

Faculty Senate Minutes #186

John Jay College of Criminal Justice

May 27, 1999

3:15 PM

Room 630 T

Present (29): Luis Barrios, David Brotherton, James Cauthen, Holly Clarke, Marsha Clowers, Edward Davenport, Kirk Dombrowski, P.J. Gibson, Amy Green, Edward Green, Lou Guinta, Karen Kaplowitz, Andrew Karmen, Kwando Kinshasa, Maria Kiriakova, Stuart Kirschner, Sandra Lanzzone, Gavin Lewis, Tom Litwack, James Malone, Amie Macdonald, Emerson Miller, Patrick O'Hara, Lydia Segal, Carmen Solis, Katherine Stavrianopoulos, Marny Tabb, Agnes Wieschenberg, Bessie Wright

Absent (6): Erica Abeel, C. Jama Adams, Anthony Carpi, Janice Dunham, Ulana Lysniak, Jacqueline Polanco

AGENDA

1. Welcome & introduction of the 1999-2000 Senators
2. Announcements from the chair
3. Adoption of Minutes #185 of the May 7 meeting
4. Review of the history and role of the Faculty Senate
5. Election of the Senate Executive Committee
6. Report about Dr. Paolucci's resignation from the CUNY Board

**1. Welcome & introduction of the 1999-2000 Senators**

The members of the 1999-200 Faculty Senate were welcomed and introduced. Senate members serve a one-year term.

**2. Announcements from the chair**

President Kaplowitz announced the faculty winners of the Performance Excellence Awards, which had just been announced at the College P&B Committee: Orlanda Brugnola (Art, Music, Philosophy); Edward Green (Mathematics); Lou Guinta (Communication Skills); Mike Wallace (History); and Jack Zlotnick (Psychology). Professors Brugnola and Green are adjunct members of the faculty. [The Senate applauded Senators Edward Green and Lou Guinta, who were present.]

President Karen Kaplowitz said she is pleased to report that her term as Treasurer of the University Faculty Senate (UFS) continues for the 1999-2000 year and, thus, she will still be an officer and member of the UFS Executive Committee. The other UFS officers also continue 2-year terms: Bernard Sohmer (City), chair; Cecelia McCall (Baruch), vice chair; Susan O'Malley (KCC), secretary. The five at-large members elected at the UFS Plenary on

May 18 are: Lenore Beaky (LaGCC), Martha Bell (Brooklyn), Anne Friedman (BMCC), Fred Greenbaum (QCC), and Ken Sherrill (Hunter). Sandi Cooper (CSI) serves ex officio as the previous UFS chair.

On May 18, Professor Harold Sullivan, Government Department, was re-elected as the 1999-2000 Chair of the Council of Chairs. Also elected to the Council of Chairs executive committee were Professors Ned Benton and Robert Crozier.

Faculty are invited to attend the fourth annual student academic awards ceremony on May 24, which will honor students whose academic achievements and accomplishments merit celebration. Professor Lee Jenkins will read a poem he has written for the occasion.

President Lynch will honor the honorary degree recipients at a dinner in his office the night prior to commencement. Also invited to the dinner are those individuals who nominated the honorary degree recipients as well as the members of the Committee on Honorary Degrees, and the president of the Faculty Senate. The Honorary Degree Committee members are: Professors Antony Simpson (chair), William Coleman, Peter DeForest, Jannette Domingo, Lotte Feinberg, Elizabeth Hegeman, and John Kleinig.

The members of next year's Committee on Honorary Degrees are Professors William Coleman, Peter DeForest, Jannette Domingo, Lotte Feinberg, Elizabeth Hegeman, John Kleinig, and Jerry Markowitz.

### **3. Adoption of Minutes #185 of the May 7 meeting**

By a motion duly made and carried, Minutes #185 of the Friday, May 7, 1999, meeting were adopted.

