

Faculty Senate Minutes #227

John Jay College of Criminal Justice

April 10, 2002

3:15 PM

Room 630 T

Present (26): Marvie Brooks, Orlanda Brugnola, James Cauthen, Leslie Chandrakantha, Edward Davenport, Jane Davenport, Kirk Dombrowski, Amy Green, Edward Green, Maki Haberfeld, Maqsood Kadir, Karen Kaplowitz, Tom Litwack, Peter Mameli, Evan Mandery, Lorraine Moller, Dagoberto Orrantia, Rick Richardson, Jodie Roure, Ellen Sexton, Carmen Solis, Margaret Wallace, Robin Whitney, Susan Will, Daniel Yalisove, Liza Yukins

Absent (13): Luis Barrios, Betsy Gitter, Robert Hair, Ann Huse, Kwando Kinshasa, Sandra Lanzone, Gavin Lewis, James Malone, Mary Ann McClure, Jill Norgren, Daniel Paget, Davidson Umeh, Agnes Wieschenberg

Guests: Professors Ruth O'Brien, Harold Sullivan

Invited Guest: Director of Security Brian Murphy

Agenda of the April 10, 2002, meeting

1. Announcements from the chair
2. Adoption of Minutes #226 of the March 20, 2002, meeting
3. Report and discussion of the Faculty Senate Ad Hoc Committee's recommendations about ways to create a feeling of community among faculty at John Jay
4. Discussion about President Lynch's announcement that he has informed Chancellor Goldstein that John Jay is willing to relocate to Governors Island
5. Approval of election slate to fill three (3) seats on the Committee on Honorary Degrees
6. Election of an additional member to the Faculty Senate Technology Committee
7. Discussion of the agenda of the April 11 College Council meeting
8. Discussion of ways to spend the \$1.4 million Technology Fee during 2002-2003 to enhance student access to computer technology
9. Recommendation regarding the B&N contract
10. What faculty can/should do if a student exhibits inappropriate, aberrant, or disruptive behavior:
Invited guest: Director of Security Brian Murphy

1. Announcements from the chair [Attachment A]

"The September 11 Project: What Happened," which Vice President Amy Green wrote from oral histories taken by her and by John Jay students and faculty and which she directed, and which

the Faculty Senate is co-sponsoring along with other organizations, will be performed in the John Jay Theater on April 16, 17, and 18. Senator Lorraine Moller is a member of the cast, as are other faculty and staff as well as students. A written report was also provided [Attachment A].

2. Adoption of Minutes #226 of the March 20, 2002, meeting

By a motion duly made and carried, Minutes #226 of the March 20 meeting were adopted.

3. Report and discussion of the Faculty Senate's Ad Hoc Committee's recommendations about ways to create a feeling of community among faculty at John Jay: Senators Betsy Gitter, Lorraine Moller, Jodie Roure, and Robin Whitney

President Kaplowitz conveyed Senator Betsy Gitter's regret at being unable to be at today's meeting. It was Senator Gitter who submitted as an agenda item the importance of creating a feeling of community among faculty at John Jay and the role the Senate might play in making this happen. When the Senate discussed this issue at its last meeting, on March 20, the consensus was that this is a critically important issue, that the lack of a sense of community among faculty is pervasive, profound, and demoralizing, and that the best way to proceed would be to create an ad hoc Senate committee to develop proposals for consideration by the Senate at today's meeting. The Committee members are Senators Betsy Gitter, Lorraine Moller, Jodie Roure, and Robin Whitney.

Senator Jodie Roure reported that the ad hoc committee decided that the most effective way to create a sense of community among the faculty would be to establish a faculty dining room that is attractive, conducive to socializing, and that is available to the faculty at all hours. The current Faculty Dining Room (FDR) on the second floor of North Hall is unattractive and is almost always empty: only six or seven people eat lunch there on any given day. Unlike all the other CUNY colleges, we do not have an attractive faculty dining room/lounge where we can meet, socialize, or eat. Furthermore, the FDR is available to faculty and staff only until 2 PM at which time it is used for lectures, for ceremonies, for student activities, by outside groups who rent it, and so forth.

Senator Roure reported that John Vasquez, the FDR and student cafeteria vendor, told both Senator Gitter and President Kaplowitz that he is willing to invest money to improve the space, to purchase attractive new furniture, etc., but to do so he must know that it will be a dedicated space used only as a faculty dining room. Because of the way the space is now used, the tables and chairs must be removed and returned every day and, therefore, the kinds of furniture that would make a dining room attractive would soon be destroyed by such constant moving and storing.

Senator Roure said that Senator Gitter also arranged with Mr. Vasquez, the vendor, should the Senate endorse the committee's proposal, to have a buffet lunch from 11:45 to 2:30 each day. The buffet, which would cost \$5, would include the choice of two entrees, salad, and beverage.

The committee's proposal is that the Senate endorse this plan for this semester, trying it for two days each week, on Wednesdays and Thursdays, and seek the co-sponsorship of the Council of HEOs (the administrative staff). The plan is that if the dining room is heavily used during this experimental period, the Senate (and, it is hoped, the HEOs) would be able to make a very strong case to the administration that a dedicated space – perhaps different from the current space – is

needed and wanted for a faculty/staff dining room and lounge. Once a dedicated space is provided, then the furnishings and the amenities would be forthcoming.

Senator Roure made a motion that the Senate endorse the plan, adding that the faculty would have to agree to participate in the buffet lunch in order to make the plan work. Senator Susan Will said she has doubts about how willing the faculty would be to go to the current FDR, both because of its current unattractiveness and because faculty would doubt that the current quality of the food would be improved. Professor Harold Sullivan said that he eats in the FDR four times a week and sees only a few faculty there and said that while the plan is a good one and that while he questions whether it would work, he thinks it is certainly worth trying.

