

Faculty Senate Minutes #228

John Jay College of Criminal Justice

April 23,2002

3:15 PM

Room 630 T

Present (29): Marvie Brooks, Orlanda Brugnola, James Cauthen, Leslie Chandrakantha, Edward Davenport, Kirk Dombrowski, Betsy Gitter, Edward Green, Maki Habberfeld, Robert Hair, Karen Kaplowitz, Kwando Kinshasa, Gavin Lewis, Tom Litwack, James Malone, Peter Mameli, Evan Mandery, Lorraine Moller, Jill Norgren, Rick Richardson, Jodie Roure, Ellen Sexton, Carmen Solis, Davidson Umeh, Margaret Wallace, Robin Whitney, Agnes Wieschenberg, Susan Will, Liza Yukins

Absent (10): Luis Barrios, Jane Davenport, Amy Green, Ann Huse, Maqsood Kadir, Sandra Lanzone, Mary Ann McClure, Dagoberto Orrantia, Daniel Paget, Dan Yalisove

Agenda of the April 23,2002, meeting

1. Announcements from the chair
2. Adoption of Minutes #227 of the April 10,2002, meeting
3. Discussion and approval of the Faculty Senate Outstanding *CUNY* BA Award recipients
4. Report on the April 11 College Council meeting
5. Election of 2002-2003 Faculty Senate representatives to the 2002-2003 College Council
6. Discussion of the issue of space at John Jay: Phase II update and discussion
7. Discussion about a proposal to create a branch campus in Broward County, Florida, for the members of the Broward County, Florida, Sheriffs Department, to begin Fall 2002

1. Announcements from the chair [Attachment A]

Written announcements were distributed [Attachment A]. In the interim since our last Senate meeting, President Lynch has announced that it is not in John Jay's best interests to move to Governors Island and that our College's focus must be on obtaining Phase II and that the Chancellor is of the same opinion.

President Lynch has accepted the Senate's invitation and will be coming to the morning session of our Friday, May 10, meeting. During the afternoon of May 10, CUNY Senior Vice Chancellor and COO Allan Dobrin will be the Senate's guest. At that meeting, the Senate will also consider and vote on candidates nominated by the Committee for Honorary Degrees for the May

2003 commencement. Today's invited guest, Dean Richard Saulnier, will be unable to attend and asked that his apologies be conveyed to the Senate.

2. Adoption of Minutes #227 of the April 10, 2002, meeting

Upon a motion duly made and carried, Minutes #227 of the April 10 meeting were adopted.

3. Discussion and vote on candidates recommended by the Senate Awards Committee for the Outstanding Graduating: CUNY BA candidate in the humanities/liberal arts and for the Outstanding Graduating. CUNY BA candidate in the social sciences: Senators Betsy Gitter, Ann Huse, James Malone, Rick Richardson, and Daniel Yalisove

The two Faculty Senate awards will be presented at Awards Night on May 29 in the John Jay Theater. The Senate Awards Committee nominated candidates for the awards and reviewed the candidates' credentials. The Senate unanimously approved the following graduating students to receive the awards:

- ▶ Cathleen Allen was unanimously approved to receive the Award in the social sciences.
- ▶ Igor Meystelman was unanimously approved to receive the Award in the liberal arts/humanities

4. Report on the April 11 meeting of the College Council

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

5. Election of 2002-2003 Faculty Senate representatives to the 2002-2003 College Council

The Senate may elect 8 (or fewer) Senate representatives from among the 17 at-large Senators who were elected this month to next year's Senate. Prior to today's meeting, all 17 were invited to accept nomination to serve as Senate representatives to next year's College Council. The Senate unanimously elected the following six (6) 2002-2003 at-large Senators:

Marvie Brooks
Orlanda Brugnola
Edward Green

Carol Groneman
Karen Kaplowitz
Rick Richardson

The Provost's Office will, thus, be informed that the two remaining seats are to be allocated as a second Faculty Senate and College Council seat to the Department of English and to the Department of Law & Police Science, the two largest departments. The College's Charter of Governance provides the formula by which departmental size is determined.