### **4. Review of the history and role of the Faculty Senate and its relation to other College and University bodies**

A Faculty Senate was first created at John Jay in the early 1970s (very differently structured than the current Senate) but was disbanded during the fiscal crisis of the mid-1970s when John Jay's existence was threatened. The Senate was created again in 1986 because the faculty decided it is important to have an official faculty body, so that faculty can discuss issues as official representatives of their faculty colleagues.

The governance body of the College is the College Council, which has existed since the late 1960s: it now has 56 members: 28 faculty, 15 students, 5 HEOs (higher education officers), 1 alumni/alumnae representative, 1 non-instructional staff, and 6 administrators (who are statutory members): the president, provost, vice president for student development, vice president for administration, dean of admissions and registration, and dean of graduate studies. (Four ex officio members can make motions but cannot vote: a member of the Faculty Senate; a member of the HEO Council; the business director; and the dean of undergraduate studies [associate provost].)

The Faculty Senate comprises all the faculty members who are members of the College Council and also the 15 faculty elected as at-large representatives to the Senate by the entire faculty: the 15 at-large members comprise 13 full-time faculty elected by the full-time faculty and 2 adjunct faculty elected by the adjunct

faculty. The Senate is a deliberative and advisory body which considers issues from a faculty perspective. Any faculty member may submit agenda items, attend Senate meetings, and participate in discussions. However, only Senate members may make motions and may vote.

Seven years ago, the Charter of John Jay College was amended and, as a result, the Faculty Senate may elect representatives to the College Council from among its 15 at-large representatives. The amended Charter provides that the 28 faculty seats on the 56-member College Council shall be allocated as follows: "Each academic department shall be allocated one seat and the remaining seats shall be allotted according to any method duly adopted by the Faculty Senate" (1.3.a). The Senate, thus, may fill up to 8 of the 28 faculty seats on the Council from among the incoming at-large members of the Senate, although the Senate may choose to fill fewer than 8 seats. Any seats unfilled by the Senate are allocated as a second seat to the largest academic departments.

In April the Senate elected eight of its 15 at-large members of next year's Faculty Senate as representatives on the 1999-2000 College Council: Professors P.J. Gibson, Amy Green, Edward Green, Holly Clarke, Karen Kaplowitz, Andrew Karmen, James Malone, and Carmen Solis. (This election must take place prior to May 1 so the academic departments can know whether any have been allocated a second College Council seat.)

In the Spring of 1988, the Constitution of the Faculty Senate was ratified by secret ballot of the entire full-time faculty: the vote was 168 to 10 to ratify the Constitution, which was a vote of support for the Senate, which had been in existence for two years.

The Faculty Senate Constitution was subsequently received by the CUNY Board of Trustees when the John Jay Charter of Governance was amended to include the following language: "The Faculty Senate: The Faculty Senate shall meet at least once each semester during the regular academic year with the President of the College to discuss matters of particular concern to the teaching faculty" (Article III, Section 2). (All Charter amendments must be approved by the Board of Trustees: when this amendment was sent to the Board, the Board reviewed the Faculty Senate's Constitution and, in voting to approve the Charter amendment, implicitly agreed that the Faculty Senate is the voice of the John Jay faculty.) The Senate's Constitution is included in the John Jay Faculty Handbook.

Each month a Senate meeting is scheduled prior to the College Council meeting so the Senate may discuss items on the College Council agenda for the purpose of informing itself about faculty concerns and faculty perspectives (as well as about the concerns of other groups whose perspectives are represented either in reports or directly when they write to the Senate or attend Senate meetings).

In addition, the Senate frequently adopts resolutions and sends them to the College Council for action by the Council. The Senate also adopts resolutions for transmittal to the President of the College, to the Provost, to other members or organizations of the College, to the University Faculty Senate, to the Chancellor, to Vice Chancellors, to the CUNY Board of Trustees, and to elected officials.

The "Preamble" of the Faculty Senate Constitution states:

The Faculty of John Jay College of Criminal

Justice, having been entrusted by the by-laws of The City University of New York with responsibility for policy relating to admission and retention of students, health and scholarship standards, attendance, curriculum, awarding of college credit, granting of degrees, and the conduct of educational affairs customarily cared for by a college faculty, hereby establishes the John Jay College of Criminal Justice Faculty Senate in order to provide a formal means of representing faculty concerns to the administration of the College and the University and to provide a democratic forum for the deliberation of such matters and other matters upon which deliberation by the academic community may contribute to the well being of the University and the society which sustains it and looks to it for enlightenment.

