Faculty Senate Minutes #203

John Jay College of Criminal Justice

October 4, 2000 **3:15 PM** **Room 630 T**

Present (24): Jama Adams, Shevalatta Alford, Luis Barrios, Orlanda Brugnola, James Cauthen, Elsie Chandler, Marsha Clowers, Edward Davenport, Kirk Dombrowski, Robert Fox, P. J. Gibson, Betsy Gitter, Amy Green, Karen Kaplowitz, Maria Kiriakova, Sandra Lanzone, James Malone, Peter Mameli, Daniel Paget, Rick Richardson, Lydia Segal, Robin Whitney, Susan Will, Liza Yukins

Absent (13): Sandy Berger, Janice Dunham, Edward Green, Lou Guinta, Kwando Kinshasa, Gavin Lewis, Amie Macdonald, Emerson Miller, Laura Richardson, Carmen Solis, Margaret Wallace, Agnes Wieschenberg, Marcia Yarmus

Guests: Professors Joshua Freilich, Tom Litwack

AGENDA

1. **Announcements from the chair**
2. **Adoption of Minutes #202 of the September 20, 2000, meeting**
3. **Report & discussion about the report on the non-tax-levy accounts for the past 3 years provided by Pres. Lynch at the request of the Senate: Senate Budget Chair Tom Litwack**
4. **Proposed endorsement by the Senate of the Council of Chairs' September 27, 2000, Resolution about JJ's budget situation: Proponents: Senate Executive & Budget Committees**
5. **Proposed Resolution requesting a plan from the JJ administration for the expenditure and/ or saving of the non-tax-levy funds: Proponent: Professor Tom Litwack**
6. **Proposed additional Resolutions with regard to the College's budget situation: Proponents: Faculty Senate Executive & Budget Committees**
7. **Election of a third alternate delegate to the University Faculty Senate**
8. **Discussion about environmental and quality of life conditions at John Jay and of actions taken since the Senate's meeting of September 20**

1. Announcements from the chair [Attachment A]

Subsequent to our last Faculty Senate meeting at which Student Council President Ali Knight was a guest and Student Council support of John Jay's Library was urged, the Student Council voted to allocate $8,000 of its Student Activity funds to the Library: this means that New York State will provide the Library with $8,000 in matching funds. Professor Litwack suggested that the Senate formally thank and commend the Student Council for its action and this suggestion was universally agreed to. President Kaplowitz reported that in addition, a member of the faculty, whose identity she has promised to not disclose, has just contributed $2,000 to the Library and, thus, NYS will provide an additional $2,000 in matching funds. Thus the Library this year will be receiving $20,000 that it otherwise would not have received this year.

It was also announced that the Police Cadet Program, which our Faculty Senate has long endorsed and supported, is being promoted by CUNY in response to the shortfall in NYPD police recruits: a column by Times columnist Joyce Purnick on this subject is scheduled to appear in tomorrow's New York Times. The CUNY presidents were briefed about the CUNY Police Cadet Program two days ago, because if the program is reinstituted, it will involve all the CUNY colleges and also because so many of the presidents are new to CUNY and are not familiar with the program.

The next Better Teaching Seminar, "How to Be A Successful Applicant to Law School" is on October 12: the faculty panelists are all lawyers – Professors Elsie Chandler, Delores Jones-Brown, Jose Luis Morin, Christopher Morse (moderator), Lydia Segal, and Peter Sylver (who is also the dean for admissions at Hofstra Law School) – and the other panelists are John Jay graduates who are currently attending or who have just recently graduated from Law School. The videotape of the event is available at the Library Reserve desk. Additional written announcements were distributed [Attachment A].

2. <u>Adoption of Minutes #202 of the September 20, 2000, meeting</u>

By a motion duly made and adopted, Minutes #202 of the September 20, 2000, meeting were approved.

3. <u>Report and discussion about the report on the non-tax-levy accounts for the past three (3) years provided by President Lynch at the request of the Senate:</u> Senate Budget Chair Tom Litwack and Pres. Kaplowitz [Attachment B]

President Karen Kaplowitz reported that the Senate had received the information it (and the Council of Chairs) had requested from the College administration about the non-tax-levy monies for the past three years. The document was received the day after our last Senate meeting. She circulated copies of the report [Attachment B] and asked Professor Litwack to explain the document, adding that because the terms "non-tax-levy money" and "soft money" are <u>not</u> synonymous, the more accurate phrase, which is "non-tax-levy," will be used. She noted that the document is precisely what the Senate (and the Chairs) had requested: information about the last three years with reference to each non-tax-levy account in terms of the income accrued, the amount expended, and the year-end balance. The years we requested information about are Fiscal Year 1997-98, FY98-99, and FY99-00. (We are currently in FY 2000-01.)

Professor Litwack, the Chair of the Senate's Budget Committee, first provided a brief background, explaining that the College receives an annual budget from CUNY: a base budget plus additional sums, especially monies for adjunct faculty, and those monies are the tax-levy funds that the College receives. But, in addition to that, John Jay, like every other College in CUNY, has other sources of income that are not given to us directly by CUNY and those are the non-tax-levy monies which are placed into various non-tax-levy accounts. Much of the non-tax-levy monies, although not all, can be spent with fewer restrictions than tax-levy money. For example, tax levy money can not be spent to pay for alcohol but non-tax-levy money can. These accounts are potentially very important, Professor Litwack explained, because they provide the College with sums of money that can be potentially used to pay for people or services that we might not otherwise be able to pay for given the College's budget crisis and mandated budget reduction that we talked about at our last two meetings.

The Auxiliary Services Corporation [see Attachment B - page 1] is basically the John Jay bookstore (whose gross annual intake is approximately $4 million) and the cafeteria: most of the income is from the bookstore. As the document shows, in FY99-00, we had an income of $375,000, about $350,000 of which is from the bookstore – this is what Barnes & Noble pays us to operate here – and the remaining $25,000 is from the cafeteria , also for permission to operate here. We see that at the end of FY99-00, including previous balances, there was a balance of $174,000. He said he will come back to each of these accounts but wants to first explain each account.