Senator Rick Richardson said he does not have much confidence in the administration's willingness to maintain a space as a faculty dining room, since the faculty/staff lounges in T Building have already been commandeered for classroom space. President Kaplowitz said that Senator Gitter has consulted with Provost Basil Wilson who supports the need for a dedicated faculty/staff space and who has said he would speak to VP Pignatello about this. If the Senate does approve the proposal and if faculty do participate in the buffet lunches this semester, Senator Gitter plans to meet, along with a representative of the HEOs, with Vice President Pignatello to discuss options for a dedicated space. Senator Richardson said that even if a dedicated space is provided, he does not have confidence that it will not be commandeered by the administration in the future.

Senator Susan Will said that although she had originally spoken skeptically about this proposal, she believes it is certainly worth a try. Senator Edward Green suggested that the furniture and food be improved before faculty are asked to participate. President Kaplowitz said we can not reasonably ask Mr. Vasquez to invest money unless and until there is a demonstrated faculty interest in having and using a faculty/staff dining room. Senator Edward Green said he fears that even if faculty were to come to the buffet lunch once, they would not come a second time under the current circumstances which are so extremely unpleasant.

President Kaplowitz added that unless the faculty demand, through their participation, which would be a powerful vote of support for this initiative, the kind of attractive, dedicated space that faculty and staff have at all the other *CUNY* colleges, such a space will never be provided. The Senate endorsed the proposal by unanimous vote and authorized President Kaplowitz to send flyers to all faculty and staff and to transmit both phonemail and email messages to all faculty inviting and urging them to participate in the buffet lunches.

The second proposal from the ad hoc committee, which was presented by Senator Lorraine Moller, is that the Faculty Senate sponsor workshops for faculty about the personnel process. These would not be Better Teaching Seminars, which the Senate already sponsors and which regularly include sessions on the personnel process and regulations, but rather would be hands on workshops at which faculty could learn how to effectively complete the mandatory Form C, how to manage the peer classroom observation, how to prepare one's personnel file, etc. This is being proposed as a second way to help create a feeling of community among faculty because it is collegial, it would help demystify the personnel process through a hands on approach, and would, it is hoped, lead to mentoring relationships between faculty. This proposal was unanimously endorsed by the Senate.

Senator Robin Whitney said that to have any sense of community there must be an improvement of the physical plant not only in the faculty dining room but everywhere. She spoke about the overheated North Hall classrooms and reported that several of her entering freshmen have told her that they are transfemng out of John Jay because the physical conditions here are so

terrible. She noted that foul odors from the loading dock on the 60th Street side of the second floor of North Hall are also a part of the problem.

President Kaplowitz said that the uncontested and, therefore, presumptive new executive board (in early May) of John Jay's chapter of the PSC has a committee on health and safety which is investigating these matters. She noted that working conditions are a union matter and that the uncontested executive board has listed health, safety, and quality of life issues as among its top priorities. President Kaplowitz noted that the Senate has long addressed these problems, because it is also a Senate issue because these conditions affect not only us but also our students and visitors, but now that there is an active union chapter which will soon take office, and because the Senate has many, many issues to address, many of which do not overlap with the union, that the Senate should let the new union use its efforts and time on these crucially important areas.

She added that when CUNY Senior Vice Chancellor and COO Allan Dobrin meets with us as our invited guest on May 10, we can discuss these issues with him, but in the meantime we have many other issues to deal with. Senator Edward Green called this too important an issue for the Senate to not address and he moved that the Senate make health, safety, and quality of life issues a priority agenda item for the next meeting. The motion failed for lack of a second. Senator Whitney said she does not think the motion is needed because of what has just been reported.

4. Discussion about President Lynch's announcement that he has informed Chancellor Goldstein that John Jay is willing to relocate to Governors Island [Attachment B]

On Friday, April 5, at the Faculty Development Day luncheon, during his greetings to the faculty, President Lynch announced that he had told Chancellor Goldstein that John Jay is willing to move to Governors Island. On the day previous to that, on April 4, during a meeting with the Psychology Department, President Lynch similarly announced that he had told the Chancellor that John Jay is willing to move to Governors Island. On both occasions he told the faculty that if he had his choice between Phase II and Governors Island, he would choose Phase II but, he explained at Friday's Faculty Development Day, he is more and more inclined to believe that Phase II will not happen and that is one reason for his communication to the Chancellor. The second reason, he told the faculty, is that this might be a bargaining chip to force the former owner of the land to desist in his continuing efforts to derail Phase II. President Kaplowitz said that she had been unable to be at Friday's Faculty Development Day but that Professor Harold Sullivan, the Chair of the Council of Chairs, who is here at our meeting, during his greetings to the faculty, responded to President Lynch's announcement by decrying the lack of consultation with the faculty. However, President Lynch had left before he heard Professor Sullivan's statement but there were many other administrators present who did hear it. In the interim since Friday, President Lynch met with the Sociology Department yesterday and he again reported the offer he made to the Chancellor.

President Kaplowitz asked the Senators whether the Senate should take a position on three issues: first, based on what we know thus far, whether moving the College to Governors Island is in the best interest of our students, our programs, and our College; second, whether President Lynch's public statements might have a negative affect on our efforts to obtain Phase II; third, the issue of consultation or lack of consultation with the faculty.

Senator Peter Mameli reported that he had visited Governors Island earlier today with a group of ten to 15 John Jay administrators, including President Lynch and Provost Wilson.

Explaining that before coming to John Jay a few years ago, he worked at the City Council and that one of his projects was to study possible uses for Governors Island, he said he assumes that is why he received an invitation yesterday to participate in today's site visit. He noted that he had the opportunity, therefore, to put forward a variety of issues to the entire administration as they walked around the Island for two and a half hours, issues that, he said, anyone could have raised without going to the Island: the issue of access since there are no subways or bridges to the Island and, therefore, the need to run a ferry service; what this would do to our evening programs; what this would do to our enrollment.

