

Faculty Senate Minutes #218

John Jay College of Criminal Justice

October 11,2001

3:15 PM

Room 630 T

Present (26): Yahya Affinnih, James Cauthen, Leslie Chandrakantha, Edward Davenport, Jane Davenport, Kirk Dombrowski, Amy Green, Edward Green, Maki Haberfeld, *Ann* Huse, Karen Kaplowitz, Kwando Kinshasa, Sandra Lanzone, Gavin Lewis, James Malone, Peter Mameli, Evan Mandery, Lorraine Moller, Rick Richardson, Jodie Roure, Ellen Sexton, Margaret Wallace, Robin Whitney, Agnes Wieschenberg, Susan Will, Liza Yukins

Absent (10): Luis Barrios, Orlanda Brugnola, Elsie Chandler, P. J. Gibson, Betsy Gitter, Mary Ann McClure, Dagoberto Orrantia, Daniel Paget, Carmen Solis, Davidson Umeh

Guests: Professors Tom Litwack, Bonnie Nelson

Invited Guests: VP for Administration Robert Pignatello, Director of Security Brian Murphy

October 11,2001, meeting agenda

1. Announcements from the chair
2. Adoption of Minutes #217 of the September 26,2001, meeting
3. Approval of Faculty Senate Committee memberships and chairs
4. Proposed endorsement of a statement on academic freedom by BoT Acting Chair Benno Schmidt
5. Discussion of the agenda of the October 17 College Council meeting
6. Report on the Senate's Sept. 26 proposals regarding post-Sept. 11 ways to help students financially
7. Report on the Senate's Sept. 26 proposals to the JJ Administration and to the College Council
8. Report on JJ computer use & privacy issues: Invited guest: Professor Bonnie Nelson, Technology Comm
9. Election of faculty members to the College's Security Advisory Committee
10. Senate co-sponsorship of the Course Fair
11. Invited guests: VP for Administration Robert Pignatello & Security Director Brian Murphy: turnstiles

1. **Announcements from the chair**

Professor Yahya Affinnih was welcomed upon his return as a member of the Senate, on which he has served in the past. He is the newly elected representative of the African-American Studies Department, replacing Professor Max Kadir, who is on leave.

2. Adoption of Minutes #217 of the September 26,2001, meeting

By a motion made and carried, Minutes #217 of the September 26, 2001, meeting were approved.

3. Approval of Faculty Senate Committee memberships and Committee chairs

The Senate ratified the following members and chairs of Faculty Senate committees:

A. Technology Committee: Co-Chairs: Lou Guinta & Bonnie Nelson

Yahya Affinnih (African-her. Studies)	Katherine Killoran (Library)
Ira Bloomgarden (English)	Keith Markus (Psychology)
Anthony Carpi (Science)	Bonnie Nelson (Library)
James Cauthen (Government)	Patrick O’Hara (Public Management)
Lou Guinta (Communication Skills)	Peter Shenkin (Mathematics)
Robert Hong (Public Management)	Margaret Leland Smith (Law, Police Sci.)
Karen Kaplowitz (Exec. Comm. Liaison)	

B. Fiscal Advisory Committee: Chair: Tom Litwack

Kirk Dombrowski)	Karen Kaplowitz
Amy Green	Tom Litwack

C. Adjunct Issues Committee: Chair: Rick Richardson

4. Proposed endorsement of a statement on academic freedom by BoT Acting Chair Benno Schmidt [Attachment A]

Subsequent to the Senate’s September 26 meeting, the Senate’s Executive Committee decided to unanimously endorse five paragraphs – the central section – of the strong statement affirming the inviolability of academic freedom made by Benno Schmidt, the Acting Chair of the CUNY Board of Trustees on September 24 at the Board of Trustees [Attachment A] and to send it to the College Council for the Council’s endorsement as a statement of the views of John Jay College. The Senate’s Executive Committee took this action prior to today’s Senate meeting because the deadline for agenda items for the October College Council meeting was September 27. The College Council’s Executive Committee has placed this item on the agenda of the October 17 meeting of the College Council and expressed its strong support of this item.

Noting that there is sufficient time for the entire Senate to endorse this statement affirming the crucial importance of academic freedom, Senator Dombrowski moved that the entire Senate also endorse Acting Chair Benno Schmidt’s statement on academic freedom so that it can be reported at the College Council that not only the Senate’s Executive Committee but the entire Senate supports this endorsement of academic freedom, in general, and academic freedom at CUNY, in particular. The motion was approved by unanimous vote [Attachment A].

5. Discussion of the agenda of the October 17 College Council meeting

In addition to the Senate's proposed endorsement of Benno Schmidt's statement on academic freedom, the agenda items include a proposal to change the May meeting of the College Council executive committee and the May deadline for agenda items as well as two proposals from the Graduate Studies Committee: to revise the prerequisite for Forensic Psychology 754 and to delete the second paragraph, #2, on page 12 of the 2000-2002 Graduate Bulletin.

