legal action including actions to recover civil damages and penalties." She suggested we attach this document to our Senate statement.

Senator Litwack said if the College does or should have the right to remove Web pages that, for example, violate copyright and, he noted, there other kinds of speech that are not protected by the First Amendment, including clear libel, it would be a mistake to say the College should make no attempt to "censor or in any way alter the content." He said we should, therefore, drop that sentence for now and revisit it later. Professor Nelson said the Committee drafted and proposed the statement for the very purpose of that particular sentence.

Senator Gavin Lewis proposed rearranging the order of the sentences so that the necessity to adhere to laws and policies is stated first.

Professor Nelson agreed and suggested the third paragraph begin by stating that "Faculty are responsible for compliance with existing federal, state and local laws, including but not limited, to copyright law and laws regarding privacy of student information. In addition, pages must adhere to existing College and University policies on Computing, Sexual Harassment, and Plagiarism. Examples of such policies are: and The City University of New York Sexual Harassment Policy and The City University of New York Computer User Responsibilities Policy. Absent the violation of those laws or policies, [The] the College [will] should make no attempt to censor or in any way alter the content, distribution, and/or format of any faculty Web page on John Jay Web servers." [Added language is underlined.] The change was approved.

Senator Guinta moved that the full statement, as amended, be approved. Professor Nelson suggested that the title be changed to the "Faculty Senate Statement on Faculty Web Pages on John Jay Web Servers." The motion to approve the statement, as amended, was approved by unanimous vote.

President Kaplowitz said she faculty should be alerted to the fact that email and anything else distributed over John Jay's or CUNY's systems, including voicemail, are the property of the University and faculty should have no presumption of privacy of their incoming or outgoing messages. Also, email and voicemail can be subpoenaed. Deleted emails are stored and can be retrieved and this is true for deleted voicemail messages.

Senator Carpi asked if there is a policy on monitoring email. Professor Nelson said that there is no policy at this time.

4. Declaration of a vacancy in the office of vice president of the Faculty Senate

In accordance with the Senate's Constitution, the Senate, by unanimous vote, declared a vacancy in the office of the vice president of the Senate, having received a letter from Professor Daniel Pinello stating his resignation, for personal reasons. President Kaplowitz praised Professor Pinello's wonderful contributions over the years to the Senate as both a member and as vice president.

According to the Constitution, the Senate is to determine what action, if any, is to be taken to fill such a vacancy. The Senate decided to hold nominations and an election.

Nominations were open. Senator Kwando Kinshasa was nominated but declined the nomination, with thanks. Senator Amy Green was nominated and, by a secret written ballot, was elected vice president by a vote of 25-0-0. The Senate applauded Amy Green.

The Senate determined that nomination and election of a member of the Senate's executive committee, to fill the position on the executive committee vacated by Amy Green upon her election as vice president, will take place at the next Senate meeting.

5. Declaration of 4 vacancies on the Faculty Senate

In accordance with the Faculty Senate's Constitution, the Senate declared 4 seats vacant by adopting a resolution to that effect. One vacancy, a departmental seat, will become vacant in the spring because a departmental representative, Patricia Licklider (English), is going on leave: that seat has been filled by the English Department's election of Marny Tabb. The other three seats become vacant because two Senators -- Ellen Marson and Jill Norgren -- are going on leave and the third -- Daniel Pinello -- has resigned from the Senate.

The Senate Constitution states that after declaring a vacancy the Senate shall determine what action, if any, is to be taken to fill vacant seats. The Senate unanimously decided to fill the three seats with the next three highest vote recipients in the election for 1998-1999 at-large representatives to the Senate: all three have agreed to serve if elected: Thurai Kugendran, Sandra Lanzone, and Agnes Wieschenberg. The three were elected.

6. Determination of procedure for filling vacant College Council seats

Two College Council seats held by at-large representatives of the Senate -- Amy Green and Daniel Pinello -- become vacant in February. By unanimous vote, the Senate determined that every at-large Senator eligible to run as a Senate representative to the College Council shall be invited to be a candidate and if there are more candidates than open positions, a secret mail ballot will be conducted of the members of the Senate prior to the next College Council meeting, which is on February 11. [A secret mail ballot was conducted: Holly Clarke and Agnes Wieschenberg were elected.]

7. Proposal to change the Senate's April 28 meeting to April 29

By unanimous vote, the date was changed to prevent a conflict with the April 28 Conference on Domestic Violence and the Police. The Senate is one of the co-sponsors of the conference.

8. Update on the CUNY Proficiency Test

All first-time freshmen who are admitted to a CUNY degree program beginning September 1999 will be required to pass the new CUNY Proficiency Exam in order to advance beyond 60 credits; to graduate from an associate degree program; and to transfer into the upper division of a senior college; and beginning September 2000, all student who wish to transfer into the upper-division of any baccalaureate degree program will also be required to pass the Proficiency Exam.

A second pilot of the Proficiency Exam, to norm the exam (to determine the passing grade) will be given in April and every CUNY college is required to participate. Like the first pilot, students will receive two readings in advance. Unlike the first pilot, all the students in the second pilot will be required to read a third text, 4 or 5 paragraphs in length, which they will see for the first time when they arrive for the exam. They will be required to write an essay about all three readings. The students will have 3 hours for the test.

Senator Litwack urged the Senate to continue making the case for equitable funding from 80th Street. Senator Guinta agreed.