Income Fund Reimbursable (IFR) [Attachment B - page 1] is an account that comes from our training programs for which we have contracts – such as training police to deal with emergency situations – as well as space rental, primarily rental of our theater. There are a lot of costs associated with our training programs – we have to pay people to do the training – and so most of the income is not available because most of the income goes to produce the program. Similarly, with regard to renting the theater, there are expenses we have to engage in to be able to rent the theater. But, as we can see, there was a year-end balance last year but, he added, it is his understanding that virtually all that balance and most of the balance that we will have at the end of this year, will be used to pay for people who we have taken off the tax-levy payroll: in our financial plan for the next two years to reduce our expenditures we identify that a number of people who are currently or recently on the tax-levy budget, that is, were paid from tax-levy funds, are being taken off the tax-levy payroll and instead are being paid from IFR accounts. He said that it is his understanding that whatever income we have this year beyond expenses, that money will be used to put people on IFR accounts and so we won't have money left over for other purposes, or at least that is the plan.

But, Professor Litwack explained, the source of a lot of the money is the Research Foundation (RF) accounts [Attachment B - page 2]: these are the accounts that accrue when we receive grants. When one receives a grant, one receives overhead monies from the grant, and a certain amount of money, although not all of it, from that overhead can be used internally, in the College, for various things. He noted that in FY99-00, the overhead income was $1,518,000 (on a total gross of about $10 million). But all that income was not available to us because that income does not include the expenditures to support the grant directly, that is, the income necessary to hire the researchers. That is the overhead income that we received. However, the CUNY Research Foundation takes 8% of the gross total that each CUNY college receives in grant income for itself and that payment comes out of, for example, the $1,518,000 that was received in FY99-00. The payment to the Research Foundation last year was about $700,000. So last year, we had roughly $800,000 for spending internally.

Senator Kirk Dombrowski asked whether the 8% the Research Foundation takes is from the RF's scaling of the overhead or whether it is 8% of the total amount of the grant. Professor Litwack said that if he is correctly explaining what Jacob Marini, John Jay's grants officer, explained to him, the RF takes 8% of the total amount of each grant, not 8% of the overhead. So if we bring in $10 million in total grants in a given year, the RF gets $800,000. Senator Rick Richardson noted that the salary of a number of adjuncts is paid by the RF from grant overhead monies. Professor Litwack said that is especially true if the person who is awarded a grant gets reassigned time to do the grant, in which case the RF pays from the grant the salaries of those adjuncts who are hired to replace the person in the classroom.

Professor Litwack explained that a long time ago, John Jay developed a formula for the internal disbursement of the RF monies that we would have available after we paid the RF: that agreement was that one-third would go to the President, one-third would go to the Provost, and one-third would go to the department in which the grant recipient is a member. He said his understanding is that the formula is still in place. Thus last year, for example, after subtracting $700,000 from $1,518,000 the result is approximately $800,000 and that means that last year the President and the Provost each received approximately $275,000 for expenditures from this source. And, since we expect to bring in the same amount of grant money this year, that means we would have the same amount of money from this source this year: the money is not available now but would come in over the course of the year. In addition, there was a year end balance of almost $847,000 – in other words, almost a million dollars. Senator Segal asked whether the PSC CUNY grants are included in the Research Foundation account. Senator Litwack said he does not know but, in any case, those grants are not for large amounts of money.

The next account is the John Jay Foundation [Attachment B - page 2], which includes the Alumni Association which brings in about $100,000 a year. The John Jay Foundation account is basically targeted gifts given to the College, usually for specific purposes, such as scholarships for specific purposes. One example is the McCabe scholarship fund. Similarly, the Psychology Department received a gift to support specific Graduate Psychology Department activities and may not be used for anything else. Such accounts are not fungible, that is, the monies can be used only for the specific purposes for which they were given. They can not be used for deficit reduction nor to pay for things we could have paid for were it not for the fact that we owe CUNY money: most are targeted.

The next account, the Student Activities Association [Attachment B - page 2], is student monies raised from the mandatory student activity fee: at John Jay the fee is approximately $50 a semester. Since we have 11,000 students, the annual account amounts to approximately $1.1 million. This account is used, for example, to pay for the costs associated with graduation. Senator James Malone added that these monies provide budgets for the student clubs, for the student newspaper, yearbook, and radio station, and for speakers and concerts. President Kaplowitz added that the costs of the athletic teams is paid for from this account. She noted that the $8,000 that the Student Council allocated for the NYS matching-grant program for the Library, about which she reported earlier, is from the Student Activities Association account. This account also pays for the student ID cards, for diplomas, for the rental of the Madison Square Theater for graduation, for rental of the graduating students' caps and gowns, for the party after commencement, and for the plaques for student awards night, and so forth.

The last account, the Child Care Center account [Attachment B - page 2], shows that for the past two years the Center has paid for its expenses and the year before that it was in deficit and so although it does have a year-end balance, it obviously needs to keep that balance for future reserves.

Therefore, the two main accounts we want to look at and go back to are the Research Foundation account and the Auxiliary Services Corporation account, Professor Litwack said, in order to get to the main point, which is that over the current year there will ultimately be $1.4 million available from these non-tax-levy accounts for spending. That is not an insubstantial amount of money, he noted, and at least some of that money could be used to pay for things we could not otherwise pay for because of our budget situation. He said he would show how he calculated that $1.4 million number.

With regard to the Auxiliary Services Corporation, there was a year-end balance in FY00-00 of $174,000. And this year we will ultimately bring in $375,000. He said that by the phrase "ultimately" he does not mean now and does not even mean by June because Mr. Robert Sermier explained that B&N is very late in paying the full amount: so we will get the money, but the total amount is not sitting there now and will not be sitting there in May, but we will take that money in ultimately. President Kaplowitz added that Mr. Sermier explained that Barnes & Noble's bookkeeping system is such that there is a lag and, thus, although we will receive the money we may not receive it within the current fiscal year: this is an accounting matter, not an issue of resources that will be available. For example, of the $350,000 B&N owed us last year, they have paid us $250,000 thus far.

Senator Sandy Lanzone asked why in FY99-00 there is more than $100,000 in the year-end balance compared with the end of FY98-99. President Kaplowitz said that the key line is the "Income" line which shows that in FY97-98 the income accrued was $239,000, and in FY98-99 it was almost the same, $256,000, but the income in FY99-00 the income was $375,000. She said that the reason the income increased by $100,000 is because a new contract was negotiated and signed with Barnes & Noble and that new contract calls for B&N to pay John Jay $100,000 more annually than it did in the past. Professor Litwack said that this is the closest one gets to "soft" money: "soft" money is money with no restrictions and no required expenditures. President Kaplowitz explained that the reason for this is that the income from B&N requires no expenditures by John Jay: we do not pay for the bookstore's personnel, cleaning, telephone, or other expenditures: all of its expenditures are paid for by B&N.

