

Faculty Senate Minute #243

John Jay College of Criminal Justice

Thursday, April 10, 2003

3:15 PM

Room 630 T

Present (25): Desmond Arias, Marvie Brooks, Effie Cochran, Richard Culp, Edward Davenport, Kirk Dombrowski, Janice Dunham, Amy Green, Carol Groneman, Judith Hawkins, Ann Huse, Karen Kaplowitz, Chris Knight, Gavin Lewis, Tom Litwack, Amie Macdonald, Adam McKible, Lorraine Moller, Edward Paulino, Jodie Roure, Cary Sanchez, Ellen Sexton, Francis Sheehan, Liliana Soto-Fernandez, Margaret Wallace

Absent (14): Yahya Affinnih, Orlanda Brugnola, Leslie Chandrakantha, Joshua Freilich, Michele Galietta, Robert Hair, Max Kadir, Andrew Kannen, Kwando Kinshasa, Evan Mandery, Rick Richardson, Cannen Solís, Davidson Umeh, Robin Whitney

Guest: Professor Harold Sullivan

Agenda of the April 10, 2003, meeting

1. Announcements from the chair
2. Adoption of Minutes #242 of the March 26, 2003, meeting
3. Proposal to sponsor a dramatic reading in support of The Women in Prison Project
4. Election of 2003-04 At-large Senate representatives to the 2003-04 College Council
5. Report on the March 27 meeting with the Vice Chancellor for Legal Affairs & President Lynch
6. Report on the April 2 Special Session of the College Council
7. Proposed Resolution requesting that the Phase II architects be informed about the Class Size Policy
8. Discussion of the agenda of the April 14 College Council meeting
9. Resolution on Phase II Space Needs: Proponent: Senator Tom Litwack
10. New Business: Resolution on Phase II & BMW Rental Space: Proponent: VP Kirk Dombrowski

1. Announcements from the chair

Professor Harold Sullivan, the Chair of the Council of Chairs, thanked the Senate for its wonderful work on the joint Senate/Chairs Policy on class size and course cancellations. He especially thanked and commended those Senators who are members of the College Council.

President Kaplowitz reported that she polled the faculty leaders of each faculty governance body at CUNY as well as the members of the University Faculty Senate as to faculty access to their offices, laboratories, and studios. The practice at the following colleges, which are the colleges that

have responded to the poll thus far, is that faculty have unfettered access 24 hours a day, 7 days a week, and 365 days a year at: CCNY, Brooklyn, Hunter, Lehman, Baruch, College of Staten Island, and Queens. It is noteworthy that five of these colleges have enormous campuses with many, many buildings on each. The faculty at these colleges reported that if their office or lab or studio is located in a building that is locked, the security officer unlocks the building so that the faculty member can have access to his or her office, etc. None reported any requirement that they inform security if they are already in their office and plan to stay after the college is officially closed, although some faculty reported that they choose to do so to better ensure their own safety. Some of the colleges require faculty to show ID and to sign in at the front gate with the security officer stationed there if they arrive after the campus is officially closed. She said she has reported this information in writing to VP Robert Pignatello, Provost Basil Wilson, Security Director Brian Murphy, Human Resources Director Donald Gray, and PSC Chapter Chair Jim Cohen.

Senator Richard Culp was congratulated on having been selected as next year's Bramshill Exchange Professor.

A Better Teaching Seminar, sponsored by the Faculty Senate, presented by Senator Amie Macdonald on "The Feminist Classroom," will be held on May 1st, at 3:15, in Room 630 T. The event, which is being presented by Professor Macdonald and the co-author of her recent book, *The Feminist Classroom*, will be an interactive event and is being co-sponsored by the Women's Studies Committee.

A Better Teaching Seminar by Professor Nilsa Santiago (Law, Police Science, Criminal Justice Administration) will be held on Wednesday, May 7, at 3:15, in Room 531. The presentation on "Case Briefs" is co-sponsored by the Writing Across the Curriculum initiative, organized by Professor Charles Piltch (English).

Professors Robert Panzarella, John Kleinig, and Elaine Olaya, all of whom presented Better Teaching Seminars this semester co-sponsored by the Writing Across the Curriculum (WAC) initiative were thanked, and especially thanked was Professor Charles Piltch, the organizer of these WAC events.

