

## Faculty Senate Minutes #220

### John Jay College of Criminal Justice

November 7, 2001

3:15 PM

Room 630 T

**Present (21):** Orlanda Brugnola, James Cauthen, Leslie Chandrakantha, Edward Davenport, Kirk Dombrowski, P. J. Gibson, Ann Huse, Karen Kaplowitz, Sandra Lanzone, Tom Litwack, James Malone, Jill Norgren, Daniel Paget, Rick Richardson, Jodie Roue, Ellen Sexton, Carmen Solis, Davidson Umeh, Margaret Wallace, Robin Whitney, Liza Yukins

**Absent (16):** Yahya Affinnih, Luis Barrios, Jane Davenport, Betsy Gitter, Amy Green, Edward Green, Maki Haberfeld, Kwando Kinshasa, Gavin Lewis, Peter Mameli, Evan Mandery, Mary Ann McClure, Lorraine Moller, Dagoberto Orrantia, Agnes Wieschenberg, Susan Will

**Guest:** Dean of Admissions and Registration Richard Saulnier

#### November 7, 2001 meeting agenda

1. Announcements from the chair
2. Adoption of Minutes #219 of the October 24, 2001, meeting
3. Report on Faculty Senate action to fill an empty faculty seat on the College Council
4. Update on the Senate Resolution on monitoring of computer use
5. Invited guest: Dean of Admissions and Registration Richard Saulnier

#### 1. **Announcements from the chair** [Attachment A]

Reports of the Board of Trustees operating and capital budget requests for FY 2002-2003 were distributed [Attachment A].

President Kaplowitz reported that she reviewed the classroom chalk situation with Vice President Pignatello. Department secretaries will now have a supply of chalk for their department members. A memo from Eric Drucker, who now reports to VP Pignatello, has just been sent out and in the memo **Mr.** Drucker adds that in addition to the supplies that department secretaries will henceforth have, he will personally provide chalk to any faculty who call him.

**2. Adoption of Minutes #219 of the October 24, 2001, meeting**

By a motion made and approved, Minutes #219 of the October 24, 2001, meeting were approved.

**3. Report on Faculty Senate action to fill an empty faculty seat on the College Council**

No one who is eligible to fill the vacant Faculty Senate seat on the College Council is available to serve, and, therefore, as decided by the Senate at its last meeting, the Department of Law, Police Science and Criminal Justice Administration has been informed that, as the next largest academic department, it has been allocated a second seat on both the Faculty Senate and the College Council. Professor Robert McCrie, the department chair, has said his department will be pleased to have a second representative on both bodies and will transmit the name of the person as soon as the selection is made.

**4. Update on the Senate's Resolution on monitoring of computer use**

The College Council Executive Committee did not meet on November 5, as it had been scheduled to, but will meet instead next week and thus has not yet acted on the Senate's request to have the Senate's Resolution on monitoring of computer use placed on the agenda of the College Council's November 21 meeting. That Resolution asks the College Council to join the Faculty Senate in calling for cessation of the purchase of computer monitoring software until such a time as the College Council passes a policy on privacy with regard to computer use. President Kaplowitz reported that she sent a copy of the Senate's Resolution to Professor Harold Sullivan, the Chair of the Council of Chairs, so that the Chairs could be familiar with the issue and also with the Senate's position and, if the Chairs were to agree with the Resolution, as she believed they would, the Chairs could inform their department representatives on the College Council of their support for an affirmative vote on the Resolution. She also sent a copy to Professor Ned Benton, since he is involved in many CUNY-wide committees on technology and computing. Both Professors Harold Sullivan and Ned Benton told her they strongly support the Senate's Resolution.

She said that subsequently – yesterday – at a meeting of the Council of Chairs, at which Vice President Pignatello was the invited guest, and at which she was present, when Professor Harold Sullivan raised the issue of College monitoring and logging of computing use, including web pages visited, and spoke of his and the chairs' absolute opposition because such activity is contrary to freedom of inquiry and academic freedom and because of the chilling effect it would have, Vice President Pignatello responded that he and the Department of Information Technology will not pursue the purchase or use of such software. VP Pignatello said that he anticipated that the issue would be controversial and upon seeing the unanimity of the opposition among the faculty – both the Faculty Senate and the Council of Chairs – he has decided to not pursue this project any further.

Senator James Malone made a motion directing President Kaplowitz, on behalf of the Senate, to ask Professor Harold Sullivan to write VP Pignatello reiterating the position VP Pignatello stated at yesterday's Council of Chairs meeting so as to memorialize that stated position. This motion was

adopted by unanimous vote. President Kaplowitz said she would do so and said that she is pleased that the Senate's discussion and Resolution had led to the desired result without the need to bring this to the College Council.

President Kaplowitz announced that at its October meeting, the Curriculum Committee passed a resolution calling for the prior approval by the Curriculum Committee of all decisions by DoIT based on the fact that all DoIT decisions affect the academic activities of the College, including the curriculum. This resolution was to be placed on the November 21 College Council agenda but VP Pignatello asked Associate Provost Kobilinsky to withhold sending the resolution to the College Council so that he could meet with the Curriculum Committee to discuss his opposition to it. And so VP Pignatello is meeting with the Curriculum Committee at its next meeting which is in two days, on November 9. She added that she will attend that meeting because the issue of computer monitoring may arise and because the issue of meaningful and regular consultation between DoIT and the faculty is an extremely important one. Senator James Malone suggested that in the future the Faculty Senate may wish to address the question of who academic computing should report to.

**5. Invited guest: Dean of Admissions and Registration Richard Saulnier [Attachment B]**

Dean Richard Saulnier was welcomed and thanked for accepting the Senate's invitation. Dean Saulnier distributed copies of the Spring semester class schedule booklet, which just recently arrived from the printer, and he announced that telephone registration for the Spring semester began yesterday and said that it was going nicely.

Dean Saulnier reported that generally the schedule of classes is on the College's website three weeks prior to the actual publication of the class schedule booklet. He explained that as soon as final copy is shipped to the printer, his Office posts the schedule on the website in searchable and HTML format.

Senator Liza Yukins asked the timetable if a new section of a required course is added to the course offering: what is the amount of time between a chair's decision to add a section and the ability of students to register for that section, explaining that her chair has just asked her to teach a newly added section of Literature 233 and her students are asking her when they can register for it. Dean Saulnier explained that the information about a new course or course section goes from the department chair to the Provost's office and then to Mr. Jeff Harter in the Registrar's Office and, unless it is an extraordinarily busy day, the course is created as soon as it is received by Jeff Harter.

But, Dean Saulnier cautioned, the only way students will be aware that a new section has been added is if they go to the web because the class schedule booklet has already been published and that new information is not updated on the web. What is updated is the searchable engine for the next semester's schedule. A required course will probably fill but, he added, it is dangerous to add elective courses or non-core courses at this stage of the process because students seem to have trouble discovering that such courses exist. But if there is an audience of students that is looking for a course, those students tend to find it; if it is a required course that is part of the core, it fills up. So students should be told to look at the searchable engine on the web and to search for the course either under the instructor's name or by the course number.

Senator Rick Richardson said one problem with new courses is that there is no description of

such courses on the web. Dean Saulnier said that if the course exists in the College bulletin, when the student goes to the searchable engine on the web and clicks onto the course, the student immediately sees the bulletin description of the course. But if it is an experimental course, there is no description of the course in the bulletin and, therefore, no description of the course for the students to see. And this is a problem because as a result students do not know what the course is about. He said he does not know how to solve that problem, adding that we offer 20 to 30 experimental courses each semester and trying to put all that information on the web is difficult.

Senator Richardson asked whether there could be a link between each new course and the department web page where a description of the course can be provided by the department: thus, if a student clicks on such a course they can see not the bulletin description but the department web page description. Dean Saulnier said he is not comfortable with such an approach: the Registrar's Office does not advertise any courses and tries, as far as is possible, to keep the scheduling information located within the Registrar's Office and the Provost's Office. He said he did not think it would be wise to link the registration schedule to department webpages because some departments have a great wealth of information on their home page and some departments have almost no information. He said solving this problem is certainly something to consider and he noted that this is the first time this issue has been raised and he has not had time to think about it. He said his initial reaction to the suggested solution is not too positive but that does not mean that he will ultimately still feel this way. He said he'd like to think about it further.

Dean Saulnier said that core courses that are added after the class schedule booklet is published usually fill up because when students attend arena (in person) registration, after telephone registration, the Registrar's Office circulates lists of open sections. And as courses close and the availability of courses dwindle, the Registrar's Office posts open courses on the web. The problem is such courses as Rick Richardson is talking about, for example, the 190, 290, and 390 courses which have no descriptions on the web for the students to go to. Even when they are in the class schedule booklet they are a difficult sell because the description is so minimal. Senator Richardson said one reason he is raising this is because now that we have telephone registration, if a course is undersubscribed, it is cancelled prior to arena registration.

Dean Saulnier agreed that if such a course is badly undersubscribed it rarely is still available at arena registration because it has already been cancelled. Senator Richardson said that he knows of courses that had 11 or 12 students registered during telephone registration that were nevertheless cancelled prior to arena registration even though more students may have registered for those courses during arena registration. So if the student had the opportunity to read about the course, such courses might draw sufficient enrollment so they do not have to be cancelled. He noted that a tremendous effort by faculty is put into creating such courses and that it is extremely disappointing and demoralizing when they are cancelled, especially when they are cancelled prior to arena registration.

President Kaplowitz asked whether a solution might be to provide a link between the online course listings of new and experimental courses to a Registrar's page that would contain a description of those courses not in the bulletin. By having the course descriptions on the Registrar's page, the Registrar's Office could ensure that course descriptions would be equal in length and in format, and would be independent of the kinds of home pages that individual departments maintain. Each semester a new Registrar's page of the next semester's new courses could be provided.

She added that the experimental courses that Senator Richardson and Dean Saulnier spoke about – the 190, 290, and 390 courses – are offered, in part, to determine whether they should be part

of the permanent course offerings: when a course is proposed for approval to the Curriculum Committee and then to the College Council as a regular (non-experimental) course, the rationale for such approval is invariably that the course has been offered several times as an experimental course, the number of students who enrolled in those experimental courses is reported in support, and student interest in taking the course and faculty interest in teaching it are used to make the case that the course should be approved. But if the experimental courses cannot draw students because of the limitations of online registration, those courses will never have a chance of becoming permanent courses. Furthermore, when courses are approved as permanent courses by the Curriculum Committee and then by the College Council, those courses are also not listed in the bulletin until a new edition of the bulletin is printed, which means that even permanent courses have no link and no information available for students who register by telephone or online.

Dean Saulnier said that the possibility of links of new and experimental courses to a Registrar's page is more feasible than links to department pages and it is something that he will give serious thought to and he will report about it to the Senate.

As for Fall enrollment, Dean Saulnier noted that because this is much later in the semester than he usually meets with the Senate to report on enrollment, the Senate will be receiving much more information meeting than he is usually able to provide. He has compiled the most pertinent tables [Attachment B] and will also provide a complete set of all the tables to Professor Kaplowitz. He distributed the 8-page packet of tables [AttachmentB]. [The complete 22-page packet of tables is available from the Faculty Senate Office.]

Senator Jill Norgren thanked Dean Saulnier for the tables, which she praised, adding that she will immediately share them with the members of her department. She said it is exciting to see the statistics on gender distribution, noting that those who started teaching at John Jay in the early 1970s remember when it was a virtually entirely male student institution and now the total enrollment is 59.95% female, the undergraduate enrollment is 59.71% female, and the graduate enrollment is 62.41% female. She asked whether we know how well the female students are doing at John Jay in terms of grades, rates of progress, graduation rates, and so forth. Dean Saulnier explained that most of these tables come out of another report which he produces for the College and that he is in the process of doing the graduation report for the last two years and it appears that women are in the graduating class in the same percentages that they are in the general population but he won't know the final numbers for a while. He noted that Karen has asked him to return again in a few months to give an update on enrollment and he'll be better answer the question then.

Dean Saulnier added that the issue of gender has been consistent over a long period of time: our student population is becoming more and more female – there is actually a slight decline in the percentage of the female population this semester because of the presence of the Police program, since the police department is overwhelmingly male. If one takes out the police student numbers, the population of female students goes back up to 61%. He said this is, as Professor Norgren points out, a very interesting change in the College which was once almost entirely male. Asked how our numbers compare to other *CUNY* colleges, Dean Saulnier said we are probably a little more female than most. He said he does not know the explanation for this.

He said that while there has been a continuing increase in the percentage of women students, the racial and ethnic breakdown seems relatively stable. There are individual fluctuations from year to year but looking at the last table on page 4 of the Report, which shows race and ethnicity over a 4-year period, one sees that the percentages have not changed much at all.

Dean Saulnier then reported about this semester's enrollment, noting that the last time he met with the Senate, which was last semester, in the Spring, he was bemoaning the fact that **CUNY** had imposed a new admissions process on CUNY colleges whereby entering freshmen were being accepted at three different colleges and we had to compete with other CUNY colleges for students. He recalled having said that he didn't know what the result of that process would be. The new process worked enormously well in our favor. It dragged along for a while and was bumpy, but with the assistance of Pat Sinatra's people and the people in the Basic Skills Program and a couple of judicious mailings just before the Fall semester our Fall 2001 freshman class is up 350 students compared to Fall 2000. The wonderful news is that 98% of the entering freshmen are enrolled full-time, which means that the freshman class increase of 350 students translates to just about that number of FTE (full-time equivalent) students.

