

Faculty Senate Minutes #190
John Jay College of Criminal Justice

October 21, 1999

3:15 PM

Room 630 T

Present (26): Luis Barrios, James Cauthen, Marsha Clowers, Edward Davenport, Janice Dunham, P.J. Gibson, Marlene Goldstein, Amy Green, Lou Guinta, Karen Kaplowitz, Kwando Kinshasa, Maria Kiriakova, Stuart Kirschner, Sandra Lanzone, Leona Lee, Gavin Lewis, Patricia Licklider, Tom Litwack, Amie Macdonald, James Malone, Emerson Miller, Jacqueline Polanco, Rick Richardson, Carmen Solis, Katherine Stavrianopoulos, Agnes Wieschenberg

Absent (9): Erica Abeel, C. Jama Adams, Shevaletta Alford, Anthony Carpi, Kirk Dombrowski, Edward Green, Andrew Karmen, Patrick O'Hara, Lydia Segal

AGENDA

1. Announcements from the chair
2. Adoption of Minutes #189 of the October 6 meeting
3. Educational Forum in response to Chair Badillo's comments
4. Proposed recommendations to enhance the Judicial Committee
5. Discussion: Academic freedom and departmental decisions requiring a common text and a departmental exam

1. Announcements from the chair [Attachment A]

Vice Chancellor Emma Macari -- the Vice Chancellor for Buildings, Construction, and Facilities -- is meeting with our Faculty Senate on Friday, December 10, at 2:30 PM.

Senator Edward Davenport reported that he just received from the Registrar a verified copy of a grade change form he had submitted. He explained that this new procedure had been promised by Dean Saulnier during a meeting with the Senate last year and he praised its implementation. The added procedure is important, he said, because forms to change grades and to resolve incompletes are ubiquitous and the Registrar's Office staff do not know faculty members' signatures. As a result, anyone could fill out a form, scribble a signature, and change a grade. Because no one else on the Senate has received a certified copy of a grade change form, the Senate president was asked to ascertain whether this procedure is being universally implemented.

Two days ago, the CUNY Board of Trustees released proposed amendments of its own Bylaws, which are to be voted on by the Board

on November 22. The proposed changes would alter the relationship between the chancellor, the presidents, and the trustees. Copies were distributed of the proposed Bylaws changes that would, for example, authorize the Chancellor to "oversee and hold accountable" the presidents of all CUNY colleges "including by setting goals and academic and financial performance standards for each campus."

Vice President Pignatello has asked the Senate whether it has any objection to the College's telephone directory being published on the College's web home page. Senator Patricia Licklider suggested the directory not be posted until after North Hall telephones are working again. The Senate agreed and voted its support of posting the directory with the proviso that only the first initial of the first name be listed with the last name.

Senator Kwando Kinshasa reported that as of November, John Jay's bookstore will carry the New York Times and the Daily News every day. He was thanked for his role in making this possible. A student at the last Town Meeting asked what the faculty are doing to improve the performance of the B&N Bookstore on campus, saying that students had been told that the problem was that faculty did not submit book orders in a timely way. President Kaplowitz said she reported the Senate Executive Committee's meeting with B&N executives and about the Senate's faculty survey.

A report on Fall 1998 and Spring 1999 undergraduate grade distributions prepared by our Office of Institutional Research was provided to the Senate. [See Attachment A for a portion of the report. The entire OIR report is available from the Senate.]

2. Adoption of Minutes #189 of the October 6 meeting

By a motion duly made and carried, Minutes #189 of the October 6, 1999, meeting were adopted.

3. Proposal: That the Faculty Senate co-sponsor with the Department of Puerto Rican Studies an Educational Forum in response to recent statements by BoT Chair Herman Badillo

The Puerto Rican Studies Department is organizing "An Educational Forum on the Status of Latinos/as in the United States" on October 27, at 3:15, in Room 203T. The speaker is Mr. Juan Figueroa, President and General Counsel of the Puerto Rican Legal Defense and Education Fund (PRLDEF). The event is an educational response to the recent remarks about Dominicans and Mexicans made by Herman Badillo, Chair of the CUNY Board of Trustees.

The Senate has been invited to co-sponsor the event. A motion to co-sponsor passed by unanimous vote. Senator Luis Barrios said he is very pleased that the Senate has made this decision. Senator Jacqueline Polanco praised the Faculty Senate's action.