The College Administration report on John Jay's utilization of our classrooms by day, period, and building has been provided to the faculty leaders, as requested.

2. Adoption of Minutes #242 of the March 26, 2003, meeting

By a motion made and carried, Minutes #242 of the March 26 meeting were approved.

3. Proposal to sponsor a dramatic reading at JJ in support of The Women in Prison Project

Senator Carol Groneman moved that the Senate sponsor and host a dramatic reading of *Getting Out* by Marsha Norman on June 9, which is also being sponsored by HBO and by John Jay's Women's Studies Committee, which voted to do so the previous day. The fundraiser will be held in John Jay's theater. The theatrical event is to benefit The Women in Prison Project of the Correctional Association of New York. Among those participating in the June 9 event are Jill Clayburgh, Danny

Glover, and Bob Balaban, who is directing the dramatic reading. The motion was approved by unanimous vote.

4. Election of 2003-04 At-large Senate representatives to the 2003-04 College Council

As stated in the College's Charter of Governance, the Faculty Senate is responsible for determining how 8 of the 28 faculty seats on the College Council are filled. The following seven (7) At-Large 2003-04 Senators were elected to represent the Senate on the 2003-04 College Council:

Marvie Brooks (Library)	Karen Kaplowitz (English)
Kirk Dombrowski (Anthropology)	Joe Napoli (Law, Police Science)
Marilu Galvan (Puerto Rican & Latin Amer Studies)	Francis Sheehan (Science)
Elisabeth Gitter (English)	

The eighth (unfilled) seat was designated by the Senate for assignment to the largest academic department, based on the formula provided by the College Charter: thus the English Department is to receive a second seat. All other departments each have one seat.

5. Report on the March 27 meeting of Vice Chancellor for Legal Affairs Schaffer, President Lynch, the 4 VPS, and Professors Karen Kaplowitz, Ned Benton, and Harold Sullivan about the Faculty Senate and Council of Chairs Proposed Policy on Class Size and Course Cancellation [Attachment A]

President Kaplowitz reported that the March 27 meeting with Vice Chancellor for Legal Affairs Frederick Schaffer, which had been arranged by President Lynch, was a very successful meeting. Attending the meeting were President Lynch, VC Schaffer, Professor Ned Benton, Professor Harold Sullivan, Provost Wilson, VP Pignatello, VP Witherspoon, VP Rothlein, and herself. The meeting, which took place in President Lynch's office, lasted almost three hours.

At this meeting, the Faculty Senate and Council of Chairs Proposed Class Size and Course Cancellation Policy, which the College Council voted to place on the agenda of a special meeting of the College Council on April 2, was discussed.

The three faculty explained that they are not empowered to make or to agree to any changes and that, indeed, President Kaplowitz's hands were explicitly bound by a Resolution adopted by the Senate the previous day, copies of which she distributed [see Minutes #242 – Attachment B]. But all three faculty suggested that they be told of the concerns of the John Jay Administration and they stated they would work with the Administration to try to resolve or address those concerns and they would then recommend to the faculty that they vote to make changes as long as such changes honor both the spirit and the processes of the proposed Senate/Chairs Policy.

VC Schaffer explained that President Lynch's concern is that because as President he has the responsibility for the financial health of the College, it is he who has to have the final say about class size and course cancellations. Professors Kaplowitz, Benton, and Sullivan stated that the President's responsibility and role had been implicitly stated in the Policy, by virtue of the inclusions of the role of

the College Budget Committee, which is advisory to the President and which the President chairs. The proposed Policy states: “Enrollment limits may be generally increased by vote of the College Budget Committee when the Committee finds that, for a particular budget year, fiscal conditions require increased class sizes. In considering whether fiscal conditions require increased class sizes, all financial resources available to the College should be taken into account.”

However, the three faculty offered to recommend to the faculty that this implicit language be amended to be made explicit as to the President’s final role and final determination. They agreed to draft language which they would feel they could recommend to the faculty, language that met the VC’s concerns and President Lynch’s concerns, and would do so by the end of the business day, which they did.