And so, Professor Litwack concluded, we have $174,000 in balance and we expect to receive $375,000 this year and that adds up to $549,000. However, as the document shows, in the second of the two double asterisks [Attachment B - page 1], John Jay's deficit reduction plan includes a contribution of $140,000 in the first year (the current year) as well as a contribution of $190,000 in the second (next) year from this source. In other words, one of the ways John Jay is paying back CUNY for the money we owe them as a result of overspending our budget last year is to give them $140,000 from this source this year and an additional $190,000 from this source next year. Therefore, subtracting $140,000 from $549,000 results in $409,000 available from this source this year.

As for the Research Foundation account, at the end of the last fiscal year, we had a balance of $847,000. As explained a few minutes ago, the President and the Provost last year received from this account somewhat more than a half a million dollars ($275,000 each) and to be conservative in our calculation, he suggested we project that the President and the Provost will again this year receive a total of approximately $500,000 from this source. If we add $847,000 and $500,000, the total is $1,350,000. However, the double asterisk on the document [Attachment B - page 2] shows that John Jay's deficit reduction plan includes $350,000 this year from this source as well as $250,000 from this source next year. Thus, subtracting $350,000 from $1,350,000 results in $1 million available from this source this year.

Then by adding the $1 million available from the Research Foundation account with the $409,000 available this year from the Auxiliary Services account, the total available for John Jay to spend from these two funds this year is approximately $1.4 million.

Professor Litwack said it is necessary to keep in mind that not all of the $1.4 million should be spent: rather, some of that money should be kept in reserve for sound fiscal purposes. So all of it is not available for spending and, additionally, it is not all in hand yet. But this is what we can expect to receive.

Senator Lydia Segal asked for further clarification about the share of our overhead taken by the CUNY Research Foundation. Senator Kirk Dombrowski explained that the RF takes 8% of the total gross of each grant and the RF gets roughly 12% of the administrative overhead. Senator Segal asked whether we could administer our own grant funds and keep all the overhead. President Kaplowitz explained that CUNY policy requires that all grants be administered by the Research Foundation and the RF receives a percentage to pay for administering the grants.

Several senators reported that it is their understanding that their departments are not and have not been receiving the third of the grant overhead that Professor Litwack described. Professor Litwack said that he had been told by Jacob Marini, the college grants officer, that it is still the College's policy that overheads are split, one-third to the President, one-third to the Provost, and one-third to the department whose member received the grant. Several senators reiterated that the grant recipients in their departments assert that they do not receive even a fraction of a third of the overhead and expressed their belief that the amount the department receives is actually negotiated and that, therefore, the administration receives more than Professor Litwack's analysis indicates.

Senator Litwack said that Mr. Marini assured him that the formula is still in place although he has no independent knowledge about this: he added that his understanding is that the money goes to the department chair who has the prerogative to give a portion of the department's third to the principle investigator of the grant. Some senators also reported that some principle investigators are saying they are suddenly now being billed for telephone use and other expenses which are supposed to be paid from the administrative overhead and, thus, this is a double-billing of the principle investigator of the grant. President Kaplowitz said this is very important for a number of reasons: the analysis Tom has done assumes the formula is fully implemented and that the President and Provost receive only two-thirds of the overhead. She said it is possible that after Mr. Marini allocates the three thirds, monies are transferred from one account to another. Thus there might, in fact, be more money available to the College from these non-tax-levy accounts than we are calculating. This is also important because, as we saw at our last Senate meeting, the Performance Indicators for John Jay [Minutes #202 - Attachment B] require us to increase the amount of grant funds we obtain, but if the principle investigator is not receiving the agreed upon share of grant overhead this may become a disincentive to grant getting because faculty may have less interest in doing the tremendous amount of work that is required to write a grant proposal and to direct a grant.

Professor Litwack suggested that this is an issue for the department chairs to pursue although he acknowledged that his analysis is based on the assumption that the formula is being administered accurately. President Kaplowitz said she will do her best to follow up on this.

4. <u>Proposed Endorsement by the Faculty Senate of the Council of Chairs' September 27, 2000, Resolution with regard to the College's budget situation:</u> Proponent: Faculty Senate Executive Committee [Attachment C]

President Kaplowitz presented a resolution [Attachment C] that had been written by Professors Tom Litwack, Harold Sullivan (Chair of Chairs), Ned Benton (Chair, Budget Advisory Committee), and herself and which was adopted by the Council of Chairs on September 27. The Faculty Senate's Executive Committee and its Budget Committee are proposing that the Senate also adopt the resolution [Attachment C]. Professor Litwack noted that one of the requests that the resolution calls for is stated in the second paragraph:

> "Moreover, the Faculty Senate requests that the administration develop quarterly reports covering the period beginning July 2000 and continuing thereafter of all revenues and expenditures, both mandatory and discretionary, in a line-item format, for all non-tax-levy accounts. These reports and associated records should be available to the Senate Budget Committee and the Budget Planning Committee."

Professor Litwack explained that this resolution calls upon the College administration to provide us with quarterly line-item reports of how they have spent the non-tax-levy funds. He said he urges the Senate to also pass a resolution calling upon the Administration to provide the Senate's Budget Committee with a plan for how the $1.4 million is to be spent or saved during the course of the rest of the year: we need to have a plan, now, as to how that money is to be spent or saved [see Agenda item #5 on page 9].

He said he thinks a lot of the $1.4 million should be saved but we need to have quarterly reports of the expenditure of the non-tax-levy monies so that if we feel that portions of the money are being spent in a way that is not the best way, given our budgetary crisis, even if it is a perfectly legal expenditure, we can address it now, before it is too late. He noted that of the $1.4 million, some may have already been spent, since the Fiscal Year began on July 1, 2000, and some may have already been committed; and so we need to know how much has been spent, how much committed, and what it was spent for, what it was committed for, and what is the plan for the rest. President Kaplowitz said this is a very significant amount of money because it is approximately what we have to pay in debt repayment. Professor Litwack agreed that $1.4 million is a very significant sum. Senator Rick Richardson asked if the CUNY Central Administration has yet approved our financial plan. President Kaplowitz said that she has been told that the plan has been unofficially, orally, approved but not officially: as soon as it is, it will be shared with the Senate. But, she said, the plan we submitted calls for, as Mr. Sermier's document [Attachment B] shows, the use of a significant amount of the non-tax-levy monies to repay our debt.