6. Report on the Faculty Senate's September 26 proposals regarding ways to assist students financially in the aftermath of the attack on the World Trade Center

President Kaplowitz reported that she communicated the Senate's proposals of September 26 to Chancellor Matthew Goldstein about helping students financially in the aftermath of the attack on the World Trade Center. She said that at the October 4 meeting of the Fiscal Affairs Committee of the CUNY Board of Trustees, as the faculty representative on that committee, she reported the John Jay Faculty Senate recommendations, including obtaining financial aid waivers for students who want to continue the semester but must drop some of their courses in order to cope with the consequences of the September 11 attack; the waivers would be for the purpose of holding students harmless this semester if they unable to continue to carry the required 12 credits. Chancellor Goldstein and Vice Chancellor Louise Mirrer praised the recommendation and said that they have already asked the State Education Department for permission for financial aid waivers and are waiting for a reply. President Kaplowitz also reported the recommendation that students who do not receive financial aid but who must drop some of their courses this semester to cope with the aftermath of September 11 receive tuition reimbursement for the courses they must drop. Both the Chancellor and Vice Chancellor said that Vice Chancellor for Legal Affairs Schaffer is drafting a document about this. A recommendation that students not receive penalty grades if they can't complete their courses was greeted as a good idea by the Chancellery, one they said they had not thought of previously and would consider.

7. Report on the Faculty Senate's September 26 proposals to the JJ Administration and to the College Council [Attachment B]

President Kaplowitz reported that the College Council Executive Committee declined to place on the agenda of the October 17 College Council meeting the Faculty Senate's September 26 Resolution proposing special measures to help our students with their courses this semester as they cope with the events of September 11 and its aftermath [Attachment B].

She reported that following the October 3 meeting of the College Council Executive Committee, she received a phonemail message from Patricia Maull, the Secretary of the College Council, informing her that the Council's Executive Committee had not placed the Faculty Senate's September 26 Resolution on the Council agenda because the Council's Executive Committee decided that the proposals must first be considered by the College's Standard's Committee, even though the Standards Committee's next meeting is not scheduled until October 31, which is two weeks after the College Council meets on October 17.

President Kaplowitz reported that the Senate's Executive Committee then unanimously requested that a special meeting of the Standards Committee (which deals with undergraduate academic policies) and of the Graduate Studies Committee (which deals with Master's level

academic policies) be held as soon as possible so that the proposals could be considered by those committees prior to the October 17 College Council meeting, at which time they could be considered by the College Council as new business, as permitted by the College's Charter of Governance. To wait until the October 31 meeting of the Standards Committee would have meant that the proposals could not be considered by the College Council until November 21, the date of its next meeting, which would be far too late. The request for a specially scheduled meeting of the Standards Committee (and of the Graduate Studies Committee) was not granted by the College administration.

President Kaplowitz said that members of the College Council Executive Committee reported that both President Lynch and Provost Wilson had opposed placing the Senate's proposals on the College Council agenda for two stated reasons: first that President Lynch already has special authority from the Chancellor, as do all CUNY presidents, to deal with student emergencies on a case by case basis this semester, as had been reported at the Senate's September 26 meeting, and, second, that any proposals involving academic standards must first be approved by the Standards Committee.

When the Senate's Executive Committee requested a special meeting of the Standards Committee (and of the Graduate Studies Committee), the response was that no such meeting is needed because the administration can implement proposals without going through any governance process. Representatives of the Senate who were available – Betsy Gitter, Karen Kaplowitz, and Kwando Kinshasa – then met with a group of College administrators yesterday, October 10, to discuss the situation and the proposals. The administrators were Provost Basil Wilson, Dean James Levine, Vice President Roger Witherspoon, Dean Richard Saulnier, Dean Rubie Malone, SEEK Director Chevy Alford, and OIR Director Gail Hauss. The meeting ended with an agreement that a letter would be written and sent to faculty about academic policies that can be changed or made more flexible to help students. A follow-up meeting later today at 5 PM is scheduled at which Provost Wilson, Dean Levine, Dean Saulnier, and Professor Kaplowitz are to draft the letter to faculty.

President Kaplowitz noted that one of the Senate's September 26 proposals had been immediately implemented: Patricia Sinatra changed the date from October 1 to October 31 for the faculty's academic warning notice to freshmen and a letter was immediately sent to faculty who teach freshmen courses informing them of the change.

At yesterday's meeting, which took place at the request of the Senate's Executive Committee, the administrators stated three major objections to the Senate's proposals: first, that there had been a lack of consultation by the Senate with the College administration, an explanation and apology for which had been contained in the document transmitted on behalf of the Senate to the College Council Executive Committee [see Attachment B], a document which had also been individually faxed to each of the administrators named in the document with whom the Senate was requesting to meet for the purpose of consultation, and all of this was reiterated at yesterday's meeting; second, a claim by the administrators that students are not having any special difficulties this semester; and third, that the proposals, if enacted, would create an administrative nightmare to implement.