The other thing that happened during the spring and summer is that the New York City Police Department decided to ask John Jay to run a series of courses that were funded by the New York City Council in the amount of about \$1 million. The NYPD was concerned about two issues: first, the police officers' response to the cultural diversity of the City and, second, because there are so many young police officers, the issues of supervision and training. The NYPD asked the College to develop a program by which we would offer academic courses to the police officers in several different areas. What was agreed was that the College would give a 12-credit program whereby the officers would take courses free of charge to them. In June the program was offered two days a week and during this academic year the courses were offered in accordance with the academic calendar with the courses given on Fridays. He called it an extraordinary experience, noting that the Police Department could not be more cooperative with scheduling of officers' tours, could not be more cooperative in terms of paperwork, and it was an enormously positive experience, so much so that most of the police officers who attended the courses in June returned for the Fall semester. So there were 640 officers enrolled in the Friday program this Fall prior to the events of September 11. The feedback from individual officers was very, very positive and a **high** level official of the NYPD told a John Jay person that he found it remarkable that despite the extremely large numbers of police officers taking the program, not a single complaint about any aspect of the program was reported.

The enrollment increase came from those two areas: the entering freshman class was extraordinary and we had probably had between 550 and 600 police officers attending the special program who had not attended John Jay previously. September 11 had a tremendous impact on the police program, which the College is still trying to sort through, and we still do not know and we probably will not know where that will end up until toward the end of the semester. Some officers will be dropping out. The schedules the police officers have been working, the jobs they've been asked to do since September 11, have been extraordinary; they have been on 12-hour shifts, six days a week, for almost a month afterward, and some are back to their regular posts and some are reporting to their regular posts and are then going to other assignments around the City. Their lives aren't very stable right now. We think there are 250 who have made it back to the program and we're continuing the program for those officers who have come back and will start it up again in the Spring semester.

Yesterday's election put three John Jay graduates on the City Council and we're hoping the new City Council continues to support and fund this program. Asked who the three are, Dean Saulnier named Miguel Martinez, Allan Jennings, Jr., and Larry Seabrook. [Miguel Martinez represents District 10 in Manhattan; Allan Jennings, Jr. represents the District 28 in Queens; and Larry Seabrook represents District 12 in the Bronx.]

Dean Saulnier added that the 350 full-time entering freshmen are expected to return for the Spring semester and so the outlook for the Spring semester is very positive.

Senator James Cauthen asked what percent of the Fall entering freshmen are baccalaureate students and what percent are associate degree students. Dean Saulnier said that between 53% and 55% are baccalaureate students. And of those, 60% were skills-certified prior to starting their courses in the Fall – this is the highest percentage we have had. The University provides a multitude of ways for students to demonstrate their skills competency and to be, thus, exempt from remedial courses: those ways are achieving a certain score on the SATs, achieving a certain score on the Regents exams, or taking and passing the Basic Skills Program which at John Jay is administered by Pat Sinatra. He added that for many reasons students are being encouraged by the College to hold onto their associate degree status while on their way to the baccalaureate degree because it is beneficial to our College. So whereas there had been a rush to get students into baccalaureate programs very quickly in their college career, we are now trying to guide them toward the associate degree, especially since the associate degree program in Criminal Justice has been approved and is being offered.

Senator Daniel Paget asked whether this means that the College administration has decided to no longer honor the agreement with the faculty to have as a College goal a mix of at least 75% baccalaureate degree students and a maximum of 25% associate degree students. Dean Saulnier said he does not think the agreement has been abandoned on a permanent basis but rather that everyone agreed that while the College was having budget difficulties that it wouldn't be an issue. Right now, as we speak, 76% of the undergraduate population are baccalaureate degree students and 24% are associate degree students. This is the percentage breakdown of the total undergraduate population rather than of the entering freshman class, which is what Professor Cauthen had asked about.

President Kaplowitz said that she believes that most if not all of us still want to have entering classes with a ratio of at least 75% baccalaureate and 25% associate degree students but that we should keep in mind that since adopting that principle a number of years ago, the College significantly increased its admission requirements for both baccalaureate and associate degree students. As a result of that increase in requirements, many students who earlier would have been admitted as baccalaureate students are now admitted as associate students and many who were admitted as associate students are no longer admitted at all. And so the level of preparation of our students now is higher than might be suggested by the percentages that Dean Saulnier just gave us.

Senator Daniel Paget asked whether the police officers attending the Friday program are likely to continue at John Jay in one of the College's regular programs. Dean Saulnier said his instincts tell him the answer is yes. Over the last couple of days he has been working on the graduation report and there is a phenomenon of police officers who started at John Jay, for example, in the 1970s and returned years later and will be graduating in May. He said several things are being done to encourage this: the Registrar's Office is loading all their police credits into the system and is sending the officers copies of their transcripts so they understand the benefit of coming to John Jay, because most receive 28 college credits for their police academy studies. The officers are also being encouraged to provide their transcripts from all the other colleges at which they have taken courses so we can load those credits into our system because many police officers do not need very many credits to obtain a bachelor's degree. If they are new police officers who entered the NYPD with the 60 credits now required of new recruits and they get 28 credits from the NYPD academy, that means they have 88 credits when they become police officers. So the College is working with them to see how we can help them complete the remaining credits.

Senator Tom Litwack spoke about focus groups that he and Karen Kaplowitz a few years ago helped organize and conduct with police officers who happened to be receiving NYPD training in space the College provided as a courtesy for that purpose. He said there was a general consensus among the police officers that they preferred once a week classes, which is, of course, what they are having in the Friday special program. He asked whether it might make sense to conduct a survey or focus groups of the Friday students about what kinds of courses and schedules they would prefer, including whether one-day-a-week classes during the week would be attractive to them.

Dean Saulnier said that once a week classes work fine on Fridays, Saturdays, and Sundays but scheduling once weekly classes during the week during prime time hours would be a nightmare in terms of scheduling classroom use. He said that people have suggested scheduling a mirror class on the alternate day but if the mirror class is cancelled, the room is vacant for two periods during prime time. Senator Litwack asked whether we could not simply ask the Friday police students what their preference is: M/W and T/Th classes or once weekly classes Monday through Thursday. Dean Saulnier said that Provost Wilson and the faculty program coordinators are surveying the Friday students about their experiences with the program; he suggested that Professor Litwack may want to suggest to the Provost that this question be added to the survey, which is being administered every semester.

Senator Paget said we have to consider not only the wishes of the students but the academic integrity of the courses. Sometimes courses that meet once a week do not contribute to academic strength in a course, especially in certain disciplines, and he recommended that this be fully discussed before any decision is made to schedule one day a week courses.

Returning to his Report on enrollment, Dean Saulnier noted that our undergraduate majors are dominated by the degrees in criminal justice and forensic psychology. For the first time in the last four years, the percent of students majoring in legal studies dipped down under 10%. He noted he provides 4-year trends on all the majors in the tables. He has also begun doing analyses on transfer patterns; for example, we have very, very few people transferring into our forensic science programs and many, many students transferring into our criminal justice programs.

Graduate admissions has experienced a bumpy road over the past several years. A number of years ago, the graduate programs, in a quest for uniformity, decided to make the GRE mandatory for all five graduate programs. When that went into affect, enrollment plummeted, particularly for criminal justice, public administration, and protection management. There are several really good reasons for that. Those three programs are unlike our programs in forensic science and forensic psychology, which are our high demand programs and which have very little competition, even nationally and are the pre-eminent programs in the fields, both locally and nationally. For the Fall 2001 class, we accepted about 2 out of every 10 applicants for the forensic science program and we accepted about 2 out of every 5 applicants for the forensic psychology program.

But for the criminal justice, public administration, and protection management programs there is lots of competition locally and many of our competitors do not require the GREs. Also there are students who are GRE phobic, who will pay more for their education elsewhere rather than have to take the GRE. So in the middle of the Spring semester, the Graduate Studies Committee proposed and the College Council agreed to relax the requirement for the GRE for admission to those three programs. Graduate admissions for this semester increased about 20%. There is also interesting data involving race and ethnicity because some people believe that the data show that the GRE and peoples' attitude toward the exam is discriminatory in itself and discourages certain populations of

people from applying to programs. Some of that is borne out in the last set of tables on page 8 [Attachment B] in which the admissions for Fall 2000 are compared with those for Fall 2001. There is certainly a big difference in the number of African-American applicants to the criminal justice program, for example. This will be studied by us over time. The forensic psychology numbers are holding strong and the forensic science program is limited by the lab space and not by the number of applicants. There is still an absolute requirement for the GRE for forensic psychology and for forensic science.

Senator Litwack said he is confused about the data in the table on page 5 [Attachment B]: he said he assumes that the five programs listed at the bottom of the table are the five graduate programs. Dean Saulnier said no, those are the BA/MA programs. Senator Litwack said that clears up his confusion.

President Kaplowitz asked about the second table on page 8 in light of Dean Saulnier's statement that there is **an** increase in graduate students since the table shows decreases in some of the graduate programs. Dean Saulnier explained there is an increase in admissions to the graduate programs but not in the total number of graduate students enrolled: the latter is what is shown in the table. He added that when he does the graduation reports, we will see that our graduate programs are very successful in graduating students and since enrollment in the graduate program is about a year and a half cycle, if enrollment is down it takes about a year to increase it. A 20% enrollment increase in one semester does not necessarily translate into an enrollment increase overall.

The other thing favorable to the College, he said, is that our admissions recruiters report being overwhelmed at all the high school fairs: his recruiters describe the interest in John Jay as triple what it normally is. This is a reflection of the sense of public service, of the interest in public service, and it is probably related to September 11. We are probably going to see an enrollment growth related to the tragedy of September 11. Similarly, our graduate open house last week drew the biggest crowd that we've had in years and the interest was spread across all the programs.

Dean Saulnier reported that most of the decline in enrollment since September 11 has been of people involved in law enforcement and emergency services. We have two students for whom we have death certificates. We have another six or seven we strongly suspect are deceased. We are trying to use the attendance rosters to determine who has been missing since September 11 and the attendance rosters are like everything else we do: some of the faculty take them very, very seriously and some take them less seriously and some take them not too seriously at all. And so we are gleaning some information from that but not **as** much as we thought we would. We are not going to know this semester's final enrollment number until probably shortly after final grades are handed in.

Senator P. J. Gibson said her sense is that far more students are dropping classes than in the past and she asked what the implications are for the College and for the students. Dean Saulnier said if students are simply withdrawing from classes, the effect is more on the students than on the institution. He said his Office will look at "W" grades at the end of the semester to see if there is a dramatic increase. Unfortunately, most of the effect of "W" grades, even though they are non-penalty grades, accrue to the students, especially if students are financial-aid eligible because as students start to withdraw from courses during various stages in their academic career they can lose financial aid eligibility. There is an appeals process involved, which will be sensitive to what happened to students this semester: we have some leeway in that process although the State has been auditing colleges. For example, the State audited the tuition assistance program (TAP) at the College of Staten Island (CSI) and CSI was fined about \$2 million for granting exceptions. Some of the

issues that were problematic for CSI do not exist at John Jay because CSI admits students without majors which we do not do. But one thing the State took exception to is CSI's granting waivers to students who lost financial aid eligibility. We think John Jay does not have that problem,

Senator James Cauthen said he and others recently became aware of the financial penalty assigned to colleges, including John Jay, if students who receive financial aid receive WU grades: should we change our approach to grading by not giving the "WU" grade? Dean Saulnier said that Karen has spoken with him about this because it had been raised at the Senate and he said he is glad he has the opportunity to address this important question. He explained that John Jay disperses financial aid in the amount of about \$50 million a year through John Jay's Financial Aid Office in the form of loans, federal grants, and tuition assistance program money. In that context, financial penalties in the range of \$185,000 to \$250,000, which is what we have been assessed each semester since the penalty program was instituted, are not very significant at all. He explained that CUNY instituted and implemented the "WU" grade because the federal government took exception to the way CUNY permitted students who had stopped attending class to receive grades, including the grade of "F." The federal government determined that the grade of "F" is not a valid grade for students who stopped attending class; instead the grade of "WU" is given in those circumstances. The amount of money that we are penalized – even though it hurts us now – is not significant in view of the fact that we have so much money – \$50 million – vested in the federal financial aid programs. He said faculty should, therefore, continue assigning the "WU" grade.

Furthermore, our Financial Aid Office is developing ways of addressing this problem through the use of the attendance rosters and so, once again, attendance rosters are very important. The Financial Aid Office is stopping students' checks if the attendance rosters show that the students are not in attendance but if the faculty don't report attendance accurately and, instead, just mark everybody on the roster as being in attendance, then the checks can't be stopped and the College is assessed a financial penalty. Dean Saulnier concluded by stating that a student who deserves a grade of "WU" should be assigned a "WU" because the jeopardy on the other end of the process is much, much greater than the \$200,000 a semester that we have to pay even though that \$200,000 hurts us. President Kaplowitz added that John Jay could be audited at any time. Dean Saulnier agreed and noted that the State has advised CUNY that it will be choosing another college at which it will conduct a Staten Island type of audit: the auditors were at CSI for two months.