Senator Rick Richardson said that a very significant amount of money is expended at John Jay for security personnel since we have our own security department instead of using the CUNY Security Officers. President Kaplowitz said that every college in CUNY is envious of us because every college except John Jay participates in the CUNY Security Program, as Senator Richardson said, but the salaries of the CUNY Security Officers are paid for from each college's operating budget and the officers are full-time employees who make substantial salaries. By contrast, John Jay's security department, except for the four non-student directors (Brian Murphy, Jim Reilly, Lisa Curro, and Helen Cedeno) are John Jay students who are part-time employees paid for from our College Assistant budget, at a cost many magnitudes less than we would have to spend were we to have the CUNY Officers. The other colleges complain that their security personnel costs increased by many multiples of millions of dollars because of the CUNY Security initiative which was created by the then Chancellor Ann Reynolds, early in her tenure. Thus, John Jay's security budget is minuscule compared with that of the other colleges and it is also a way of providing jobs for our students. Senator Richardson explained that he had thought that the CUNY Officers were paid by the CUNY Central Administration; he had not realized they are paid from each college's operating budget. She said this also explains, in part, why John Jay's College Assistant budget is as large as it is.

President Kaplowitz reviewed the resolution [Attachment C] that the Senate Executive and Budget Committees are presenting: in addition to the request for a line-item quarterly report of expenditures, both mandatory and discretionary, of non-tax-levy monies, it requests a report on a regular basis of the implementation of John Jay's financial plan, once it is approved by 80th Street; it further requests that information be provided as soon as there is knowledge about possible additional sources of both tax-levy and non-tax-levy revenue not anticipated in the plan; it also requests information about any changes in the plan that might enable us to hire full-time faculty, including full-time substitute faculty, earlier than expected; and it reaffirms the positions passed by the Chairs on September 5 and by the Senate on September 7, which was basically the document that she and Ned Benton had drafted [see Minutes #202 - Attachments C & D].

Senator Jama Adams asked what is the strategic long-term plan at John Jay and also asked whether the College administration has learned anything from the current situation. President Kaplowitz said that is the heart of the resolution now on the floor, which is a request for quarterly reports in a line-item format, beginning July 1, 2000. She noted that the request says "and thereafter" – it does not say for the next two years nor does it say until the budget crisis is over, but rather "thereafter" with no termination date. One thing the faculty involved in the current budget situation have realized is that we have an obligation to our College, to our colleagues, to our students, to play a more active role in the budget process, but that can only be done with timely and complete information. She said this resolution and the one Tom is also proposing promise a constant vigilance and requires a regular consultative process between the administration and the faculty.

Senator Edward Davenport said that as a result of our last Middle States evaluation, the College created a Comprehensive Planning Committee (CPC), which five members of the Senate are elected to but, he said, having been on the committee it was clear that no long range planning could be done nor was done because of the lack of the kind of information the Senate Executive Committee is now proposing that the Senate request. He said the good side of the crisis is we now have more information and are requesting more and our representatives on the CPC can play a more active, informed role.

President Kaplowitz said that she believes the administration has been very appreciative of the work of the faculty during the past few months and that the last sentence in Mr. Sermier's cover letter to which the non-tax-levy report is attached reflects not only Mr. Sermier's professionalism and graciousness but the feeling of the administration in general: Mr. Sermier's cover letter of September 20, 2000, to her and to Professor Ned Benton concludes: "Thank you for your ongoing assistance in addressing the financial issues facing the College."

President Kaplowitz noted that we at John Jay have two issues: one is an internal issue and one is an external issue. The external issue is one that we will be addressing constantly as we have in the past and that is how we can increase our funding from CUNY. The internal issue is how to best use the resources that we do have as a college. But we have to address both a step at a time and unless we have the information we are seeking in this proposed resolution, we can not address the long-term issues about which Senator Jama Adams asks. Senator Adams said he appreciates this and sees the virtue in this approach but he is troubled by his sense that the College just lunges from one crisis to another and it does not seem to him that there is anyone at the tiller.

President Kaplowitz said that there is a real budget crisis that we are faced with, a crisis that is the result of both underfunding of John Jay by the CUNY Administration but also as a result of decisions made by the John Jay administration without consultation with the faculty, decisions about spending and hiring (of non-faculty personnel) that have led to our immediate situation. The faculty did not create the situation but we are working to help address the crisis and we are suffering the consequences of those spending decisions. These facts provide a context for our requests and, it is to be hoped, a context for a change in the way the administration consults in making decisions, and a change in the role the faculty will henceforth play, a role for which we need information.

Senator Sandy Lanzone recalled that the Student Council a number of years ago decided to play a more active role in decisions about the expenditure of student activity fee monies, deciding that the students' priorities were not necessarily the same as the administration's. She said it seems as if the faculty are now making the same decision about having a real voice about the College's expenditures.

Senator Betsy Gitter called the question. The motion to call the question passed unanimously. The resolution was adopted by unanimous vote [Attachment C].

5. Proposed Resolution requesting a plan from the College administration for the expenditure and/or saving of the non-tax-levy funds: Proponent: Professor Tom Litwack [Attachment D]

Professor Litwack presented his proposed resolution which requests that the College administration provide the Faculty Senate's Budget Committee, by the end of October, with the administration's plan for spending and/or saving the $1.4 million available in non-tax-levy funds this year, according to the Senate's analysis. The specific request is that the Faculty Senate's Budget Committee be provided by the end of October with the administration's estimate of the amount of funds that will be available to the College from non-tax-levy sources and accounts for FY00-01; also, the administration's estimate of amount of these funds that will be placed in reserve as of June 30, 2001; as well as a detailed plan for the expenditure of those funds from October 1, 2000, through June 30, 2001, that will not be kept in reserve. Professor Litwack explained that the request would include an analysis of the non-tax-levy accounts and the way the $1.4 million figure was arrived at, along with a request asking that if the analysis and the $1.4 million number are incorrect, that the administration explain how, but in any case there is a sum that will be available and the request is information as to what extent this money been spent, to what extent it has been committed, and what the plan is for spending or saving the remainder.

Senator Dan Paget questioned whether we should request a voice in the development of the plan. Professor Litwack suggested that the administration develop a plan and then we can respond. Senator Paget asked whether this is not an opportunity to establish a more collaborative way of working. President Kaplowitz said that the implicit message is that since the plan is to be shared with the faculty leadership, it will by definition be a plan that reasonable people will agree with. Senator Paget suggested this is a moment when meaningful consultation between administration and faculty could begin. Professor Litwack said that as a long-term strategy he strongly supports that goal but is concerned about the practical aspects of the time needed to develop a plan now for the saving or spending of critically important funds.