Senator Litwack also reminded the Senate that having raised admissions standards, John Jay students will fare better on the exam than they would otherwise have done. He talked about the College's discretionary funds and where they could be most effectively allocated to support the initiatives we will need to help prepare our students.

Senator Gavin Lewis said he can not imagine our obtaining sufficient funding to decrease class size substantially, which is what is necessary. Senator Patricia Licklider agreed that reduced class size is absolutely necessary in order for faculty to assign, correct, and comment on student writing.

President Kaplowitz said it is important to keep in mind that this is not a writing test only. It is a test to determine whether a student has the intellectual ability and the sophisticated reading and thinking skills as well as writing skills to successfully engage in upper-level college studies. The Proficiency Exam requires students, in a timed setting, to respond to (three) texts, and to present and develop a cohesive, logical, text-supported argument, using quotations and references from the readings to support the student's own ideas. Grammar errors, if they do not impede comprehension, will not result in a failing grade [see the Proficiency Exam Scoring Grid: Attachment E of Minutes #175].

Thus, she noted, faculty will have to give these kinds of assignments in courses across the disciplines so that students can have as much practice as possible doing this kind of work. The test is to determine students' ability to do junior and senior

level work, as defined by the reading, thinking, and writing requirements of the exam.

Senator Wallenstein urged Senators to go back to their departments to encourage testing methods that will prepare students to handle the tasks on the Proficiency Exam.

9. Discussion: Writing Across the Disciplines

Senator P.J. Gibson spoke about students' perception that writing is not factored into their grades in courses other than those given by the English Department. Senator Carmen Solis agreed and added that this semester better-prepared students in the SEEK Program are not necessarily doing better in their Freshman Colloquium coursework. She said all faculty have to hold students accountable for developing and demonstrating writing skills.

Senator Gavin Lewis said he feels compelled to include analytical writing assignments in his History courses, but he needs college-wide support. Senator Guinta discussed the necessary distribution of responsibility across the College to implement writing requirements in all subject areas.

President Kaplowitz suggested we consider increasing the contact hours for certain writing intensive courses from 3 to 4 hours (while continuing to award students 3 credits for the courses) as some of the CUNY colleges do: in this way faculty would have fewer courses a semester since our teaching load is based on contact hours, not on course credits.

Senator Wallenstein said the dichotomy between content and the ability to express content is a false distinction and that grading is the responsibility of the faculty who should not take short cuts in so doing. Senator Kinshasa reported that the Thurgood Marshall writing contest, which awards a \$1000 prize, received only 7 entries this year, which he thinks reflects a lack of intellectual striving among the students.

Senator P.J. Gibson recounted her own undergraduate experience, in which she received two grades in every course (one for writing skills and the other for content). She said it took no special developmental skills on the part of faculty to recognize writing errors. Senator Carpi and Senator Kirschner said they both include writing in their grading standards and asked how we could enforce current Writing Across the Curriculum policies in all classes. Senator Kirschner reported that only one of his 100 students reported that they had bothered to pick up their last semester's term papers from their instructors.

Senator Litwack said it is unfair to put all the responsibility on the faculty. He also suggested dropping the D grade in English 101 and English 102 and urged that those courses have departmental finals. Senator Gibson asserted that if only English teachers hold students accountable for writing, student skills will decline after the students complete English 102.

Senator Dorothy Bracey said that although she believes in teaching writing skills in her content courses, she feels that many students do not take advantage of her efforts to hold them accountable for learning those skills.

President Kaplowitz said that the kinds of assignments we have been giving our students might not prepare them adequately for the proficiency test, and that we could start to do that. Senator Guinta asked if any efforts are being made to train the faculty. Senator Licklider said that faculty development is being proposed **by** the Provost but that funding is necessary to support such activities.

Senator James Malone stated that the discussion is about changing the very culture of our College and the Senate agreed to continue discussing this issue. Senator Malone said that our Senate Minutes will raise the consciousness of the faculty about this critically important matter.

10. Consideration and vote on candidates recommended for an honorary degree: Professor Antony Simpson, Chair, Committee on Honorary Degrees

Professor Antony Simpson, the chair of the Committee on Honorary Degrees, was welcomed.

The Senate deliberated in an off-the-record session about candidates recommended by the Committee on Honorary Degrees and approved the following individuals by at least the requisite 75% affirmative vote of those Senators present and voting in a secret written ballot:

Richard Falk, James J. Fyfe, Elaine R. Jones, Bruce Sales, and John Edgar Wideman.

The Senate also voted unanimously to recommend to President Lynch that each honorary degree recipient be invited to speak for several minutes at commencement, as was the practice two years earlier with tremendous success.

11. Invited guest: CUNY Trustee Kathleen Pesile
[Attachments B, C, & D]

Trustee Kathleen Pesile, the newest Trustee, having been appointed in July, was welcomed and introduced and her accomplishments were reported [Attachment B]. Trustee Pesile said that she is on a steep learning curve and wants to hear faculty concerns from the Senate. She said her philosophy is that the University is about students: otherwise we would have an 'edifice complex.' She said that in her corporate experience, she continues to be saddened that CUNY students do not compete head and shoulders with graduates of other area colleges.

Senator Litwack asked if she has any ideas about what CUNY could be doing better. She replied that CUNY programs suffer from a lack of inter-college communication. She said she takes her Trusteeship very seriously. Senator Litwack asked if she sees as part of her role the trumpeting CUNY successes. Trustee **Pesile** said she does.