Provost Wilson expressed his concern that the 4-hour window of opportunity for a chair to make the case as to why a course should not be cancelled was too long a period of time, given the realities of registration, and the three faculty proposed that this provision be changed to a two-hour window of opportunity, which they said they would recommend to the faculty. Provost Wilson said a two-hour window is acceptable.

Professors Kaplowitz, Benton, and Sullivan drafted the proposed amendments, which Professor Benton hand-delivered to the President’s Office that day, Thursday, March 27. However, at 4 pm the following day, on Friday, March 28, Professors Kaplowitz, Benton, and Sullivan were sent a fax from President Lynch, entitled “President’s Revisions 3/28.” President Lynch’s proposed revisions dealt with matters that had not been raised at the meeting with VC Schaffer and that had not been raised at any time whatsoever. Furthermore, they were proposed revisions that would entirely vitiate the Senate/Chairs proposed Policy.

Professors Kaplowitz, Benton, and Sullivan sent **an** email to President Lynch rejecting his proposed revisions with an explanation that those last-minute revisions would vitiate the Senate/Chairs proposed Policy. In their email they also affirmed their position that the Senate/Chairs proposed Policy, with the proposed amendments developed during the meeting with VC Schaffer, is to be on the April 2 College Council agenda as agreed to at the meeting with VC Schaffer. In the interim, having received no comment about the proposed amended language that the three faculty had drafted in response to the concerns raised at the March 27 meeting with Vice Chancellor Schaffer, Professors Kaplowitz, Benton, and Sullivan, having had additional time to confer, revised the amended language so as to improve it [Attachment A].

6. Report on the April 2 Special Session of the College Council and subsequent actions **[Attachment A & B]**

Both President Kaplowitz and Vice Chancellor Frederick Schaffer researched the issue of proxy voting and each independently determined that proxy voting is not permitted at meetings of the College Council and so that provision of the College Council’s March 19 motion was nullified.

At the April 2 special session of the College Council, the proposed Policy of the Faculty Senate and Council of Chairs on Class Size and Course Cancellation was on the printed agenda. This document included the amended language that Professors Kaplowitz, Benton, and Sullivan had drafted in response to VC Schaffer’s comments but which had been undermined by a counter-proposal by

President Lynch which would have vitiated the proposed Policy. President Kaplowitz distributed and moved an amended version [Attachment A], which contained the improved amendments that she and Professors Benton and Sullivan had subsequently crafted and which were based on the discussions at the meeting with VC Schaffer.

The motion to move the amended version was seconded by a member of the College Council. After a discussion, a motion to call the question was made and passed. President Kaplowitz called for a secret ballot. The amended proposed Policy was approved by a vote of 25 yes, 14 no, and no abstentions. The amended language is contained in the last paragraph of each of the two pages of the Policy and also includes the change from a 4-hour to a 2-hour window of opportunity [Attachment A].

At the end of the College Council meeting, after the Policy was approved, President Lynch announced to the College Council that he was sending the Policy to 80th Street. After making that statement, President Lynch called for a motion to adjourn and the meeting was immediately adjourned. She said that since there is no CUNY requirement and no practice by which internal college policies are sent to 80th Street and there is no history of any internal policy ever having been sent to 80th Street by the John Jay administration, this announcement was surprising and, indeed, baffling.

She said no reason was given by President Lynch or by anyone else but the assumption is that President Lynch is asking 80th Street to nullify the action of the College Council, that is, nullify the Policy, or is asking 80th Street to find the Policy to be illegal in some way, a request which she said she is confident 80th Street will decline to do. She noted that Chancellor Goldstein has marked his tenure as Chancellor as one not micromanaging colleges, unless a true crisis occurs. She said she finds it surprising that President Lynch would want to involve 80th Street now, after the College Council has acted. She added that she had been similarly surprised that he had wanted to involve 80th Street earlier by calling in the Vice Chancellor for Legal Affairs.

But having heard President Lynch's announcement at the College Council, she and Professors Ned Benton and Harold Sullivan wrote to VC Schaffer on April 4 and they copied the memorandum to President Lynch [Attachment B].