Professor Litwack said he has stated over and over again over the years and will say it again: every penny of the non-tax-levy funds is public money. It is not the President's money; it is the College's money. And he absolutely agrees with the principle that how this money should be spent should be determined in consultation with the faculty. But, he said, he is concerned how to best achieve that goal and he thinks we should ask for a plan and then respond to it. Senator Robert Fox agreed with Professor Litwack saying that the request for a plan is an eminently reasonable request, especially in these circumstances of a budget crisis. He said if we ask to be involved in formulating a plan, the response could be that there is not sufficient time to include so many people, that the press of business prevents it, and so forth. Certainly asking for a plan is such a reasonable request that it can not be denied. Professor Litwack said that Senator Fox has exactly articulated his thoughts on this.

The question was called. The motion was passed by unanimous vote [Attachment D].

6. Proposed additional Resolutions with regard to the College's budget situation: Proponents: Faculty Senate Executive Committee & Faculty Senate Budget Committee [Attachment E]

President Kaplowitz presented four additional resolutions [Attachment E] on behalf of the Senate's Executive and Budget Committees, saying that these resolutions address the concerns that have been raised by various Senators during today's discussions. She then presented the first resolution

[Attachment E], which calls for a plan to be developed in consultation between the administration and faculty leaders named by the Senate and the Chairs to identify further ways to reduce College expenditures and/or increase College revenues to enable us to rehire a substantial number of the Fall 2000 full-time substitute faculty for the Spring 2001 semester. The John Jay plan submitted to the CUNY Central Administration and orally approved by 80th Street calls for the non-reappointment of all 19 substitute faculty. The phrase "substantial number" is being used because quite a number of the 19 substitute faculty are no longer eligible for reappointment because this is their fourth consecutive semester in that position, which is the maximum permitted, and also because at least one person on a substitute line does not plan to return in the Spring even if reappointed.

The second resolution [Attachment E] reaffirms the Senate's position of September 7, 2000, that full-time faculty lines that may become vacant through the Personnel process be retained and that searches for full-time faculty to fill those lines be initiated as soon as is practicable. This position makes a distinction between lines that may become vacant through the "P" process and full-time faculty lines that become vacant through resignations, retirements, deaths, and other non-"P"-related separations. The plan that was submitted by the John Jay administration to 80th Street calls for a hiring freeze of all faculty and non-faculty positions. According to the plan, we will start searching for faculty in the Fall 2001 semester for hiring for the Fall 2002 semester.

However, an earlier version of the plan – thanks to Tom Litwack's persuasiveness – had included a footnote that stated there would be some attempt to hire full-time faculty. But the version of the plan that was ultimately sent to 80th Street no longer had that footnote and the final version of the plan had not been seen by the faculty leadership until <u>after</u> it had been sent to 80th Street. The plan is silent on positions that might become vacant through the "P" process, however, and so this resolution reaffirms our position of September 7 that such lines should be filled because it would be a zero sum budget situation. Professor Litwack noted that the plan does not forbid that those lines be filled but is silent about it. But, he added, President Lynch said in a meeting with Professors Kaplowitz, Benton, Harold Sullivan, and himself on September 19th that he does not want to fill those lines because at the end of the year we might need the money that would be saved by not filling those lines. Professor Litwack explained that this is how the non-tax-levy accounts come into play: if there is more money in reserve in those non-tax-levy accounts because we are not spending that money for inessential things, then we do not have to keep those lines unfilled.

The third resolution [Attachment E] reaffirms the Senate's position of September 7, 2000, that it is necessary and important that the College engage in essential hiring of faculty this year and in subsequent years and that ways to make this fiscally possible be developed through a process of consultation with faculty leaders named by the Faculty Senate and by the Council of Chairs and that such consultation be based on a consideration of all budgetary information.

Senator Betsy Gitter said that her understanding is that a hiring freeze is a hiring freeze and questioned this resolution in light of the fact that the College's plan calls for a hiring freeze. President Kaplowitz said that the plan can be revised. Professor Litwack noted that, furthermore, when Karen and Ned Benton met with Budget Vice Chancellor Brabham on August 29th, the Vice Chancellor had said that John Jay is not prohibited from engaging in full-time faculty hiring as long as the money is available to do so, (although the Vice Chancellor thought it would be very difficult to do so), as long as the College also reduces expenditures and repays its debt: that statement and others were memorialized in the document Karen and Ned wrote and which, at their request, VC Brabham reviewed for accuracy [see Attachment B of Minutes #201].

Litwack said it was clear to him in the meeting on September 19th with President Lynch that the President was taking the position that the College is not permitted to engage in any hiring, including hiring of faculty. He said Karen's understanding and his own analysis of the situation is different from the President's. He said it may be that the President thought he heard a prohibition but it is not our belief that there is a prohibition. Indeed, he added, it is Karen and his belief that CUNY would be supportive if we engaged in faculty hiring as long as we do not overspend our budget and repay our debt.

President Kaplowitz explained that these resolution were already adopted by the Senate on September 7th but as responses to the budget situation that we had wanted included in the College's plan, a plan which had not yet been finalized, to our knowledge. The Chairs had passed the same resolutions on September 5th, also asking that these elements be included in the plan. But the final plan that was sent to 80th Street did not include our recommendations.

Professor Litwack further explained that the College's plan states that the College will not fill those lines that are currently vacant nor fill lines that become vacant through deaths, resignations and retirements. However, he said, he believes the plan could be revised to permit us to fill some lines if the College comes up with an alternative way of meeting our budgetary goals.

Senator Gitter said the situation is unclear to her: if there is a hiring freeze it is a freeze of all hiring. President Kaplowitz said the key fact is that the faculty leadership did not approve the plan: the plan was sent to 80th Street without our seeing it. President Kaplowitz and Professor Litwack explained that although President Lynch has said that a hiring freeze is in place, they do not agree with him and faculty have not been consulted about this. Thus we are proposing that it be the faculty's position that there not be a total hiring freeze under the circumstances defined in our resolution. President Kaplowitz said that not only did the faculty not see the plan before it was sent to 80th Street but the faculty leadership do not agree with the plan and do not support the plan. Indeed, we oppose this plan. The previous plan had a footnote permitting faculty hiring but that footnote was deleted from the plan that was actually sent and there was no consultation about the deletion: it was learned after the fact. Furthermore, she said, throughout the process, President Lynch, Provost Wilson, and Vice President Diaz has said repeatedly that we can always revise a plan later on if circumstances change: this resolution calls for a revision in the plan. Senator Gitter said that now she understands the situation fully.