Trustee Pesile recalled that when she taught in the Criminal Justice Department at Jersey City State College, John Jay was always thought of as 'the competition' because of its excellent

reputation.

President Kaplowitz provided a brief history of the College and of its chronic underfunding. Senator Litwack said he would like to point out the extent of the funding inequities, to which Trustee Pesile said she wants to be enlightened. Senator Litwack provided two (updated) charts comparing John Jay's funding to that of the other CUNY colleges [Attachment C]. He pointed out that John Jay's budget is 35% less than the average FTE student funding of the senior colleges. He acknowledged the existence of some valid reasons for funding disparities, but said that at least **50%** of the funding difference is historical and political. Trustee Pesile said she is aware of the problem.

President Kaplowitz introduced Professor Ned Benton, who gave a brief presentation of his department and its programs in light of Trustee Pesile's professional activities and responded to her questions about private-sector articulations. He spoke of the MPA program's #1 rating and how strongly his department needs resources to maintain that ranking.

Professor Benton then presented excerpts from NYS Law and NYS Education Regulations **Law** that call for "**a** sufficient number of faculty members who serve full-time" and similar standards for registration of undergraduate and graduate curricula. He also then presented a series of (updated) charts which he had prepared [Attachment D] and explained each. Trustee Pesile said she would be interested in strategic ideas for a more equitable allocation of the budget.

Professor Benton conceded that no campus fully meets its ISM [Instructional Staff Model] goal but John Jay is at the bottom because we are the most underfunded. Trustee Pesile asked what our ratio of adjuncts to full time teachers is and Professor Benton drew her attention to the relevant chart [Attachment D-5].

President Kaplowitz pointed to another factor to be considered. Noting that on the charts Baruch looks almost as underfunded as John Jay and as the College of Staten Island, she said that Baruch can turn to its alumni for much more support than can any other college so that they can afford one on one tutoring for their students and other student support.

Trustee Pesile said that one of her goals is to create a University-wide endowment from which colleges could be more equitably assisted. She said she hopes to use her experience in the corporate world to assist in this. President Kaplowitz noted that John Jay does not have the funding to do what is best for our students and yet we have to bring our students up to the same level of proficiency as the better funded CUNY colleges.

Senator Litwack said that VP Rothbard has tried to be helpful within the limited scope of his authority. He reported that according to the University's own data, John Jay is the best performing college given its resources.

Trustee Pesile asked to hear about other concerns of the faculty. Senator Patricia Lickliger said professionally **she** grew up with open admissions and had to develop ways to cope with underprepared students. She expressed concern over cuts in remediation and the new Proficiency Exam, especially in light of our chronic underfunding. Trustee Pesile responded by saying that it is difficult for CUNY students to currently make a transition

to private-sector jobs. She wants to see that today's CUNY students have an equal opportunity with students from other colleges.

President Kaplowitz said another concern of the faculty is John Jay's dire need for a building to replace North Hall. She asked Professor Benton to explain his charts which demonstrate the College's need for additional space. [These charts appeared as Attachments in previous Senate Minutes: copies are available from the Senate Office.]

Trustee Pesile asked for specifics. Senator Anthony Carpi talked about dire forensic laboratory-space shortages. Senator Wallenstein said the situation is so desperate that students sit on the floor in some classes and that ventilation systems are inadequate. Professor Benton spoke of health, safety, and fire safety problems.

Senator Dorothy Bracey said that John Jay has an excellent national reputation, but she fears the possibility that someone from out of the City may visit the campus and see some of these inadequate facility situations. Trustee Pesile commiserated, reporting her own frustrations with equipment and facilities at the College of Staten Island, where she regularly teaches as an adjunct.

Senator Litwack asked Trustee Pesile for her personal perspective on teaching at CUNY. She spoke of the demographic change of the student body. Senator Kinshasa agreed and said the Trustees need to have a strong commitment to our international students. Senator Effie Cochran said that students who are non-native speakers require special attention that cannot be provided in large-class settings.

Trustee Pesile compared herself to CUNY students: she grew up in public housing, her mother was on welfare, and she has never forgot where she came from. She said that she feels it is **very** important to convey such information to students. Senator Bessie Wright said that she is moved by that, because her SEEK students tend to feel embarrassed by the SEEK label.

We have to dispel that, Trustee Pesile said, and told of a Bedford-Stuyvesant mentoring program she was involved in when she was at Morgan Stanley. If we could get corporations to be part of CUNY, she said, we could have corporate America look at us differently, we could have the media look at us differently, and we could have our students look at themselves differently.

Trustee Pesile said she really enjoyed the meeting and asked to be invited back. The Senate thanked and applauded her.

Upon a motion duly made and carried, the meeting was adjourned at 4 PM.

Respectfully submitted,

Edward Davenport

Amy Green

Recording Secretaries

ATTACHMENT A

FACULTY SENATE STATEMENT ON FACULTY WEB PAGES
ON JOHN JAY WEB SERVERS

Adopted by unanimous vote of the
Faculty Senate December 11, 1998

Academic freedom is a cornerstone of the educational process. The Internet is a free flowing medium for information dissemination, gathering, and exchange. World Wide Web pages developed by faculty constitute an important means of formulating and conveying knowledge, including statements of belief and opinion, to the university community and to the world at large.