Senator Margaret Wallace asked whether she still has to check whether the students registered for her forensic science courses next semester passed the prerequisite courses this semester. Dean Saulnier noted, in answering her question, that John Jay has a 100% prerequisite checking system, something the Faculty Senate long petitioned for. But, he added, that over the past few semesters he has learned from individual faculty that some of the prerequisite checks weren't working. For example, Professor Cauthen had identified a problem of non-seniors registering for a seminar which was open only to seniors and so a program was rewritten to correct that. But one problem that remained, which is what Professor Margaret Wallace is referring to, is that although we're registering students for the Spring semester now, we won't know whether the students will have passed the courses they are taking this semester, including those courses that are prerequisites for courses that they are registering for. Some faculty, for courses such as forensic science, have been checking individual students records one by one but that is a daunting chore. And so during the summer, the Registrar's Office pilot tested a program that they had written that checks the records of all students, after grades are handed in for a semester, to make sure that all students still meet all the prerequisites for their next semester's courses. This program will be run in December as soon as faculty hand in final grades and in this way students who do not meet the prerequisites for the

courses will be identified and the Registrar's Office will inform them that they are being dropped from the courses for this reason. And so the answer to Professor Wallace is that **as** of now she no longer has to check her next semester's students' grades. Dean Saulnier was congratulated and thanked for developing and implementing such a wonderful program.

Final grades this term are due December 27th. Dean Saulnier explained that grades are loaded onto the system the day they are received. Students are able to get their grades online the next day. Furthermore, *CUNY* is making web-based registration available to several colleges and John Jay is one of six colleges that is pilot-testing the system for our graduate students this semester. The system was developed by IBM for *CUNY*. It is a wonderful, user-friendly, total-information, interactive database. When registering, students can look up their schedule, see the time periods, see the courses laid out according to time periods, go to the Financial Aid screen and check their bill and their financial aid, review past semesters, review their transcripts, their grades, all in a secure web module. When the grades are loaded into the system as they are handed in to the Registrar, the student will see the grade almost immediately. There will not even be a one-day delay. It also gives open sections in real time. *CUNY* asked us to limit the pilot test to 1,000 students this semester and we chose graduate students since it's a definable population and we're asking for their feedback.

Senator Daniel Paget asked whether the final exam schedule could be posted on the web. The Registrar said that although it is on the web as part of the class booklet schedule, Professor Paget is correct that it should be in a separate location, one which is easy searchable and easy to find, and he said he would do that.

Another new initiative is that **SXMS** – Student Information Management System – accounts have been created for faculty at the request of the Faculty Senate Technology Committee. Around *CUNY* there are differences in accessibility to the SIMS database by faculty, from some colleges that make a student's entire record available to faculty to other institutions that make nothing available to faculty, John Jay's position was to not make all the information available and, therefore, no information was available. The Senate's Technology Committee suggested a workable compromise, that faculty have access to student information, but not to grades or to GPAs.

Senator Rick Richardson said he has reassured many of his students that they may take incompletes this semester and he asked how the prerequisite checking module will treat incomplete grades. Dean Saulnier said that's a very good question and he will check on that but he can say that an incomplete will not stop a student from registering for next semester but it might cause problems with the prerequisite checking process.

As for the timeline for resolving incompletes, there is a deadline for students to make up prior semester incompletes and that date is published every semester. That deadline is a Registrar's deadline for students who are taking makeup examinations that are administered and proctored by the Registrar's Office. That deadline does not apply to all the other students who make arrangements with their instructor. There are 1600 incomplete grades each semester. Of those, 250 to 300 students take makeup exams administered by the Registrar's Office. That leaves 1200 incompletes that are worked out with the faculty member or that are turned into the grade of "F" at the end of the semester. The grade, however, is not changed until the grades are turned in for the following semester. But even after that point, if the student meets with the faculty member and the faculty member wants to work with the student to change what is now **an** "F" to a passing grade, the student and faculty member have until the end of the subsequent semester. There is no penalty to the student except that the "F" is on the record for some period of time and may cause some financial aid

eligibility problems. If an instructor turns in a change of grade for up to one year from the end of the semester, the grade will be accepted and posted to the student's record. If it goes beyond the year, then the form is returned to the instructor with a note that there is an appeals process through the Standards Committee.

President Kaplowitz asked whether a student can now take an entire B.A. program through the weekend program courses, as she has heard. Dean Saulnier said a student can take the bachelor's in Criminal Justice entirely through the Weekend College but only if the student does not require rernediation and has police academy credits. He added that CUNY now wants at least one graduate program available that a student can complete on the weekend and has asked colleges to begin to think about offering a graduate program that a student can take on the weekend. The degree program offered on the weekend is no different than the non-weekend program. He added that the person who is now responsible for the weekend program is Mr. Michael Liddy. President Kaplowitz noted that at a recent meeting of the University Faculty Senate, Chancellor Matthew Goldstein was asked by a member of the faculty of another college whether degree programs that students can take entirely on the weekend need to be approved by a college's governance body and the Chancellor had responded that that should be done but, she noted, it hasn't been done at John Jay. Also, the Chancellor agreed with the questioner that a program that is virtually entirely adjunct-taught is not in the best interests of the student nor of the college and is not something that he supports. She noted that our weekend program is virtually entirely adjunct-taught and said that she knows this is the first time she has raised this question and that perhaps Dean Saulnier would like to address this question when he next meets with the Senate.

The Registrar reported that there have been questions recently with regard to whether English 101 and English 102 prerequisites are College prerequisites and, therefore, can not be waived, or whether they are prerequisites that a department chair has the discretion to waive. He said the answer is that English 101 and English 102 are College prerequisites, which was established by the College Council a few years ago: English 101 is a College prerequisite for a1 courses at the 200-level and above and English 102 is the College prerequisite for all courses at the 300-level and above. Because this is College policy, having been established by the College Council, these prerequisite can not be waived by a department chair. In other words, the Registrar's Office is enforcing English 101 and English 102 as prerequisites and is not granting any requests by department chairs to waive them.

Dean Saulnier was thanked for the information and data he provided and he said he looks forward to again meeting with the Senate. [The Senate applauded Dean Saulnier.]

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

Respectfully submitted,

Edward Davenport  
Recording Secretary

&

James Cauthen  
Associate Recording Secretary

CUNY Board of Trustees Committee on Fiscal Affairs  
Meeting of October 29, 2001

Report provided by Karen Kaplowitz, Faculty Representative, Committee on Fiscal Affairs

Committee Members present: Trustees Joseph Lhota (Chair), George Rios (Vice Chair), John Morning, Nilda Soto Ruiz, Faculty Representative Karen Kaplowitz.

Also present: Trustee Bernard Sohmer; President Marti; Chancellor Matthew Goldstein, Executive Vice Chancellor Louise Mirrer, Senior Vice Chancellor Allan Dobrin, Vice Chancellor Sherry Brabham, Vice Chancellor Frederick Schaffer, Vice Chancellor Jay Hershenson, Budget Director Ernesto Malave.

Action Items:

A. Approval of the minutes of the October 4, 2001, meeting. Approved.

B. Resolution to approve the proposed FY 2002-2003 Operating Budget Request. Approved.

Please note that the full Board of Trustees will be voting on this Budget Request at its November 19 meeting and that a special public hearing will be held on the Budget Request on Monday, November 12, at 3 PM, an hour prior to the regular BoT public hearing. A special Budget Request public hearing is scheduled each year. The process to testify about the Budget Request is the same as that required to testify about all other calendar items: telephone the BoT Secretary at 794-5377 or at 794-5450 prior to 4 PM on November 9.

The Budget Request for FY2003 approved by the Fiscal Affairs Committee on October 24 is very different from the 1-page preliminary draft budget request that had been provided to the Committee on Fiscal Affairs a month earlier, on October 4. The change represents a significant reduction in the request for new money for CUNY's operating budget, compared to the preliminary request of a month earlier, and the explanation for this reduced request is explained in the FY2003 Budget Request document as having been made because of the economic downturn caused by the September 11 attack on the World Trade Center.

Instead of last month's preliminary draft request for a FY 2003 increase of \$146 million new dollars, which would have been a 10.5% over this year's adopted operating budget, the new request is for a net increase of \$88 million, which is a 6.3% increase over this year's adopted budget. However the amended request, which the Committee on Fiscal Affairs approved, provides for \$10 million in productivity savings by CUNY, producing a requested operating budget increase of \$98 million. Furthermore, whereas the preliminary draft budget request a month earlier called for the entire increase to be provided entirely from increased State/City support, the amended request calls for \$53 million or 54.1% of the requested increase be new money from State/City support; the additional increase of \$45 million (45.9% of the increase) is to comprise \$35 million derived from a combination of planned CUNY revenue enhancements (i.e., increased tuition revenues) and private fundraising (by the college presidents) and \$10 million in planned productivity savings by CUNY.

I think it is worth noting that the unofficial word is that the SUNY Board of Trustees is planning to request no new money for SUNY for FY2003 just as it requested no increase for SUNY last year. The CUNY Board's actions last year and this year are in stark contrast.

The CUNY budget request that was approved by the Committee for transmittal to the full Board calls for the following: [N.B. Those interested in comparing the amounts envisioned for each of the following categories should refer to my report on the October 4 Fiscal Affairs Committee meeting; the report can be found in the UFS-NEWS archives]:

1. Flagship Environment: \$34.3 million.

This includes \$14.1 m for 250 new full-time faculty lines: \$29.3 m for 200 faculty at the senior colleges and \$5 m for 50 faculty at the community colleges: please note that this year's adopted operating budget provided for 100 new full-time faculty lines at the community colleges but no new faculty lines at the senior colleges and the FY 2003 budget request reflects this fact; \$1.5 m for the Chancellor's Research Fellows (an initiative recommended by the UFS Budget Advisory Committee last year); \$3.4 m for faculty support; \$3 m for instructional equipment; \$0.8 m for diversity initiative; \$2 m for teacher education; \$1.5 m for centers and institutes; \$3 m for fellowships; \$3.5 m for digital core and research library; \$1 m for the Honors College; and \$0.5 m for strengthening undergraduate curricula

2. Student Success and Academic Achievement: \$14.2 m.

This includes \$6 m for academic support services; \$3 m for College Now; \$2 m for services for students with disabilities; \$1.5 m for articulation/testing; \$0.8 m for child care; and \$1 m for financial aid matching funds.

3. Educational Technology: \$2 m for *CUNY* online and faculty development.

4. Economic Development: \$9.6 m.

This includes \$2.8 m for incubator facilities; \$1.8 m for workforce development; and \$5 m for rebuilding New York initiative [this category was not in the previous month's preliminary draft document].

5. Upgrading Management Information & Infrastructure: \$8.5 m.

This includes \$2.5 m for information management technology; and \$6 m for facilities.

The total programmatic increases in the request equal \$68.6 m.  
Deducted from this is a base redistribution of \$10 m.

Therefore, the net programmatic request is \$58.6 m plus \$29.4 m in (estimated) mandatory cost increases. Thus the net increase is for \$88 m (an increase over this year's adopted operating budget of \$1.399.4 b to a requested operating budget for FY2003 of \$1.487.4 b, which represents a 6.3% increase over this year's adopted operating budget).

The Board Resolution includes the following explanation: “The 2002-2003 Budget Request is based on the University’s 2000-2004 Master Plan approved by the New York State Board of Regents, within the context of Rebuilding New York City in the aftermath of the September 11, 2001 terrorist attacks on America. The Request is focused on five areas that are critical to pursuing the Master Plan and reaffirming CUNY’s importance to the fabric of New York City. The Request will support: workforce development initiatives responsive to the critical needs of a post-September 11 New York; 250 new full-time faculty; 75 instructional support staff; digital core and research library; doctoral student support; management information technology; and infrastructure improvements.”

The explanation for the new section called “Rebuilding New York City,” which comprises 4 categories, is as follows:

> Labor Market Intelligence Network (LMIN): The LMIN will consist of 15 employer task forces that will provide periodic reports on their industry’s anticipated workforce education and training needs. CUNY Colleges, the City’s Workforce Investment Act’s “One-Stop” service centers and September 11-related job fairs will make these reports available to job seekers and other interested New Yorkers.

> Credit and Non-Credit Certificate/Training Programs: This initiative will consist of a battery of short-term programs, offered primarily at the CUNY Community Colleges at reduced tuition, with the purpose of enabling dislocated workers to acquire or upgrade career-related skills. These programs will be credit-bearing and will enable participants to advance toward a degree in their chosen field. The programs will also offer ESL and Basic Skills instruction as a participant’s springboard to further learning. [The reduced tuition is for 3,000 students.]

> Foreign Language Instruction: This program will offer foreign language immersion courses by CUNY’s foremost foreign language experts in those languages relevant to employment in security and public safety post September 11. [The cost is for providing intensive foreign language instruction for 100 students at \$4500 per student.]

> Career Counseling Services: The University will provide on a regular basis career-counseling services currently provided to participants in the Jobs Clearinghouse sponsored by the New York City Partnership and the Central Labor Council on a volunteer basis.

The concluding paragraph of the Resolution’s explanation states: “The 2002-2003 Request articulates the University’s recognition that state and local resources are strained by the losses occasioned by the September 11 attacks, and corroborative of its commitment to aid in the rebuilding of New York City is its commitment to seek ways to self-fund nearly 50 percent of a total 2002-2003 funding requirement of \$98 million. The University will seek to generate \$10 million of this requirement from productivity savings and \$35 million from an array of revenue enhancement and private fundraising strategies.”

During the discussion, Chancellor Goldstein noted that this is the first time that CUNY is stating that the University can generate savings and those savings are to be redirected to CUNY’s central mission, that of teaching. He added that the appointment of Senior Vice Chancellor and COO Allan Dobrin, effective September 1, was with the goal of administering CUNY in ways not done before by this University. Chancellor Goldstein added that each college president is being asked to engage his or her college community to develop ways to produce cost savings and to then

present those ideas to CSI President Marlene Springer, the chair of the fiscal committee of the Council of Presidents. These ideas, which will be presented to the Chancellor, are to then go to the BoT Committee on Fiscal Affairs. He spoke about performance-based assessment that is now taking place and that the college presidents know that their responsibility is to garner as many resources as they can.