With regard to the third resolution, Senator Robert Fox asked for a definition of "essential full-time faculty," adding that he considers all full-time faculty we hire to be essential. Senator Peter Mameli noted that there had been concerns raised about health and safety issues with regard to science labs and others noted that accreditation requirements, such as by NASPAA, or the proposal for a new doctoral program in forensic psychology or for a new master's program might require hiring a full-time faculty member because of a serious gap that could not be filled with adjunct faculty. The idea is that if a department felt that such a critical necessity exists, the chair of the department would transmit a proposal on behalf of the department to the Provost presenting the case. The phrase in the resolution was changed from "essential full-time faculty" to "full-time faculty who are of critical necessity to the academic mission of the College." Senator Fox suggested that an explanatory statement be added, with an asterisk, to make clear the kinds of critical necessity we are referring to. This was agreed to [see the asterisk in the third resolution in Attachment E].

The fourth resolution [Attachment E] calls for a fair and equitable allocation of resources within John Jay: just as we posit to 80th Street that CUNY should equitably allocate resources among the CUNY colleges, this resolution says the John Jay administration should equitably allocate resources within the College at all times, but especially during times of fiscal difficulty.

The Senate unanimously approved all four resolutions proposed by the Faculty Senate Executive Committee and by the Senate Budget Committee [Attachment E].

7. <u>Election of a third (an additional) alternate delegate to the University Faculty Senate</u>

By a motion unanimously adopted, Senator Sandra Lanzone was elected to serve as an alternate delegate to the University Faculty Senate for this academic year. Two of John Jay's UFS delegates have conflicts with the UFS meeting schedule and, thus, having only two alternate delegates is insufficient. Alternate delegates have voice and may vote in the absence of a delegate. Senator Lanzone was thanked and applauded for her willingness to take on this responsibility. The UFS delegates are Professors Haig Bohigian, Holly Clarke, Jane Davenport, Diane Hartmus, Karen Kaplowitz, and Maria Rodriguez. The other alternate delegates are Professors Ned Benton and Edward Davenport.

8. <u>Discussion of environmental and quality of life conditions at John Jay and of actions taken since the Senate's meeting of September 20</u>

President Kaplowitz recalled that at the last Senate meeting, a discussion about quality of life issues concluded with the Senate asking that executive committee members speak with Vice President Pignatello: she reported that she had met with the Vice President and can report an improved situation. A new protocol has just been adopted: the supervisory staff of Buildings & Grounds (B&G) have been given keys to faculty offices for the first time and they now have a plan for regularly cleaning faculty offices; previously, as it was explained to her, B&G staff had been unable to enter faculty offices and, thus, never cleaned them. The B&G staff also have been given a plan and a series of checklists for cleaning the restrooms and the classrooms and for checking for and removing broken chairs and desks. Senator Dan Paget said he is not enthusiastic about B&G having keys to faculty offices because he has experienced more than once that B&G has come to his office and left it and neighboring offices unlocked and doors open for an indeterminate length of time. President Kaplowitz said she will convey this to Vice President Pignatello.

Senator Whitney asked the status of the North Hall air conditioning. President Kaplowitz said the air conditioning is still not working nor is there any circulation of air because of a malfunctioning fan system. The system worked for a very short time but is no longer working: some thought that the system had been working last week but it was the weather that had been cool. Now that the weather is again hot, it is clear the system is not working. She will ask for more information from VP Pignatello.