7. Resolution that the Senate requests that the President inform the Phase II space planners and architects about the Class Size Policy approved by the College Council [Attachment C]

Faculty on the Phase II Instructional Resource Committee reported that subsequent to the April 2 vote of the College Council, the Phase II space planner, Scott Page, was not incorporating the College Council class size policy in determining the number and size of the classrooms. When asked about this, it was reported that Mr. Page had explained that he had not been officially informed by the Provost about any change in College policy regarding class size and, with regard to the issue of class size, he is subject to the directions of the Provost. President Kaplowitz said that she and Professor Benton had emailed Mr. Page on April 4, giving him the URL to the website where Professor Benton had posted the Policy approved by the College Council on April 2, should Mr. Page wish to acquaint himself with the document.

A Resolution was moved directing President Kaplowitz to write to the College Administration, in coordination with Professors Benton and Sullivan if they agree, requesting that President Lynch inform the Phase II space planners and architects about the Class Size Policy approved by the College

Council on April 2 and requesting the Administration to advise the architects to develop various scenarios based on this Policy and, further, that any disagreements about implementing the Policy be brought to a meeting of the College Budget Committee. The motion was approved by unanimous vote [Attachment C].

8. Discussion of the agenda of the April 14 College Council meeting

The agenda comprises change in the name of the Department of Speech & Theatre to the Department of Speech, Theatre & Media Studies and a change in the name of ESL courses. President Kaplowitz noted that the Minutes of the March 19 meeting need to be corrected because there is no reference to any events other than actions taken about the printed agenda items; therefore, there is no report of any of the following: the motion to correct the agenda to include the Senate/Chairs proposed Policy; the ruling by the Chair that the motion was out of order; the challenge to the ruling of the Chair; the Council's vote supporting that challenge; the motion by the Chair to table and the failure of that motion; and the motion, which was approved, to have a special College Council meeting in two weeks with the Senate/Chairs proposed Policy on the agenda, and that the proposed Policy be sent immediately to all Council members, and that proxy voting be permitted.

Similarly, the Minutes of the April 2 meeting do not include the text of the Policy that was approved by the College Council nor the fact that the Policy was proposed by the Faculty Senate and by the Council of Chairs; instead, the Minutes call that item, "Report from Professors Benton, Kaplowitz, and Sullivan." President Kaplowitz said she would provide written corrections of the Minutes for vote by the College Council.

9. Resolution on Phase II Space Needs and the Design of Phase II: Proponent: Senator Tom Litwack

Senator Tom Litwack presented a Resolution which he described as an effort to protect the future of College. He noted that even with Phase II, John Jay will have far fewer usable square feet of space per student FTE than Baruch and Hunter, which are also in mid-Manhattan, and the College would still be far below CUNY's own space standards per student FTE. He said many departments will have only 50% to 70% of their space needs met and there will be insufficient research space for students and for faculty. He pointed out that the funding for Phase II is sufficient only if we have far fewer students than we have now and Phase II as now planned would not permit growth in enrollment despite the demand for our programs.

He said that the solution is that Phase II be planned and designed for no more than 8,000 FTE students rather than the current plan, which is for 9,751 FTE students. (We have currently approximately 9,500 student FTEs and a headcount of about 12,500 students.) And, he said, we must request that CUNY fund us equitably at this lower number of students. He added that he would not propose this if John Jay were not part of the CUNY system because students who wish to attend John Jay could go to other CUNY colleges if not admitted to John Jay. He also discussed the reliance that is being placed on a future Phase III and urged the faculty to not rely on Phase III because Phase III may not be funded for many, many years. For the foreseeable future, he stated, we will be living in Phase II and it cannot meet the needs of the number of students we have now. The Resolution was moved and

was seconded by Senator Huse.

President Kaplowitz said that Senator Litwack knows that she and Professors Benton and Harold Sullivan do not support this Resolution. She added that she had planned to wait until all the Senators discussed it before making her position known but that Senator Litwack asked her to present her position immediately so that the Senators know her position, in order to avoid having the Senate members spend a great time perhaps supporting his Resolution only to hear that she and Professors Benton and Sullivan disagree with it. President Kaplowitz said this is an example of Senator Litwack's selflessness and dedication to the College and to the Senate and to process and that he is presenting his Resolution, she knows, from sincere belief in its rightness and not from any other motives.