Trustee Bernard Sohrner reported that virtually no faculty governance leaders had reported consultation by their college administration in preparing campus responses to the Chancellor's October 5 call letter to the Presidents asking for recommendations for inclusion in the University's FY2003 Budget Request. He named the colleges where consultation had been reported to have taken place. This lack of consultation was despite the following statement in the Chancellor's call letter to the Presidents: "I remind you that it is important that you consult with college faculty governance groups as part of your deliberations on the Request." Vice Chancellor Brabham said she would telephone the presidents who were reported to have not engaged in the requisite consultation.

Chancellor Goldstein reported that he is having conversations with the Governor's staff to see if it will be possible to integrate CUNY's capital budget with its operating budget in order to plug the holes that are now in this current year's operating budget. He said that in case we are not permitted to do this, he has asked the senior college presidents to describe how they would deal with the \$10 million shortfall at the senior colleges.

The Chancellor noted that the problem at the community colleges is more problematic because of the requirement by the NYC Office of Management and Budget that 15% of the City's support be placed in a reserve fund. He added that this \$19.2 million when annualized is actually a significantly larger amount. And, furthermore, there is still no understanding that the City will pay the \$5.1 million contractual salary increases that the new DC 37 contract will cost the community colleges this year. However, a pay bill for the DC 37 contract for the senior colleges is coming from NYS. The Chancellor said that the invidious aspect of the OMB's actions is that there is no way that the community colleges can withstand cuts of this magnitude without compromising the very purpose of the community colleges because the cuts will result in students being turned away. And the fiscal results will be the loss of tuition revenue which will then result in the loss of State aid and so the \$19.2 m reduction when annualized will be \$25 m and the negative consequences will result in a cut of \$35 million.

The Chancellor also reported that earlier in the day a lawsuit on the maintenance of effort requirement was filed against the City and against CUNY by Ronald McGuire on behalf of several Hostos students. The lawsuit seeks an injunction or, in the alternative, seeks to require CUNY to reduce tuition since the maintenance of effort law requires that tuition provide not more than one-third of the operating revenue of the community colleges. The named defendants are Mayor Giuliani, Chancellor Matthew Goldstein, and BoT Vice Chair Benno Schmidt.

Submitted by  
Karen Kaplowitz  
Faculty representative to the Fiscal Affairs Committee  
University Faculty Senate Executive Committee

Board of Trustees Committee on Facilities, Planning, and Management: October 29, 2001

Report provided by Karen Kaplowitz, Faculty Representative to the Facilities Committee

Committee Members Present: Wellington Chen, Kenneth Cook, Jeffrey Wiesenfeld, Faculty Representative Karen Kaplowitz.

Also Present: Trustee Bernard Sohmer; President Marti; Chancellor Matthew Goldstein, Senior Vice Chancellor Allan Dobnn, Vice Chancellor Emma Macari, Vice Chancellor Frederick Schaffer.

Action Items:

A. Approval of the minutes of the October 4, 2001, meeting. Approved.

B. Policy Calendar

1. Resolution for the CUNY FY 2002-03 to FY 2006-07 Capital Budget Request. Approved.

“RESOLVED, that The City University of New York Board of Trustees approve a Capital Budget Request for Fiscal Year 2002/03 for approximately \$427.6 million, including \$416.6 million for major bonded projects authorized by The City University Construction Fund and funded through bonds sold by the Dormitory Authority of New York and the City of New York, and \$11 million for minor rehabilitation projects funded through City/State capital appropriations; and be it further

“RESOLVED, that the Master Plan for the University be and is hereby amended as necessary to provide for the capital proposal. The Capital Budget Request and the schedule of projects are on file in the Office of the Secretary of the Board.

“EXPLANATION: In April of 1998, the New York State Executive Budget presented, and the Legislature subsequently recommended and included in the FY 1998/99 State Budget Bill, a five-year capital budget program (FY 1998/99– 2002/03) for The City University of New York that totaled approximately \$1 billion in bonded projects and \$25 million in minor rehabilitation projects. Funding distributions for the first four years of the five-year plan were supplied in amounts that totaled approximately \$680 million for bonded projects and \$20 million for minor rehabilitation projects.

“The final year of this five-year plan is the FY 2002/03 Capital Budget Request for bonded and minor rehabilitation projects. It reflects the State’s capital funding recommendations and falls within the approximate \$337 million in State support that is to be distributed over this final year. The FY 2002/03 request constitutes the first year of the University’s rolling five-year plan with the projects that appear in the second, third, fourth and fifth years of the five-year Capital Budget Request (2003/04 through 2006/07) representing a new funding term for a second five-year capital budget program.

“The Capital Program addresses the major new construction, rehabilitation and capital equipment needs of The City University of New York. The program continues to focus on critical health, safety, code compliance and facility rehabilitation projects, energy conservation, technology/telecommunications infrastructure upgrades, and funding for the next stage of projects which have been previously approved and partially funded.

“Summary of Active and Proposed Capital Projects:

“Over the past eight years, The City University has received more than \$1 billion from City and State sources to implement much needed facilities renovation and modernization and to construct major expansion projects. The following is a partial list of projects which have been fully funded and are on-going:

- > Brooklyn - Library Rehabilitation and Extension (DCE \$63 m)
- > Hunter - Renovation of North Hall (DCE \$5.8 m)
- > KCC - Construction of Academic Village (DCE \$18.2 m)
- > Queens - Renovation of Powdermaker Hall (DCE \$54.6 m)
- > York - Renovation of St. Monica’s Center, Phase II (DCE \$5 m)
- > Lehman - Consolidated Computer Center, Phase I (DCE \$13.033 m)
- > College of Staten Island - 2 M Renovations, Phase I (DCE \$5 m)

The following is a partial list of partly funded or continuing projects for which further support is requested in FY 2002/03:

- > CUNY Wide Senior Colleges - Condition Assessment (DC \$23.349 m)
- > CUNY Wide Senior Colleges - Energy Conservation/Performance (DC \$5 m)
- > CUNY Wide Senior Colleges - Educational Technology Initiative ,Phase IV (E \$5 m)
- > CUNY Wide Senior Colleges - Network Infrastructure/Telecommunications (DC \$10 m)
- > CUNY Wide Senior Colleges - Science & Technology Equipment (E \$5 m)
- > CUNY Wide Community Colleges - Condition Assessment (DC \$23.394 m)
- > Brooklyn - West Quad Building (C \$27.5 m)
- > John Jay - Phase II (C \$171.35 m)
- > LaGuardia - Center III Renovation, Phase I (DC \$6.795 m)
- > Medgar Evers - Academic Building I (DC \$82.91 m)

A = Acquisition

D = Design

C = Construction

E = Equipment

Detailed information was also provided about Major Bonded Projects (those greater than \$2 m in total project cost and funded with Dormitory Authority bonds) and about Moderate Rehabilitation Projects (those less than \$2 m in total project cost). VC Macari also provided an overview of the 5-year Capital Budget Request for FY 2002/03-FY 2006/07. All of the written reports, which include detailed charts, graphs, and diagrams are on file in the Office of the Secretary of the Board of Trustees [and in the Office of John Jay’s Faculty Senate].

Vice Chancellor Emma Macari explained that a call letter was sent to the college presidents last January, as is the case every year, which enables her Office to work with the colleges for almost a year in developing the campus projects that are to be included in the CUNY Capital Budget Request. The next call letter will be sent to the college presidents in February 2002. She also explained that in the first year of the five-year \$1.1 billion capital budget allocation, CUNY was bonded \$200 million but that that was the only year for which that was true. The last three years CUNY was bonded only about \$160 million each of those years and, therefore, for this year we are requesting bonding of \$427.6 million in order to fulfill the \$1.1 billion allocation.

2. Lehman College. Resolution authorizing ADA elevator upgrades for Davis and Gillet Halls: \$543,062. Approved.

Submitted by

Karen Kaplowitz

Faculty Representative Facilities Committee/UFS Executive Committee

**Faculty Senate  
November 7, 2001  
Report on Enrollment**

The information provided on the following pages discusses enrollment as of the University's "Frozen File" or "Form A" date. During a normal semester, the enrollment reported at this point is well within 1% of the final enrollment which is reported on the performance file.

This semester, there have been many changes to the file since the Form A date. There have been additions and subtractions to the file. Most if not all of the subtractions to this point have been students who are employed in law enforcement or emergency services. Additions, which have somewhat compensated for this loss included first time freshmen who were dropped before the Form A date if we did not have proof of high school graduation. These students, if their faculty certified they had been attending classes, were added back to the file when they provided proof of high school graduation. In a normal semester we would not have added them back after this date,

The tables provided were excerpted from a much larger report "Student Characteristics."

Fall enrollment trends since 1985 are listed on the first three tables which follow.

Fall Enrollment Trends 1985 through Fall 2001  
Total Enrollment

Semester	Full-time	Part-time	Total	Credits	F.T.E.	F.T.E. Change
Fall 1985	3486	2491	5977	68762	4630.8	
Fall 1986	3801	2878	6679	70279	4728.6	2.11%
Fall 1987	4014	2830	6844	71659	4818.9	1.91%
Fall 1988	4110	3202	7312	75342	5073.5	5.28%
Fall 1989	4261	3866	8127	79810	5372.4	5.89%
Fall 1990	4731	3941	8672	87214	5871.6	9.29%
Fall 1991	5010	3512	8522	88866	5990.6	2.03%
Fall 1992	5318	3286	8604	91252	6153.7	2.72%
Fall 1993	5948	3050	8998	98378	6628.1	7.71%
Fall 1994	6365	3234	9599	105391	7107.7	7.24%
Fall 1995	6991	3039	10030	113774	7667.5	7.88%
Fall 1996	7607	3117	10724	122116	8242.3	7.50%
Fall 1997	7745	3157	10902	122909	8304.1	0.75%
Fall 1998	7315	3499	10814	120637	8172.1	-1.59%
Fall 1999	7147	3314	10461	118615	8041.7	-1.60%
Fall 2000	6857	3755	10612	116859	7911.7	-1.62%
Fall 2001	7331	4184	11515	126257	8540.7	7.95%

Fall Enrollment Trends 1985 through Fall 2001  
Undergraduate Enrollment

Semester	Full-time	Part-time	Total	Credits	F.T.E.	F.T.E. Change
Fall 1985	3799	2059	5858	65960	4397.3	
Fall 1986	3748	2486	6234	67678	4511.9	2.60%
Fall 1987	3967	2372	6339	68712	4580.8	1.53%
Fall 1988	4062	2708	6770	72302	4820.1	5.22%
Fall 1989	4215	3346	7561	76708	5113.9	6.09%
Fall 1990	4679	3388	8067	83774	5584.9	9.21%
Fall 1991	4926	2942	7868	84896	5659.7	1.34%
Fall 1992	5232	2686	7918	87038	5802.5	2.52%
Fall 1993	5868	2430	8298	94207	6280.5	8.24%
Fall 1994	6250	2584	8834	100494	6699.6	6.67%
Fall 1995	6863	2406	9269	108821	7254.7	8.29%
Fall 1996	7445	2345	9790	116040	7736.0	6.63%
Fall 1997	7415	2412	9827	116299	7753.3	0.22%
Fall 1998	7054	2649	9703	112859	7523.9	-2.96%
Fall 1999	6892	2426	9318	110572	7371.5	-2.03%
Fall 2000	6617	2942	9559	109596	7306.4	-0.88%
Fall 2001	7095	3372	10467	118842	7922.8	8.44%

### Fall Enrollment Trends 1985 through Fall 2001

Graduate Enrollment						<b>F.T.E.</b>
Semester	Full-time	Part-time	Total	Credits	F.T.E.	Change
Fall 1985	47	432	479	2802	233.5	
Fall 1986	53	392	445	2601	216.8	-7.77%
Fall 1987	47	458	505	2857	238.1	9.84%
Fall 1988	48	494	542	3040	253.3	6.41%
Fall 1989	46	520	566	3102	258.5	2.04%
Fall 1990	52	553	605	3440	286.7	10.90%
Fall 1991	84	570	654	3970	330.8	15.41%
Fall 1992	86	600	686	4214	351.2	6.15%
Fall 1993	80	620	700	4171	347.6	-1.02%
Fall 1994	115	650	765	4897	408.1	17.41%
Fall 1995	128	633	761	4953	412.8	1.14%
Fall 1996	162	772	934	6076	506.3	22.67%
Fall 1997	158	862	1020	6610	550.8	8.79%
Fall 1998	252	873	1125	7756	646.3	17.34%
Fall 1999	255	888	1143	8043	670.3	3.70%
Fall 2000	240	813	1053	7263	605.3	-9.70%
Fall 2001	236	812	1048	7415	617.9	2.09%

The total increase is in the undergraduate program and comes primarily in two areas. First, the New York City Police Scholarship Program on Friday resulted in an enrollment of over 600 police officers. Second, the entering freshmen class increase by approximately 350 students. Ninety-eight percent of all first time freshmen are full-time.

The table below gives the gender distribution of the Fall 2001 student population. The

<b>Gender Distribution Fall 2001</b>					
	<b>Female</b>		<b>Male</b>		<b>Total</b>
<b>All students</b>	6885	59.95%	4599	40.05%	11484
Undergraduate	6244	59.71%	4213	40.29%	10457
Graduate	641	62.41%	386	37.59%	1027
Police	182	28.13%	465	71.87%	647
Adjusted	6062	61.79%	3748	38.21%	9810

initiation of the NYPD Program change the distribution of the undergraduate population. When the figures are adjusted for the Program participants, the distribution of students by gender is consistent with past semesters.