6. Discussion about space at JJ: Phase II update and discussion [Attachment B & B-2]

President Kaplowitz summarized the history of Phase II to date in order to explain the current situation [see Attachment B-1]. She then read a letter which Chancellor Goldstein sent on September, 21, 2001, to Thomas Murphy, the Executive Director of the Dormitory Authority of New York (DASNY), asking that the pending contract with the architectural firm of Skidmore, Owings & Merrill (SOM) be immediately executed [Attachment B-2].

The Phase II situation has been discussed at several meetings of the Board of Trustees Committee on Facilities Planning and Management; some of these discussions have been during executive session but on other occasions the discussions have been during the public meeting. The issue was discussed at the last meet of the BoT Committee on March 4 [Attachment B-1]. Following that meeting, when still no action had been taken, the CUNY Central Administration decided that rather than Trustee Mastro writing to the Governor, which Trustee Mastro had offered to do, the Chancellor would send a verbatim transcript of the discussion at the March 4 Facilities Committee meeting to the Governor's Deputy Secretary, Mr. Jeff Lovell, and that was done on March 15. There still has been no action.

Asked the reason for the delay, President Kaplowitz explained that all reports are that the contract has been held up through the efforts of the former owner of the land on which Phase II is to be built: the ownership and title to this land, which is contiguous to T Building and extends to 11th Avenue, was transferred to the State Dormitory Authority of New York (DASNY) for Phase II as the result of an eminent domain court decision. DASNY is a State agency that finances and carries out construction of schools and hospitals.

The request for an eminent domain ruling was the legal action undertaken by CUNY after it was faced with repeated failures over a long period of time to successfully negotiate a purchase price with the owner of the land. The court granted CUNY's eminent domain request and the title was transferred to DASNY. However, Governor Pataki has still not given his permission to DASNY for DASNY to execute the contract with SOM, even though the CUNY Board of Trustees approved the choice of SOM in November 2000, almost two years ago.

The former owner of the land, Jeffrey Korff, seemingly wants to play a role in the development of the site, either as the developer of Phase II or by making the project a public-private enterprise, with his participation as the private partner, whereby a hi-rise apartment building or similar building would be constructed on the site along with John Jay's new facility. The University and the Dormitory Authority of New York (DASNY) cannot comply with his wish, even if they wanted to, for many, many reasons, one of which is because the court's eminent domain ruling was specifically that the land be used for Phase II as a public project with DASNY as the sole developer. Another reason is that Mr. Korff has filed for and has been granted bankruptcy status.

President Kaplowitz said that some faculty have suggested that John Jay's faculty, staff, and

students should send a petition with thousands of signatures to the Governor. For this to happen, the students would have to be involved, at least as signatories, along with faculty and staff. Senator James Malone said he disagrees with idea of a petition at this point and said that, instead, we should have President Lynch and Chancellor Goldstein meet with us to tell us what they are going to do to lead this struggle; if President Lynch and Chancellor Goldstein tell us that they support a petition drive, he said, then we could proceed in that direction. He said we need to be sure that both President Lynch and Chancellor Goldstein support such an action so that we do not harm the process.

Senator Tom Litwack disagreed, saying that the politics of publicly questioning the Governor's failure to act on this contract would preclude the President of the College and the Chancellor of the University from publicly supporting a petition drive or any other such action. He said the Senate should take the public lead, for political reasons.

Senator Susan Will said that she has an activist background and had recently suggested to President Lynch the idea of organizing students to work for Phase II, but she said he had distanced himself from any such project. Senator Evan Mandery said he does not think a petition drive would be effective; he suggested, instead, an organized event, such as a teach-in, to which various politicians could be invited. Senator Betsy Gitter spoke in support of Senator Mandery's proposal.