The conviction on the part of the administrators that students are not having difficulties was countered by reports from Senators Betsy Gitter and Kwando Kinshasa of absent students and student emails reporting their difficulties and after a lengthy discussion it was realized that the administrators had focused on students who have been attending classes and who attend during the day while the faculty had focused to a large extent on students who attend class at night and students who have not been back to class since September 11. The administrative objection to implementing such proposals as the Pass/Fail grade option and the independent study option was that a tremendous amount of administrative labor-intensive work would be needed to retroactively make such changes and that the diminished number of staff, because of John Jay's fiscal problems, who themselves are suffering stress occasioned by the events of September 11, would be too greatly burdened if this were added to their other responsibilities. The administrators agreed to permit far more flexibility about the date of

withdrawal from courses without academic penalty than is the stated policy.

Senator Edward Green said that the flexibility that faculty have about attendance policy is not clear; he said there are two situations. The first involves remedial courses for which the policy about attendance had been set long ago by the College Council and is stated explicitly in both the Bulletin and in the class schedule and is not up to the discretion of the instructor, and the second involves non-remedial courses for which faculty set their own attendance policies. He said he understands that in the latter case, faculty have wide latitude but asked about remedial courses. President Kaplowitz said she would raise that during tonight's meeting, that that issue had not been raised at our September 26 meeting, and, therefore, had not been part of the Resolution.

Senator Susan Will asked whether the date to resolve an incomplete grade can be extended because many students have been unable to do the work required to resolve an incomplete while trying to do this semester's work, especially those who have needed access to our Library to do the work necessary to resolve the incomplete. President Kaplowitz said she would raise this issue at tonight's meeting as well: she said that the date is really an arbitrary one and faculty can accept work to resolve an incomplete and hand in a letter grade up to a year after a course is given but that most faculty do not know this nor do students and that such information should certainly be in a letter to faculty.

President Kaplowitz said the Senate members and the other faculty who attended the special September 26 meeting should be proud that so many met on a day on which there were no classes for the sole purpose of trying to make it easier for students to deal with their academic work during this very difficult semester.

The question was raised as to how students will be informed about the accommodations that are being made available to them. Professor Bonnie Nelson, co-chair of the Senate's Technology Committee, reported that Dean Richard Saulnier had just informed the Technology Committee members yesterday that, in response to a request by the Technology Committee last year, faculty accounts have now been set up to enable faculty to access most of the online Student Information Management System [SIMS] database. Student records, except for course grades, will be available online through SIMS, including student addresses and phone numbers and, possibly, email addresses. This is a way, she explained, that faculty can reach students who may not have been attending classes.

To obtain a SIMS account, a faculty member should email Jeffrey Harter of the Registrar's Office at jharter@iiav.cuny.edu and request a SIMS account and an online user's instruction guide. One needs a TN3270 or a Hummingbird connection; anyone who uses or can access CUNYVM already has one or the other. If not, DoIT can install the necessary software.

Senator James Malone said that he is a member of the College Council Executive Committee and attended its October 3 meeting. He said he had opposed placing the Senate's proposals on the College Council agenda because he had felt that the Senate had seemed to circumvent standard College procedures. He said that process is something which we should always follow and abide by.

President Kaplowitz said that it is regrettable that Senator Malone had been unable to attend the Senate's special September 26 meeting. She explained that the Senate had been scrupulous about respecting the existing governance procedures and the evidence is that the Senate brought the proposals to the College Council rather than proposing that they be unilaterally approved and implemented by College administrators, which is basically what is now taking place.

She explained, furthermore, that at our September 26 meeting, the Senate had compared the College's current post-September 11 situation to an earlier emergency at John Jay a decade ago when students protesting a threatened tuition increase had locked out students and faculty from the College.

At that time the faculty had developed proposals, for that semester only, to amend many of the standard procedures of the College in order to enable our students to complete that semester and the faculty had brought the proposed emergency procedures directly to the College Council, bypassing Council subcommittees, and the College Council had approved the special arrangements proposed by the faculty.

Senator James Malone said that process and adhering to governance procedure are of primary importance no matter how admirable one's goals. President Kaplowitz said she respects and agrees with that position and that is why, when the Senate's Executive Committee requested a specially scheduled meeting of the subcommittees of the College Council when informed by the College Council Executive Committee that this was being required, their request should have been honored. But it was not.

President Kaplowitz added that process and structure should exist to make the work of the College possible and should not be used to impede our work, especially when we are trying to help our students at a time of extraordinary circumstances. She said that when process and governance impede the work of the College or when they are used to impede such work, then either the structure and process are inherently flawed or they are being misused. She said governance should assist us, the faculty, who are, as Senator Malone says quite often and quite properly, the officers of the University, and should not be the means to prevent faculty from fulfilling their obligations as officers of the University in an effort to help our students.