The next table provides gender information on the entering classes. Police Officers enter the College as transfer students with their credits from the Police Academy providing them with advanced standing. They do enter as freshmen because they have less than 30 credits upon entry.

	Female		Male		Total
All students	6244	59.71%	4213	40.29%	10457
Freshmen	1118	60.73%	723	39.27%	1841
Transfer	654	53.04%	579	46.96%	1233
NYPD Transfer	112	29.02%	274	70.98%	386

The next table describes the undergraduate student population for the past four fall semesters.

	Fall 1998		Fall 1999		Fall 2000		Fall 2001	
	#	% of all Students						
American Indian	17	0.19%	18	0.21%	20	0.23%	26	0.27%
Asian	381	4.22%	393	4.63%	427	4.89%	464	4.85%
African American	2716	30.11%	2480	29.21%	2455	28.10%	2714	28.38%
Hispanic	3405	37.75%	3184	37.50%	3345	38.28%	3637	38.03%
Other	394	4.37%	382	4.50%	410	4.69%	405	4.23%
White	2107	23.36%	2034	23.95%	2081	23.82%	2318	24.24%
Totals	9020	100.00%	8491	100.00%	8738	100.00%	9564	100.00%

by ethnicity. The percentages of each group within the undergraduate population has remained somewhat constant over time. The same comparison is provided below for graduate students.

	Fall 1998		Fall 1999		Fall 2000		Fall 2001	
	#	% of all Students						
American Indian	1	0.09%	1	0.09%	1	0.10%	1	0.10%
Asian	39	3.54%	54	4.90%	44	4.30%	47	4.67%
African American	235	21.34%	228	20.69%	188	18.36%	189	18.77%
Hispanic	140	12.72%	145	13.16%	134	13.09%	122	12.12%
Other	34	3.09%	35	3.18%	37	3.61%	34	3.38%
White	652	59.22%	639	57.99%	620	60.55%	614	60.97%
Totals	1101	100.00%	1102	100.00%	1024	100.00%	1007	100.00%

The table below contains information about undergraduate majors and the percentage of female and male students in each major. The percentages for “All students” is the percentage of that major in the degree program.

<b>Distribution of Students by Program by Gender</b>						
<b>Major</b>	<b>Female</b>		<b>Male</b>		<b>All students</b>	
	<b>#</b>	<b>% major students</b>	<b>#</b>	<b>% of major students</b>	<b>#</b>	<b>% degree students</b>
Correction Administration	204	74.45%	70	25.55%	274	11.07%
Police Studies	1113	54.27%	938	45.73%	2051	02.84%
Security Management	37	45.68%	44	54.32%	81	3.27%
Criminal Justice	35	59.32%	24	40.68%	59	2.38%
Dispute Resolution	10	90.91%	1	9.09%	11	0.44%
<b>Total</b>	<b>1399</b>	<b>56.50%</b>	<b>1077</b>	<b>43.50%</b>	<b>2476</b>	<b>100.00%</b>
Computer Information	240	46.78%	273	53.22%	513	6.48%
Corrections	45	69.23%	20	30.77%	65	0.82%
Criminal Justice (BA)	959	50.34%	946	49.66%	1905	24.05%
Criminal Justice (BS)	179	52.96%	159	47.04%	338	4.27%
Criminal Justice Adm	101	60.48%	66	39.52%	167	2.11%
Criminology	332	66.40%	168	33.60%	500	6.31%
Deviant Behavior	231	81.63%	52	18.37%	283	3.57%
Fire Science	9	14.29%	54	85.71%	63	0.80%
Fire Science Emerg Serv	7	20.00%	28	80.00%	35	0.44%
Forensic Psychology	1055	80.11%	262	19.89%	1317	16.62%
Forensic Science	478	73.43%	173	26.57%	651	8.22%
Government	163	56.21%	127	43.79%	290	3.66%
International Criminal Justice	13	68.42%	6	31.58%	19	0.24%
Judicial Studies	41	65.08%	22	34.92%	63	0.80%
Justice Studies	19	59.38%	13	40.63%	32	0.40%
Legal Studies	515	73.47%	186	26.53%	701	8.85%
Police Studies	140	29.54%	334	70.46%	474	5.98%
Public Administration	153	67.40%	74	32.60%	227	2.87%
Security Management	13	13.54%	83	86.46%	96	1.21%
Undergrad	108	59.02%	75	40.98%	183	2.31%
<b>Total</b>	<b>4801</b>	<b>60.60%</b>	<b>3121</b>	<b>39.40%</b>	<b>7922</b>	<b>100.00%</b>
Criminal Justice	3	60.00%	2	40.00%	5	11.36%
Police Studies	0	0.00%	1	100.00%	1	2.27%
Forensic Psychology	27	84.38%	5	15.63%	32	72.73%
Government/PAD	2	66.67%	1	33.33%	3	6.82%
PAD/PAD	1	33.33%	2	66.67%	3	6.82%
<b>Total</b>	<b>33</b>	<b>75.00%</b>	<b>11</b>	<b>25.00%</b>	<b>44</b>	<b>100.00%</b>

The table on the next page provides a time line for undergraduate majors over a four year period. The Criminal Justice majors collectively and the Forensic Psychology major account for over 48% of all baccalaureate degree students.

### Comparison of Majors Fall 1998 through Fall 2001

Associate	Fall 1998		Fall 1999		Fall 2000		Fall 2001	
	#	%	#	%	#	%	#	%
Corrections	397	21.45%	331	19.84%	287	14.74%	274	11.07%
Criminal Justice							59	2.38%
Dispute Resolution	20	1.08%	26	1.56%	18	0.92%	11	0.44%
Police Science	1313	70.93%	1231	73.80%	1562	80.23%	2051	82.84%
Security	109	5.89%	73	4.38%	71	3.65%	81	3.27%
<b>Associate Totals</b>	<b>1851</b>	<b>100.00%</b>	<b>1668</b>	<b>100.00%</b>	<b>1947</b>	<b>100.00%</b>	<b>2476</b>	<b>100.00%</b>
Baccalaureate	Fall 1998		Fall 1999		Fall 2000		Fall 2001	
	#	%	#	%	#	%	#	%
Computer Info Sys	570	7.44%	550	7.38%	477	6.44%	513	6.63%
Corrections	68	0.89%	77	1.03%	78	1.05%	65	0.84%
Criminal Justice (BA)	1866	24.36%	1853	24.88%	1847	24.92%	1905	24.62%
Criminal Justice (BS)	470	6.14%	333	4.47%	362	4.88%	338	4.37%
Criminal Just Planning	177	2.31%	155	2.08%	149	2.01%	167	2.16%
Criminology	512	6.68%	487	6.54%	487	6.57%	500	6.46%
Deviant Behavior	360	4.70%	336	4.51%	296	3.99%	283	3.66%
Fire Emergency Serv.	30	0.39%	36	0.48%	36	0.49%	35	0.45%
Fire Science	71	0.93%	61	0.82%	65	0.88%	63	0.81%
Forensic Psychology	1145	14.95%	1194	16.03%	1248	16.84%	1317	17.02%
Forensic Science	437	5.71%	514	6.90%	554	7.47%	651	8.41%
Government	281	3.67%	282	3.79%	274	3.70%	290	3.75%
Inter Criminal Justice							19	0.25%
Judicial Studies	0	0.00%	0	0.00%	18	0.24%	63	0.81%
Justice Studies	62	0.81%	70	0.94%	62	0.84%	32	0.41%
Legal Studies	846	11.05%	803	10.78%	772	10.42%	701	9.06%
Police Studies	391	5.11%	379	5.09%	371	5.01%	474	6.12%
Public Administration	252	3.29%	232	3.11%	219	2.95%	227	2.93%
Security Management	121	1.58%	86	1.15%	97	1.31%	96	1.24%
<b>Baccalaureate Totals</b>	<b>7659</b>	<b>100.00%</b>	<b>7448</b>	<b>100.00%</b>	<b>7412</b>	<b>100.00%</b>	<b>7739</b>	<b>100.00%</b>
<b>% Baccalaureate</b>		<b>80.54%</b>		<b>81.70%</b>		<b>79.20%</b>		<b>75.76%</b>

The next two tables provide information about the admissions status of students entering the various majors.

<b>Baccalaureate Majors - Total versus New Freshmen</b>					
	Total %	Freshmen %		Change	
Computer Info Sys	513	6.63%	74	8.55%	1.93%
Corrections	65	0.84%	6	0.69%	-0.15%
Criminal Just (BA)	1905	24.62%	234	27.05%	2.44%
Criminal Just (BS)	338	4.37%	28	3.24%	-1.13%
Criminal Just Plan	167	2.16%	14	1.62%	-0.54%
Criminology	500	6.46%	68	7.86%	1.40%
Deviant Behavior	283	3.66%	13	1.50%	-2.15%
Fire Emerg Sew.	35	0.45%	4	0.46%	0.01%
Fire Science	63	0.81%	15	1.73%	0.92%
Forensic Psychology	1317	17.02%	105	12.14%	-4.88%
Forensic Science	651	8.41%	127	14.68%	6.27%
Government	290	3.75%	24	2.77%	-0.97%
Inter Criminal Justice	19	0.25%	2	0.23%	-0.01%
Justice Studies	63	0.81%	4	0.46%	-0.35%
Judicial Studies	32	0.41%	2	0.23%	-0.18%
Legal Studies	701	9.06%	95	10.98%	1.92%
Police Studies	474	6.12%	45	5.20%	-0.92%
Public Admin	227	2.93%	4	0.46%	-2.47%
Security Management	96	1.24%	1	0.12%	-1.12%
<b>Baccalaureate Totals</b>	<b>7739</b>	<b>100.00%</b>	<b>865</b>	<b>100.00%</b>	<b>0.00%</b>

<b>Baccalaureate Majors - Total versus New Transfer</b>					
	Total %	Transfer %		Change	
Computer Info Sys	513	6.63%	58	6.71%	0.08%
Corrections	65	0.84%	8	0.92%	0.08%
Criminal Just (BA)	1905	24.62%	399	46.13%	21.51%
Criminal Just (BS)	338	4.37%	22	2.54%	-1.82%
Criminal Just Plan	167	2.16%	21	2.43%	0.27%
Criminology	500	6.46%	63	7.28%	0.82%
Deviant Behavior	283	3.66%	25	2.89%	-0.77%
Fire Emerg Serv.	35	0.45%	3	0.35%	-0.11%
Fire Science	63	0.81%	9	1.04%	0.23%
Forensic Psychology	1317	17.02%	173	20.00%	2.98%
Forensic Science	651	8.41%	16	1.85%	-6.56%
Government	290	3.75%	16	1.85%	-1.90%
Inter Criminal Justice	19	0.25%	9	1.04%	0.79%
Justice Studies	63	0.81%	42	4.86%	4.04%
Judicial Studies	32	0.41%	5	0.58%	0.16%
Legal Studies	701	9.06%	57	6.59%	-2.47%
Police Studies	474	6.12%	37	4.28%	-1.85%
Public Admin	227	2.93%	16	1.85%	-1.08%
Security Management	96	1.24%	42	4.86%	3.62%
<b>Baccalaureate Totals</b>	<b>7739</b>	<b>100.00%</b>	<b>1021</b>	<b>118.03%</b>	<b>18.03%</b>

**Graduate Majors - Four Year Comparisons**

Major	Fall 1998		Fall 1999		Fall 2000		Fall 2001	
	#	%	#	%	#	%	#	%
Criminal Justice	188	16.71%	167	14.80%	168	16.02%	198	19.28%
Fire Protection Mgt	5	0.44%	2	0.18%	0	0.00%	0	0.00%
Forensic Psychology	384	34.13%	404	35.82%	423	40.32%	411	40.02%
Forensic Science	71	6.31%	71	6.29%	69	6.58%	74	7.21%
Non Degree	26	2.31%	19	1.68%	52	4.96%	47	4.58%
Protection Mgt	100	8.89%	104	9.22%	86	8.20%	58	5.65%
Public Administration	351	31.20%	361	32.00%	251	23.93%	239	23.27%
<b>Totals</b>	<b>1125</b>	<b>100.00%</b>	<b>1128</b>	<b>100.00%</b>	<b>1049</b>	<b>100.00%</b>	<b>1027</b>	<b>100.00%</b>

**Table XXVIII  
Comparison of Fall Entering Graduate Student Classes**

Program	Fall 2001 Admissions - Registered by Program													
	Amer	Ind	Asian	African Amer	Hispanic	Other	White	Total						
CJG	0	0.0%	5	6.3%	20	25.0%	5	6.3%	4	5.0%	46	57.5%	80	24.8%
FOS	0	0.0%	5	20.8%	0	0.0%	0	0.0%	1	4.2%	18	75.0%	24	7.5%
PAD	0	0.0%	4	6.3%	22	34.4%	12	18.8%	1	1.6%	25	39.1%	64	19.9%
PMT	0	0.0%	1	7.1%	4	28.6%	0	0.0%	0	0.0%	9	64.3%	14	4.3%
PSY	1	0.7%	3	2.1%	9	6.4%	14	10.0%	4	2.9%	109	77.9%	140	43.5%
<b>Total</b>	<b>1</b>	<b>0.3%</b>	<b>18</b>	<b>5.6%</b>	<b>55</b>	<b>17.1%</b>	<b>31</b>	<b>9.6%</b>	<b>10</b>	<b>3.1%</b>	<b>207</b>	<b>64.3%</b>	<b>322</b>	<b>100.0%</b>

  