Senator Kwando Kinshasa said students might be more willing and more capable of being activists on this issue than the administration or faculty and he suggested we think about what the faculty's response should be if students take action on their own.

Senator Jill Norgren said she has no reading as to whether students would actually be willing to invest time and energy on this issue, given that they are transient here, whereas faculty and administration are here for the long haul because, even if the project proceeded without delay tomorrow, most of the students would not still be students at John Jay when Phase II is completed. She also said that we may need additional information about the specific reasons for the delay; for example, she asked, is there any justifiable reason the Governor may have for not supporting the expansion?

Senator Kinshasa noted that even though students are transient, they can come together on this issue: what we really need is a strategy for movement. Senator Jodie Roue noted that at a conference in Albany this past weekend, her students were very involved in addressing issues with policymakers and suggested that we should consider enlisting the help of our elected officials.

Senator Betsy Gitter said that one thing we could do now is to send a strong letter to the Chairman of the Board of Trustees. Senator Gitter said the purpose of a letter would be to put individuals on notice about this situation. President Kaplowitz said that her understanding is that Trustee Benno Schmidt, the Interim Chair of the Board of Trustees, has actively participated in meetings the Chancellery has had with the Governor's staff.

Senator Ellen Sexton asked whether there is any legal action we could take to move the Governor to act. President Kaplowitz said one possible option that might be explored is to file an Article 78 lawsuit, which requires officials to abide by governmental policies and procedures, adding that even though an Article 78 lawsuit might not be won, such a lawsuit has to be responded to within 30 days and so this would certainly get the Governor's attention and he might authorize DASNY to sign the contract with Skidmore, Owings & Merrill to avoid negative publicity.

Senator James Malone said that he thinks we need a “war room” to consider the various options and to decide which are the best directions to take. Senator Marvie Brooks suggested that we ask John Jay’s local Community Board to become involved in this process and possibly get some advice from them. Senator Peter Mameli noted that Mayor Bloomberg is coming to John Jay in three days for the UJA breakfast and asked whether it would help if we lobbied the Mayor. President Kaplowitz said that as a senior college, John Jay’s tax levy operating and capital budgets are entirely from the State rather than from the City (which funds the community colleges) so it is really not an issue for the Mayor. Senator Malone said that the City’s corporation counsel still has legal responsibility for the City University, even if not financial responsibility.

President Kaplowitz suggested that since there is not consensus at this time about how or whether we should proceed, we should wait until our next Senate meeting, on Friday, May 10, at which time the Senate can discuss this issue with President Lynch, who is coming to the morning session of the meeting. She suggested that we can also raise the issue of Phase II and our College’s overcrowding and physical plant problems with CUNY Senior Vice Chancellor and Chief Operating Officer Allan Dobrin, who is coming to the afternoon session of our May 10 meeting. The Senate agreed to this suggestion.

7. Discussion about a proposal to create a branch campus in Broward County, Florida, for the members of the Sheriff’s Department, to begin Fall 2002

The Sheriff of Broward County, Florida, has asked John Jay to offer – beginning September 2002 – two of our degree programs, our Criminal Justice baccalaureate degree and our MPA graduate degree, to the members of the Broward County, Florida, Sheriff’s Department, which is the third largest accredited department in the United States, and which comprises approximately 5,500 officers responsible for law enforcement, corrections, and crime labs with regard to air, sea, and land.

This proposal to establish a branch campus in Broward County for the members of the Sheriff’s Department was first presented to the Curriculum Committee on April 12 as new business and the proposal is to be brought to the College Council for its approval, which is required, on May 13. A Memorandum of Understanding (MOU) between John Jay and the Broward County Sheriff’s Office has been drafted. [A copy of the MOU is available from the Faculty Senate Office.]