Senator Mameli said the problem is that because the Island is so very beautiful everyone's first reaction is to want to find a way to be located on it. He said he urged each administrator, including President Lynch, to consider the negative aspects of such a move before taking further action, to then assess which negative aspects are real insofar as they would have an undesirable impact on our College, and then identify what could be done to alleviate those negatives. Aside from this, he said, is another issue, one that does not have to do with John Jay but with CUNY, and that is how the upkeep and operation of the Island is to be paid for annually. That is a completely unresolved issue now just as it was unresolved when the City Council looked at possible uses for Governors Island. He said the cost of operating and maintaining the site is being estimated at between \$30 million to \$50 million annually.

Asked by Senator James Cauthen who went on this tour, Senator Mameli said that President Lynch and most of the senior administrators, adding that he was the only faculty member. He said there was a person from the Law School whom he didn't know. President Kaplowitz identified the person as the Dean of the CUNY School of Law School, Kristen Booth Glen.

Vice President Amy Green asked Senator Mameli how the group had traveled to the Island, since transportation is an issue. He said that a van had taken the group from the College, and that the group had then taken a tugboat to Governors Island, because the ferry was broken. He noted that there are three subway stops near the ferry dock. He said he believes the issue of access is a really critical one for evening students.

President Kaplowitz said that before the discussion continues she should report what she knows so far. She had been at 80th Street two days ago for a meeting of the Fiscal Affairs Committee of the Board of Trustees, on which she serves, and at which the Chancellor reported about Governors Island, including the cost of operating the Island and the fact that title has not yet been transferred to the City [see Attachment A]. While waiting for the start of the Committee meeting, during informal discussions with members of the Chancellery, the topic of Governors Island came up and in telling about President Lynch's announcement to the faculty that he had informed the Chancellor that John Jay is willing to move to the Island, she was greeted with disbelief that the College's faculty had first learned of the plan when President Lynch publicly announced it three days earlier at a faculty development event. President Kaplowitz said she was told that they had received the clear impression that President Lynch's offer to the Chancellor, which was made both orally and in writing, was the result of consultation with and support of the John Jay faculty. She was urged in the strongest terms to immediately inform the Chancellor of the situation, before the public Fiscal Committee meeting, since the Chancellor is operating with an erroneous understanding of the situation.

She said that she had no choice but to do so and, therefore, she did privately tell the Chancellor, moments before the Committee meeting, that the faculty learned of President Lynch's offer to move John Jay College to Governors Island when he publicly announced it three days

earlier at a faculty development event and that the faculty have not taken a position for or against the proposal because there has been no consultation to date.

President Kaplowitz noted that the Chancellery and the Trustees are working extremely hard to make Phase II a reality, communicating at least weekly with the Governor's Office. She noted that the Chancellor sent the Governor's Office the complete transcript of the Facilities Committee meeting at which she spoke at length about the tremendous need for Phase II. She said the Trustees and the Chancellery might stop those efforts if we were, in fact, willing to move to Governors Island or if they think we are willing. And then if the many entities that will be involved in developing the plan for Governors Island decide that it is not viable to move John Jay to the Island, we would have neither Phase II nor Governors Island. Also, she said, the owner of the Phase II property would most probably petition the court – and possibly with success – to reverse its eminent domain ruling if he were to learn, as President Lynch announced on Friday, that John Jay is not planning to use the land, because the eminent domain ruling is based on testimony to the court that the land is needed specifically for John Jay's Phase II site.

Professor Harold Sullivan reported that the Council of Chairs has just had a meeting on the Governors Island issue and the Chairs authorized him to ask President Lynch to call a meeting of the College Budget Committee, which includes all the chairs, various administrators, student representatives, and the head of the Senate, to raise the issues being raised at this meeting. Professor Sullivan said that if the faculty believe a move to Governors Island is not a good idea for the College, it is imperative that the faculty be vocal and be vocal immediately because silence will be taken as not only consent but will be taken as enthusiasm.

Vice President Amy Green said that her first reaction to the announcement made by President Lynch is that the Faculty Senate has devoted a lot of time and effort fighting for Phase II and to have this suddenly announced to us with no consultation was really devastating. She said that at the very least we have to communicate that Governors Island is not what we supported, it is not what we have been working to achieve. She said that we have to respond as a Senate, not as individual faculty members. As to the proposal itself, she said that it is possible that Governors Island would be a wonderful site for John Jay but she has no way of knowing whether it would be.

Professor Ruth O'Brien (Government Department) called access the crucial issue, not only physical access but the psychological barrier of traveling to and from an island that one can only travel to and from by boat. She said she has students who had been accepted at Hunter and who had declined to go there and came to John Jay instead because Hunter was on the wrong subway line and yet the President is talking about moving the College to a different island. She said that one of John Jay's greatest assets is its location. She said she is extremely disturbed by the situation and said that in addition to the Faculty Senate communicating its views every faculty member should be very vocal. She proposed two courses of action for the faculty: first, hiring an expert from outside CUNY to conduct an independent assessment of the access issue and, secondly, informing our students. She said she told her students about President Lynch's announcement and they had been shocked; furthermore, not one of her students had a positive response because they all rush to and from work, and the idea of having to be dependent on catching a ferry to get to and from their college was something they all reacted to in the most negative way. On the other hand, when she told her students that there might be housing available, they were very positive about the idea because adequate housing is a problem for many students.

Professor O'Brien added that she also raised the issue with her colleagues at the Graduate Center, where she now spends a lot of time [as the assistant executive director of the Political

Science program] and not one of these faculty members, who are from about six other *CUNY* campuses, had a positive response and all reported that there was no interest at their colleges to be involved in any way with Governors Island.

President Kaplowitz added that she has students, and undoubtedly there are many other students, who sometimes come to John Jay both in the morning or at lunchtime and again in the evening, going back and forth to work several times in a day. Also, our students are from not only all five boroughs, but from New Jersey, Connecticut, upstate New York, and we have in-service students as well. Professor O'Brien agreed, adding that the entire idea of our day/night program, which the faculty willingly participate in, is predicated upon the idea of access for our students. President Kaplowitz said that with reference to Professor O'Brien's suggestion about hiring an outside expert, the Chancellor told the BoT's Fiscal Affairs Committee two days ago that he is hiring a top level management firm to conduct an analysis of the issues regarding the Island in terms of *CUNY*, because, he said, we do not have the forces at CUNY to do the kinds of high level analyses that are required because such analyses would be a massive task. He had added that we should approach the Governors Island situation slowly, methodically, and in a deliberative way.