Program	Fall 2000 Admissions - Registered by Program													
	Amer	Ind	Asian	African Amer	Hispanic	Other	White	Total						
CJG	0	0.0%	2	5.6%	3	8.3%	2	5.6%	1	22.2%	21	58.3%	36	13.5%
FOS	0	0.0%	2	10.0%	1	5.0%	0	0.0%	1	5.0%	16	80.0%	20	7.5%
PAD	0	0.0%	0	0.0%	13	29.5%	10	22.7%	0	0.0%	21	47.7%	44	16.5%
PMT	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	9	100.0%	9	3.4%
PSY	0	0.0%	5	3.2%	14	8.9%	13	8.2%	4	2.5%	122	77.2%	158	59.2%
<b>Total</b>	<b>0</b>	<b>0.0%</b>	<b>9</b>	<b>3.4%</b>	<b>31</b>	<b>11.6%</b>	<b>25</b>	<b>9.4%</b>	<b>13</b>	<b>4.9%</b>	<b>189</b>	<b>70.8%</b>	<b>267</b>	<b>100.0%</b>

## **Faculty Senate Minutes #221**

### **John Jay College of Criminal Justice**

**November 20,2001**

**3:15 PM**

**Room 630 T**

**Present (30):** Yahya Affinnih, Orlanda Brugnola, James Cauthen, Edward Davenport, Jane Davenport, Kirk Dombrowski, Betsy Gitter, Amy Green, Robert Hair, Karen Kaplowitz, Kwando Kinshasa, Sandra Lanzone, Gavin Lewis, Tom Litwack, Peter Mameli, Evan Mandery, Lorraine Moller, Jill Norgren, Dagoberto Orrantia, Daniel Paget, Rick Richardson, Jodie Roure, Ellen Sexton, Carmen Solis, Davidson Umeh, Margaret Wallace, Robin Whitney, Agnes Wieschenberg, Susan Will, Liza Yukins

**Absent (8):** Luis Barrios, Leslie Chandrakantha, P. J. Gibson, Edward Green, Maki Haberfeld, Ann Huse, James Malone, Mary Ann McClure

**Guest:** Professor Bonnie Nelson

**Invited Guests:** Student Council President Timyiaka Thomas, Vice President Robert Pignatello, DoIT Acting Director Bob Banowicz

**Guests accompanying Ms. Timviaka Thomas:** Yearbook Co-Chair Anika James, John Jay Times President Shard Pierre, Student Council Secretary Lavelle Thomas

### **November 20,2001 meeting agenda**

1. Announcements from the chair
2. Adoption of Minutes #220 of the November 7, 2001, meeting
3. Invited guest: Student Council President Timyiaka Thomas
4. Update on the issue of possible College monitoring of computer use
5. Invited guests: Vice President for Administration Robert Pignatello and Department of Information Technology (DoIT) Acting Director Bob Banowicz
6. New business

#### **1. Announcements**

Senator Robert Hair was welcomed as a newly elected member of the Faculty Senate: he fills the second seat allocated to the Department of Law, Police Science, and CJ Administration; the other representative of that department is Senator Evan Mandery. Another member of the department, an at-large representative, Senator Maki Haberfeld, has asked that her apologies for missing today's

meeting be conveyed: she is – at this very hour – giving the keynote address at a major conference on terrorism at New Jersey City University.

Tonight at the University Faculty Senate, a combined panel discussion and hearing is being held on the draft revision of CUNY's policy on intellectual property: like all meetings of the UFS, tonight's is open to all *CUNY* faculty. It is at the Graduate Center on the 9<sup>th</sup> floor at 6:30 PM.

Thus far, Dr. Kay Redfield Jamison and Susan Brownmiller have accepted John Jay's offer of an honorary degree and will attend our May 30 commencement.

The agenda of tomorrow's College Council meeting has only one item: a proposal from the Committee on Graduate Studies to change the language on p. 36 of the Graduate Bulletin that explains the Grade of Incomplete.

**2. Adoption of Minutes #220 of the November 7, 2001, meeting**

By a motion duly made and carried, Minutes #220 were approved.

**3. Invited Guest: Student Council President Timviaka Thomas**

President Kaplowitz welcomed Student Council President Timviaka Thomas, who was elected for a one-year term in May, and explained that each year the Senate invites to its first meeting the newly elected president of the student government but that Ms. Thomas has not been available to attend any Senate meeting except today's, which she asked to attend two days ago. And, thus, while Ms. Thomas is very welcome, it has been explained to her that the Senate is able to devote only a very few minutes at today's meeting to talking with her since the Senate agenda includes items that must be attended to today. President Kaplowitz introduced the three students who accompanied Ms. Thomas: Yearbook Co-Chair Anika James, John Jay Times President Shard Pierre, and Student Council Secretary Lavelle Thomas. President Kaplowitz began by reporting that Ms. Thomas recently told her that when President Kaplowitz told the Senate that Ms. Thomas had told her that she is the person at John Jay's B&N Bookstore who is responsible for receiving book orders from the faculty, as reported in the Senate Minutes, that was incorrect; while Ms. Thomas does work in the B&N store, she is a cashier and although she is in the bookstore when book orders are handed in, she does not receive them. President Kaplowitz said the record is being corrected through these Minutes.

Ms. Thomas expressed her appreciation for the correction of the record and expressed her appreciation for the invitation. She said the correction of the record is especially important to her because the bookstore has traditionally been attacked for many reasons, reasons she has no control over. She said that one of the most important issues to her is the availability of books for students. She said there is no question that the bookstore does have a number of problems but that as someone who works one day a week as a cashier at the store, it would probably be too difficult for her to control the faculty book orders, something which she probably would not want to do anyway because it would be too hectic a job. But one of her concerns, if she were the person in charge, is that from what she does know personally is that 68% of the College's faculty ordered their books late for the Fall semester. She said that this was the figure as of September, when the Fall semester classes were scheduled to start. She said this included faculty who changed their book orders for various reasons.

As of today, the bookstore does not have the number of book orders needed from the faculty for next semester. She acknowledged that there could be many reasons for this about which she is not informed but added that students have already been registering for Spring classes for three weeks and that one reason she wanted to come to the Senate today was to ask the faculty to order their books on time so students can purchase their books in time for the first day of class.

She said she also wanted to come today to thank the faculty because she has heard about the many ways faculty have been working in their classrooms with their students to help them in light of the tragedy of September 11. She said as faculty know, students speak among themselves about faculty and she has heard only positive things about their classroom experiences since September 11.

Ms. Thomas said that on another note there is a problem at the College and that is that some faculty curse in their classrooms. She said she is not going to name any names because that is not the point. Rather the point is to ask faculty who know of faculty who use obscene language in the classroom to please speak to them to urge them to not do so. She said that students acknowledge that they themselves sometimes curse in the hallways and even in the classroom but that the faculty's role is to control such behavior, especially when it is the faculty who do the cursing. She said that some students curse because they do not know better, although they should. She repeated her request that faculty refrain from cursing in the classroom and that faculty urge their colleagues to not curse.

Ms. Thomas said that she also wanted to raise another issue, which she will probably also speak with Professor Kaplowitz about after the meeting, and that is the grade appeals committees because no students are members of such committees. She said that she believes, as does the Student Council Secretary, that any committee that directly affects students should have students among its members. She said she would even appreciate if students were ex officio members without vote as long as they were members of such committees. She said a statement is being made by the very fact that it is only faculty who sit on such committees.

In light of the tragedy of September 11, the Student Council is planning to purchase a collection of books on terrorism which it will donate to John Jay's Library and Ms. Thomas said she would like to see the faculty also do something for the students to commemorate September 11 because students have experienced a difficult time emotionally and academically,

The final issue, Ms. Thomas said, is that as president of the Student Council she has to find a way of informing the student body that 4,000 students do not have the updated ID cards that will soon be needed to enter the buildings. Similarly, more than 400 faculty do not have updated ID cards and, therefore, need to take care of this responsibility. She said this information comes directly from the Security Department.

Ms. Thomas offered to take questions here or suggested that faculty call her at the Student Council office. She said that Professor Kaplowitz has every one of her numbers and doesn't hesitate to use them nor should any other member of the faculty.

Senator Jane Davenport asked Ms. Thomas whether she or anyone from student government had spoken to anyone at the Library about the student government's book purchase plans. Ms. Thomas said she had left a message today for the Chief Librarian, Larry Sullivan, adding that the Student Council is asked every year to provide matching funds to the Library and traditionally the Student Council has provided half or even less than half of the matching funds or sometimes has provided no funds but this year the Student Council decided to contribute the entire amount, which is \$8,000, with which the Library can obtain \$16,000 in matching funds. But, she added, this year she

wanted to do something more significant and, thus, the decision to also purchase books on terrorism. Senator Jane Davenport urged that she be consulted in her capacity as the Library's Acquisition Librarian before any books are purchased. It was explained to Ms. Thomas that far more books could be purchased with the same amount of money if the Library does the actual purchasing than if the students were to purchase the books themselves. Ms. Thomas promised that she would be in touch with Professor Jane Davenport about this.

Senator Rick Richardson spoke of his concern about the Student Council's seeming inability to motivate students to participate in their official responsibilities, citing in particular the failure of virtually all the student members of the College Council, except Ms. Thomas and one or two others, to attend any meetings. Ms. Thomas said she has tried to lead by example and has not been absent from any College Council meeting but if no other students are at the meeting, they of course can not see the example she is trying to set. She said she spoke of this problem at the first meeting of this year's Student Council because she witnessed the same pattern last year. She pointed out how important it is to attend College Council meetings, especially because the students have voting rights. She said that impediments are students' class schedules which force them to rush to be at the College Council by 3:15 PM, about which she has written and spoken to Dr. Witherspoon and Dr. Lynch. Also, she said, students are often intimidated when they see so many faculty at the meetings.

President Kaplowitz said she regrets that there is no time for discussion about any of these issues but that as she had explained to Ms. Thomas the other day, when Ms. Thomas asked to come to today's meeting, the Senate has and already had a very full agenda, with items that can not be postponed or delayed. She said some of these issues might become future agenda items for the Senate to discuss and in the meantime she offered to meet with Ms. Thomas and with any other student leaders to discuss any issues of concern to the students and she also offered to attend a Student Council meeting, were she to be invited. She added that except for the topic of book orders, today's meeting is the first time she is hearing about any of the issues that Ms. Thomas has just raised. She noted that she and Ms. Thomas do talk frequently, and Ms. Thomas has called her often, and that because Ms. Thomas is such an involved student leader, to her credit, she and Ms. Thomas have many opportunities to talk. Ms. Thomas thanked the Senate for inviting her and for permitting her to accept the invitation on very short notice. She said it was a pleasure speaking to the Faculty Senate. [Ms. Thomas, Ms. Lavelle Thomas, Mr. Pierre, and Ms. Anika James left at this time.]

#### **4. Update on the issue of possible College monitoring of computer use [Attachment A, B]**

President Kaplowitz reviewed the issue of possible administrative monitoring of faculty and staff computer and internet use. She recalled that at our last Senate meeting, on November 7, she had reported that Vice President Pignatello had told the Council of Chairs the previous day, on November 6, that having seen the Faculty Senate's Resolution on Computer Monitoring [Attachment A] and having heard the faculty's opposition to such activity, he decided that the College will not engage in such monitoring nor purchase the software to do so. In response to this news, the Senate then voted to ask Professor Harold Sullivan, the Chair of the Council of Chairs, to write to VP Pignatello thanking him for that very welcome statement and thus reaffirming it in writing. Professor Sullivan agreed to do so but before he had a chance to, a new development occurred which rendered such a memorandum moot. That development occurred a few days later at the Curriculum Committee's November 9 meeting at which VP Pignatello took a very different position about the monitoring of computer use than he had stated at the Council of Chairs' meeting.

VP Pignatello was not at the Curriculum Committee meeting about the issue of monitoring; rather, he was there to speak against a resolution the Curriculum Committee had passed the previous month, for submission to and action by the College Council this month, which, if approved, would have required the Department of Information Technology (DoIT) to vet everything it does in advance with the Curriculum Committee on the grounds that all DoIT decisions affect the curriculum. VP Pignatello asked Associate Provost Kobilinsky to not transmit the resolution to the College Council so he could first address the Curriculum Committee. President Kaplowitz said that she attended the Curriculum Committee's November 9 meeting at which time VP Pignatello not only spoke against the Curriculum Committee's resolution (and, in response, after a lengthy discussion, the Curriculum Committee sent the resolution back to the Curriculum Committee's Subcommittee on Educational Technology for reconsideration) but said, in the context of speaking of DoIT's independence and the fact that DoIT reports directly to him, that in fact the monitoring of computer use is something he considers absolutely legitimate and that he has discovered that the CUNY policy on Computer User Responsibilities [Attachment B] permits such monitoring.

President Kaplowitz said that after hearing him make this statement, in order to make certain she had heard him correctly, she subsequently telephoned him to ask whether he had, in fact, reversed his position since the Council of Chairs' meeting at which time he had said the very opposite. VP Pignatello said that he had reversed his position, that in the interim between the Chairs' meeting and that of the Curriculum Committee he had read the CUNY policy on Computer User Responsibilities [Attachment B] and had discovered that monitoring is not only permissible but advisable. She drew the Senator's attention to page 2 of the policy [Attachment B], which, after the first set of bullets, states: "The University reserves the right to monitor, under appropriate conditions, all data contained in the system to protect the integrity of the system and to insure compliance with regulations."

President Kaplowitz reported that she told VP Pignatello that **as** he knows, the position of the Senate is not whether the College has the legal right to monitor, because it does as do all employers, but whether it should, given that this is **an** academic institution which depends upon freedom of inquiry without the chilling effect and explicit intrusion inherent in monitoring. She said she invited VP Pignatello to come to today's Senate meeting to discuss this issue with the Senate directly and were he to accept the invitation, she would withdraw, at least for now, the Senate's Resolution on Monitoring of Computer Use [Attachment A] from this month's College Council agenda. He accepted the invitation and she withdrew the agenda item, with the concurrence of the Senate's executive committee.