The benefits of such a branch campus would be the opportunity to provide education and degrees to law enforcement personnel on a national level, which is part of John Jay’s mission. It would also provide John Jay with a potential increase in enrollment, which could translate into tuition revenue overcollection, which, in turn, could translate into additional funding for John Jay.

There are several extremely controversial provisions, however, the most controversial of which is one non-negotiable condition on the part of the Broward County Sheriff’s Office which is that Broward County law enforcement personnel be charged CUNY’s in-state residence tuition rather than CUNY’s out-of-state tuition. The reason for this condition is that the State of Florida, which provides tuition payments for its law enforcement officers, provides an amount for each officer that is approximately the same as CUNY’s in-state tuition charge. Therefore, the Broward County Sheriff’s Department would pay each sheriff’s tuition as long as the amount of the tuition is the same as the amount provided by the State of Florida.

However, it is extremely unlikely that the Chancellor and the CUNY Board of Trustees would provide such a waiver of out-of-state tuition, especially when CUNY students who live five miles away in New Jersey, for example, pay out-of-state tuition and when undocumented students who have lived their entire lives in New York, and who have been working in and paying NYC and New York State taxes, are currently being charged out-of-state tuition by CUNY in order that CUNY be in compliance with federal law.

Another obstacle is that members of the Sheriffs Department are not rewarded with promotional opportunities for undergraduate or graduate studies nor are such studies required for promotion nor are such studies rewarded with salary increases. So the question is how many of the 5,500 officers would enroll in these programs. In NYC, John Jay's Police Certificate Program provides the 40,000 NYPD officers with the opportunity of John Jay courses at no cost, since the tuition is paid by funds allocated by the City Council, and yet only 500 of the officers take advantage of this opportunity, even though college credits are required for promotion by the NYPD. How many of the 5,500 Broward County Sheriffs would, therefore, take these tuition waiver courses? Furthermore, no costing out of the proposal has yet taken place, which is an obstacle to an informed discussion.

Another problematic aspect is that the articulation agreement would be between John Jay and Broward County Community College, which would provide library and other facilities: but it is unlikely that a community college's library would be able to support a baccalaureate degree much less a master's degree. NAASPA accreditation requirements would undoubtedly pose many additional obstacles with reference to an MPA program.

Also problematic is the requirement by the Broward County Sheriffs Department, as stated in the MOU, that "Because personnel of the Sheriffs Office have law enforcement responsibility and may have to perform their duties during class time, College faculty will be accommodating for lateness or absence due to the performance of their job responsibilities." This policy does not exist for NYC or *NYS* law enforcement officers who attend John Jay and, indeed, would contravene John Jay College policy.

Another potential difficulty is the ire that Florida colleges and universities might experience and express were Florida tax levy funds used for programs in another state, such as New York, when those same programs are offered by institutions of higher education in Florida; the fact that Broward County Community College is willing to participate in a John Jay branch campus does not mitigate this situation since Broward County Community College does not offer baccalaureate or masters degree programs. It would be the equivalent of the NYPD using New York tax levy money for their officers to take courses offered by a branch campus of Sam Houston University in Texas, which has very extensive and prestigious criminal justice and public administration programs: John Jay and the elected and appointed officials of NYC and *NYS* would certainly take umbrage, at the very least, if the NYPD were to do this. One could imagine state legislators passing legislation to redress the situation.

Because the Senate has a meeting, on Friday, May 10, prior to the May 13 College Council meeting at which this proposal would have to be approved, the Senate can discuss this matter more fully on May 10, if the item does appear on the agenda of the May 13 College Council meeting. In the meantime, Faculty Senate members who are also College Council members should consult with their departments and colleagues to prepare for an informed discussion at our May 10 Senate

meeting.