Faculty-generated [home] Web pages that are on John Jay Web servers are not official publications of John Jay College. Authors maintain ownership and have full responsibility for the content and distribution of that content and should strive to maintain high standards of intellectual and academic integrity.

Faculty are responsible for compliance with existing federal, state and local laws, including, but not limited, to copyright law¹ and laws regarding privacy of student information. In addition, Web pages on John Jay Web servers must adhere to existing College and University policies on Computing, Sexual Harassment, and Plagiarism. Examples of such policies are: The City University of New York Sexual Harassment Policy² and The City University of New York Computer User Responsibilities Policy³. Absent the violation of those laws or policies. [The] the College [will] should make no attempt to censor or in any way alter the content, distribution, and/or format of any faculty Web page on John Jay Web servers.

Faculty should be aware that their pages are public and will reflect on the College and on themselves [and should strive to present information in its most literate form, adhering to standard English usage]. As a service to users, faculty should indicate on each Web page the date that the page was created or modified and the email address of the individual responsible for the page.

Proponent: Faculty Senate Committee on Technology (Underlined text has been added: bracketed text has been deleted).

¹ <http://www.law.cornell.edu/uscode/17/> For discussions of copyright in the digital age see Ann Okerson's Copyright Resources Online at <http://www.library.yale.edu:80/~okerson/copyproj.html> or the Crash Course in Copyright at the University of Texas at <http://www.utsystem.edu/OGC/IntellectualProperty/cprtindx.htm>

² See the John Jay College Undergraduate Bulletin or <http://www.lagcc.cuny.edu/policies/SexHarrasm.htm>

³ See attached and <http://oitweb.it.csi.cuny.edu/micro/cunyuser.html>

ATTACHMENT B

Kathleen Pesile appointed to the Board of Trustees

Trustee Kathleen Pesile is the newest member of the CUNY Board of Trustees: her term runs through June 30, **2004**. Trustee Pesile is a member of the Board's Committee on Fiscal Affairs and has just been named chair of the Board's search committee for the president of Baruch College.

Governor Pataki nominated, and on June 17, 1998, the NYS Senate confirmed Kathleen Pesile to serve on the CUNY Board. A native of Staten Island, who still lives there, Trustee Pesile is a principal of her own financial services firm, Pesile Financial Group, established in 1995 and was formerly financial consultant and chairperson of the International Banking Program of the American Bankers Association. Earlier she was vice president for global markets, and mergers and acquisitions for J.P. Morgan & Co., and was vice president for finance and administration for Capital Cities/ABC.

For two decades, Trustee Pesile has been an adjunct lecturer in finance and international business at The College of Staten Island and was a founding faculty member of its Weekend Division. She has also served, since 1995, as an adjunct MBA thesis advisor and examiner at the Stonier Graduate School of Banking at the University of Delaware.

She was the founding member of the Peter Rodino Institute at Jersey City State College and the first woman instructor in the Department of Criminal Justice where she developed financial management courses.

Trustee Pesile earned her associate degree in finance from what was then Staten Island Community College. Afterward, she earned her baccalaureate and master's degrees in public finance and management at Baruch College. She was also a doctoral candidate in international affairs at NYU and recipient of the National Security Scholarship from the National Security Council. She has been a member of the Board of Directors of the College of Staten Island Foundation and of the CSI Alumni Association.

Two years ago, the 9 appointed seats that had been empty or expired were filled by nominations made by Governor Pataki and by Mayor Giuliani and were confirmed by the NYS Senate. **Last** year, one Trustee, Charles Inness, died, and two Trustees resigned, Jerome Berg and Robert Price. The 3 trustees appointed last year were: Kenneth E. Cook, Alfred B. Curtis, and John Morning. The three trustees not appointed by Governor Pataki or Mayor Giuliani are Herman Badillo, Edith Everett, and James Murphy: the terms of Everett and Murphy expire within the next two years.

The Board of Trustees comprises 10 gubernatorial and 5 mayoral appointees and 2 ex officio trustees (the UFS Chair and the USS Chair). **The term of Susan Moore Mouner, who had been appointed by Governor Cuomo and who represented Staten Island, had expired and Trustee Pesile now occupies this seat.**

**1998/99 ADJUSTED BASE BUDGET
PER FALL 1998 FTE ENROLLMENT**

SENIOR COLLEGE	FALL 1998 ENROLLMENT	1998/99 "ADJUSTED BASE BUDGET"	1998/99 \$ PER FTE
CITY	8,315	\$68,465,800	\$8,234
LEHMAN	6,061	\$41,615,800	\$6,866
BROOKLYN	10,178	\$69,602,400	\$6,839
MEDGER EVERS	3,277	\$21,828,200	\$6,661
YORK	4,074	\$24,918,300	\$6,116
QUEENS	11,128	\$67,746,100	\$6,088
STATEN ISLAND	8,491	\$46,812,100	\$5,513
HUNTER	13,460	\$72,153,400	\$5,361
BARUCH	11,244	\$55,419,300	\$4,929
NYC TECHNICAL	8,728	\$40,800,800	\$4,675
JOHN JAY	8,172	\$33,183,500	\$4,061
TOTAL	93,128	\$542,545,700	
AVERAGE	8,466	\$49,322,336	\$5,940
JJC % of AVERAGE	96.53%	67.28%	68.36%
AVP W/OUT JJC	8,496	\$50,936,220	\$6,128
JJC % OF OTHER AVP	96.19%	65.15%	66.26%