Senator Edward Green said that large numbers of our students come to John Jay because of our location, and even so, the evening students barely get from work to the College's current convenient location on time. He said it seems likely that we would lose most of our evening students and at least half of our day students if we made this move.

Senator Kirk Dombrowski asked whether, aside from process, this issue is a real one, that is, whether there is any chance that 80th Street would find the idea of moving John Jay to Governors Island an attractive one.

President Kaplowitz said that John Jay's move does seem counterintuitive, given the fact that the Mayor's plan is for CUNY to move some of its programs to Governors Island in order to free up space for desperately needed high schools, especially in Queens and the Bronx, but not in Manhattan. But, she said, she could see John Jay's move as an attractive offer to 80th Street because North Hall and T Building, which are in a prime Manhattan location and which are owned by DASNY, could be sold for a lot of money, money which could presumably be used to operate *CUNY* on Governors Island. The other Manhattan colleges already have adequate facilities and the buildings in the other boroughs could not demand the same purchase price. And, perhaps, there is hope that the \$400 million for Phase II could be used as well, though that seems more doubtful.

Vice President Amy Green moved that the Senate send a letter to both President Lynch and to the Chancellor protesting this sudden and unilateral decision and asking that the brakes be put on the idea and also affirming our wish to push ahead with Phase II. The motion was seconded. Senator Evan Mandery suggested a more positive approach, noting that President Lynch's tone seemed to be that this is a unique opportunity, one that we would be foolish to not consider. He said that there is the possibility that a move to Governors Island would transform John Jay into a primarily residential college, with satellite locations for people to take evening classes. And so it might be a wonderful opportunity. Therefore, what we need to communicate is that there is a diversity of views among the faculty, that there are a tremendous number of issues, all of tremendous import, all of which need to be explored, that the faculty should be included in that process, and that we should be included immediately. Vice President Amy Green accepted Senator Mandery's approach as a friendly amendment to her motion.

Senator Mameli supported Senator Mandery's approach. Senator Tom Litwack agreed that

we should be open to the idea, adding that the issue is so extraordinarily complicated that we could not possibly take a position about the idea itself at this meeting. But, he added, it is, at the very least, most unfortunate and, indeed, unacceptable for President Lynch to represent to CUNY that the College is willing to make this move without having engaged in any discussion with the faculty. We have to make it very clear that we do not support any representation of the faculty's views at this time, he said. Senator Litwack offered language for a letter to President Lynch from the Senate: "The Faculty Senate wishes to inform you that while we are open to considering the possibility, at this time the Senate does not support the moving of the College to Governors Island, given the information we currently have, and asks you to engage in full consultation with the Faculty Senate and with other elected and representative bodies, including the Council of Chairs, before any further representations by you regarding the College's willingness to move to Governors Island are made."

Professor Ruth O'Brien urged that a letter from the Senate also include the concern that such public announcements as President Lynch's about Governors Island could jeopardize our obtaining Phase II, which President Lynch has said he would prefer over Governors Island.

Senator Maki Haberfeld said the possible move to Governors Island would be a disaster for the College even though she, personally, likes the idea of teaching on Governors Island. Senator Richardson supported sending a letter to the President and to the Chancellor and urged that the letter affirm our commitment to Phase II. President Kaplowitz suggested that at our next meeting we discuss ways the faculty might further help move the Phase II project forward.

Senator Evan Mandery proposed alternate language for a letter to President Lynch, in accordance with Vice President Amy Green's motion, as a substitute for Senator Litwack's proposed language [see Attachment B].

Vice President Green asked whether this issue has come before the Comprehensive Planning Committee and the answer was that it has not. Senator Orlanda Brugnola said that while supporting Senator Mandery's proposed language, she wishes to offer a cautionary note that we not resist change just because it is change, adding that waiting for Phase II has not proved very rewarding. She said it is important to obtain a realistic assessment of the proposal and not act on just our anxieties. President Kaplowitz noted that Professor Ned Benton has proposed that John Jay's Office of Institutional Research conduct a survey of our students and that absent such a survey he would conduct a survey of our MPA students, since there is a MPA program at Baruch, just across town which MPA students might very well choose rather than travel to Governors Island.

Senator Litwack praised the language proposed by Senator Mandery [Attachment B], adding that he prefers it to the language he himself had proposed. There was a suggestion that the Senate invite President Lynch to our next Senate meeting to discuss this issue and that such an invitation be included in the letter. Vice President Green said that the point of her motion was not to oppose a move to Governors Island but rather to put the brakes on the proposal until it has been properly discussed with the elected faculty bodies, and other groups, and to put the brakes on any representation that a move to Governors Island has the support of the faculty, at this time, and, she said, Senator Mandery's proposed language conveys that in an excellent way.

By unanimous vote the Senate approved the language proposed by Senator Evan Mandery, with the understanding that the Senate Executive Committee would refine and edit the text as needed, given the limited time for reviewing the specific language, and that this letter be sent to President Lynch and that it also be copied to Chancellor Goldstein [Attachment B].

5. Approval of election slate to fill three (3) seats on the Committee on Honorary Degrees

Three (3) seats on the 7-member Committee on Honorary Degrees become vacant in May. To be eligible to serve on this Committee, a person must be a tenured member of the faculty and must hold the rank of associate professor or full professor. The Senate Executive Committee presents nominations for the slate, for approval by the Senate, in accordance with the Senate Constitution. The entire full-time faculty votes for the members of the Committee.

The four (4) members of the Committee whose terms do not expire in May and who, therefore, will continue to be members of the Committee are Professors Todd Clear (Law, Police Science); Jannette Domingo (African-American Studies/Economics); Jack Jacobs (Government); and Maria Volpe (Sociology).