4. Proposed recommendations to improve the Judicial Committee: The Senate Executive Committee

At its all-day meeting on May 7, the Senate discussed the Judicial Committee, which is the body that adjudicates charges

against students brought by faculty or by other students or by staff or administrators. This discussion grew out of an agenda topic on plagiarism and cheating by students which, in turn, grew out of an April Better Teaching Seminar on student plagiarism and cheating at which a number of faculty complained that they were not supported by the administration when a student had plagiarized and also that they did not feel they could turn to the Judicial Committee. Senator Janice Dunham described that Better Teaching Seminar, for which she was a panelist, as a real eye-opener.

As a result of the discussion [see Minutes #185] and comments made in other forums by faculty, staff, administrators, and students, the Senate's Executive Committee developed a series of proposed recommendations to enhance the work of the Judicial Committee and they sent the recommendations to former faculty members who served on the Judicial Committee in the years since it became the Faculty Senate's role to elect the faculty members of that Committee, for their comments. (The recommendations were not sent to faculty currently on the Committee because of a potential conflict of interest.) The proposed recommendations have been on the agenda for the past several meetings but the Senate had not been able to get to the item until today. The five proposed recommendations were reviewed.

The first proposed recommendation is that:

1. All complainants be permitted to address the Judicial Committee to explain the events that led to the filing of the charges and the significance of those events according to the complainant's perspective. This would take place even if the person accused of wrongdoing has admitted to having done so. Although this is not a requirement of the criminal justice system, John Jay's judicial process is outside the criminal justice system and is designed to be responsive to the College community which is necessarily differently defined with different requirements. Too often students, faculty, and staff have said that by not being permitted to address the Judicial Committee they felt that the significance of their complaint had not been understood and they felt doubly victimized.

It was explained that this recommendation, if adopted, would not mean that a complainant is required to address the Committee, but rather that a complainant would be invited to do so: each complainant would be extended the opportunity to meet with the Committee to testify.

Senator James Malone said that as a chair of a Judicial Committee panel, he can report that just the previous day, all the parties to a complaint were heard by the Committee and the student against whom the complaint had been filed had the opportunity to question the complainants. President Kaplowitz said that she heard that he had chaired an excellent panel but other complainants have reported that they were not given an opportunity to testify, that only the written complaint, often written by a security officer, if the issue is brought to the attention of Security, is the basis of the deliberation and that this has become the perception by many faculty.

Senator Malone said that since each year three faculty members serve as rotating chairs of the Judicial Committee,

he can only speak of the panels he has chaired but those panels always permitted all complainants to meet with the Committee. President Kaplowitz said in that case, this recommendation is one that Senator Malone and the entire Senate surely can support and can recommend. Senator Malone concurred.

The second proposed recommendation is that:

2. All complainants be informed in writing of the outcome of the process begun when they filed a complaint. There is a perception, because complainants are not so informed, to our knowledge, that no action has been taken.

Both faculty and the heads of academic departments have expressed frustration that they have never been informed of the disposition of their complaints. This has led to both frustration and a lack of confidence in the Judicial Committee because the outcome is not known.

Senator Kwando Kinshasa said that during his two-year term on the Judicial Committee, the chair automatically sent a letter to the complainant about what the Judicial Committee had decided. Senator Rick Richardson said that in his other role, that of a member of the Library staff, he can report that the Library is almost never informed about what happens when a complaint is filed and that this has been true for many years. He noted that the complaints filed include allegations of very serious infractions, such as theft of materials and vandalism. Senator Janice Dunham concurred. Senator Kinshasa said that not only is a report issued but the hearing is audiotaped and Dean George Best, as staff to the Committee, makes certain that is done.

Senator James Malone said that as a current chair of a Judicial Committee panel and as a chair in the past, he can report that the panel chair does write a report as to what happened at the hearing, including the disposition of the charge, and that report is sent to the Dean of Students' Office. The Dean then makes that report a part of the student's official record.

President Kaplowitz said that undoubtedly the Judicial Committee members, such as Senator Kinshasa, have thought that complainants were informed about the disposition of their complaint but as Senator Malone has explained, the report goes to the Dean of Students. The proposed recommendation is that the complainant always be informed as to the outcome. Senator Malone said this raises the question as to how much information about a student's official record should be given to members of the College community: he said he is not sure what the answer should be. He suggested that Dean of Students Hector Ortiz be invited to the Senate to explain the Judicial Committee process so that all of us are clear.

