

## **Faculty Senate Minutes #249**

**John Jay College of Criminal Justice**

**September 25, 2003**

**3:15 PM**

**Room 630 T**

**Present (22):** Desmond Arias, Luis Barrios, Marvie Brooks, Orlanda Brugnola, Edward Davenport, Peter DeForest, Joshua Freilich, Betsy Gitter, Amy Green, Norman Groner, Ann Huse, Barbara Josiah, Karen Kaplowitz, Tom Litwack, John Matteson, Lorraine Moller, Francis Sheehan, Liliana Soto-Fernandez, Sung Ha Suh, Davidson Umeh, Thalia Vrachopolous, Robin Whitney

**Absent (16):** Effie Cochran, Kirk Dombrowski, Janice Dunham, Michele Galletta, Marilu Galvan, Konstantinos Georgatos, P. J. Gibson, Judith Hawkins, Max Kadir, Kwando Kinshasa, Evan Mandery, Joseph Napoli, Dagoberto Orrantia, Ellen Sexton, Alisse Waterston, Patricia Zapf

**Guest:** Professor Ned Benton

1. Announcements from the chair
2. Approval of Minutes #247 and Minutes #248 of the September 3 and September 11 meetings
3. Report and update about the search process for President of John Jay College
4. Report on John Jay's and CUNY's budget
5. Proposed Resolution to be sent to Chancellor Goldstein, Sr. VC Dobrin, VC Malave, and VC Macari on the rental and funding of critically needed space for John Jay
6. Discussion about the draft Policy on Workplace Privacy transmitted by the Taskforce on Workplace Privacy to the Faculty Senate for comment

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

Written announcements were provided [Attachment A].

### **2. Approval of Minutes #247 of the September 3, 2003, meeting and of Minutes #248 of the September 11, 2003, meeting**

By a motion made and carried, Minutes #247 and Minutes #248 were approved.

**3. Report and update about the search process for President of John Jay**

On September 18, Chancellor Matthew Goldstein met for an hour with the elected faculty leadership and for a half an hour with the student leadership and for a half an hour with the vice presidents and deans. He spoke about his vision for John Jay and asked the faculty to inform him about the attributes they want the new president to possess. Those invited to the meeting between the Chancellor and the faculty leadership were the elected leadership of the Chairs, of the PSC Chapter, and of the Faculty Senate: those attending were Professors James Cohen, Edward Davenport, Kirk Dombrowski, Amy Green, Karen Kaplowitz, Evan Mandery, Jerry Markowitz, Jose Morin, Maureen O'Connor, Francis Sheehan, Carmen Solis, Timothy Stevens, and Harold Sullivan.

On September 23, Trustee Randy Mastro, the Chair of the Search Committee, and Trustee Valerie Beale, one of the Committee members, spent all day at the College meeting with various groups. Also at these meetings were CUNY Dean of the Executive Office Robert Ptachik and CUNY Executive Search Director Dolly Martinez. One group they met with was the Council of Chairs. Another group comprised faculty selected by both the Provost and by the Faculty Senate Executive Committee. The Senate Executive Committee invited all those who were candidates for the Search Committee for President. Those attending this meeting were Professors Todd Clear, Peter DeForest, Joshua Freilich, Betsy Gitter, Carol Groneman, Karen Kaplowitz, James Malone, Evan Mandery, Jerry Markowitz, Steven Penrod, Patty Zapf. The purpose of the meeting, which was also attended by University Dean Ptachik, CUNY Executive Search Director Martinez, and Dr. George Knapp of Heidricks and Struggles, was to prepare for the first meeting of the Search Committee the following day, which was yesterday, so that the Committee could be informed by the comments of representatives of the various constituencies of the College as it writes the position notice as well as the brochure, which will be mailed to more than 1,000 presidents, provosts, and agency leaders.

On September 23, the College Faculty Elections committee counted ballots and reported that the three faculty elected to serve on the Search Committee are Professors Ned Benton (Public Management), Karen Kaplowitz (English), and Maureen O'Connor (Forensic Psychology). The Faculty Elections Committee is chaired by Professor Valerie Allen and the other members, who also counted the ballots, were Professors Janice Bockmeyer, Norma Manatu, and Mark McBeth. (Professor Carolyn Tricomi, the fifth member, was unable to be present at the ballot counting.)

The other members on the Search Committee, in addition to the six Trustees and President Gregory Williams of City College, are two students, Ms. Shauna-Kay Gooden, the President of the Student Council, and Ms. Bettina Muenster, and the alumnus/alumna representative, Mr. Mark McCann (B.S. '74).

The Search Committee held its first meeting on September 24. The Chair of the Committee, Trustee Randy Mastro, will issue periodic reports to the John Jay community about the status of the search.

**4. Update on JJ's and CUNY's budget: Tom Litwack & Karen Kaplowitz [Attachment B, C]**

John Jay has been the most underfunded of the 11 senior colleges for virtually its entire existence although, very recently, because Hunter has recently experienced huge enrollment gains,

John Jay is the second most underfunded senior college of the CUNY senior colleges. Since 1993, John Jay's Faculty Senate and its Council of Chairs as well as the College's administration have been working either together, as has been the case of the Senate and the Chairs, which have been able to make the case publicly, or in parallel, as has been the case of the Senate and Chairs with our administration, which has made the case privately, to the University to create and implement a model for the allocation of senior college base budgets, which means an allocation for funding full-time permanent, tenure-track faculty lines.