Base Budget adjusted for collective bargaining as presented in the 1999-2000 Budget Request
FTEs as reported 11/23/98 by CUNY's Office of Institutional Research and Analysis

**JOHN JAY COLLEGE'S GRAND TOTAL DOLLARS PER FTE
AS COMPARED WITH COMMUNITY COLLEGE FUNDING**

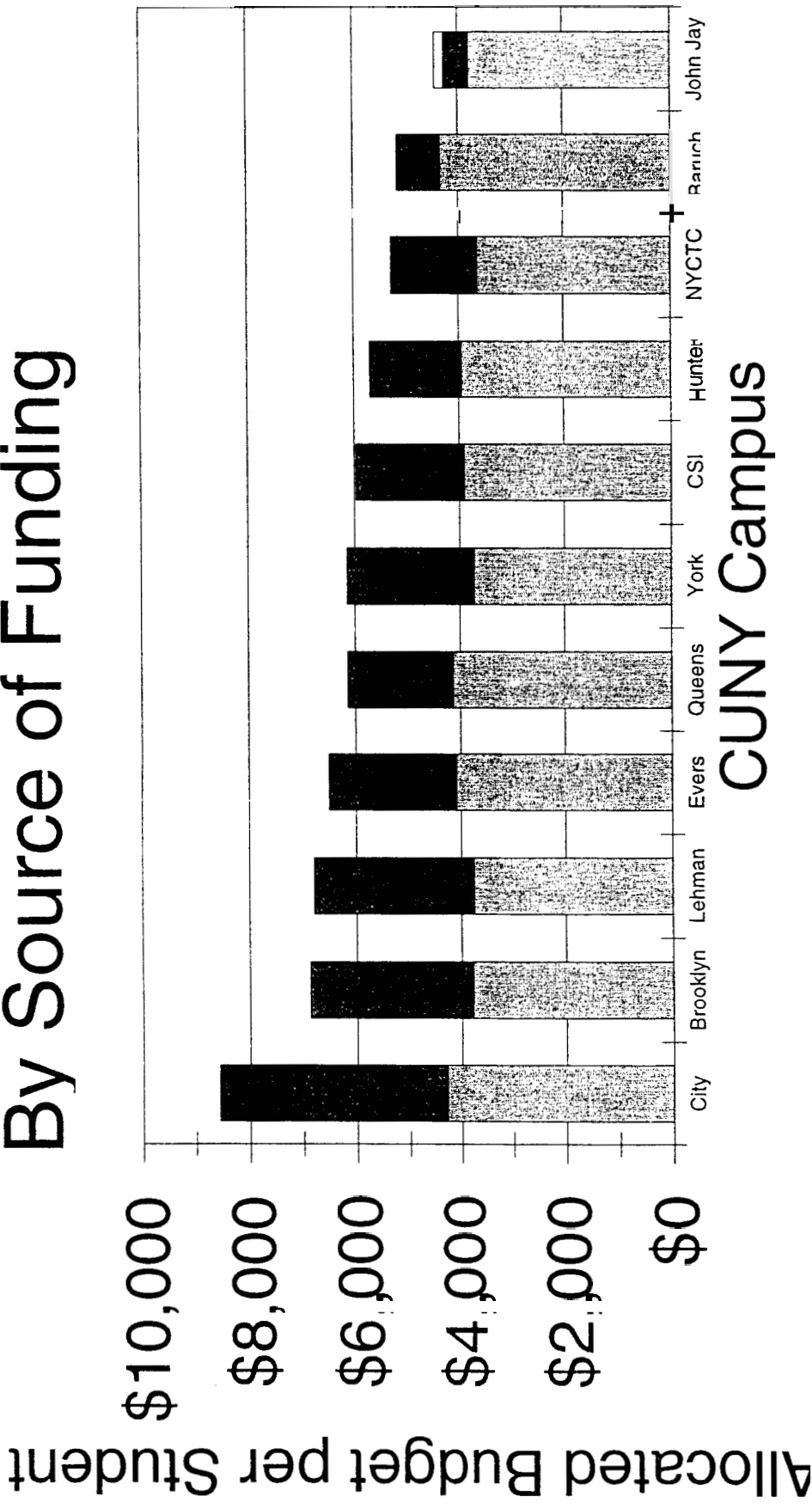
COLLEGE	FALL 1998 FTEs	BASE DOLLARS	\$ PER FTE
HOSTOS	3,581	\$26,780,000	\$7,478
BRONX	5,994	\$34,988,000	\$5,837
QUEENSBOROUGH	7,415	\$40,209,000	\$5,423
LA GUARDIA	9,386	\$45,236,000	\$4,820
KINGSBOROUGH	10,319	\$46,224,000	\$4,480
MANHATTAN	12,163	\$52,048,000	\$4,279
TOTAL	48,858	245,485,000	
AVERAGE	8	40,914,167	\$5,386
JOHN JAY*	8	\$39,005,500	\$4,773
		Grand Total Allocation*	
JJC as % of AVERAGE	100.36%	95.33%	88.62%




Base Budget dollars as presented in the 1999/2000 Budget Request which includes collective bargaining for 1998-1999 Preliminary Fall 1998 FTEs (as reported by colleges within one week of the start of classes)

*John Jay's Grand Total Allocation is the sum of the Adjusted Base Budget (as presented in the 1999-2000 Budget Request) PLUS lump sum dollars awarded to the College in its initial 1998-99 allocation.