She said that after six months of costly planning by a large number of SOM architects and consultants, as well as by a large staff at CUNY and at **DASNY** and of John Jay, for a building for 9,751 FTEs, it is simply not feasible to tell CUNY that we want to start the planning process all over again. She said that the original plan for Phase II had been for more than a thousand additional student FTEs which would mean several thousand more students. However, when the architects and planners realized that the \$421 million allocated by the State in 1998 was now insufficient to build a facility that could accommodate so many students, CUNY decided in early March to cap John Jay's enrollment at its present enrollment and to plan for a facility for the number of student FTEs we currently have.

That was an astounding step for *CUNY*, she said, because enrollment growth is needed to help CUNY's budget situation and John Jay is one of the colleges that has experienced and is capable of experiencing enrollment growth. It is especially astounding because of the dire budget situation *CUNY* is facing. CUNY and **DASNY** and the SOM architects and the planners made the decision that the money available for the project is sufficient to build a facility for 9,751 FTEs. If CUNY believed that the money could not provide a facility for that number of FTEs, CUNY would have required John Jay to reduce its enrollment, which is what Senator Litwack is asking the Senate to propose.

President Kaplowitz said that is simply not going to happen and if we were to pass such a Resolution, we would weaken the voice and the credibility that she and Professor Benton have at the meetings of the Phase II Steering Committee, which is the decision-making body. She said that she does not believe CUNY would have supported Senator Litwack's proposal even if this were earlier in the process, when it became clear that the funding was insufficient for the project's original goals.

Senator Amy Green said that even though Senator Litwack's proposal is one that she wishes were possible, she does not think it is possible at this point in the process. Senator Litwack stated that there is always a possibility and that we should stand up and say that this is what the Senate believes is necessary. Senator Ann Huse said that she seconded the Resolution because a reduction in the number of FTEs would mean a reduction in class size, adding that many faculty have retired earlier than they wanted to because of the immense teaching load and that many of the new faculty members are challenged by their enormous teaching load which is in addition to their other professional obligations. She said that she hopes that we can make this point consistently and effectively.

Vice President Kirk Dombrowski said he agrees with Senator Litwack's goal but believes that the odds of such a proposal, were it to pass, of being enacted are so extremely unlikely that he does not think we should take such a stand. Saying that timing matters, Vice President Dombrowski noted that we are at a space negotiation situation right now regarding the size of classrooms because of our Class Size Policy and he would hate to jeopardize the negotiations about that successful initiative by adding

this resolution to the equation.

Senator Lorraine Moller agreed saying that she has learned that when you have two brilliant ideas and you try to go for both of them at the same time, you usually achieve neither. She said that this resolution at this time will not reflect well on our faculty and that she agrees with Vice President Dombrowski that the timing is not right for this resolution.

Senator Francis Sheehan said that he agrees with Senator Litwack's goal and that he sees this resolution, were it to pass, as a negotiating tool. He asked Senator Litwack whether he would want the resolution to be implemented, that is, to have a facility designed for fewer students, even if John Jay's funding were decreased accordingly.

Senator Litwack said that his resolution is directed to CUNY and would require CUNY to commit itself to funding us at our current base budget but for a fewer number of students, which would be the level our funding would be if we were funded equitably compared to the other senior colleges. Senator Litwack said that if we do not stand up for this faculty will later complain that we do not have enough space for the things we want to do. He said we should be standing up for our faculty and for our students. Senator Litwack said that the history of CUNY has been to use John Jay's enrollment growth to fund the rest of CUNY, rather than to properly fund John Jay.

Senator Roure moved to call the question and Senator Edward Davenport seconded the motion. The motion to call the question passed. The motion to adopt the proposed Resolution failed.

**10. New Business: Resolution on Phase II Space Needs and the BMW Rental Space:
Proponent: Vice President Dombrowski [Attachment D]**

President Kaplowitz said that we are indebted to Senator Litwack for raising such a difficult and important issue and for developing a reasoned and researched Resolution and asked whether there is an interest in voting on parts of the failed Resolution, those parts that speak to our space needs but without asking for an enrollment reduction but with no reduced funding.