8. Report on John Jay College computer use and privacy issues: Invited guest: Professor Bonnie Nelson, Co-Chair, Faculty Senate Committee on Technology [Attachment C]

Professor Bonnie Nelson, Co-Chair of the Senate's Technology Committee, reported that some College administrators are investigating the purchase and use of special software to monitor and log the web sites and web pages visited by those who use College computers. She said that the Senate Technology Committee feels that such monitoring has no place in an academic institution and feels it is very important to make a statement now, before administrators invest a lot of time and energy into this project because if they do so they may become so invested in it that they will want to pursue it despite the negative reactions from the faculty and others that are foreseeable. She said it is important to make a statement now so that this project is not pursued any further.

Professor Nelson explained that the Senate Technology Committee unanimously approved a Resolution on this issue [Attachment C] and is asking the Faculty Senate to endorse the Resolution and to then transmit it to the College Council for its endorsement so it will be College policy. She noted that the Resolved clause of the Resolution proposes the adoption of a moratorium on the purchase of monitoring software until such time that the "legal and ethical issues have been thoroughly debated and resolved and a College policy on privacy of electronic information has been approved by the College Council."

Professor Nelson explained that the Technology Committee was told that the computer monitoring initiative is not objectionable because the College has long kept logs of telephone numbers dialed from each College phone to telephones outside John Jay and that there has been no outcry against this, but Professor Nelson said she has pointed out that websites are different, because logs of websites provide information about the content of the electronic material visited, unlike phone logs which do not reveal the content of the telephone conversations.

Furthermore, Professor Nelson said, she thinks that the keeping and using of such logs is more analogous to keeping records of all use of Library materials. Most libraries do not keep such records

and, in fact, are forbidden by state law from revealing such records without a court order

She added that members of the Technology Committee had suggested that if faculty Internet use on campus is monitored, many faculty might feel they have no choice but to work at home and would, thus, spend significantly less time on campus.

Professor Nelson reported that the purpose of the monitoring software, as explained to the Technology Committee, has to do with the supervision of employees. One purpose is to ensure that employees do their work and not spend time on non-work related website visits, although she pointed out that employees can be far more productive if they can make a purchase online in a few minutes rather than having to leave the campus to make the purchase in a brick and mortar store.

Another supervisory reason that had been given is that the monitoring software is to prevent employees from visiting pornographic websites which, it is thought, could create a claim of a hostile workplace environment by other employees and lead to a lawsuit by an employee against the College. The Committee was told, furthermore, that the problem is that the College's budget problems have resulted in an insufficient number of supervisors and, hence, the idea for the software.

President Kaplowitz noted that the job of supervisors is to make certain that those who report to them do not create a hostile workplace environment in a whole range of ways, which include not making off-color remarks or derogatory jokes, not touching other peoples' bodies in inappropriate or unwelcome ways, and so forth, and that the software would not take care of all these other responsibilities and so that is not a sufficiently compelling argument. Professor Nelson also pointed out that employees who go to what might be thought of as pornographic web sites may be doing research for themselves or, if they are support staff, for faculty, and even for their own courses at John Jay, since many of our staff are John Jay students, especially given the kinds of courses and majors we teach at John Jay.

Senator Agnes Wieschenberg asked whether the website monitoring would apply to both faculty and staff. Saying that she had been told that faculty might be exempt from the monitoring, Professor Nelson expressed her opinion and that of the Senate Technology Committee that none of the employees of a college should have their computer use monitored and that, in fact, many staff members work in support positions for faculty and for academic projects and many of our employees are students who spend computer time on their course assignments during down time at their work sites. Also, faculty and staff often use the same computers. Asked whether the proposed Resolution therefore rejects the monitoring of all College computers, Professor Nelson said that it does.

Senator James Malone asked who initiated this monitoring initiative. Professor Nelson said her understanding is that it was the Department of Information Technology.

Senator Robin Whitney said that actual monitoring of computer websites that are visited would be a full-time job. She said that at her last corporate job, employees had to reimburse the cost of their personal phone calls and the designated monitor had been forced to relinquish all other responsibilities because this became a full-time job. Senator Susan Will responded that a recent article about a corporation revealed that actual review and monitoring had never really been intended by management; rather, the mechanisms for review and monitoring had been purchased and put into place just for the "chilling effect" it would create.

President Kaplowitz noted that academic and administrative computing functions used to be separate at the College, with administrative computing reporting to the vice president for administrative affairs and academic computing reporting to the provost and academic vice president. But now all computing functions, both administrative and academic, report to the vice president for administrative affairs. She said the core issue is whether there is sufficient understanding among all

administrators as to what the nature of an academic institution is, what the nature of intellectual inquiry is, what the nature of research is.

President Kaplowitz added that it is ironic that it is at this same Senate meeting, just a few minutes ago, that the Senate endorsed Benno Schmidt's statement about the inviolability of academic freedom and the fact that academic freedom and freedom of inquiry must be core values of an institution of higher education and now, a few minutes later, we are discussing an initiative that would undermine academic freedom and freedom of inquiry and create the chilling effect referred to by Senator Will.