The Senate unanimously approved the following 6-person slate for the 3 seats that become vacant in May:

Peter DeForest (Sciences)	Jerry Markowitz (History/TSP)
Betsy Hegeman (Anthropology)	Steven Penrod (Psychology)
Lee Jenkins (English)	Marilyn Rubin (Public Management)

6. Election of an additional member to the Faculty Senate Technology Committee

Upon the recommendation of Professors Bonnie Nelson and Lou Guinta, the Co-Chairs of the Faculty Senate Technology Committee, the Senate elected Professor Jeff Walsh (Sociology) as a member of the Committee.

7. Discussion of the agenda of the April 11 College Council meeting

The agenda comprises nominations by the Committee on Undergraduate Honors, Prizes, Scholarships, and Awards, for vote by the College Council, of student recipients of various honors; a Curriculum Committee proposal for a new Government course on “The Law and Politics of Sexual Orientation,” developed by Professor Dan Pinello; a Graduate Studies Committee proposal for prerequisite changes for CRJ 730; and a Graduate Studies Committee proposal for a revision of the MPA curriculum.

8. Discussion of recommendations about ways to spend the \$1.4 million Technology Fee during 2002-2003 to enhance student access to computer technology [Attachment C]

The following recommendation was unanimously approved for transmittal to the John Jay Technology Fee Advisory Committee for inclusion in the College’s plan, which is due at the CUNY Central Office on April 30, for the expenditure during the 2002-2003 academic year of the \$1.4 million in revenues that will be generated by the mandatory fee which all students must pay:

The John Jay Faculty Senate unanimously recommends to the Technology Fee Advisory Committee that a very high priority for the use of the Technology Fee be the purchase of electronic services and electronic resources by the John Jay Library as well as the hiring of Library staff for technical support and to foster the use of the Library's electronic resources, in order to enhance the Library's electronic services and capacity.

The Faculty Senate's recommendation is based on the Senate's considered belief that such expenditures of the Technology Fee would tremendously increase student access to technological resources, would tremendously increase student access to our Library resources, at all hours and from all geographic locations, and, as an ancillary benefit, would tremendously enhance the reputation of our Library and, by extension, the reputation of our College, which would also be a benefit to our students [Attachment C].

9. Recommendation to the Auxiliary Services Corporation with reference to the negotiation of the B&N contract

John Jay's 3-year contract with B&N expires June 30. The College's Auxiliary Services Corporation (ASC), which comprises John Jay faculty, students, and administrators, has decided to extend the contract with B&N, either one or more years, which is an option provided in the current contract, rather than consider a different vendor. Provost Basil Wilson, wishing to ensure that the new contract addresses the issues raised by the faculty, has asked for a copy of the faculty responses to the two Faculty Senate surveys of faculty experiences with the bookstore as well as any Senate minutes that report discussions the Senate has had about the bookstore. Both sets of documents have been provided to him.

Senator Robin Whitney moved that the Faculty Senate recommend to the ASC that in the next and in all subsequent contracts with a bookstore vendor, the contract shall ensure that the same discounts be given to all faculty members, without regard to their full-time or adjunct status. She explained that this is not currently the case: full-time faculty receive a 10 percent discount but adjunct faculty receive no discount from the bookstore, a fact which she confirmed with the store manager, April Moore, who explained that the contract only provides for full-time faculty to receive a discount. The motion was adopted by unanimous vote.

10. What faculty can/should do if a student exhibits inappropriate, disruptive, or aberrant behavior: Invited guest: Security Director Brian Murphy

Security Director Brian Murphy was welcomed and thanked for accepting the Senate's invitation. It was explained that faculty have expressed concern and confusion about what they should and could do if students act in an aberrant, inappropriate, or disruptive way. President Kaplowitz noted that during a discussion of this issue at the last Senate meeting, she had said that if such situations arise, faculty could call Security Director Brian Murphy or Dean of Students Hector Ortiz. She asked Director Murphy to explain what happens when a faculty member calls him.

Director Murphy agreed that faculty can do one of two things: either call him or call Hector Ortiz, the Dean of Students. He said if a faculty member calls him or comes to see him, he'll fill out an incident report. But what faculty must know and must understand is that if a faculty member

complains about a student, the faculty member has to put that complaint in writing because neither he nor Dean Ortiz can deal with the situation unless it is in writing and this is for obvious liability reasons. He said that, unfortunately, a number of faculty are reluctant to put a complaint in writing. But when a faculty member does put the complaint in writing, nobody can ignore it and it gives him, as Director of Security, more power to ensure that other administrators also pursue the situation.

Director Murphy said each person has to make the decision himself or herself as to whether the situation warrants intervention. He said that he has long experience as a law enforcement officer on the NYPD and has long experience as John Jay's Director of Security. Despite that, a year ago, with regard to the person who allegedly murdered a priest and a parishioner in a church on Long Island a few weeks ago, Director Murphy had thought a year ago, when the person was a student at John Jay, that the student was a pervert but he certainly did not think the student was dangerous: this person, a year ago, while still a student at John Jay, was in Director Murphy's office because another student had complained about this student's behavior in class. Obviously, Director Murphy said, he had been wrong in thinking the student was not dangerous. Similarly, lots of psychologists are also wrong in making such assessments, he added. He said it's a tough call to make but his advice is that when in doubt go the safety route. We all pride ourselves on thinking we can read people, he said, but if we're wrong it could be fatal.

Director Murphy said he just learned from Vice President for Student Development Roger Witherspoon that a pamphlet is being prepared by the Counseling Department: it is a revision of a 1995 pamphlet called "How to Identify and Assist Students With Emotional Problems and/or Disruptive Behavior: A Guide for the Faculty," a copy of which he held up to show the Senate. He said he assumes all faculty have a copy of the 1995 pamphlet. Only two members of the Senate, none of whom were newer faculty, were familiar with the pamphlet or could recall ever having seen it. Senator Carmen Solis said that although she is a counselor with the SEEK Department, she has never seen the pamphlet. Director Murphy said he is glad the pamphlet is being revised because there are aspects of it with which he does not agree. He said the pamphlet really puts the onus on the faculty member to confront the student, to question the student, and to try to evaluate the type of problem the student is experiencing. Director Murphy said he thinks it is up to each faculty member. He said that he has no problem if a faculty member who is nervous about a student decides to not confront the student but, chooses, instead, to come directly to the Security Department. He said he and his staff will handle the situation along with our College's professional Counseling Department.