President Kaplowitz distributed Article 15 of the Board of Trustees Bylaws which describes the student disciplinary process required by the Board. She noted that the Bylaws are silent about notification to the complainant.

She pointed out that complainants must present their complaint in writing and the student has a right to know the identity of the complainant and a right to a copy of the written complaint. Senator Malone concurred. She questioned the

reasonableness of having a complainant, whose identity and complaint are given to the student, not know how the case was decided and the penalty, if any, that was imposed. Senator Malone said he is not certain that what happens to the student needs to be communicated to all the complainants because the student's record would then become public to a certain degree.

Vice President Amy Green asked what happens in the legal system: does the disposition of a complaint become public knowledge? Senator Malone said that a student's record in the institution is somewhat private. We ought not know what grades, other than the ones we ourselves give, that a student receives, he said, adding that we ought not know what infractions students come into our class with so we can meet students with objectivity.

Senator Tom Litwack said that Senator Malone's observation raises a larger point: these five recommendations all seem good to him, although he would amend the next one, as he will explain, but more importantly he would not want to vote on any of the recommendations without hearing from the Vice President for Student Development because there might be problematic aspects of which we are not aware. President Kaplowitz said today's discussion is, in effect, a first reading: if the Senate does not support the proposals in principle then there is no point pursuing them further but if there is support in principle then they should be sent to both the Vice President for Student Development and the Vice President for Legal Affairs for their comments.

President Kaplowitz said, furthermore, if it turns out that these recommendations constitute changes that are not permissible, for example, that a complainant may not know the disposition of a case because student records are confidential, then potential complainants should know this and act with that information in mind when deciding whether to file charges or whether to handle matters in a different way. For example, if one may not know how a case is adjudicated, then one may not want to use this system to file charges of plagiarism or of cheating and one may decide, instead, to use the grading system to impose a penalty.

Senator Edward Davenport said he agrees that it is important that we have this information because there are students who are harassing faculty, chasing them into their offices, and so forth, and faculty have to decide whether to use the Judicial Committee process or to call the police. Usually faculty use the College apparatus but if the apparatus protects the student's privacy and does not give any protection to the faculty then this is an important question.

Senator Malone said that no one on their own may call the police onto the campus, other than a dean or vice president or president. Senator Litwack said there is a difference between calling the police onto the campus and filing a criminal charge with the police. Anyone, he explained, may file a criminal charge with the police against a student. Senator Malone said that is not true if the alleged infraction happened on campus. Senator Litwack replied that if a student said to him, "Professor Litwack, if you don't change my grade I am going to kill you," the first thing he would do would be to go to the police and file a criminal complaint. That is the first thing he would do, he said, and only then he would consider internal College disciplinary practices.

Senator Malone said what he is suggesting is that the more regular kinds of infractions by students on campus should be

handled by the College., But, President Kaplowitz said, if people do not have confidence in the College's process for handling infractions, they are less likely to use that process. She said that these recommendations are designed to improve not only the process but confidence in the process.

The third proposed recommendation is that:

3. The Judicial Committee's deliberations be confidential, with only the five actual members of the Committee present.

It was explained that some former members of the Judicial Committee said that staff were present during deliberations and they had not felt that was appropriate. Senators Malone and Kinshasa agreed, saying that the panel chair should permit only the five members, the three faculty and the two student members, to be in the room during the deliberations. Senator Malone strongly supported this third recommendation.

The fourth proposed recommendation is that:

4. All faculty members be provided with a copy of the complaint and of the file prior to the hearing of each case they have been assigned so that each can review the file and also so that each can recuse himself or herself if information in the file reveals the necessity for doing so.

It was explained that currently the Judicial Committee members first see the complaint and file when they arrive for a hearing and many do not feel they have the necessary time to read and think about the case. Also, they first learn the identity of the student at that time and if they must recuse themselves because, for example, the student is currently enrolled in one of their courses, the process is delayed and this inconveniences everyone involved. Recusal is required by the Bylaws if a conflict of interest exists.