Senator Liza Yukins referred to the two articles provided with the agenda as background material for this proposed Resolution: a July 27, 2001, article, "Computer Searches in Public Labs Are Legal, Federal Judge Rules," by Scott Carlson, from The Chronicle of Higher Education, and a September 9, 2001, article from page A34 of The New York Times, "Plan for Web Monitoring in Courts Dropped," by Neil A. Lewis. [Both are available from the Senate Office.]

Senator Yukins noted that The Chronicle of Higher Education article reports that the court upheld the right of employers to monitor computer use and she asked whether the Senate Technology Committee's proposed Resolution is in conflict with the court ruling. Senator Kirk Dombrowski explained that the court ruled that employers may monitor computer use but the court did not rule that employers must monitor computer use. He said this Resolution states that John Jay, the employer, should not engage in such monitoring.

[N.B. The New York Times article of September 9, 2001, which was included in the agenda packet, reported that federal judges had just prevailed in opposing a proposal that software to monitor Internet use be installed on computers used by the 30,000 federal court employees, including the 1,800 life-tenured federal judges. The proposed computer monitoring policy, which had just been rejected by the judges, would have required all federal court employees who use a computer to waive their privacy rights when they use office equipment which would be monitored to detect websites that the employees, including the judges, were visiting. The Times article stated that a "number of judges complained that the policy would amount to a large-scale violation of privacy. Some even suggested it could violate a law against eavesdropping."]

Senator Dombrowski said he considers the proposed Resolution to be an excellent one and moved its adoption by the Faculty Senate. The motion was seconded [Attachment C].

Senator James Malone asked what the next step would be if the Senate approves the proposed Resolution. Professor Nelson reiterated that she does not want the Resolution to be seen or taken as an attack on the Department of Information Technology, but rather the intention of the Resolution is to prevent DoIT from continuing on a counterproductive path.

President Kaplowitz said that if the Resolution is adopted by the Senate, she would then consult with the Provost to ascertain whether he supports the Resolution and whether he supports its transmittal to the College Council. If he does, she would also consult with the other two academic administrators at the College: Associate Provost Lawrence Kobilinsky and Dean of Graduate Studies James Levine. If the academic administrators, in particular Provost Wilson, support the Resolution and its transmittal to the College Council where they would support its adoption by the College Council, she would then submit the Resolution on behalf of the Senate Technology Committee and the Faculty Senate to the College Council to be placed on its agenda. Senator James Malone praised the proposed plan of action.

The Resolution was adopted by unanimous vote [Attachment C].

9. Election of faculty members to the College's Security Advisory Committee

The two faculty members on the College's Security Advisory Committee – a committee mandated by NYS Education Law – Senator Maki Haberfeld (Law, Police Science, and CJ Adm.) and Professor Patrick O'Hara (Public Management) were reelected. Both were thanked for their willingness to serve. It was noted that Senator Haberfeld's office and classrooms are in T Building and Professor O'Hara's are in North Hall and, thus, perspectives about both buildings can be presented at the Committee meetings.

[A second security advisory committee, which comprises largely security experts from outside John Jay, includes among its members Professor Robert McCrie (Law, Police Science, CJ Adm).]

10. Senate co-sponsorship of the Course Fair

Several years ago the Senate proposed a Course Fair so students could learn about new courses and electives. Previously arena registration had provided an opportunity for faculty and students to talk about courses being offered the following semester but the advent of telephone registration removed that forum and many electives and many departments without majors experienced significant losses in student enrollment. Hence the Course Fair. The Council of Chairs co-sponsored the event with the Senate and the subsequent year the Office of the Vice President for Student Development joined as a co-sponsor. The Course Fair is scheduled to be held again on November 6 and 7, just prior to telephone registration. President Kaplowitz said that before signing the letter to faculty on behalf of the Senate asking faculty to volunteer to staff the tables at the Course Fair she wishes to ask, as always, whether the Senate wishes to continue co-sponsoring the event, whether it is still viewed as a worthy initiative.

Several senators said that the burden falls unfairly on junior faculty who have no choice and who often are the only faculty in their department who staff their department's table. Other senators said they do not think there is any significant increase in student enrollment in non-major electives resulting from all the effort. Other senators expressed their opinion that the Course Fair does draw students' attention to new and elective courses, which they then take, and that it is an invaluable service to students. Before the Senate had the chance to further discuss the question or to vote on it, the two invited guests arrived and the issue was tabled. It was agreed that the Senate would co-sponsor again this semester and would evaluate the Course Fair immediately after it is held to determine what the Senate wishes to do in subsequent semesters.

11. Invited guests: VP for Administration Robert Pignatello & Security Director Brian Murphy: discussion of policies to be developed with regard to the turnstiles

VP for Administration Robert Pignatello and Security Director Brian Murphy were welcomed and were thanked for accepting the Senate's invitation to discuss campus security, specifically policies with regard to the turnstiles. VP Pignatello said it is important for the community to feel safe on this campus and he thinks it is possible for us to do so. He said that policy decisions about the turnstiles will be formulated and that he plans to meet with as many groups as possible on campus to discuss policy issues so there can be full consultation before any decisions are made.