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

Respectfully submitted,

Edward Davenport
Recording Secretary
&
Amy Green
Vice President

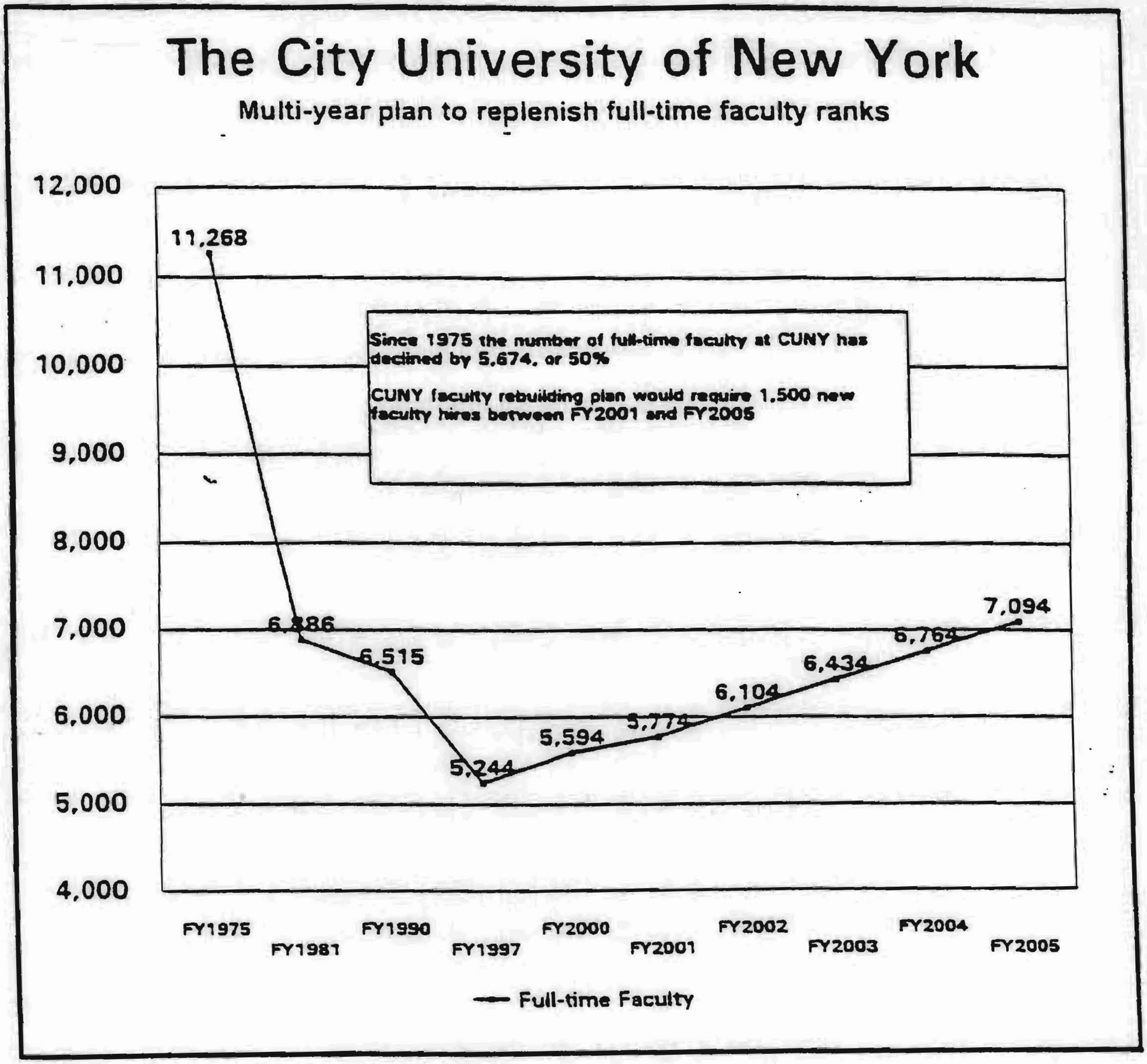
ATTACHMENT A-1

Fall 2000 Admissions Report

	Fall 1999	Fall 2000	Change	% Change
Entering Freshmen Non Seek	1769	2469	700	39.57%
EF Non SEEK Registered	983	1291	308	31.33%
% Registered	55.57%	52.29%		
Entering Freshmen Seek	743	424	-319	-42.93%
EF SEEK Registered	421	243	-178	-42.28%
% Registered	56.66%	57.31%		
Total Freshmen	2512	2893	381	15.17%
Total Freshmen Registered	1404	1534	130	9.26%
% Registered	55.89%	53.02%		
Transfer	1106	1118	12	1.08%
Transfer Registered	756	754	-2	-0.26%
% Registered	68.35%	67.44%		
Transfer SEEK	16	18	2	12.50%
Transfer SEEK Registered	13	15	2	15.38%
% Registered	81.25%	83.33%		
Readmit	846	1028	182	21.51%
Readmit Registered	619	728	109	17.61%
% Registered	73.17%	70.82%		
Readmit SEEK	65	82	17	26.15%
Readmit SEEK Registered	52	65	13	25.00%
% Registered	80.00%	79.27%		
New Non Matric	142	180	38	26.76%
New Non Matric Registered	76	121	45	59.21%
% Registered	53.52%	67.22%		
New Graduate	534	447	-87	-16.29%
New Graduate Registered	331	274	-57	-17.22%
% Registered	61.99%	61.30%		
Total New Admits	5221	5766	545	10.44%
Total New Admits Registered	3251	3491	240	7.38%
% Registered	62.27%	60.54%		

Source: Office of the John Jay Registrar - 27 September 2000

ATTACHMENT A-2



Source: CUNY Central Administration - September 2000

ATTACHMENT B

John Jay College
Revenue and Expenditure Data ---- Non-Tax Levy Entities - Last Three Years

All figures are in thousands of dollars; each figure has been rounded to the nearest thousand dollars; thus, not all totals add precisely

Auxiliary Services Corporation	FY97-98	FY98-99	FY99-00
Income	239	256	375**
Expenditures	195	344	249
Year End Balance	134*	48	174**

Notes: * includes start of year balance of 90

** most of income for year, by terms of Bookstore contract, comes after year's end. 100 still to be received for FY99-00.

** Deficit Reduction Plan includes 140 from this source in Year 1, and 190 in year 2 and thereafter. Because majority of income is not received until after the end of the Fiscal Year, corporation must maintain a fairly large balance to provide the working capital needed to pay the year's expenses as they occur. Elimination of most of the balance will force concurrent reductions in activities related to external representation of the College, and reductions in on-campus events which require the use of non-tax levy funds (e.g., food and beverages for events).

Income Fund Reimbursable (IFR)			
Income	4374	1904	2040
Expenditures	4242	2006**	1987***
Year End Balance	168*	66	120****

Notes: * Includes start of year balance of 36

** Includes nine months of pay for 12 HEO staff performing tax levy functions

*** Includes 850 impounded by Central Office And applied to College's tax levy deficit

**** To be applied to pay for 7 HEO staff Transferred from tax levy payoll

ATTACHMENT B (cont)

Research Foundation (RF) Accounts

	FY97-98	FY98-99	FY99-00
Income	1161	1059	1518
Expenditures	974	962	1338
Year End Balance	570*	667	847**

Notes: * Includes start of year balance of 382

** Deficit Reduction Plan includes 350 from this source in Year 1 and 250 in Year 2. These funds could have been used to guarantee (forward fund) many of the State-funded training projects; provide honoraria for guest speakers, presenters, conference attendees, etc.; support Office assistants (undergraduates) and research assistants (graduate students); and support ground level research (seed money) on topics of importance to the Criminal Justice community.

John Jay College Foundation

Income	246	219	244
Expenditures	187	137	143
Year End Balance	355*	437	537**

Notes: * Includes start of year balance of 295

** All but 19 is restricted by the conditions of donors and grantors

Student Activities Association

Income	1018	1133	1137
Expenditures	1141	1149	1043
Year End Balance	80*	63	158

Notes: * Includes start of year balance of 203

Child Care Center

Income	261	308	373
Expenditures	319	314	362
Year End Balance	129*	123	134

Notes: * Includes start of year balance of 187

Prepared by R. Sermier, with assistance from J. Marini (for RF) and A. Martin (for IFR) 9/8/00

ATTACHMENT C

JOHN JAY COLLEGE OF CRIMINAL JUSTICE

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

To: President Gerald W. Lynch
Provost Basil Wilson
Vice President Robert Diaz

From: Professor Karen Kaplowitz
President, Faculty Senate

Re: Faculty Senate Endorsement of Council of Chairs' Budget Resolution

cc: College Budget Advisory Committee

October 9, 2000

The Faculty Senate, at its meeting of October 4, 2000, unanimously approved a resolution that parallels and endorses in every particular the September 27, 2000, resolution of the Council of Chairs:

> The Faculty Senate asks the administration to report to the Faculty Senate Budget Committee, the Council of Chairs, and the Budget Planning Committee, on a regular basis on the implementation of the College's budget plan once it has been accepted by 80th Street. In particular, we request that information on possible sources of revenue or additional resources, both tax levy and non-tax-levy, not anticipated by the plan, be provided to the Council and to the Senate's Budget Committee as soon as it is available. The Faculty Senate also requests immediate information concerning any changes in the budgetary situation or changes in the plan which might enable us to keep the substitute faculty and support earlier than anticipated resumption of full-time faculty hiring.
>
> Moreover, the Faculty Senate requests that the administration develop quarterly reports covering the period beginning July 2000 and continuing thereafter of all revenues and expenditures, both mandatory and discretionary, in a line-item format, for all non-tax-levy accounts. These reports and associated records should be available to the Senate Budget Committee and the Budget Planning Committee.
>
> We also reaffirm the positions taken in our resolutions of September 7, 2000, and urge the administration to implement the plan in such a way as to accomplish the goals outlined in these resolutions.