Senator Tom Litwack recommended that the Senate request that before the pamphlet is published, the Counseling Department provide the Senate with a copy of the draft so that faculty can provide suggestions and comments, if they have any. He asked Director Murphy if he, too, would like the opportunity to look at the draft. Director Murphy said he would. In the meantime, he offered to make a copy of the 1995 version for Karen Kaplowitz.

Asked about the stabbing attack a year ago on Dean Ortiz on the third floor of North Hall, Director Murphy confirmed that that had been a clear attempt at murder, adding that the alleged assailant, who was also a former student, has, in fact, been indicted for attempted murder.

Senator Orlanda Brugnola said she is glad that both Security and Counseling are working on this together but questioned whether VP Witherspoon should not also be involved. President Kaplowitz assured her that VP Witherspoon, adding that she has had many discussions with him over the years and many during the past few weeks since the murders in the church. She explained

that VP Witherspoon chairs a department that has two parts: Counseling, which is headed by Professor Robert DeLucia, and Communications Skills, which is headed by Professor Sandra Lanzone: both Professors DeLucia and Lanzone report directly to VP Witherspoon.

Director Murphy further explained the process of putting a complaint in writing: in order to have a student removed from a class, the instructor must articulate in the written statement either that the student is disruptive, that is, that the student's behavior is either disruptive to the faculty member's ability to teach or is interfering with the other students' learning, or, the written statement must communicate the faculty member's feeling that the student is a danger: if either or both of those statements are put in writing, then as the Director of Security he has to act and he has to remove the student from class.

Asked by Senator Liza Yukins to describe the process that then takes place, Director Murphy said that upon receiving a written statement from a faculty member, either he or Dean Ortiz will look up the student's class schedule and will then go to the student's class and remove the student from class and then talk with the student. He added that if the faculty member has an immediate situation, that is, if the faculty member feels there is a danger, then either he or Dean Ortiz should be called and they will immediately remove the student from class.

Senator Liza Yukins asked whether faculty members who decline to put a complaint in writing are doing so to protect the student from getting into trouble or because they fear repercussions directed at them by the student. Director Murphy said they either fear repercussions from the student or they are exhibiting the all-too-typical New York attitude of not wanting to get involved. President Kaplowitz identified a third reason: some faculty fear that they will be perceived as being unable to manage their classroom, that their written complaint will somehow reflect negatively upon them as teachers. Director Murphy agreed, saying that he has witnessed many adjuncts, in particular, who fear that putting a complaint in writing could jeopardize their career as teachers here, they fear they will get a reputation as someone who complains about students and that such a reputation would reflect negatively on them. President Kaplowitz said that her experience has been that such fear is not justified, not at John Jay.

Senator Tom Litwack said he agrees with Karen. He then asked Director Murphy if a faculty member has a situation that is not an immediate emergency, whether there is a reason for the faculty member to go to Director Murphy's Office rather than Dean Ortiz's, or vice versa. Director Murphy said not at all, that it is the faculty member's choice, adding that he and Dean Ortiz work very well together. He said any complaint he receives he shares with Dean Ortiz and he can only assume that the same is true of Dean Ortiz.

Director Murphy said that to be honest, given his background, he does not let himself leave anyone swinging in the breeze: if someone communicates with him he will pursue it not only because it is the right thing to do but also he will pursue it to cover himself. He added that he can't speak for every administrator. He said he is not foolish enough to ignore something that can come back to haunt him. The point, he said, is that if something seems to be a danger or a disruption, the faculty member should not ignore it and he, in turn, will not ignore it either. He said we've had cases where faculty members have basically expressed a willingness to put up with a student's disruptive behavior but the other students in the class keep complaining and, as a result, the faculty member feels he or she has to write a complaint. Director Murphy said the obligation is to the other students in the class who are there to learn. He said there have been more and more cases of students who sit in class talking to themselves, of students who behave strangely in class, and the other students in the class being frightened by such behavior.

Director Murphy said that there have been cases where students have complained, cases where brawls are taking place in class and the instructor is still teaching, ignoring the fighting. He said he and VP Witherspoon have had to pull students off each other while the instructor was still teaching. He said that in another case when students were fighting in class, the instructor had the students leave the classroom if they wanted to continue fighting and they did so. President Kaplowitz noted a case in which an adjunct faculty member punched a student in class and was fired. Director Murphy said that had been the culmination of the student having stalked the adjunct for two semesters, literally stalking him everywhere. President Kaplowitz said that a faculty member should never let a situation get to that point. Director Murphy said the adjunct had reported the situation, but to his chair and not to anyone else. President Kaplowitz said that not all chairs take the necessary action or know what the necessary action is and that is one of the many reasons the Senate invited Director Murphy to today's meeting.

Senator Margaret Wallace asked whether a faculty member should call him if a student who is disruptive in class and who is asked to leave by the instructor refuses to leave. Director Murphy said yes, adding that for legal reasons he would then call the Dean who can suspend the student because once the student is suspended, Mr. Murphy can require the student to leave the building. He said he can't require a student to leave the campus until a dean suspends the student. President Kaplowitz explained that any administrator who holds the position of dean, or higher, can suspend a student on the spot.