The inclusion of the lump sums equates closely to the funding methodology for community colleges.

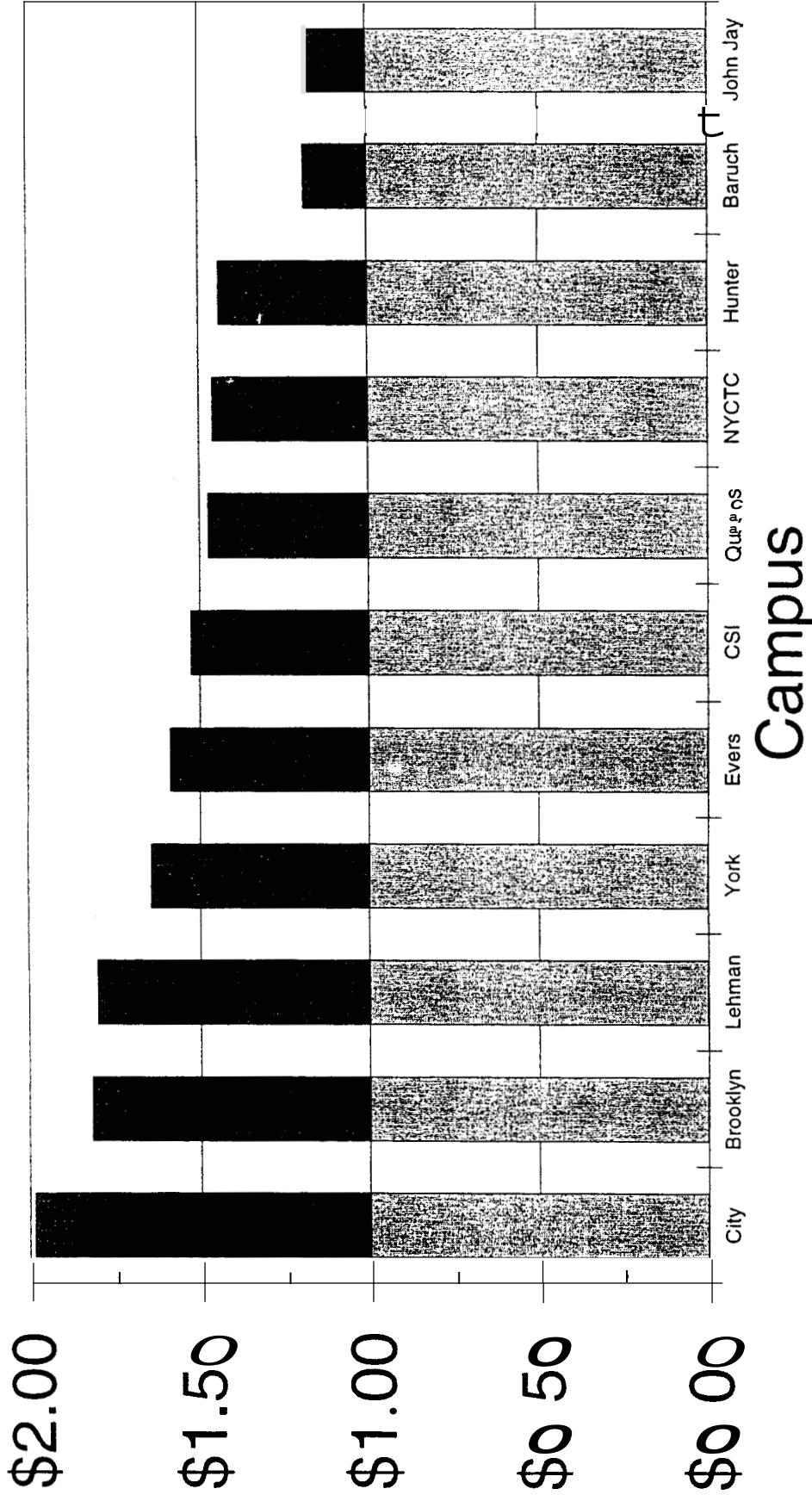
Allocated Budget Per Student By Source of Funding



-  Allocation from Tuition and Fees
-  Allocation above Tuition and Fees
-  \$1.5 Million Supplemental Support