ATTACHMENT D

JOHN JAY COLLEGE OF CRIMINAL JUSTICE

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

To: President Gerald W. Lynch
Provost Basil Wilson
Vice President Robert Diaz

From: Professor Karen Kaplowitz
President, Faculty Senate

Re: Plans for spending and saving non-tax-levy funds

cc: College Budget Advisory Committee

October 10, 2000

I am writing on behalf of and at the direction of the Faculty Senate.

First, we wish to thank you for directing Mr. Robert Sermier to provide us with the information we had requested regarding the College's non-tax-levy funds and accounts for the past three years. (A copy of Mr. Sermier's report is attached.) I am writing to you now to request additional information regarding the administration's plans for spending and saving non-tax-levy funds *in the future.*

We estimate that approximately $1.4 million will ultimately be available to the College's administration for spending and saving for FY 00-01 from the College's non-tax-levy accounts, most especially from the Auxiliary Services Corporation account and the Research Foundation (RF) account. Our estimate is based on the following calculations:

1. There was a FY 99-00 balance of $174,000 from the Auxiliary Services Corporation account. FY 99-00 income from that account was $375,000 and we expect the same income for FY 00-01. However, $140,000 will be contributed from this source to the Deficit Reduction Plan, leaving a balance of $409,000 ultimately available for spending and saving from this account. ($174,000 + 375,000 - 140,000 = $409,000.) We do understand (from Mr. Sermier) that Barnes & Noble is often delayed in its payments to the College and that, therefore, a certain portion of this balance may not actually be available to the College until some weeks after FY 00-01.

2. The Research Foundation (RF) account had a year end balance of $847,000. Since $350,000 will be contributed to the Deficit Reduction Plan, that will leave a net balance of nearly $500,000. RF income for FY 99-00 was $1,518,000 and Mr. Jacob Marini has informed us that the College can expect a similar income this fiscal year from RF sources. He has also informed us that of that income approximately $700,000 went – and will go – to the Research Foundation (as required), leaving approximately $800,000 for disbursement, according to the 1/3, 1/3, 1/3 formula, to the President's Office, to the Provost's Office, and to the relevant departments. Therefore, we estimate that at least $500,000 will be available to the President's Office and to the Provost's Office combined over FY 00-01. Thus, together with the net balance of $500,000, that amounts to a total of $1,000,000 ultimately available to the administration for spending and for saving from this source.

3. The total from these two sources is, therefore, somewhat more than $1.4 million.

If we are incorrect in our calculations, please inform us as to how we are incorrect. Whatever the correct – or ultimate – figure is, however, we believe you will agree with us that in these times of financial stringency it is important that all funds available to the College be spent – or kept in reserve – in the most meaningful way possible and that it is important to and for elected faculty representatives to know precisely how these funds are being spent (or saved).

Therefore, we request that you provide the Faculty Senate's Budget Committee, by the end of October, with your estimate of the amount of funds that will be available to the College from non-tax-levy sources and accounts for FY 00-01; also, your estimate of amount of these funds that will be placed in reserve as of June 30, 2001; as well as a detailed plan for the expenditure of those funds from October 1, 2000, through June 30, 2001, that will not be kept in reserve. (The Faculty Senate, as well as the Council of Chairs, has already requested that the Senate's Budget Committee and the College's Budget Planning Committee be provided with a detailed report regarding the expenditure of these funds that has already taken place in the first quarter of FY 00-01. A copy of the Faculty Senate's request is attached.)

We believe that with this information we can best plan together for maximizing the functioning of the College during these difficult financial times.

Thank you very much for your attention to this matter. Please do not hesitate to contact me if there are any questions that you may have about this request.

ATTACHMENT E

Faculty Senate resolutions*

Adopted by Unanimous Vote

October 4, 2000

1. The Faculty Senate calls upon the College administration, in consultation with faculty leaders named by the Faculty Senate and by the Council of Chairs, to identify further ways to reduce College expenditures and/or increase College revenues so as to enable a substantial number of the Fall 2000 substitute full-time faculty to be reappointed for the Spring 2001 semester.

2. The Faculty Senate reaffirms its position of September 7, 2000, that full-time faculty lines that may become vacant as a result of negative tenure and non-reappointment decisions through the College Personnel process be retained as full-time faculty lines and that searches to fill those lines be initiated as soon as practicable. This position makes a distinction between full-time faculty lines that may become vacant through the Personnel process and full-time faculty lines that may become vacant as a result of retirements, resignations, and deaths.

3. The Faculty Senate reaffirms its position of September 7, 2000, that it is necessary and important that the College engage this year and in subsequent years in the hiring of full-time faculty who are of critical necessity to the academic mission of the College and that ways to make such hirings fiscally possible be explored and developed through a process of consultation with faculty leaders named by the Faculty Senate and by the Council of Chairs and that such consultation be based on a consideration of all budgetary information.**

** Explanation: If an academic department determines that it is of critical necessity to the department's operations and/or program(s) that a full-time faculty member or members be hired, the Department Chair shall transmit a proposal on behalf of the department to the Provost presenting the reasons why there is a critical necessity, such as accreditation requirements, new degree program needs, operational necessities, health and safety issues, and so forth.

4. The Faculty Senate considers it essential that at all times, but most especially at this time of financial difficulty, that the College administration treat all units and individuals of the College in a fair and equitable manner with regard to the imposition of budgetary restrictions. To this end, the Faculty Senate directs its Executive Committee and its Budget Committee (and members of the College Budget Advisory Committee whom they may wish to invite) to meet with the President of the College to discuss and explore this matter and to report back to the Faculty Senate.

*** Note: These 4 resolutions with regard to John Jay's budgetary situation are in addition to Resolutions on this subject that appear as Attachment C & Attachment D of these Minutes.**