Senator Malone praised this proposal and said he supports it. President Kaplowitz reported that a former member of the Judicial Committee suggested that this proposal be amended so that student members also be given the file, but in the hearing room and 30 minutes prior to the hearing, so that they may read it as well.

Senator Kinshasa said a copy of the file in advance is not necessary to recuse oneself and added that he was always told the name of the student prior to the hearing. Senator Carmen Solis said that during the several years she served on the Committee she was never told the name of the student in advance and, in fact, in two separate cases the student charged was a student she was counseling, a fact she learned only when she arrived for the hearing and she then had to leave. Senator Kinshasa said that in such a case, the Committee member should not be permitted to look at the file. President Kaplowitz agreed, saying a two-step process is being recommended: first the Committee members would be informed of the student's identity and then, if no recusal is required, they would be given a copy of the complaint and file so they could read it and think about the case prior to the hearing.

Senator Kinshasa questioned why the faculty member should

review the entire file and complaint rather than just be informed of the identity of the student for the purpose of possible recusal. He said he is concerned that if Committee members read a file in advance they may decline to hear the case because of the nature of the alleged infraction. Senator Solis said she agrees that once a Committee member is assigned to a case and has said she or he is available to hear the case and has learned the student's name and finds no conflict of interest, then the Committee member should not be permitted to decline service upon reading the file. She said it is very beneficial to get the case at least a day in advance to review it.

Senator Solis said she raised this issue with Vice President for Legal Affairs Robert Diaz and with Dean of Students Hector Ortiz and Dean George Best, staff to the Committee, and they did ultimately agree that counselors should get the file in advance and they then provided her with the file a day prior to a hearing. But this had not been permitted until Vice President Diaz said it was permissible to receive the file and complaint in advance and he then said that because counselors have a special relationship to students, counselors may see the file in advance. Senator Malone said he disagrees with this decision because any counselor who serves on the Judicial Committee serves not as a counselor but as a faculty member and all faculty members who serve on the Committee should have equal rights and privileges. Thus, he said, if one faculty member is given the file in advance all the faculty should be given it as well.

Senator Litwack said that while he is not ready to vote on any recommendations, he would suggest that files be made available at least two days prior to a hearing given our M/W or T/Th teaching schedule. He said that last year when he served on the College Personnel & Budget Committee, he wanted to review every file before it came before the Committee, rather than reading through pages and looking at the record for the first time when a personnel action was being acted on by the Personnel Committee. He said faculty should have not only an opportunity but they should have an obligation to review the record before the disciplinary hearing.

The fifth proposed recommendation is that:

5. A report be issued on an annual basis to the College Council or to the Faculty Senate, or to both, as to the number of charges filed each year, the number of charges that are ultimately sent to the Judicial Committee, and the number and kinds of charges that are sustained and the penalties assigned. This report would, of course, exclude the identity of complainants, students charged, and witnesses.

It was explained that the Bylaws require that whenever a disciplinary charge is filed, the process is as follows: the college's chief student affairs officer, or designee, conducts an investigation and then decides to either: (a) dismiss the charges "if there is no basis for the allegation(s) or the allegation(s) does not warrant disciplinary actions"; (b) refer the matter to conciliation (the conciliation process is outlined in the Bylaws); or (c) prefer formal disciplinary charges which are heard by a panel of the Judicial Committee.

Senator Malone said many of our students plan to be civil

servants and their record at the College can be reviewed by future employers. In light of that fact and because some incidents can go to arbitration and be resolved, that is a good way of handling matters because such cases obviously do not need to be part of a student's college record. Cases involving charges of serious infractions against the College or against an individual, of course, go to the Judicial Committee, he added.

The proposal is that a report be provided that lists the number of charges filed, as well as the number that are dismissed, that are referred to conciliation, and that are heard by the Judicial Committee and the number of charges that are sustained.

Senator Litwack moved that the five proposals be forwarded to both the Vice President for Student Development and the Vice President for Legal Affairs with the information that the Senate is considering adopting one or more of the recommendations but that before making such a decision the Senate would appreciate learning their views either in writing or in person, whichever they prefer, to help inform the Senate's further discussions. Senator Malone asked that the motion be amended to include the Provost and it was. Senator Malone spoke in support of the motion. Senator Kinshasa questioned this course of action in light of faculty reports of administrative pressure to withdraw plagiarism claims. Senator Litwack explained that he is not suggesting giving administrators veto power but rather that the Senate be informed by their opinions, which the Senate can then choose to ignore. Senator Kinshasa said with this clarification he supports the motion. The motion passed by unanimous vote.