VP Pignatello explained that the turnstiles were installed in the North Hall lobby first, even though the funding for the T Building turnstiles was approved long ago, long before the funding was

approved for turnstiles for North Hall. He said he delayed installing the T Building turnstiles because of the perception that North Hall is treated less well than T Building in terms of College improvement projects. Thus he did not want the T Building turnstiles installed first because the assumption would have been that only those in T Building were going to be protected.

He reported that the ID card readers should be installed by next week and would then be tested to see if, as promised, they can read the ID cards from a distance of 6 inches to 8 inches. The correct John Jay ID card is the one with a picture of T Building on the front. He said the maximum number of turnstiles had been put across the lobby to reduce congestion and waiting time, adding that he does not anticipate any delay caused by the turnstiles during the evacuation of the buildings in the case of a fire or any other reason and that there will be a fire drill to test the evacuation from the buildings soon after the turnstiles are activated.

Professor Tom Litwack asked what the procedure will be if people forget their John Jay ID card. Vice President Pignatello explained that there would be a delay and a hassle for people without an ID but there will be a procedure: those who have had a John Jay ID card issued to them but who do not have it with them would inform the security officer at the desk who will ask for another form of ID and who would then enter the person's name in a specially programmed computer. If the person is a current John Jay student or employee, then the photograph of the person (the photograph that appears on the John Jay ID card) would appear on the screen. If the person matches the photograph, the person would be permitted to enter and a button would be pressed by the security officer releasing the turnstile. If visitors come to see faculty, they would have to sign in with security and, ideally, security would be able to make telephone contact with the person the visitor says he or she is visiting.

Senator Jane Davenport asked about the procedure for CUNY faculty from other campuses who come to John Jay to attend a meeting. Director Murphy said it will be easy for a person with a CUNY ID card to enter: the person would show the CUNY ID card to a security officer who would then press a button releasing the turnstile and permitting the visitor to enter the building.

Senator Susan Will said that for security reasons she does not carry a purse; she carries only her keys and asked if she could attach her ID card to her key chain. The answer is that it will be possible but it was cautioned that no one should punch a hole in an ID card until it is ascertained just where the computer chip is located in the ID card. Until that is known, a punched hole in the wrong place can damage the computer chip.

VP Pignatello said the College will have to be kept open to visiting basketball and other athletic teams and to people who attend the games and who attend plays in our theater and so we are not making ourselves impenetrable; we are just making the College a little more secure. Senator Jodie Roure asked about visitors from colleges other than CUNY. Director Murphy said we will have to make adjustments as we go along, adding that there will be sign-in procedures.

Senator Lorraine Moller asked about children of faculty or children of students. Director Murphy said children are not generally supposed to be on campus, although they are permitted at times, for example, when a faculty member gives permission to a student to bring his or her child to class because of the student's child care difficulties; if the parent has a valid John Jay ID card, the child will be admitted with the parent.

VP Pignatello reported we now have 42 security officers, which is the most officers we have had in a long time. He said this is partly the result of having raised the officers' salaries and also because of a plan to award 3 credits for two continuous years of successful employment as a John Jay security officer, a proposal that has been developed and approved by the Law, Police Science, and CJ Adm Department and that will be vetted and voted on by the necessary governance bodies.

Senator Ellen Sexton asked whether the Library is on the list of groups the Security Department is planning to speak to and consult about the turnstiles and about policies with regard to the turnstiles. Mr. Murphy said the Library can certainly be added to the list. Senator Sexton asked, in particular, whether turnstiles could also be installed outside the Library, in addition to the security officer. She noted that people who are permitted into T Building to go to the gym to see a basketball game or to a meeting are not necessarily people who are being admitted to T Building for the purpose of going to the Library. President Kaplowitz suggested that when VP Pignatello and Mr. Murphy meet with the Library faculty and staff, this particular issue can be explored more fully.

President Kaplowitz asked about the gates which have been installed as alternatives to the turnstiles for people with physical disabilities. She said she is pleased that the gates were installed but is surprised that they will not open automatically once a John Jay ID card releases the lock; someone will have to open the gate for those who are unable to do so themselves and to close the gate because it will not automatically shut. Director Murphy said there will be security guards present to help people with disabilities open the gate and to then make certain they are closed so others can not enter through the open gate. President Kaplowitz said her understanding of the federal 1990 Americans With Disabilities Act (ADA) mandates that accommodations are not supposed to require people with disabilities to be dependent upon others when using those accommodations, unless the cost of complying with the ADA would be prohibitive when compared to the institution's annual budget. She said given our annual budget, and given the relatively small cost of the security system, compliance regarding independent use would presumably be required. Vice President Pignatello said that he will speak with ADT, the manufacturer of the turnstiles and gates, about this.