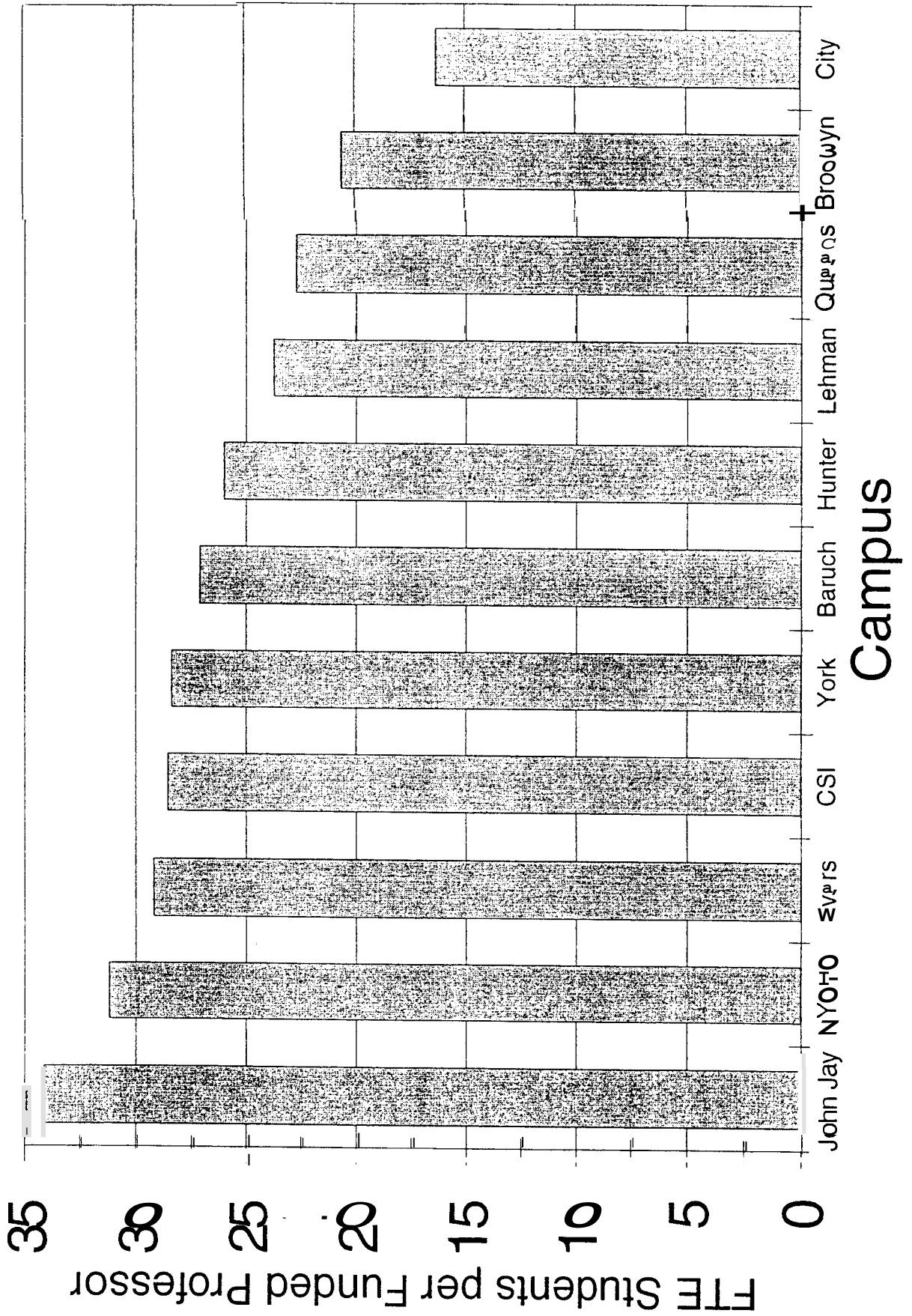
Student Tuition Dollar

CUNY Allocation Net of Tuition & Fees

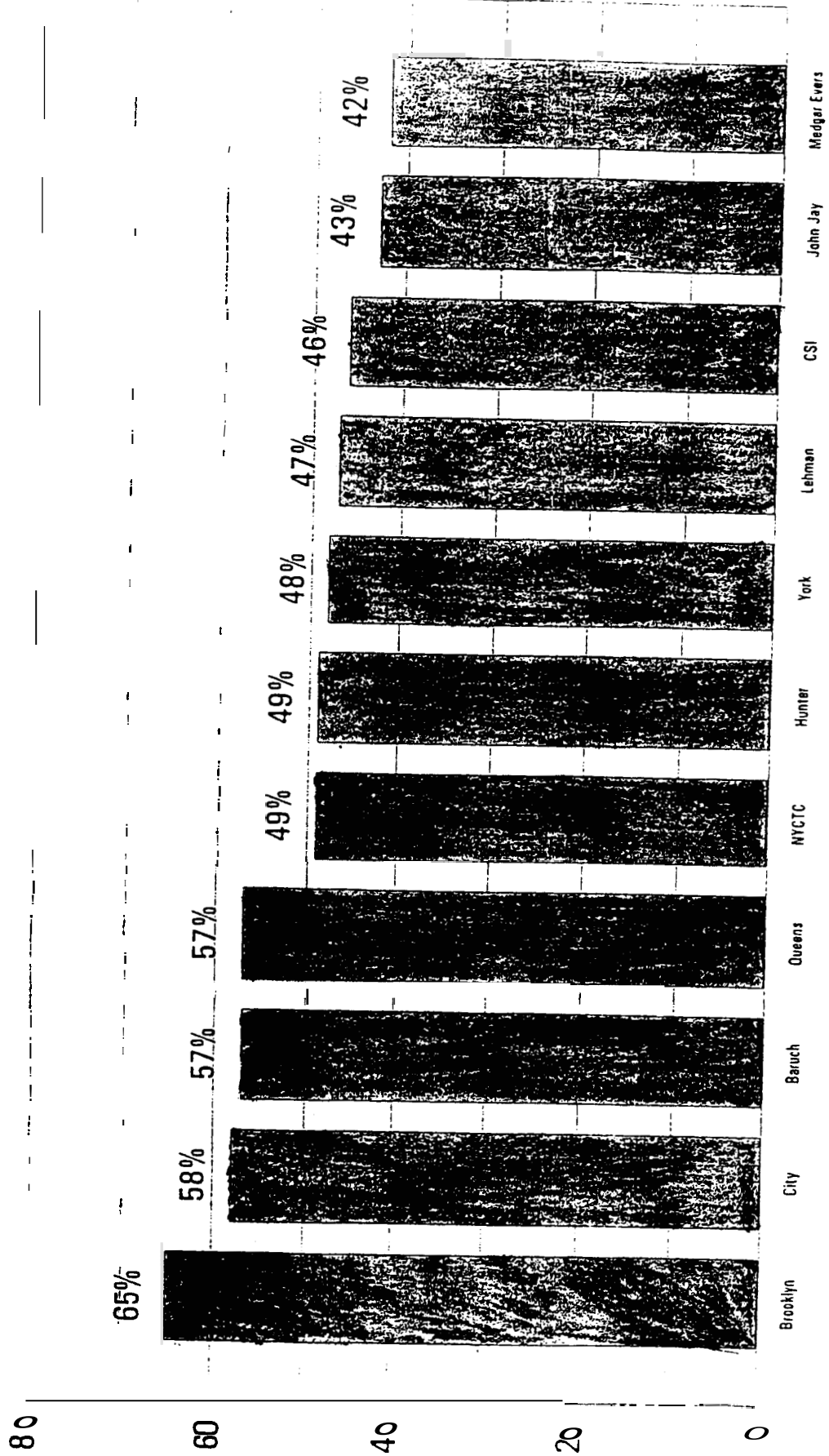


 Student Tuition and Fee Dollar
 Additional Allocation from CUNY

Students per Full-Time Professor