Senator Ellen Sexton noted that a statement of CUNY's Computer User Responsibilities policy also raises questions about issues of copyright because it states: "You may not duplicate copyrighted material" whereas the law on copyright is much more nuanced than this. President Kaplowitz thanked her for pointing this out, noting that the policy is dated 1995 and may, indeed, need to be revised. President Kaplowitz reminded the Senate that the Resolution of the Senate's Technology Committee and of the Senate [Attachment A] compares visited web pages to library records, which are confidential under State law and which require a subpoena to be seen (see the fourth "Whereas" clause) and also that the "Resolved" clause simply asks for a policy on privacy of electronic information before anything, such as the purchase or implementation of monitoring software, takes place. She suggested that we raise the general issue of expectations of privacy with VP Pignatello, asking, for example, whether we are correct in assuming an expectation of privacy in terms of documents and other materials in our offices. Professor Bonnie Nelson, Co-Chair of the Senate's Technology Committee, said that she would say it is not acceptable if there is no expectation of privacy: either the College needs a clear policy on privacy or the College must pledge

to not acquire the monitoring software.

Senator Kwando Kinshasa noted that IRB (the Institutional Research Board) requires research materials to be confidential and that has a direct relationship to the privacy of computer use and the privacy of one's office. Senator Jill Norgren suggested it would be helpful for us to review the case law on these issues and asked whether 80<sup>th</sup> Street had provided a briefing paper about these issues because these are issues that are not new to the academy. There has been litigation that has gone all the way through the Federal court system, she noted.

**5. Invited Guests: Vice President of Administration Robert Pignatello and Department of Information Technology (DoIT) Acting Director Bob Banowicz [Attachment B]**

Vice President Pignatello was welcomed and thanked for accepting the invitation to today's meeting and Bob Banowicz, the Acting Director of DoIT was introduced and welcomed also. President Kaplowitz said that she welcomes the opportunity to thank Bob Banowicz publicly for the tremendous helpfulness and collegiality he has exhibited all his years at DoIT, both before becoming the Acting Director and since assuming that position in Fall 2000.

President Kaplowitz invited VP Pignatello to speak about his thinking about this issue and especially his return to his original position as he articulated at this month's Curriculum Committee meeting. She suggested that rather than issuing further resolutions without fully knowing the situation or the reasoning behind the situation, it is best to discuss this together to both gain an understanding on both our parts and also, it is hoped, to reach an agreement on how to best proceed.

Vice President Pignatello expressed his appreciation for having been invited and said he thinks the first issue to discuss is what exactly the issue is, what exactly the administration is undertaking. He noted that we are all depending more and more on the information network, that more and more data are running across the network, and that John Jay is in the final stages of implementing a \$1.4 million network upgrade through the support of the University. This has given all of us at John Jay a more secure network and a greater broadband to carry information and his job and that of DoIT is to make certain that all of us have uninterrupted and efficient access to the system in order to conduct College business, which includes research, email, accessing the Web, and using the many new Web-based applications. The demands of the network are growing all the time and even with this upgrade he is already concerned about how soon we will have to think about another upgrade and about when we will reach the capacity of this upgraded network. Because of these factors, he is concerned about the flow of traffic on the network.

When we talk about monitoring, VP Pignatello said it is necessary to understand how he and DoIT understand and define the term. He said he and DoIT define it as monitoring the traffic on the network, not monitoring the user on the network, which he called a very important distinction that he wants to make clear. He said it is not what faculty are doing on the computer or the specifics of where faculty are going, it is the ability of the network to serve us all collectively. Using the analogy of the superhighway, VP Pignatello said DoIT needs the ability to be in a helicopter over the superhighway in order to look down at the traffic. He said in looking at the traffic, what is seen are cars but not license plates, nor the occupants of the car, nor where the car is going, necessarily. But, he explained, what is known is that the cars will be getting off on ramps off the superhighway, and faculty have the right to go to those places, and he and DoIT have the responsibility and the job to ensure that the faculty get there. So, he said, he and DoIT want to enhance their ability to monitor

network traffic. Given all the applications on the network, there is a prioritization as to how the traffic flows, whether it is email traffic, the Web traffic, and so forth, and he wants to make sure there is an even access throughout the day so there are no periods when there is difficulty getting on or when movement is much slower than it should be. He said that is his responsibility and something he is certain we want him to do.

VP Pignatello added that David Eng is our network administrator and the goal is to give him the ability to do that job. It is not, he added, about snooping into peoples' email and keeping logs of where users go on the Internet. That is not at all what this is about, He said for some reason this was misunderstood and the misunderstanding set off panic here and elsewhere, which he wants to defuse.

VP Pignatello said it is also important for the Senate to know that *CUNY* has a Computer User Responsibilities policy and it is important to know how the University views computer use. The University feels that the network and the machines connected to it are University property and has a policy which goes far beyond what was being discussed at John Jay. He urged everyone to read the *CUNY* policy. President Kaplowitz explained that all the Senate members have been provided with a copy of the document [Attachment B]. VP Pignatello noted that this policy was adopted with review by the University Faculty Senate and the *CUNY* Office of Legal Affairs and states that "The University reserves the right to monitor data contained in the system." He said we at John Jay were never talking about that but that is University policy. He said he understands concerns about rights of privacy, rights of inquiry, and so forth, adding that he is certainly not interested in restricting anyone's right to access information for intellectual inquiry and research.

Senator Peter Mameli asked whether the software keeps logs of the websites faculty go to and look at, whether or not anyone is interested in actually looking at such information. Director Banowicz and VP Pignatello both said the College does not have any such software at this time because it has not yet bought any software for monitoring computer use. Senator Mameli asked whether the software being considered for purchase would keep such logs. Director Banowicz said right now whenever there is a problem, David Eng looks at one screen and sees something happening, looks at another screen and sees something happening, and does this hour after hour whenever there is a problem and as a result it takes three to four hours to determine where the problem might be. If we had software that identifies where the problem is that is slowing the network down, we could pinpoint the problem and go right to that area, such as computers on the fourth floor of North Hall.

Senator Mameli said his question is whether there is software available that does only that. Director Banowicz said there is. Asked if that is the software that will be purchased or whether software that does everything, including keeping logs, is being considered for purchase, Director Banowicz replied that there has not yet been discussion as to what kind of software will be purchased. He added that the issue first came up at the Faculty Senate Committee on Technology when the issue of monitoring was raised and he had answered the question by explaining that sometime in the future the College would purchase software for monitoring, and when he was asked what kinds of software are available, he had explained that software is available that can keep logs and software is available that does not have the capacity to keep logs.

Professor Bonnie Nelson said that when this came up at the Faculty Senate Technology Committee, there was no doubt on the part of the committee members that DoIT should have software to monitor the traffic on the network because it is necessary for DoIT to know what is going on. Saying that there had been some discussion at that meeting about keeping logs of where people visited, she apologized if she and the other Committee members misunderstood the conversation but,

she added, it had seemed to the Committee members that the purchase of software that could keep logs was being seriously considered by DoIT, that such software might be thought to be good to have for a variety of reasons, and so the Committee's intention and subsequently the Senate's intention was to make clear that the faculty thinks that purchasing or implementing software that can keep logs is a very bad idea.

Director Banowicz said he has been working with the Senate Technology Committee all year and has tried to be as honest as he could about what is going on and so his intention was to explain what is available, what the possibilities are, and that DoIT had not made any decision. Professor Nelson said she and her colleagues really appreciate his openness and think it is very good we are having this discussion because without such a discussion he and his colleagues might have thought that the purchase of such software is a good idea and not realize how strongly faculty feel about this.

Vice President Pignatello said it is certainly clear now how the faculty feel, but he believes it was clear before and that the discussion seemed to treat the issue as a *fait accompli* when it wasn't. VP Pignatello added that long before this issue came up with the faculty he and DoIT discussed the importance of presenting the issue properly because if that were not done there would be a panic and, he added, that is exactly what happened. Professor Nelson said that she thinks that our discussions are very measured and useful. She added that monitoring software which also keeps logs has been implemented at other CUNY colleges without discussion and the faculty is unaware of what has happened but when they do become aware, as they will, their uproar will be a lot louder than we are hearing here and so this is a very healthy discussion and process we are engaged in at John Jay.

Senator Gavin Lewis said, speaking hypothetically, given the University policy which VP Pignatello characterizes as going far beyond what was being considered at John Jay, and the fact, of course, that policies are sometimes put into effect and sometimes are not, he asked whether there is a possibility at some point down the road that the College or DoIT would come under pressure to put this policy in effect. VP Pignatello replied that he thinks the policy is in effect and that he doesn't know whether we have a choice of selectively enforcing it. He said that, in his opinion, a policy that says "The University reserves the right . . ." does not leave the College with a choice as to whether or not to implement it. Senator Lewis asked VP Pignatello whether, therefore, there is a possibility or, perhaps, even, a likelihood that monitoring will be put into place at John Jay of a kind and to an extent that goes beyond what he described as originally envisioned at our College.

Director Banowicz said that as long as we have software that enables us to keep the network working and working well, we would have no need to go further in our monitoring. It is only if issues arise that require additional monitoring that we might have to do so, adding that at John Jay we have had problems with students who sent pornography using our College network to sites outside John Jay and the possibility of lawsuits have been raised to us by those who received that pornography. He said DoIT was able to focus in on only a broad area in terms of where the activity was happening and that if such activity were happening on an ongoing basis and John Jay were being hit with lawsuits, the College would have to take some type of action. Senator Lewis asked whether there would be some kind of process at that point in the decisions being made. Director Banowicz said that such a situation would start the discussion about we might do. VP Pignatello said there might be circumstances that would require intervention of some kind, adding that he does not want to speculate what those circumstances might be. But, he said, what the College is not going to do is have someone whose job is to sit at a computer terminal 24-hours a day looking at peoples' email and at where the email is going. He said there is no need to do that and they would never put someone on such a task. He said at the same time he is certain we could all envision circumstances that might require intervention.

Vice President Amy Green asked VP Pignatello how he envisions the decision-making process moving forward since software has not yet been purchased. VP Pignatello said because of the wish to monitor network traffic, a specific application will be chosen for purchase and that is something he and DoIT wish to accomplish.

Senator Tom Litwack said he wishes to first make a legal point, which is that when the CUNY policy states that “The University reserves the right to monitor” that does not mean the University has to exercise that right. The language of the policy does not direct John Jay to do anything, it does not direct John Jay to monitor in any shape, method, or form. He said he is not saying we should not monitor but, rather, he is saying that the policy does not require us to monitor, that the policy does not mandate us to monitor anything in any way. Moreover, the policy says, “The University reserves the right to monitor, under appropriate conditions” and, so, even if there were some implicit mandate to monitor, it would still be left to us to decide what the appropriate conditions are. He said it is crucial that we be clear that CUNY is not requiring us to do any monitoring whatsoever and that if we do engage in monitoring it is our choice entirely. Since this is our choice, the question is how much monitoring we should be doing. Noting that he has little expertise in computer technology, what he has not yet heard and what he would like to hear is that no monitoring software will be purchased or put into place that will allow anyone to know which websites are visited and what email addresses postings are sent to without prior discussion with the Faculty Senate.

VP Pignatello said that as far as he understands the situation, the software being looked at does not include that kind of ability. Senator Litwack said he would like to hear a more specific statement. VP Pignatello said he does not know enough about the particular applications that are available and, furthermore, he can speculate that there could be an application that does exactly what we want it to do in terms of monitoring the traffic and is the best at doing that, which is what we want, and happens to also have other features that we don’t need, which is something that could happen, it is a possibility.

Senator Litwack said that in his opinion the College should not purchase or implement any software until a discussion first takes place with the Faculty Senate about what software will be purchased or used. He added that he is not saying the Faculty Senate should have the right of approval – the CUNY policy, after all, doesn’t say upon approval of the Faculty Senate – but he said it seems to him it is very important to know what the software can do because anything can be misused. He added that it may well be that the purchase of such software is something the Senate would agree with or that such software would be purchased despite our disagreement. But, he said, he would like a commitment that no software that has those additional capacities beyond monitoring traffic will be purchased or used without prior discussion with the Faculty Senate.

VP Pignatello said he is not prepared to make such a Commitment at this point, adding that he understands the point being made but he is not prepared to preclude the purchase of software that might meet the goal the College is trying to achieve. He added that he can only say that Professor Litwack’s point is duly noted. Senator James Cauthen said that he believes that Tom Litwack is not saying the Senate should have some role in deciding which software should be purchased but rather he is asking for a commitment to tell the Senate if the College is considering purchasing such software. Senator Norgren added that what is being asked for is notification. Senator Litwack said what he is requesting is not notification. Senator Litwack explained that he believes it is a real issue as to whether or not the College should purchase or implement software that would enable anyone to detect which websites faculty members contact or what email addresses faculty send postings to. He said that as someone coming to this with a great deal of ignorance about many of the issues that VP

Pignatello has mentioned, he doesn't personally have a judgment about this but he absolutely thinks it is a bottom line First Amendment and academic freedom issue as to whether faculty would feel free to go to websites with or without fear that their choices of research subjects could be monitored. And, he said, he thinks this is something that absolutely should not be done unless the Senate is consulted about it and has a chance to weigh in on it.

Senator Cauthen agreed, saying that all the faculty is requesting is that if the College is considering buying and implementing such software, the Senate have the opportunity to engage in such a discussion. Senator Norgren said that means we are talking consultation. Senator Litwack said yes, prior to purchase.