President Kaplowitz said that Senator Wallace's question raises another problem: the instructor isn't supposed to leave the classroom while the class is in session and so the question becomes how the instructor is supposed to call Security. Director Murphy said there are house phones on every floor but of course one would have to leave the classroom to use them. Someone suggested asking a student to call Security but President Kaplowitz said that could trigger an explosion and it puts the student who is asked to do this in a potentially vulnerable position. President Kaplowitz suggested that the instructor could tell the students: "We're taking a 5-minute break. Go into the hall, stretch, use the toilet, but be back in 5 minutes." During that 5-minute break, the instructor can call Security. Director Murphy noted that the person who stabbed Dean Ortiz had been suspended from the College three times but kept returning to class and so Director Murphy had the student arrested on two different occasions.

Senator Robin Whitney said that cell phones are invaluable in such situations. President Kaplowitz said that her classroom in North Hall is a total dead zone. Cell phones just don't work, neither hers nor her students'. Director Murphy acknowledged the dead zone problem in North Hall, noting that there are several places in North Hall where even the Security Officers' radios don't work. In fact, if an Officer is standing near any of the fire alarms, their radio will not work.

Senator Tom Litwack said that Karen's suggestion of calling a 5-minute break for the class is a good one. But, he added, everyone should remember: all rules go by the board in an emergency.

Director Murphy added that his advice is that if a faculty member does choose to intervene in a situation involving a student or students, even if the students know that the person is a member of the faculty, the faculty member should always identify himself or herself by name and, ideally, show a John Jay faculty ID card. He cited a situation in which a faculty member's class was being disrupted by an altercation in the hallway and the faculty member asked the students in the hallway to cease; one of the students became abusive and so Security was called and Security brought the student up on charges. The student, on the advice of another faculty member, said in his defense that the person who had intervened had not identified himself and had not shown ID and so there

was no evidence that the person was really a faculty member and not a student. The faculty member acknowledged this fact and, as a result, the case was dismissed.

Senator Margaret Wallace asked if there is any way to have an emergency button in the women's rooms. She said that she teaches Science on the fourth floor of North Hall and that several times when she's gone into the fourth floor **NH** women's room there have been men there who each time claimed they did not know it was a women's room. Director Murphy said there is a way to have an emergency call button but installing such a system is very costly.

Senator Orlanda Brugnola said a man came into her classroom falsely claiming he was there to provide information from the Student Activities Office and then he gave out free tickets to clubs. She said she marched the intruder to the Security Office, where Assistant Security Director Jimmy Ryan escorted him off campus. Director Murphy said that when this happened in Karen Kaplowitz's North Hall classroom this semester, Karen asked the intruder for his business card, asked him to leave, saying he was trespassing, and that when she gave Director Murphy the information on the business card he investigated how the man got past the turnstiles: the man had signed in at the Security Desk, using his real name, and had listed his destination as the Registrar's Office, but then he went into classrooms instead. Director Murphy tracked the person to the clubs which denied having sent anyone, saying they hire a company to advertise the clubs. President Kaplowitz added that faculty have the right and, indeed the obligation, to exclude anyone from their classroom who is not registered for the course.

Senator Litwack said that it is clear that the pamphlet the Counseling Department is revising is needed and that it is very important that the Faculty Senate ask to be included in the revision process, given the fact that faculty are the ones who live with these issues every day and that feedback from the Senate would provide an important perspective. Senator Litwack moved that the Senate request that the draft of the pamphlet that is being prepared by the Counseling Department about what faculty should/could do if they have disruptive or emotionally disturbed students be provided to the Senate so that faculty who do not have the expertise and training of the Counseling professionals could provide feedback and that Director Murphy also be provided with a copy of the draft so he can comment on it from his perspective. The motion passed by unanimous vote.

President Kaplowitz thanked Director Murphy for the practical advice he has given, which is what the Senate was hoping for in inviting him. Director Murphy said his general advice is to not take chances but rather to opt for safety. He was thanked for accepting the Senate's invitation.

By a motion duly 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

CUNY Board of Trustees Committee on Fiscal Affairs Meeting – April 8,2002

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

Committee Members present: Trustees Joseph Lhota (Chair), Satish Babbar, Alfred Curtis, John Morning, Faculty Representative Karen Kaplowitz

Also present: Chancellor Matthew Goldstein, Vice Chancellor Sherry Brabham, Vice Chancellor Emma Macari, Vice Chancellor Frederick Schaffer; Presidents R. Fernandez, Marti

1A. Approval of Minutes of February 4,2002. Approved.

1B. Resolution to amend the May 22, 1995, Board Policy on Parking Facilities. This item was withdrawn to provide time for further study of the issue and further consultation with the campuses and with the University Faculty Senate Budget Advisory Committee and other relevant groups.

1C. Resolution authorizing the CUNY Contracting Office to purchase University-wide vehicle liability insurance, such purchase to not exceed a total estimated annual cost of \$415,000. Approved.

Campuses are being asked to review the number of vehicles each has and the needs of the campus so as to determine whether the number of vehicles and, therefore, the costs can be reduced. The CUNY policy with regard to college vehicles is that each president and two other individuals at each college may have a college vehicle for her or his use; compliance with this policy is being reviewed. Other vehicles are needed for various functions and those needs are also being reviewed.

II. Information Items:

- A. The monthly revenues/expenditures data were provided.
- B. The monthly investment report was provided.
- C. Report on expenditures that do not meet the threshold requiring vote by the BoT:
 - 1. Printing of various CUNY brochures and guides: \$350,000.
 - 2. NYC Technical College: Purchase of window treatments and workstations to upgrade 185 classrooms and laboratories in the Namm, Pearl, and Vorhees buildings: \$300,000.

Report from Vice Chancellor Brabham:

Vice Chancellor Brabham reported on action by the State Legislature. The following is a summary of those actions as provided in a memorandum sent to the College Presidents and to the Board of Trustees by Chancellor Goldstein:

The State Legislature has provided *CUNY* with a partial restoration of funds for the SEEWCD and Child Care programs for the current fiscal year (FY2002). The Legislature provided these funds as a priority in its distribution of the \$200 million set aside for member items after the passage of the “barebones” budget. Effective March 26, 2002, CUNY received:

SEEK	\$1,966,500
College Discovery	\$ 179,550
Child Care (community colleges)	\$ 536,750
Child Care (senior colleges)	\$ 627,000
Total	\$3,309,800

Also, the Center for Worker Education at Queens received a \$291,000 restoration in the same

way. Still to be restored are \$2 million for full-time faculty at the community colleges and \$0.6 million for four centers and institutes at Medgar Evers. The \$3.3 million restored funds were not added to CUNY's base and are, therefore, subject to the FY2003 budget negotiations.