(Preamble, Faculty Senate Constitution)

In writing the "**Preamble**," the authors of the Faculty Senate Constitution purposely included the language of the section of the CUNY Bylaws entitled "**Duties of Faculty**" (Section 8.6) because the duties, responsibilities, and prerogatives of the faculty are not just what John Jay's Senate says they are but what the CUNY Board of Trustees states they are, which is what the role of a college faculty historically is:

The faculty shall be responsible, subject to guidelines, if any, as established by the board for **the** formulation of policy relating to the admission and retention of students including health and scholarship standards therefor, student attendance including leaves of absence, curriculum, awarding of college credit, granting of degrees. It shall make its own bylaws, consistent with these bylaws, and conduct the educational affairs customarily cared for by a college faculty.

(CUNY Board of Trustees Bylaws, Section 8.6)

The Senate issues resolutions because the Faculty Senate is the official "voice of the faculty" of John Jay College except in those areas (terms and conditions of employment) where the Professional Staff Congress is the voice of the faculty: Article I of the Faculty Senate Constitution: "Powers of the John Jay Faculty Senate" states:

The John Jay College Faculty Senate shall serve as one of the bodies of the College in the shaping of academic and educational policies. The John Jay Faculty Senate shall concern itself with matters of teaching, scholarship, research and any and all other matters related to faculty concerns as part of the educational mission of John Jay College. The Faculty Senate, acting through resolutions voted upon, shall be considered the voice of the faculty when making recommendations to the College Council, to administrative officials, or to other components of the College and the University, consistent with C.U.N.Y. by-laws, the Professional Staff Congress contract and academic freedom.

(Faculty Senate Constitution, Article I)

Examples of Senate advisory positions include letters to the CUNY Chancellor, Vice Chancellors and Trustees about John Jay's inequitable underfunding and resolutions to John Jay's administrators calling for computerized registration to be accompanied by computerized checking and enforcement of prerequisites.

President Kaplowitz noted that the Senate's work contributed to the 1994 establishment by the CUNY Chancellory of "Base Level **Equity**," whereby funded faculty lines were distributed among colleges and were embedded into the base budgets of the colleges that received such lines. This policy was implemented after John Jay's Senate argued in a number of letters to and in meetings with the Chancellory that the inequitable funding of John Jay must be remedied. Governor Pataki's budget for CUNY then provided funding for Base Level Equity.

During the past years, several people from outside John Jay have been guests of the Senate:

- > Interim Chancellor Christoph Kimmich
- > Chancellor W. Ann Reynolds
- > Vice Chancellor for Academic Affairs Louise Mirrer
- > Vice Chancellor for Construction & Buildings Emma Macari
- > Vice Chancellor for Academic Affairs Richard Freeland
- > Vice Chancellor for Budget Richard Rothbard
- > Vice Chancellor for Student Affairs & University Dean for Academic Affairs Elsa Nunez

Several members of the CUNY Board of Trustees have also been our guest:

- > Trustee John Morning
- > Trustee George Rios
- > Trustee Jerome Berg
- > Trustee Michael Crimmins
- > Trustee Kay Pesile
- > Trustee Sandi Cooper

Other guests of our Faculty Senate have been elected officials of the City and State:

- > NYS Assemblymember Denny Farrell
- > NYS Assemblymember Scott Stringer
- > NYS Assemblymember Edward Sullivan
- > NYS Assemblymember Richard Gottfried
- > NYS Assemblymember Larry Seabrook (now a NYS Senator)
- > NYS Senator Catherine Abate
- > NYS Senator Franz Leichter
- > Manhattan Borough President C. Virginia Fields

Another important College body is the Council of Chairs, which comprises the chairs of all the academic departments, which currently number 20. Since the Senate's creation in 1986, the President of the Senate has attended the meetings of the Council of Chairs. There has always been an excellent working relationship between the Faculty Senate and the Council of Chairs.