VP Pignatello said he does not know what applications are available and does not want to handcuff the College by making the commitment being requested. Director Banowicz said that he could think of an example where we might need to have capabilities beyond what is being discussed: because the Secret Service is at John Jay and because of national security and because of what is happening on the Internet, the Secret Service or others might require information about websites visited or emails sent without anyone knowing that such activity is being monitored. There might be a legal requirement that we conduct such an activity for which we would need the proper software.

VP Pignatello said that he wasn't really prepared at this point for the kind of debate we are having here, explaining that he is making that statement to preface the point he wants to make, which is that when the University states in a policy that "The University reserves the right to monitor, under appropriate conditions, all data contained in the system . . ." we have to assume that the University has the ability to conduct such monitoring. He asked whether there is agreement with this assumption. Senator Litwack said no, that such language might have been a way for the University to reserve for the future an ability to do this and has not yet chosen to do so. But anyway, he added, that is the University's statement and it does not give the College a mandate to monitor. VP Pignatello said he understands that but that he reads that policy statement as being **an** explicit statement of the ability of CUNY to monitor.

Senator Norgren told VP Pignatello that just as he was arriving she was asking whether 80\* Street had provided a briefing paper either to him, the President, and the Provost, or to the faculty, because these are not issues that are new to the academy. There has been litigation that has gone all the way through the Federal court system. So in a certain sense there is a parallel conversation here that very much has to do with the law, the state of the law prior to the Patriot's Act, the state of the law after the Patriot's Act, and that was the reason she asked about a briefing paper.

Senator Norgren added that said she is reading Tom Litwack's and Jim Cauthen's request differently than VP Pignatello is. She said VP Pignatello is interpreting the request **as** precluding him from signing off on software that would do the kind of monitoring of traffic that he wants if such software has additional capabilities that the faculty would not want it to have, whereas she hears her colleagues ask that, as the capability of the various software is studied **and** becomes known to him and as he begins to entertain the choices, he come to the Senate – and perhaps to a variety of bodies at the College, one of which would be the Senate – to explain the capabilities of the various software. She said this is not saying anything about precluding but rather is asking that at an institution of education we be educated, that there be an education process before a decision is made.

VP Pignatello said that is different from what he was hearing. Senator Litwack said that Senator Norgren stated his position accurately but he wants to add that the Faculty Senate does not, in any case, have the power to preclude such a purchase by the administration but that the College

Council does have the power to preclude such a purchase and were he on the College Council he might well vote to preclude the purchase of such software, although he is keeping a very open mind on the issue. And that is why it is important to have an education process.

VP Pignatello said he doesn't know that we want John Jay to be the posterchild for Internet policy at *CUNY*, noting that this is an extremely important, sensitive issue about which he would rather have the University provide a clear policy that would apply to all the colleges. He said he does not think this should be a debate waged campus by campus, adding that we should be talking about this but not necessarily have different policies at different campuses. But, he added, this is important enough to discuss at the University level to obtain a clear determination of 80<sup>th</sup> Street's position before we embark on any action. He said in the meantime, DoIT will continue to research the software that is available and if we are lucky we can find software that doesn't get us into all these other issues.

Senator Kirk Dombrowski said he does think John Jay should have a special policy because we are a special institution: we teach courses in social deviance here. He noted he teaches courses in social deviance, courses in sex and culture, and in deviant sexuality. And so a University policy that doesn't accommodate that on a large scale would prove very counterproductive to us at John Jay, given what we teach and research and our special mission to do so. He said a specter of legal action had been referred to earlier and so is asking whether there has been any actual legal action taken against John Jay having to do with John Jay's Internet use and whether there has been any consultation with legal experts about the possibility of purchasing software that has the monitoring capability that the faculty is concerned about. VP Pignatello said there has not been legal consultation because the goal is to monitor the network traffic; he and DoIT have a responsibility to ensure the integrity of the network and that is the intent.

Senator Dombrowski said speculation about the possibility of lawsuits and the extrapolation that we might thus need the capacity to monitor should be based on legal advice from legal counsel. VP Pignatello said that he feels bound by University policy which reserves the right to monitor. Senator Litwack said that the policy does not say the University shall monitor all data; it says "The University reserves the right to monitor, under appropriate conditions" and the fact that one reserves the right to do something does not mean that one is going to do it and does not mandate the College to do it and it certainly does not spell out what the "appropriate conditions" are. Senator Litwack said the one thing that this policy makes absolutely clear is that the University does not require us to monitor. VP Pignatello agreed but said it also doesn't stop us. Senator Litwack said that is right, but it leaves the decision up to us. VP Pignatello said nonetheless the policy is binding. Asked by Senator Litwack what we are being bound to do, VP Pignatello said that under certain circumstances, which are not provided, we may monitor. He agreed that the policy does not require us to monitor.

Senator Kwando Kinshasa asked whether bottlenecks in the traffic are the primary concern and VP Pignatello said that is exactly what the concern is. Senator Kinshasa asked whether traffic can be monitored without concern for where that traffic comes from and where it goes. He said that if there is a bottleneck, one would want to know more than the location. He said that anyone concerned with traffic is going to be concerned with the qualitative nature of that traffic. VP Pignatello said we are now monitoring traffic but we are doing it in a labor-intensive, manual, inefficient way. Senator Kinshasa asked if the lawsuit threatened in response to pornography sent by John Jay students did, in fact, occur. Director Banowicz said that instead of a lawsuit, the recipients of the pornography henceforth refused to receive any email from John Jay.

Senator Mameli asked VP Pignatello that since he has raised the specter that *CUNY* may

already have the ability to monitor, and has correctly raised it, whether VP Pignatello could ascertain whether *CUNY* does have this ability because of two reasons: first, because, obviously, it would be of concern to know if *CUNY* does have the ability and, secondly, if the University already has this ability, why would the College need to purchase any software at all, since it would presumably be less expensive to obtain the site license for the University software. Vice President Pignatello said that he agrees that it is important to clarify how the University interprets this policy, especially since the policy is six years old and much has changed since 1995, and that he will pursue this question. He suggested that Karen Kaplowitz might also want to do so and she said that she would.

Professor Nelson said that we have to be careful to not get confused by semantics and not confuse the issue of protecting the integrity of the network, which must be done through various forms of monitoring, and which is something that she and those involved in technology totally support, with the issue of Big Brother looking over our shoulder and seeing what we researching, which is what we don't want. She noted that much of this is addressed in the New York State law is cited in the Senate Technology Committee's and the Senate's Resolution. She urged that the statute be read because it states that the "Statute was enacted to protect library users' inquiring minds from self-appointed guardians of public and private morality and government officials." That law was specifically passed to protect library users, the seekers of information, from being spied on by the government, and by other people, and this is exactly what the faculty are worried about.

Maybe, Professor Nelson said, we should be thinking at John Jay and, perhaps, CUNY-wide, about policies of privacy and confidentiality of electronic information. Because, she added, there could be cases where the College needs the ability to collect the information but that certainly does not mean that anybody needs to be able to look at it unless there is an extremely good reason, such as a subpoena, or because laws have been broken. She said some universities have developed privacy policies, which she imagines are very difficult to write, but may be what we need. Last year the Senate Technology Committee discussed email and how private our email is and Marvin Weinbaum, the former and at that time head of DoIT, said that as long as he is the director of DoIT no one would read anyone's email. And then he left a month later for a university in California. She said she doesn't think anyone in DoIT or anyone else at the College wants to read anyone's email or look at the Web sites anyone visits but what is needed, perhaps, is a policy that makes clear that no one will do so and that if we have to maintain logs for some reason that no one will look at those logs.

VP Pignatello said he has absolutely no interest in keeping logs or looking at anyone's Web or email activity. He said he can't emphasize this fact strongly enough. Professor Nelson said that libraries don't keep back information of book records because they don't want anyone asking them for that information and, that is why, she said, she thinks keeping electronic records would be a bad idea. But there is various information which is kept and, perhaps, even though we trust the people here, we need to institutionalize that trust, she said.

President Kaplowitz said that she has no doubt whatsoever that VP Pignatello has absolutely no interest in looking at anyone's email or Web site visits, that this was never a concern, but were he to leave to become the vice president of a huge university, and the person who takes his place were perhaps to have an interest in looking at such information, the software, once purchased, could be misused by this other person. And without a policy there would not even be a statement by the College opposing such activity. Similarly, if Director Banowicz chose to become director of DoIT at a larger university, his successor might not be as scrupulous as we have no doubt he is. VP Pignatello acknowledged the validity of this point. The best solution, President Kaplowitz said, is to have software without the capacity to keep logs but Professor Nelson's suggestion about a policy on privacy and confidentiality is very wise, whether we had such software or not.

VP Pignatello said he is already 15 minutes late for another meeting but sees that we need to discuss this matter further, so he and DoIT will further research the software that is available and he will return to the Senate to discuss this issue before any decisions are made and before any software is purchased. President Kaplowitz said that is wonderful and thanked him and said he is always welcome at the Senate.

Senator Kinshasa asked if VP Pignatello had time for one last question, which was raised just before the Vice President arrived, and that is whether faculty have the assumption of privacy in terms of what is in their office; in other words, can people – such as administrators – legally enter faculty offices and look at documents, at diskettes that contain research data, and so forth. In other words, whether, as a faculty member, he controls everything in his office and whether everything in his office is private. The Vice President said everything in a person's office is College property: the College owns the computers, the diskettes are College property if the College purchased them, but the data on the diskettes raise questions about the ownership of intellectual property **and** he is not an expert in that area. But, VP Pignatello said, no one is going to invade anyone's office to look at someone's research, adding that faculty do have an expectation of privacy but the equipment and diskettes do belong to the College. That is just the reality, he explained.

The Senate thanked Vice President Pignatello for accepting the invitation to come to today's meeting and thanked both him and Director Banowicz for their forthright statements. Vice President Pignatello was especially thanked for agreeing to discuss the issue further with the Senate prior to any purchase or implementation of software for monitoring. [The Senate applauded the guests.]

## 6. New business

President Kaplowitz invited comments about the issues that were raised with VP Pignatello and Director Banowicz. Professor Bonnie Nelson said she feels strongly that we need a College policy on privacy and that she has discovered two universities with such privacy policies and she is certain there are others. She offered to research this further **and** provide examples of such policies to the Senate's Technology Committee for review and the Committee could then report to the Senate. This was agreed to and Professor Nelson was thanked for offering to do this research.

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

Respectfully submitted,

Edward Davenport  
Recording Secretary

&

James Cauthen  
Associate Recording Secretary

&

Amy Green  
Vice President

## ATTACHMENT A

### 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 *N Y S* 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**

## The City University of New York

### Computer User Responsibilities

**NOTE:** The City University of New York Computer User Responsibilities is a statement originally prepared by the University's Computer Policy Committee. It underwent review by the University Faculty Senate and the CUNY Office of the Vice Chancellor for Legal Affairs.

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The computer resources\*\* of The City University of New York must be used in a manner that is consistent with the University's educational purposes and environment. All users of computer resources are expected to act in a spirit of mutual respect and cooperation, and to adhere to the regulations for their use set forth in this document. As a user of CUNY computer resources:

- You must have a valid authorized account to use computer resources that require one and may use only those computer resources that are specifically authorized. You may use your account only in accordance with its authorized purposes and may not use an unauthorized account for any purpose.
- You are responsible for the safeguarding of your computer account. For a mainframe computer account, you should change your password frequently and should not disclose it to anyone. You should take all necessary precautions in protecting the account, no matter what type of computer resources you are using.
- You may not circumvent system protection facilities.
- You may not knowingly use any system to produce system failure or degraded performance.
- You may not engage in unauthorized duplication, alteration or destruction of data, programs or software. You may not transmit or disclose data, programs or software belonging to others and may not duplicate copyrighted material.
- You may not engage in abusive or improper use of computer hardware. This includes, but is not limited to, tampering with equipment, unauthorized attempts at repairing equipment and unauthorized removal of equipment components.
- You may not use computer resources for private purposes, including, but not limited to, the use of computer resources for profitmaking or illegal purposes.

- You may not use computer resources to engage in abuse of computer personnel or other users. Such abuse includes the sending of abusive, anonymous, or unsolicited messages within CUNY or beyond via network facilities.
- The use of college computer resources may be subject to college regulations, and you are expected to be familiar with those regulations.
- These regulations and college regulations are subject to revision. You are expected to be familiar with any revisions in regulations.

The University reserves the right to monitor, under appropriate conditions, all data contained in the system to protect the integrity of the system and to insure compliance with regulations.

Any user who is found to be in violation of these rules shall be subject to the following:

- Suspension and/or termination of computer privileges;
- Disciplinary action by appropriate college and/or University officials;
- Referral to law enforcement authorities for criminal prosecution;
- Other legal action, including action to recover civil damages and penalties.

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\*\* "Computer Resources" is an inclusive term referring to any and all computing/information technology: hardware, software and access. Hardware includes, but is not limited to, terminals, personal computers, workstations, printers, mice, monitors, cabling, peripheral devices. Software includes, but is not limited to, mainframe shared software, networked software, and stand-alone software residing on personal computers. Access includes, but is not limited to, accounts on timesharing systems as well as access to stand-alone personal computing systems and other relevant technology.

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This statement is also available on CUNYVM as a file: ETHICS POLICY Y. If you have any questions about the statement please contact the CUNY Help Desk at 212-541-0981 or via e-mail: [ctruc@cunyvm.cunv.edu](mailto:ctruc@cunyvm.cunv.edu).

The City University of New York