Senator Desmond Arias said he had not understood until this week the full implications of the information that there would not be enough space in Phase II for all our research – student and faculty research – and other needs. He asked at what point the faculty was informed that there would be insufficient finding to meet our needs in the new building. President Kaplowitz said it was Friday, March 7, when the architects made a presentation to the more than 80 members of the four Resource Committees that it was publicly revealed to everybody how little space there would be compared to what we expected and what we need as a result of the insufficient funding available. The Phase II Steering Committee had only the previous day been given the analysis by the space planning team and by the architects which led the Committee to come to that conclusion.

Senator Arias suggested a strong statement about the need for faculty research space, given the direction which CUNY is urging us to go and the direction which we wish to go as a College, and the direction the faculty, especially those recently hired, are being expected to go.

Vice President Kirk Dombrowski said that CUNY's plan, upon the move into Phase II, to end the lease for John Jay of the 6th floor of the BMW Building, and the need to relocate all that is housed

in that BMW space into Phase II will harm us in terms of space availability and certainly, he said, given the facts, *CUNY* should continue to rent the BMW space for us indefinitely, including after we move into Phase II. He added that the planning for Phase II would have to incorporate such a decision and, therefore, this is the time for the Senate to request *CUNY* to continue renting the BMW space (or its equivalent) for John Jay indefinitely. He moved that Senator Litwack's Resolution be revised so that it become a Senate request for the permanent rental of the BMW space for John Jay and he offered to develop a revised text for review by the Senate Executive Committee. The Faculty Senate approved this proposed request of *CUNY* by unanimous vote and voted to approve the Resolution in principle and directed the Senate Executive Committee to transmit such a Resolution to officials of John Jay and of *CUNY* [Attachment D].

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

Respectfully submitted,

Edward Davenport
Recording Secretary

&

Jodie Roure
Associate Recording Secretary

John Jay College of Criminal Justice
College Policy: Primary and Secondary Enrollment Limits

The College hereby establishes class size standards.

Type and Level of Class	Primary limit	Secondary limit
Standard Undergraduate	34	36
Intensive Undergraduate, such as remedial sections, English composition, ESL, speech, foreign languages, and writing-intensive.	16-28 determined by the Provost in consultation with the Department.	18-30 determined by the Provost in consultation with the Department.
400-Level Undergraduate	22	24
Graduate	20	23
Large Lecture Sections	Determined by the Provost in consultation with the Department.	Determined by the Provost in consultation with the Department.
Laboratories and Art/Music Studios	Two (2) less than the number of functional stations in the lab	Equal to the number of functional stations in the lab

These limits may be modified only with the approval of the Department Chair or, for graduate courses, the Dean of Graduate Studies in consultation with the Program Director.

The Secondary Limit is two (2) or three (3) students higher than the Primary Limit. Students may be registered into the Secondary Limit with the approval of the Chair, Program Director (in the case of a graduate course) course faculty member, Dean of Graduate Studies or Associate Provost.

Enrollment limits may be amended by vote of the College Budget Committee, at a meeting or meetings to which the Faculty Senate Executive Committee shall be invited without vote, when the College Budget Committee finds that, for a particular budget year, fiscal conditions require or permit alterations in class sizes. In considering whether fiscal conditions require or permit changes in class sizes, all financial resources available to the College shall be taken into account. After such consultation, the enrollment limits and recommendations of the College Budget Committee shall be subject to a final determination by the President based on the College's financial ability. In the event that the President's determination differs from the recommendation of the College Budget Committee, the President shall promptly reconvene the College Budget Committee, with the Faculty Senate Executive Committee invited without vote, for further consultations.

Adopted by vote of the College Council on April 2, 2003

John Jay College of Criminal Justice College Policy: Cancellation of Class Sections

Class sections may be cancelled when enrollment, after arena registration, is less than one-third of the Primary Enrollment Limit for course sections during periods where over 50% of classroom spaces were utilized during the previous semester. The required enrollment shall be one-quarter of the Primary Enrollment Limit for course sections during periods where less than 50% of classrooms were utilized during the previous semester, or where the course is the only open scheduled section during the semester of a required general studies or major course, or the only evening section of such a course scheduled during an academic year.