President Kaplowitz said that after the September 11 terrorist attacks, an excellent security system was installed at New York University Medical Center: a person who arrives to see a physician, even if the person has an appointment with the physician, if the person does not have a hospital employee ID card, is asked to show a photo ID which is then scanned within seconds into a computer that records the date and time the person is entering the building and scans the photo and other information about the visitor so that if anything happens the hospital knows who entered and when. Both VP Pignatello and Director Murphy called that is an excellent idea, especially for people who come to John Jay to attend plays at our theater and for other visitors. She noted that the hospital is nearby, at 31 Street and First Avenue, and is worth visiting to see the security system.

VP Pignatello reported that approximately 150 security cameras will also be installed as a deterrent; this project will follow the installation of the turnstiles. He said that he and Mr. Murphy would like to meet with the Senate to discuss that and other security issues at a later date. The two thanked the Senate for having invited them and said they thought the questions and the suggestions were extremely helpful. Both were thanked for having accepted the Senate's invitation.

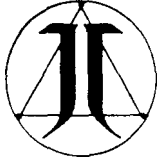
By a motion made and carried, the meeting was adjourned at 5:10PM.

Respectfully submitted,

Edward Davenport
Recording Secretary

&
James Cauthen
Co-Recording Secretary

&
Amy Green
Vice President



ATTACHMENT A

JOHN JAY COLLEGE OF CRIMINAL JUSTICE

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

September 28, 2001

To: The College Council

From: The Faculty Senate Executive Committee

The Executive Committee of the Faculty Senate proposes that the College Council endorse the following statement by the Vice Chair (and Acting Chair) of the CUNY Board of Trustees, Benno Schmidt, which is part of a longer statement Mr. Schmidt made at the September 24, 2001, meeting of the CUNY Board of Trustees. While considering Mr. Schmidt's entire statement to be praiseworthy, the Faculty Senate's Executive Committee believes that the following paragraphs of particular vital importance to John Jay and to CUNY and, thus, proposes the College Council's endorsement:

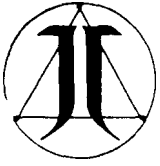
"What are our leaders telling us at The City University? To have courage; to act according to our fundamental values; to be patient and to persevere; to get back to our important work; and, to rebuild our City, our University, and our own battered spines.

"Our faculty and students come from every corner of the globe. Every race, every great religious tradition, every ethnic group is part of our academic family. It seems likely that the United States will undertake military operations in countries where CUNY students and faculty have powerful roots. Times of tragedy, crisis, and military action engender strong emotions: pride and patriotism, powerful fears, acute concerns about justice and loss of life. In such times, it is important for The City University of New York to adhere to first principles.

"Academic freedom, freedom of inquiry in the search for truth, the freedom of thought to challenge and speak one's mind, these are the matrix, the indispensable condition of any university worthy of the name. The City University of New York has a proud tradition of academic freedom. We will defend the academic freedom of our faculty and students as essential to the preservation of The University. That these are prized American values, as well as central to the academic mission, only makes their defense in times of crisis the more essential.

"Threats, harassment, discrimination of any kind, based on race, religion, national origin, political persuasion, or any other characteristic irrelevant to the academic enterprise is an assault on the Foundation of the University. I have asked the Chancellor to take every appropriate measure to protect our academic mission and our students, faculty and staff from any harassment or other inhibition on their ability to pursue their academic work in freedom.

"The academic work of the University is critically important to our City, our State, our Nation. We are one of the world's most powerful enterprises in the competition between knowledge and ignorance, temperance and fanaticism, civilization and catastrophe. The University has a critical role to play in rebuilding our City, in mitigating the tragedy of September 11th, and in building a world of opportunity. This means that disruption of the University's vital work in the name of some other agenda is not only self-defeating, but intolerable. This University will remain free, will remain open and tolerant, and will function, even in, especially in, a time of crisis."



JOHN JAY COLLEGE OF CRIMINAL JUSTICE

The City University of New York

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ATTACHMENT B

To: The College Council

From: Professor Karen Kaplowitz
President, Faculty Senate

September 28, 2001

The Faculty Senate held a special meeting on September 26, 2001, which many other John Jay faculty also attended, to discuss possible ways to help our students continue their academic studies at John Jay while coping with the terrible events of September 11, 2001, when the World Trade Center and the Pentagon were attacked, and while coping with the aftermath of those events.

These proposals are offered with the understanding that they require consultation and, possibly, emendation, and that the details of these proposals will have to be worked out either prior to or immediately after the October 17 meeting of the College Council.

Because the deadline for the College Council's October 17 meeting was immediately after the Senate's September 26 meeting and because Yom Kippur was on the evening of September 26 through the evening of September 27, consultation could not take place prior to submitting these proposals for inclusion on the College Council agenda.

But because any action the College Council may decide to take must be taken as soon as is practicable if the desired outcome is to be achieved – which is to help our students with their academic studies during these terrible and unprecedented circumstances – the Senate is submitting these proposals without having had the opportunity for consultation we would ordinarily engage in and which we would have liked to have taken place. But these terrible times require, indeed, demand flexibility and understanding, and the Senate requests such understanding. The Senate pledges to engage in the consultative process to the fullest extent up to and after the College Council meeting.