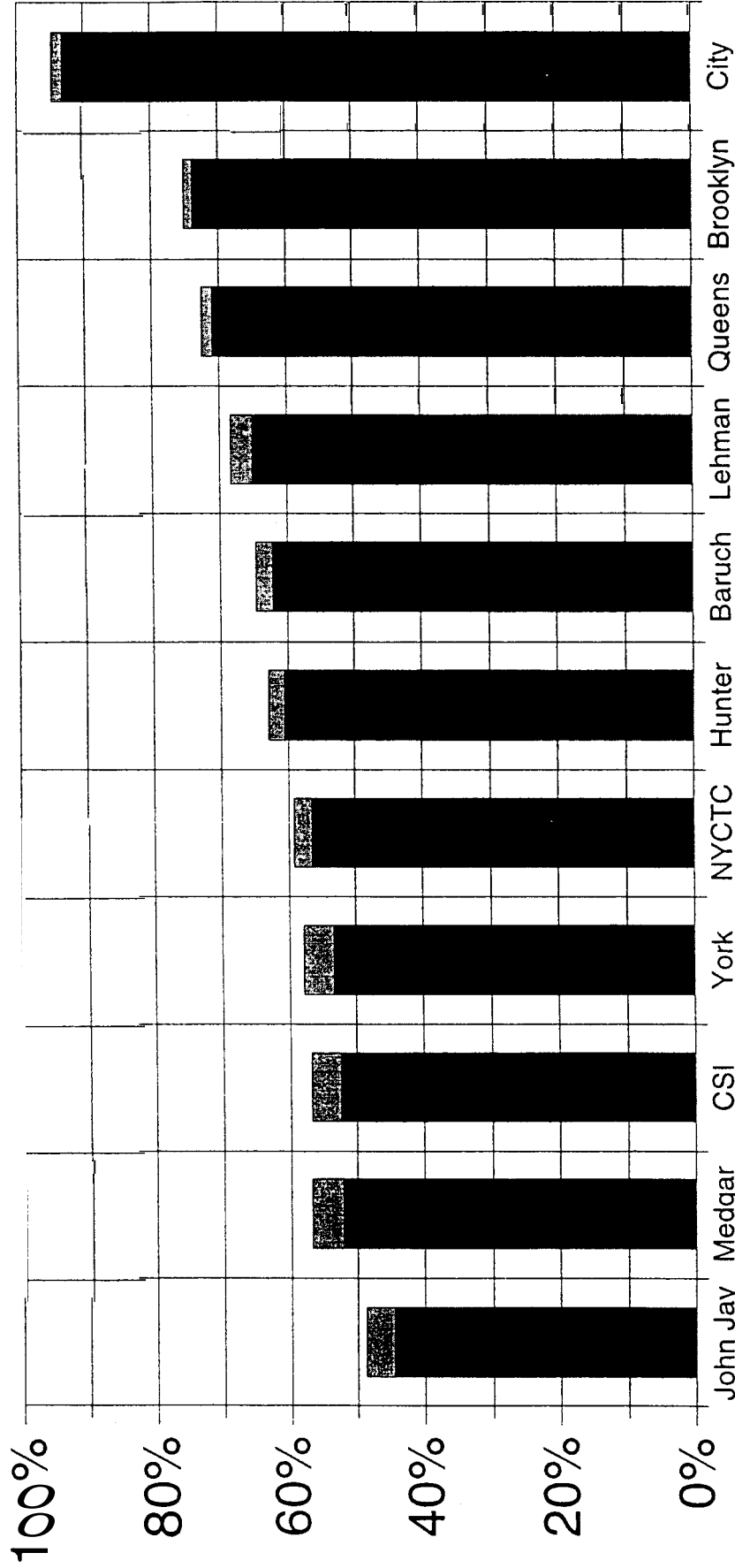
The City University of New York Senior Colleges



% of Undergraduate Instruction
taught by Full Time Faculty - Fall 1997

Funded Professorships

Percent of 8/97 ISM R&D commitments



■ August 1997 Funded Professorships

■ Faculty Hiring Initiative