Senator Janice Dunham said that another issue that might be discussed when the Senate revisits the Judicial Committee proposals has to do with the fact that only eyewitnesses to an infraction may sign the complaint and only they may testify at a Judicial Committee hearing. The problem, she said, is that often the eyewitness is someone who does not know the significance or implications of the infraction. For example, if a workstudy student or a student using the Library is the witness to a book theft or to vandalism (for example, a chapter cut out of a book), that student is the only one who may testify. Senator Dunham explained that the Judicial Committee does not get to hear from any library faculty in such a case and, therefore, may not understand or appreciate the full significance of the infraction.

Senator Litwack suggested the following as a possible proposal: if the Judicial Committee finds the student guilty of the charge or if the student admits guilt, then the head of the department (such as the chief librarian) or other knowledgeable members of the department or office (such as the research or acquisitions librarians) could be invited to speak to the Judicial Committee before the Committee decides the penalty.

It was agreed that when the Senate revisits the five proposed recommendations, this proposal will also be considered.

5. Discussion: Academic freedom and departmental decisions requiring a common text and a departmental exam

A question has arisen on campus as to whether it is a violation of the faculty's academic freedom for a department to require a common text for a course which many faculty teach and

which all the faculty in the department teaching the course must use, and secondly whether it is a violation of the faculty's academic freedom for a department to require a departmental final exam in such a course.

The Senate has been asked to discuss this both by various members of the faculty and by the Provost, who has said he wishes to be informed by the Senate's deliberations.

Senator Agnes Wieschenberg reported that the Mathematics Department faculty who teach the introductory courses use textbooks selected by the department's Curriculum Committee, rather than by the individual instructors, and give a common final exam, and follow a common syllabus, all of which she and her colleagues consider essential for the basic Mathematics courses, especially because they are sequential.

Senator Patricia Licklider reported that both English 99 and English 100 have departmental final exams and that there is also a list of recommended texts for those courses as well as for English 101 and English 102. The primary reason for the recommended texts is so that students are not assigned texts that they will be assigned later in the required literature courses.

The faculty who teach Criminal Justice 101, who are from a number of departments, including Government, Sociology, and Law & Police Science, use common texts but do not give a common final.

The issue today, President Kaplowitz noted, is not whether a common text or a departmental final is a good idea pedagogically but whether a common text or a departmental final is a violation or infringement of the faculty's academic freedom.

The Senate was provided with two documents from the American Association of University Professors (AAUP): "Statement of Principles on Academic Freedom and Tenure," which was approved as a policy statement by the AAUP in 1940 and was then adopted by the CUNY Trustees in 1946 and "A Statement of the Association's Council: Freedom and Responsibility," adopted by AAUP in 1970.

The AAUP 1940 "Statement of Principles on Academic Freedom and Tenure" includes the following:

"Academic Freedom:

"(a) Teachers are entitled to full freedom in research and in the publication of the results, subject to the adequate performance of their other academic duties; but research for pecuniary return should be based upon an understanding with the authorities of the institution.

"(b) Teachers are entitled to freedom in the classroom in discussing their subject, but they should be careful not to introduce into their teaching controversial matter which has no relation to their subject. Limitations of academic freedom because of religious or other aims of the institution should be clearly stated in writing at the time of the appointment.

"(c) College and university teachers are citizens, members of a learned profession, and officers of an educational institution. When they speak or write as citizens, they should be free from institutional censorship or discipline, but their special position

in the community imposes special obligations. As scholars and educational officers, they should remember that the public may judge their profession and their institution by their utterances. Hence they should at all times be accurate, should exercise appropriate restraint, should show respect for the opinions of others, and should make every effort to indicate that they are not speaking for the institution."

The AAUP 1970 "Statement of the Association's Council: Freedom and Responsibility" includes the following:

"It is the mastery teachers have of their subjects and their own scholarship that entitles them to their classrooms and to freedom in the presentation of their subjects. Thus, it is improper for an instructor persistently to intrude material that has no relation to the subject, or to fail to present the subject matter of the course as announced to the students and as approved by the faculty in their collective responsibility for the curriculum."