President Kaplowitz suggested that the Senate not discuss this further at today's meeting because the obstacles are so daunting that it is more than likely that this branch campus proposal will be withdrawn by John Jay's administration prior to the May 13 College Council meeting. Between now and then we will learn whether the Chancellor and the Board of Trustees are willing to grant a waiver of the out-of-state tuition to the Florida residents, which is the make or break requirement as far as the Broward County Sheriffs Department is concerned. If the Chancellor and the Board are willing to grant such a waiver and if the proposal is placed on the agenda of the May 13 College Council meeting, the Senate can discuss the proposal, which may be altered in many ways in the interim, at our Friday, May 10, meeting. The Senate agreed to this proposed course of action.

7. Invited guest: Dean for Admissions and Registration Richard Saulnier

Dean Saulnier is unable to attend today's meeting and asked that his apologies be conveyed to the Senate.

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

ATTACHMENT A

Announcements

President Lynch announces John Jay is not moving to Governors Island

President Lynch has announced that John Jay's priority must be the acquisition of Phase II and that the move to Governors Island is not feasible for John Jay College and that the Chancellor is also of this opinion.

Faculty Senate 2002-2003 at-large election results announced

On April 16, the College Faculty Elections Committee counted and announced the results of the election of the 2002-2003 Faculty Senate At-Large Representatives.

The 13 full-time faculty representatives elected by the full-time faculty are:

Marvie Brooks (Library)	Carol Groneman (History/TSP)
Effie Cochran (English)	Karen Kaplowitz (English)
Edward Davenport (SEEK/English)	Andrew Karmen (Sociology)
Jane Davenport (Library)	Kwando Kinshasa (African-American Studies)
P. J. Gibson (English)	Tom Litwack (Psychology)
Amy Green (Speech & Theater)	Carmen Solis (SEEK)
	Timothy Stevens (English)

The 4 adjunct representatives elected by the adjunct faculty are:

Orlanda Brugnola (Art, Music, Philo)	Rick Richardson (Sociology)
Edward Green (Mathematics)	Robin Whitney (English)

P&B at-large election results announced

The following three faculty were elected by the faculty to serve as at-large members on the College Personnel & Budget Committee during the 2002-2003 academic year: Professors Todd Clear, Kwando Kinshasa, and James Malone.

Technology Fee Advisory Committee named

President Lynch has announced the membership of the Technology Fee Advisory Committee, which must prepare a report for 80th Street by April 30. Appointed to the 9-member Committee are the three faculty elected by the Faculty Senate: Professors Anthony Carpi, Lou Guinta, and Bonnie Nelson; three students: Shauna Kay-Gooden, Lanese King, and Michael Scadutto; and three administrators: VP Robert Pignatello (Chair), Provost Basil Wilson, and VP Roger Witherspoon. DoIT Director Bob Banowicz was appointed as an ex officio, non-voting, member to provide technical support and assistance to the Committee.

Senate initiative for a revitalized Faculty/Staff Dining Room & Lounge starts Wed., April 24

The Senate initiative to create a sense of community among faculty and staff and to revitalize and improve the Faculty/Staff Dining Room and Lounge has been co-sponsored by the Council of HEOs and will begin with a twice-weekly buffet lunch from 11:45 AM through 2:30 PM every Wednesday and Thursday beginning on Wednesday, April 24.

ATTACHMENT B-1

Board of Trustees Committee on Facilities Planning, and Management - Meeting of March 4, 2002
Report provided by Karen Kaplowitz, Committee Faculty Member

Committee Members Present: Trustees Randy Mastro (Chair), Wellington Chen, Jeffrey Wiesenfeld; Faculty Member Karen Kaplowitz

Also Present: Trustees Bernard Sohmer, Alfred Curtis. Presidents Kidd, Lynch, Marti. Chancellor Matthew Goldstein, Vice Chancellor Emma Macari, Vice Chancellor Frederick Schaffer

EXCERPT FROM REPORT ABOUT THE MEETING:

In response to questions from Trustee Randy Mastro about the John Jay College of Criminal Justice Phase II project, Vice Chancellor Macari and Chancellor Goldstein said they expect that the contract with Skidmore, Owings and Merrill (SOM), approved by the BoT in November 2000, will be signed by end of that week, in other words, within 5 days. They said that Randy Daniels, Governor Pataki's Secretary of State, has indicated this. Asked by Trustee Mastro what the cause of the delay is on the part of the Governor, the response was that no one knows but that the signing of the contract is imminent. Trustee Mastro requested that a friendly letter be sent to the Governor which he offered to sign. He said he is an optimistic person by nature but is not optimistic about this project at this point.