When the Provost decides to recommend cancellation of a course section, the Department Chair and Program Director (in the case of a graduate course), and the course instructor shall be notified by email. The Chair and Program Director shall be provided at least two hours notice, during normal college office hours announced in advance, following a cancellation recommendation by the Provost before action is taken by the Registrar. During the two hours, the Chair or Director may communicate to the Provost in writing (including email) any information that might affect the decision.

During the two-hour period, upon request of the Chair or Director, over-enrollment may be counted against under-enrollment based on the following rules.

Over-enrollment is defined as enrollment in excess of the original secondary limit.

One to four over-enrollments may, upon request to the Provost, by the faculty member with approval of the Chair and/or Program Director, be counted against under-enrollment on a one-for-one basis when the sections involved are taught by the same faculty member, provided that the course section has an actual enrollment of at least 20% of the Primary Limit or 6 students, whichever is greater.

Example: A professor teaches Gov 101 and Gov 260. If Gov 101 has 3 students above the Secondary Limit, and Gov 260 is 3 students below the one-third requirement, the 3-student over-enrollment in Gov 101 can count against the 3-student under-enrollment in Gov 260.

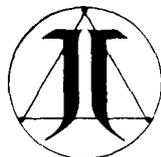
One to four over-enrollments may, upon request to the Provost by the Chair and/or Program Director, be counted against under-enrollment on a Departmental or Program basis in the same manner, but on a 2-for-one basis.

Example: All over-enrolled Gov 101 sections have a combined over-enrollment of 8 students. The chair can apply 4 of these over-enrollments to under-enrolled courses, provided that the courses have enrollments of at least 20% of the Primary Limit or 6 students, whichever is greater.

The Provost will initiate cancellation for those courses where the recommended cancellation was not rescinded during the two-hour period. The Registrar shall provide an email notification notice to the Chair, Program Director (in the case of graduate courses), instructor and students involved. The notice shall include a roster of the affected students, including routine SIMS contact information.

These procedures may be temporarily amended by vote of the College Budget Committee, at a meeting or meetings to which the Faculty Senate Executive Committee shall be invited without vote, when the College Budget Committee finds that, for a particular budget year, fiscal conditions require or permit temporary adjustments. In considering whether fiscal conditions require or permit temporary adjustments, all financial resources available to the College shall be taken into account. After such consultation, the procedural provisions and recommendations of the College Budget Committee shall be subject to a final determination by the President based on the College's financial ability. In the event that the President's determination differs from the recommendation of the College Budget Committee, the President shall promptly reconvene the College Budget Committee, with the Faculty Senate Executive Committee invited without vote, for further consultations.

ATTACHMENT B



JOHN JAY COLLEGE OF CRIMINAL JUSTICE

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

April 4, 2003

Vice Chancellor for Legal Affairs Frederick Schaffer
The City University of New York
535 East 80 Street
New York, NY 10021

Dear Vice Chancellor Schaffer,

At the John Jay College of Criminal Justice College Council meeting on April 2nd, the Council, which is the highest governance body of the College, passed the attached Policies relating to class size and section cancellation. The Policies, as passed, include amendments that respond to the advice that you offered during the meeting on March 27th. Although these are now official Policies of the College, President Lynch informed the Council after the vote that he intends to send the Policies to the Chancellery.

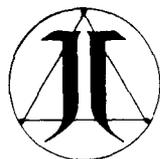
The Chancellery is presented with an unusual situation, in which there are official College Policies, along with possible disagreements among College governance officials. Under the circumstances, we request that, before the Chancellery might offer official interpretations or comments, you provide governance officials on both sides of the issue the opportunity to respond to any issues that might be raised about the College Policies. In that way, the Chancellery can be advised of the full range of official views about the College's new Policies.

Sincerely,

Professor Karen Kaplowitz, President, John Jay College Faculty Senate
Professor Harold Sullivan, Chair, John Jay College Council of Chairs
Professor Ned Benton, Chair, John Jay College Budget Planning Committee

cc: President Gerald W. Lynch

ATTACHMENT C



JOHN JAY COLLEGE OF CRIMINAL JUSTICE

The City University of New York
44J West 59th Street, New York, N.Y. 10019
212 237-8000

April 14, 2003

Dear President Lynch,

At the Faculty Senate meeting on April 10, faculty reported that at the Phase II Instructional Resources Committee the previous day, on April 9, Scott Page stated that he had not been informed of the new John Jay College policy about class size which the College Council had approved a week earlier, on April 2. The faculty reported that Scott Page had also stated that, unless the Provost instructs him to change the class size assumptions which he had been given prior to the College Council's action on April 2, he would continue to plan Phase II based on the current class size distribution, that is, on the assumptions that had been previously provided by the Provost.