Also important is the PSC Chapter, chaired by Professor Haig Bohigian, who meets with the Senate when there are issues to discuss with this body.

The College P&B Committee makes personnel and budget recommendations to the President. A subcommittee is the Budget Planning Committee, chaired by Professor Ned Benton. The President of the Senate attends meetings of that committee.

The University Faculty Senate comprises delegates from all CUNY colleges. John Jay's 1999-2000 UFS delegates are Professors Haig Bohigian, Holly Clarke, Jane Davenport, Diane Hartmus, Karen Kaplowitz, and Maria Rodriguez. Professors Ned Benton and Edward Davenport are John Jay's two alternate delegates.

The Senate's additional responsibilities include voting on honorary degree candidates recommended by the Committee on Honorary Degrees. Also, the Senate sponsors the Better Teaching Seminars and has done so since 1988, as well as the Faculty Mentor Program.

##### **5. Election of the 1999-2000 Faculty Senate Executive Committee**

The Senate acted upon the Executive Committee's recommendation to briefly recess at this point to provide senators with the chance to confer about making nominations and about being nominated for the six Executive Committee positions, **all** of which are for one year.

Upon the resumption of the meeting, Senator James Malone said that if the current Executive Committee were willing to serve he would like to nominate the current Executive Committee as a slate.

President Kaplowitz thanked Senator Malone for his vote of confidence in the Executive committee, but explained that it is the Executive Committee's recommendation and has been the practice of the Senate during the past several years that nominations be open for each position and that voting be by secret ballot: she said the effectiveness of the Senate's officers is potentially weakened if there is no secret ballot and the converse is also true.

Furthermore, it has been the Senate's tradition to nominate and elect members one at a time in order that no one ever feel pressure to vote a certain way or to feel that there had been no opportunity for candidates to be nominated. In this way, she said, the members of the Executive Committee are seen to have the full support of the Senate and would, thus, have full credibility. Senator Malone said this is wise and withdrew his motion.

**a. President.** Karen Kaplowitz was nominated and seconded. Vice President Amy Green assumed the chair and invited further nominations. There being none, the Senate voted to close nominations. Vice President Green distributed ballots and instructed the Senators to write "yes," "no," "abstain," or the name of a write-in candidate. The vote was 29 yes, 0 no, 0 abstentions.

**b. Vice President.** Amy Green was nominated and seconded. There being no further nominations, the Senate closed nominations. Voting was by secret ballot: 29 yes, 0 no, 0 abstentions.

**c. Recording Secretary.** Edward Davenport was nominated and seconded. There were no further nominations. Voting was by secret ballot: 29 yes, 0 no, 0 abstentions.

**d. Corresponding Secretary.** Carmen Solis was nominated and seconded. There were no further nominations. Voting was by secret

ballot: 29 yes, 0 no, 0 abstentions.

e. **Officers at Large (2).** James Cauthen and Kwando Kinshasa were nominated. Voting was by secret ballot: Kwando Kinshasa: 29 yes, 0 no, 0 abstentions; James Cauthen: 28 yes, 0 no, 1 abstention.

All six officers were applauded by the Senate.

**6. Report about Anne Paolucci's resignation as chair and as a member of the CUNY Board of Trustees**

President Kaplowitz reported that upon arriving at 80th Street yesterday for a meeting chaired by Chancellor Kimmich and Vice Chancellor Hershenson, it was reported that Dr. Anne Paolucci had just resigned as both chair and as a member of the Board of Trustees, effective June 1. This was stunning news. Copies of a press release announcing the resignation and containing a statement by Dr. Paolucci were distributed. [Copies are available from the Office of the Faculty Senate.]