President Kaplowitz reported that she and Vice President *Amy* Green have reviewed John Jay's charter of governance, in which the following statement appears: "Each department, subject to approval of the College Council and to the provisions of the Bylaws of the Board of Trustees, shall have control of its own educational policies" [Article 11. Section I].

Senator James Malone said all courses must be approved by the Curriculum Committee and then by the College Council: if a department wants a departmental exam for a course, the requirement becomes part of the proposal for the course and in approving the course, the College Council approves the departmental exam.

Senator Wieschenberg said she believes that the Mathematics Department did go through the College Council. Senator Licklider said the English Department also went through the College Council. It was reported that Criminal Justice 101 was approved by the College Council as a course whose texts are chosen by a committee comprising faculty from the departments teaching the course.

Senator Rick Richardson reported that Sociology 101 originally required one textbook which all faculty had to use but then the Sociology Department decided to provide the faculty with three texts to choose from. But, he said, in talking about a "departmental exam" or a "departmental text" what one is really talking about is the decision by the full-time members of a department to have such an exam or such a text. This is despite the fact that such introductory courses in most departments are taught by part-time faculty who frequently are equal in number and often exceed the number of full-time faculty in a department. The result is that it is the part-time faculty who must implement the mandate imposed by full-time faculty. He said the reality is that in many departments, some part-time faculty are not happy about having to use a common text or having to give an exam not of their own making. He said that as a Senate representative of the adjunct faculty he feels he must express this reality.

Senator Litwack said that Senator Richardson is raising the much more difficult question of whether or not it is a good idea to have a common text or a common exam. He said he agrees that this is a very difficult issue, especially when the people doing

the actual teaching are not the ones involved in making the decisions. But that is not the same issue as whether a common text or common exam is a violation of academic freedom, he said.

Senator Richardson said that if the ideal were realized, whereby an entire department were involved in making such decisions, and a consensus were developed, then he might agree that such decisions are not a violation of academic freedom. But that is not the case in most departments, he said.

Senator Litwack disagreed, saying that decisions agreed to by majority vote by a department could nevertheless, by virtue of the decisions themselves, be a violation of academic freedom. Frankly, he said, the **AAUP** standards do not state that the decisions have to be by majority vote of the faculty who are affected. Senator Richardson said the **AAUP** states that the faculty are expected to have the knowledge base and the ability to present material to students and the people teaching the courses in question are often adjunct faculty who are frequently not involved in policy decision making. He said a faculty member needs to have the ability to move within wider parameters than a single text in order to accomplish the goals of the course.

Senator Kinshasa said in thinking about Ethnic Studies 123, 124, and 125 but especially about 125, which crosses a variety of departments, he can not imagine what would happen if a standard text were required and he said that he sees all kinds of problems arising, including the interpretation of race and ethnicity in contemporary America. President Kaplowitz said that is undoubtedly why when the faculty developed those three courses they made the decision to not have a common text.

Senator Malone agreed and added that the **AAUP** does not distinguish between adjunct and full-time faculty: it talks about faculty and if, in fact, courses within a department are selected by the department to have a common text and a common curriculum and this is approved by the College Council then that is permissible and is not a violation of academic freedom.

Senator Litwack commented to Senator Richardson that Senator Richardson would have the same criticism if he were a full-time member of his department and the majority of the full-time members voted for a common text: the issue has nothing to do with being an adjunct, he said. Senator Richardson agreed that one issue is whether a department-selected text is valuable and appropriate but said that certainly as important is the fact that the process of actually selecting the text(s) or of designing the exam is not sufficiently democratic in most departments.

Senator Leona Lee said she was involved in the Sociology Department's decision to extend the selection to three textbooks and she said she thinks it is worth reporting that many of those who teach Sociology 101 did not avail themselves of the other two options. She explained that copies of all three textbooks were made available to all full-time and adjunct faculty for inspection and that 90 percent of the instructors continued to use the originally selected textbook.

Senator Lee said that one important reason for a departmental text is that frequently adjunct faculty are hired at the very last moment, just before classes begin, and are not always experienced in teaching the particular course and in this way a suitable textbook is provided for them and for their students. She said

her department orders the books for all the Sociology 101 sections and in this way all the students have their textbook the first day of classes, even if the instructor was just hired.