The Senate instructed me to write to you, and I am doing so with the concurrence and in conjunction with Professor Harold Sullivan and Professor Ned Benton, to ask that you have the College Council's April 2, 2003, policy officially forwarded to the Phase II architects and planners, and that you direct the architects to develop, in addition to the scenarios that are based on the Provost's earlier instructions, one or more classroom size scenarios that are consistent with the College Council's April 2 policy. If these steps are not taken, the Phase II Steering Committee would be necessarily denied the opportunity for informed choice with respect to classroom size policy and design and planning decisions.

The Senate also asked that I communicate the concern of all of us that, if the John Jay administration plans to eventually instruct the architect to deviate from the policy approved by the College Council on April 2, that consultation with the College Budget Committee take place. The Senators and the Chairs are concerned that scarce funds not be expended on extra seats in large classrooms that are not likely to be efficiently used, when those same funds could be more efficiently expended on additional, properly-sized, classrooms and on other critical space needs for Phase II.

Sincerely,

Professor Karen Kaplowitz
President, Faculty Senate

Professor Harold Sullivan
Chair, Council of Chairs

Professor Ned Benton
Chair, Budget Advisory Committee

cc. Provost Basil Wilson
VP Robert Pignatello

ATTACHMENT D

RESOLUTION ON THE PHASE II SPACE NEEDS & BMW SPACE RENTAL FOR JOHN JAY COLLEGE OF CRIMINAL JUSTICE

**Faculty Senate of John Jay College of Criminal Justice
Adopted by Unanimous Vote on April 10, 2003**

Whereas, It is the determination of the Faculty Senate of John Jay College of Criminal Justice that John Jay can and should be the leading college of criminal justice – broadly conceived and represented in our current programs and priorities – in the world; and

Whereas, To be the leading college of criminal justice it is essential that John Jay have sufficient space to provide and develop academic and research programs of high quality, as well as to provide for suitable academic and research support, and an attractive, congenial, and safe academic environment; and

Whereas, The initial funding request for John Jay's Phase II was to provide a building which, together with John Jay's T Building (Haaren Hall), would properly serve far fewer than the currently stabilized enrollment of 9,751 FTE (full time equivalent) students; and

Whereas, Because of the considerable time that has passed between the initial funding request for Phase II and the actual funding for Phase II, the current funding does not provide for the space required by even the initial enrollment projection of 8,000 FTEs at the College and, indeed, provides for approximately only half the space needs of the current stabilized enrollment; and

Whereas, The retention of space currently leased for the College from the BMW building (or equivalent space nearby) after the building of Phase II would add roughly 20,000 NASF to the projected total for John Jay, raising the current projection to approximately 60 NASF/FTE (a figure still exceedingly below those of other CUNY colleges); and

Whereas, It is the strong contention of the Faculty Senate of John Jay College of Criminal Justice that for the College to continue on its path to being the pre-eminent college of criminal justice it must be treated equitably by CUNY in terms of both financial and physical resources; therefore be it

Resolved, That the Faculty Senate of John Jay College of Criminal Justice, the official voice of the faculty of John Jay College of Criminal Justice, calls upon The City University of New York to retain and properly fund the ongoing lease of supplemental space (now leased in the BMW building) or equivalent space near the College; and be it further

Resolved, That the Faculty Senate calls upon the Phase II Steering Committee to plan the Phase II facility with the assumption that the current supplemental space (or equivalent nearby space) will continue to be leased after the completion of the Phase II building; and be it further

Resolved, That the Faculty Senate of John Jay calls upon the President and other senior administrators of John Jay to endorse and advocate this policy in their communications with the CUNY Central Administration; and be it further

Resolved, That this Resolution be transmitted to the CUNY Chancellery, to the members of the John Jay Phase II Steering Committee, and to the members of the John Jay Phase II Advisory Committee.