The CUNY Board comprises 10 people named by the Governor and five named by the Mayor, each of whom must be approved by the NYS Senate, as well as the Chair of the University Student Senate, with vote, and the Chair of the University Faculty Senate, without vote. The fact that the faculty trustees is without vote was the choice of the faculty because of the landmark Yeshiva University court case in which the court ruled that the Yeshiva faculty were management and, therefore, could not unionize and, thus, the CUNY faculty leadership feared that having a voting faculty member on the CUNY Board might jeopardize our right to have a faculty union.

Thus, there are 16 voting members and 9 votes are needed for a motion to pass (no matter how many trustees with vote are present). The Governor has sole responsibility and authority to name the chair and vice chair of the Board from among the trustees approved by the NYS Senate: no vote by the Board is required or permitted. No particular qualifications are required. And the Governor can at any time remove the person from the position of chair or vice chair but the Governor can not remove any trustee from the Board. Once the person is ratified as a trustee, it is a seven-year term, unless the person is finishing out the term of a trustee who has resigned, or moved out of NYC, or died.

Governor Pataki appointed Anne Paolucci as chair 19 months ago and Herman Badillo as vice chair at the same time. The Governor has appointed Herman Badillo to be chair of the Board when Anne Paolucci's resignation takes affect on June 1.

Although Mr. Badillo had been appointed to the Board by Governor Cuomo, at a time when Mr. Badillo had been more progressive in his politics, he is now the Mayor's key advisor on educational issues and has been a prime mover in the attempts by the Board to require various benchmarks for progress through CUNY.

One theory is that the Governor decided to remove Dr. Paolucci as Chair and she, thus, resigned as a Trustee. Another theory is that her resignation is related to the Schmidt Task Force Report which is expected to be very harshly critical of the leadership of the CUNY Board and that Dr. Paolucci resigned in the hopes that that portion of the document would be deleted. The two theories are not inconsistent and both may be accurate. Dr. Paolucci's own

statement is that she resigned to return to research.

President Kaplowitz reported that the Board has just announced it would hold special meetings on June 2 and on June 9 to amend CUNY's master plan because of the Board's recently enacted policy to phase out remediation course work in all baccalaureate programs. The NYS Board of Regents must approve the CUNY master plan amendment, which would exclude from all baccalaureate degree programs all students who do not pass all three skills tests, in reading, writing, and mathematics. The Board of Trustees public hearing on the master plan amendment is June 21st and the Board's regular June meeting is June 28.

In addition to Dr. Paolucci's resignation, the terms of Trustees Edith Everett and James Murphy end on June 30 and this means that the Governor will be able to appoint two trustees and the Mayor will be able to appoint one. Thus the Board will comprise trustees named by Mayor Giuliani and Governor Pataki, except for Herman Badillo, who was appointed by Governor Cuomo but who is now Mayor Giuliani's education advisor.

Senator Malone called this a very dark moment for CUNY and said he is surprised by the absence of any grass roots political reaction.. Senator Kinshasa asked whether any coordinated response is being planned. President Kaplowitz said the UFS Executive Committee will write a response to the Schmidt Report as will The Friends of CUNY.

Senator Edward Green said that neither the PSC nor our College has organized on a political level. Senator Litwack said perhaps one reason for the lack of public response is that nothing truly horrible has yet happened despite the rhetoric. He cautioned the Senate to be open-minded about Board initiatives and to respond to them one at a time. He also urged the Senate to be open-minded about the forthcoming Schmidt Report.

Senator Malone said pressure on the public schools will produce better-prepared CUNY students and that public policy makers should focus on that rather than on CUNY's graduation rate, which compares favorably to comparable institutions around the country.

Senator Kinshasa noted that a conservative faction among CUNY faculty is not upset by what is happening and, in fact, agrees with what is happening. President Kaplowitz concurred, explaining that several years ago a group was created called the CUNY Association of Scholars (CUNYAS), which is connected to the National Association of Scholars (NAS). CUNYAS has urged higher academic standards at CUNY, including a CUNY policy whereby students would not be permitted to enroll in any college-level courses, at the associate or baccalaureate level, until they completed all their remediation studies.

By a motion duly made and carried, the meeting was adjourned at 5 'PM.

Respectfully submitted,

Edward Davenport

Recording Secretary