The following proposal, which comprises four parts, is for the Fall 2001 semester only.

The Faculty Senate approved this 4-part proposal by unanimous vote. Furthermore, the entire body of faculty, including the Chair of the Council of Chairs, present at this special September 26 meeting called by the Senate, unanimously approved the following 4-part proposal:

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Resolved, That the Faculty Senate proposes that the Provost, the Dean for Admissions and Registration, the Associate Provost, the Dean of Graduate Studies, representatives of the Faculty Senate, and representatives of the Council of Chairs develop plans and protocols whereby:

(a) A procedure be developed to enable students to take one or more of their courses on a Pass/Fail basis (beyond any Pass/Fail course(s) they may already be taking or may have taken) and that students be able to do so by a date to be determined; and that the procedure to apply for the Pass/Fail grade option include a mechanism for consultation, advisement, and sign-off, to be determined; and that, furthermore, the Pass/Fail regulations as described in the John Jay Bulletin be suspended for the Fall 2001 semester to enable this proposal to be put into place;

(b) The final date for students to withdraw from courses without academic penalty be extended from the current date of November 14,2001, to the last day of classes of the Fall 2001 semester or to another date later than November 14,2001, a date to be determined through the consultative process described above;

(c) The date for the academic warning notice to freshmen, as required of faculty by the College, be extended from October 1,2001, to a later date to be determined through the consultative process described above, especially since most classes and especially Monday and Wednesday classes, have met very few times thus far this semester;

(d) A procedure be developed to extend the option for students to take one or more of their courses as Independent Study courses (beyond any Independent Study course(s) they may already be taking), conditional upon the concurrence of their instructors, in those cases where students are unable to attend classes because of injuries or other hardships caused by the events of September 11,2001; and, furthermore, that the Independent Study regulations as described in the John Jay Bulletin be suspended for the Fall 2001 semester to enable this proposal to be put into place.

Explanation :

These proposals are intended to enable our students to continue their studies and to complete their courses this semester if that is their wish. While the Governor and the CUNY Board of Trustees have provided wonderful leadership whereby CUNY students under certain circumstances may withdraw from all their courses without academic or financial penalty and while we find such actions to be praiseworthy and compassionate, our proposals are designed

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for those students who do not wish to withdraw from the College or who do not wish to withdraw from all their courses or who do not know, at this point, and who may not know until the very end of the semester, what they should do or what they need to do.

The Faculty Senate and the other faculty at the September 26 meeting believe that every opportunity and every accommodation that we can reasonably provide as a College should be put into place. There are many precedents for these proposals during past crises at universities, including at *CUNY*, and there are many precedents for these proposals at many universities where many of these proposals are standard operating procedures.

Again, these proposals are for this Fall 2001 semester only and require a thorough vetting as to their feasibility and possible ramifications. We submit them to the College Council in the hopes that this vetting will take place in time for the October 17 College Council meeting and that, should that prove not possible, that the College Council consider and vote on these proposals in principle and that if the proposals are approved by the College Council in principle, the necessary analysis for the implementation of the proposals take place in an expeditious manner.

ATTACHMENT C

Resolution on Monitoring Software

Whereas, The faculty have learned that DoIT is investigating the acquisition and use of software that will keep detailed logs of Internet use and email communication by computers on the John Jay College network, and

Whereas, The faculty believes that such software has no place in an academic institution dedicated to the investigation and advancement of knowledge, and

Whereas, The faculty believes that such software is an abridgement of academic freedom, and specifically violates the **AAUP** principal that "teachers are entitled to full freedom in research," and

Whereas, The faculty believes that use of such software may violate *NYS* Law, specifically *NY* CLS CPLR §§ 4509 on the confidentiality of library records, which was specifically revised in 1988 to include confidentiality of database searches because, according to the Recommendations of the Law Revision Commission "Without such privacy, there would be a chilling effect on the citizen's right to seek information freely, contrary to the objectives of the First Amendment," and

Whereas, Keeping such logs may encourage lawsuits that seek to discover what individuals have been reading or viewing, and

Whereas, Investigation of such software is extremely time-consuming for a short-staffed department, and

Whereas, Such software is expensive and would reduce the amount of scarce funding for other programs,

Therefore, The Faculty Senate resolves that the Department of Information Technology should cease to consider the purchase of such software and should in no event purchase such software until the various legal and ethical issues have been thoroughly debated and resolved and a College policy on privacy of electronic information has been approved by the College Council, and

Therefore, The Faculty Senate requests that the College Council of John Jay College of Criminal Justice join in the endorsement of this Resolution.

Adopted by unanimous vote of the John Jay Faculty Senate Technology Committee
October 10, 2001

Adopted by unanimous vote of the John Jay Faculty Senate
October 11, 2001