On April 8, the day of the Fiscal Affairs Committee meeting, the City Council released its response to the Mayor's Preliminary Executive Budget. The City Council response is a complete or virtually complete restoration of the cuts that the Mayor had proposed for CUNY. The City Council restored \$12.3 million, which includes \$7 million for the Vallone Academic Scholarship Program and \$1 million for John Jay College's Police Certificate Program. (I will provide more information as soon as I have the analysis of the City Council's response.) The Mayor's Executive Budget is now expected to be released by April 18.

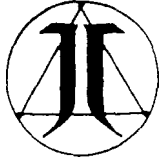
As to Governor's Island, Chancellor Goldstein reported the sequence of events of the Governor's Island situation, which he said caught everyone at CUNY by surprise. Calling Governor's Island a wonderful opportunity for CUNY, one which can have a transformative effect on CUNY, he cautioned about the costs of operating and maintaining the island. Trustee Lhota said that during the last year the Coast Guard was stationed on the island, the maintenance costs were \$39 million a year and he calculated that the annual costs would now be approximately \$50 million.

The Chancellor said that CUNY has to develop a well thought out academic plan that involves both the best ways to locate certain academic programs on the island and ways to provide greater opportunities for high schools on our existing CUNY campuses. Noting that CUNY currently has 12 high schools on our campuses, he said the Mayor would like us to have 15 more high schools on CUNY campuses.

The Chancellor announced that he is putting together a Steering Committee, comprising Trustees and Presidents and others, to develop the process, adding that CUNY needs the help of a prominent management firm to conduct the necessary analyses and such a firm will be hired. He said the planning should be done slowly, carefully, and methodically. Saying that he would like to develop some programming on the island as early as this summer, Chancellor Goldstein noted that all campuses give summer programs and immersion programs. As for the facilities, he said 4,000 housing units, from studio to 3-bedroom, are on the island as well as other facilities. He noted that while it would be wonderful to be able to provide housing for graduate students and for faculty, who are difficult for CUNY to recruit because of the high housing costs of the City, he cautioned that once one provides housing one has to provide all the other services, including stores and entertainment. He also noted the problem of transportation to and from Governor's Island (since there is no bridge).

Asked by the Faculty Member whether the expectation of the Mayor and the Governor is that the estimated \$50 million annual maintenance cost is to be borne by CUNY rather than by the City or State, the Chancellor said that has not been made clear but that CUNY's budget is such that we simply can not afford to spend \$50 million each year to maintain the Island. The questioner agreed, adding that was the point of the question.

As for the status of the Island, the transfer has not yet taken place. Although President Bush apparently believes that he is empowered to unilaterally transfer Governor's Island, Trustee Lhota said that Congress must first remove the item from its budget before a transfer can be made by Executive decision and that, he said, will necessarily require negotiation.



JOHN JAY COLLEGE OF CRIMINAL JUSTICE

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212 237-8000 / 8724
kkaplowitz@jjay.cuny.edu

April 10, 2002

President Gerald W. Lynch
John Jay College of Criminal Justice
899 Tenth Avenue
New York NY 10019

Dear President Lynch,

I am writing this letter to you upon the authorization of the Faculty Senate, which met today, and which devoted virtually the entire meeting to the subject of Governors Island.

We have heard your recent statements regarding the relocation of John Jay College to Governors Island. The faculty is eager to discuss this matter with you, as it is about all issues concerning the present and the future of the College.

We note that there is no current consensus among the faculty in support of the idea of moving John Jay College to Governors Island and that there is, in fact, significant opposition, including obvious concerns regarding access to the Island and regarding the possibility that the mere floating of this proposal will jeopardize the eminent domain decree and the negotiations for Phase II. It is Phase II which all parties agree is in the best interests of the College and which the Faculty Senate has consistently supported over the past years.

If the Governors Island idea is to be pursued, it can only be as the product of long-term planning and discussion with faculty, administration, and students, and all members of the community. Specifically, we urge that you consult with the Faculty Senate, as well as with other elected and representative College bodies, including the Council of Chairs.

To this end, the Faculty Senate invites you to a meeting with the Senate. There are many additional issues for us to also discuss together. I will call your office about scheduling a meeting.

Sincerely,

Karen Kaplowitz
President, Faculty Senate

c. Chancellor Goldstein



JOHN JAY COLLEGE OF CRIMINAL JUSTICE

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ATTACHMENT C

April 11, 2002

Vice President Robert Pignatello
Chair, Technology Fee Advisory Committee

Dear Vice President Pignatello,

At its meeting of April 10, the John Jay Faculty Senate unanimously voted to recommend to the Technology Fee Advisory Committee its recommendation that a very high priority for the use of the Technology Fee be the purchase of electronic services and electronic resources by the John Jay Library as well as the hiring of Library staff for technical support and to foster the use of the Library's electronic resources, in order to enhance the Library's electronic services and capacity.

The Faculty Senate's recommendation is based on the Senate's considered belief that such expenditures of the Technology Fee would tremendously increase student access to technological resources, would tremendously increase student access to our Library resources, at all hours and from all geographic locations, and, as an ancillary benefit, would tremendously enhance the reputation of our Library and, by extension, the reputation of our College, which would also be a benefit to our students.

On behalf of the Faculty Senate, I wish to thank you and thank the Technology Fee Advisory Committee for considering the Senate's recommendation.

Sincerely,

Karen Kaplowitz
President, Faculty Senate

cc. Professor Anthony Carpi
Professor Lou Guinta
Professor Bonnie Nelson
Provost Basil Wilson