Senator Richardson said if a biology department required a textbook that mentioned only creation theory and did not mention evolution, that would be an infringement on the academic freedom of the instructor teaching the course. Senator Litwack disagreed, saying said that academic freedom permits an instructor to criticize the textbook, to say to the students in the class that this is the worst textbook ever written, to reject creation theory and to teach about evolution: that is academic freedom. And academic freedom, he added, is writing, without fear of punishment, to the department chair, to the faculty senate, to the president, to criticize the selection of such a text. Senator Richardson said that the department's very decision to choose such a text would inhibit, in real-life terms, an instructor's ability to criticize, especially if the instructor is not tenured or is a part-time member of the faculty with no job security.

Senator Litwack commended Senator Richardson for devoting so much of his time to the College and for being able to be so involved in the life and work of the College and, thus, able to participate in discussions and decisions. But, Senator Litwack said, most adjuncts are not able to do this and we are not permitted to require any adjunct to even attend a meeting, and, thus, these decisions must be made by full-time faculty.

President Kaplowitz explained that the question about academic freedom arose because a department voted to require a common text and a departmental exam for a course required of all students and taught by all members of the department. But a member of the department has declined to use the text or to give the exam, asserting that such requirements are an infringement of academic freedom.

President Kaplowitz said that although the AAUP statements imply that no violation of academic freedom would result from a department's decision to require a common text or a departmental exam, the AAUP documents are silent on this specific issue and, therefore, she proposed that she telephone the AAUP (in Washington), of which she is a member, to request an opinion on this specific issue in order to help inform the Senate's discussion about this at our next meeting. This course of action was unanimously agreed to.

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

Respectfully submitted,

Edward Davenport
Recording Secretary

and

Amy Green
Vice President

**TABLE 5
FALL 1998 GRADE DISTRIBUTION
FOR UNDERGRADUATE STUDENTS IN UNDERGRADUATE COURSES
BY COURSE LEVEL**

% GRADES AWARDED BY ALL FACULTY

LEVEL	STUDENTS	%A	%B	%C	%D	%F	%IN	%P	%R	%W	%WU	%AU	%WA
< 100	1096	6	11	9	2	2	2	43	15	4	5	0	0
200	20885	15	28	21	9	6	3	4	1	7	5	0	0
200	11312	21	35	22	6	3	3	0	0	7	2	0	0
300	2583	26	35	18	5	3	5	0	0	6	1	0	0
400	686	24	37	19	7	2	2	1	0	6	1	0	0
500	755	19	39	18	5	5	4	0	0	5	5	0	0
TOTAL	37317	18	31	21	8	5	3	4	1	7	4	0	0

TABLE 5a
SPRING 1999 GRADE DISTRIBUTION
FOR UNDERGRADUATE STUDENTS IN UNDERGRADUATE COURSES
BY COURSE LEVEL

% GRADES AWARDED BY FULL-TIME FACULTY AND CHAIRS+

LEVEL	STUDENTS	%A	%B	%C	%D	%F	%INC	%P	%R	%W	%WU
<100	245	10	24	18	1	5	2	18	4	7	11
100	5705	14	27	19	6	6	4	7	1	10	6
200	650%	19	32	24	7	3	3	0	0	9	2
300	2184	21	32	23	6	2	4	0	0	9	2
400	636	22	35	22	8	2	4	0	0	6	1
TOTAL	15278	17	30	22	6	4	3	3	0	10	4

TABLE 5b
SPRING 1999 GRADE DISTRIBUTION
FOR UNDERGRADUATE STUDENTS IN UNDERGRADUATE COURSES
BY COURSE LEVEL

% GRADES AWARDED BY PART-TIME FACULTY +

LEVEL	STUDENTS	%A	%B	%C	%D	%F	%INC	%P	%R	%W	%WU
000	353	0	0	0	0	1	3	67	16	5	7
100	11372	16	26	20	7	6	4	6	1	9	7
200	5007	23	37	20	5	2	3	0	0	7	2
300	840	35	41	14	2	1	3	0	0	4	1
400	175	37	37	16	3	0	1	0	0	5	0
TOTAL	17747	19	29	19	6	4	3	5	1	8	5

NOTE:

+ THE SCIENCE DEPARTMENT AND THEMATIC STUDIES PROGRAM ARE EXCLUDED FROM THIS TABLE.