The Faculty Member said that as a member of the faculty of John Jay College, who teaches in the facility that is to be replaced, North Hall (a renovated shoe factory at 445 West 59th Street) and who has her office in that same facility, which houses most of the classrooms and most faculty offices and all student club offices and student services, she wants to report that the delay is demoralizing to both students and faculty. She said she is speaking as a faculty member who cares about her students.

She noted that the delay is not just one and a half years since the BoT approved SOM, but rather the delay is 14 years, because Phase II was to follow immediately upon JJ's move into Phase I (T Building at 899 Tenth Avenue) in 1988. She said the North Hall facility has such health and safety problems that she must refrain from speaking of them at this public meeting because otherwise officials will be forced to close the facility. She said John Jay has increased by 1,000 students this year and expects to increase by another 1,000 students next year. Noting that John Jay students work in professions in which they risk their lives, or are obtaining their education so they can engage in employment in which they will be risking their lives, for the public good, she said we must provide those students with an environment that is not only conducive to learning and teaching but one which is safe and healthy and we are not doing it.

She thanked Trustee Mastro and the BoT and the Chancellery for their hard work and tireless efforts but said that this can not continue unresolved.

Trustee Mastro said he believes that sending a friendly letter to the Governor, as to the likelihood of student unrest and protest as a result of this situation would be the right thing to do because the Governor should know how serious the situation is. The Faculty Member said she had not spoken of such possibilities but Trustee Mastro said that he can read between the lines of what she was saying. President Lynch concurred with the Faculty Member's comments. At Trustee Mastro's request, the Chancellery agreed that if the contract with SOM is not signed by March 8, a letter would be sent to the Governor.

Submitted by
Karen Kaplowitz
Faculty Member, BoT Committee on Facilities Planning and Management



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ATTACHMENT B-2

The City University of New York

The Chancellor

September 21, 2001

Mr. Thomas Murphy
Executive Director
Dormitory Authority of the State of New York
515 Broadway
Albany, New York 12207

Dear Tom:

One year ago this month, the CUNY Board of Trustees selected Skidmore, Owings & Merrill ("SOM") to design the new John Jay Phase II facility. In October 2000, the City University Construction Fund concurred and further requested **the** Dormitory Authority to engage this **firm**.

I am advised that although the Authority successfully negotiated terms of the contract with SOM some time ago, it has not yet taken any action to execute the agreement.

At September's meeting of CUNY's Board Committee on Facilities Planning, Construction and Management, the Trustees expressed their concern that not only will further delay result in escalating project costs, but will prolong the period of time the College **will** have to suffer the consequences of severe overcrowding. As evidence of their concern, the Trustees directed the University's General Counsel to review our statute and Lease Agreements and advise them what options might be available to compel the Authority to execute the pending contract.

The University and Authority have had many years of **successful** collaboration on the CUNY construction program. However, the Trustees of The Board's Facilities Committee and I feel it is our obligation to take appropriate steps to carry out our responsibilities to ensure implementation of the CUNY capital program, which includes the design of this sorely needed project.

We ask that you immediately execute the pending contract. **If** the Authority chooses not to do so, please advise us of the reasons for its failure to act.

Sincerely,

Matthew Goldstein

cc: Board Committee on Facilities Planning Construction & Management
Vice Chancellor Emma E. Macari
Vice Chancellor Frederick Schaffer