The Senate has made the case through a series of guests invited to Senate meetings, through resolutions, through letters, and through testimony [Attachment B].

Historically at CUNY, there has been no model for the allocations of base budgets of senior colleges: each college's base budget has been based on the college's past funding history and on politics. The only model has been for allocating adjunct monies, which can not be used to hire permanent full-time faculty (or permanent full-time staff) because those monies (called lump sums) do not go into a college's base budget.

With the 2003-04 budget allocation made by the University this summer, the University has implemented a new senior college allocation model that changes this historical situation. The 2003-04 Operating Budget Allocations for the Senior Colleges issued by the CUNY Central Administration contains the following narrative:

**New Full-time Faculty -- Introduction of New Senior College Allocation Model**

The University's commitment to strengthening the full-time faculty will continue into FY2004 with the allocation of \$5 million for full-time faculty positions both in support of the flagship environment and pursuant to the University's goal of a 70/30 ratio in the percent of instruction taught by full-time faculty.

With this allocation we begin to phase in the introduction of a new senior college allocation model. The allocation of \$2.5 million of the \$5 million in new faculty resources was based, in part, on the undergraduate instructional component of the new senior college allocation model. In particular, the allocation of resources acknowledges differential salary support by discipline and the identification of colleges' undergraduate instructional needs in relation to Master Plan goals.

Funds will only be made available to colleges that meet their faculty maintenance of effort (MOE) targets and funds must be used to hire full-time faculty in support of the colleges' undergraduate objectives as prioritized in colleges' academic goals and targets for the coming year. These funds will be held unallocated in colleges' budgets pending a review of filled faculty positions in October 2003. The remaining \$2.5 million will be allocated in accordance with the University's cluster faculty initiative.

The Maintenance of Effort (MOE) policy, which was established by the CUNY Central Administration in 1998, requires each college to use funds allocated to it for faculty lines; colleges must use those funds for no purpose other than to hire full-time faculty and to fill those full-time

faculty lines if they become vacant. If a college does not use those funds to fill and keep filled full-time faculty lines, it loses the right to receive additional funds for full-time faculty lines. This is a policy that the faculty leadership of the University Faculty Senate has applauded and has supported.

The key parts of the chart [Attachment C] that accompanies the 2003-04 Budget Allocation reveals that of the \$2.5 million for full-time faculty lines in this first part of a multi-year plan to bring funding equity to the senior colleges, John Jay received 15.3% of the total, which equals \$381,976. Because the University will pay for the fringe benefits of the faculty hired with these monies, the number of lines is greater than they would otherwise have been. John Jay received the second highest percentage; the highest percent, 20.3%, was allocated to Hunter because of its recent tremendous enrollment growth. The lowest percent was allocated to City College which received 0.0% of the \$2.5 million. Brooklyn received 1.4%, Lehman 3.3%, York 5.1% [Attachment C].

At the Board of Trustees Fiscal Affairs Committee on September 8, Vice Chancellor for Budget and Finance Ernesto Malave explained that this initiative is the “beginning of a multi-year implementation” of the new Senior College Allocation Model.

**5. Proposed Resolution to be sent to Chancellor Goldstein, Senior Vice Chancellor Dobrin, Vice Chancellor Malave, and Vice Chancellor Macari on the rental and funding of critically needed space for John Jay [Attachment D]**

CUNY is considering renting another facility for John Jay for critically needed classrooms to partially resolve safety and overcrowding problems in North Hall but CUNY may require John Jay to pay the approximately \$2.5 million annual rent for this facility from John Jay's operating funds which were allocated to the College so that we could hire additional full-time faculty.

A proposed Resolution [Attachment D], drafted by Professor Benton and President Kaplowitz, was presented to the Faculty Senate in which the Senate requests that the CUNY Central Administration lease this necessary space and also pay the rental costs for it.

The facility which is being considered for rental is the first two floors of a newly built residential building named Westport, which is on the west side of 10<sup>th</sup> Avenue between 55<sup>th</sup> and 56<sup>th</sup> Streets. The first two floors are commerical space.

The architectural and engineering consultants hired by the Dormitory Authority of New York (DASNY) issued a report on January 29, 2003, of their findings of North Hall entitled “Egress/Life Safety Analysis: John Jay College of Criminal Justice, North Hall Building.” In this report, the dangerous conditions of North Hall are documented at length. To lessen the overcrowding in North Hall, 18 classrooms in North Hall will have to be eliminated: these 18 classrooms will be converted into offices and lounge areas. Also, comdors have to be constructed on the third and fourth floors of North Hall to create better avenues of egress in case of emergencies. Also, because North Hall is not sprinklered, safe areas have to be constructed wherever 75 or more people are capable of congregating and these safe areas must be built contiguous to those spaces. This means safe areas have to be built for and contiguous to Room 1311 North Hall (a lecture hall); Room 4302 NH (a lecture hall); the student cafeteria; and the double classrooms (or, alternately, those double classrooms will have to be converted into two smaller classrooms each). Safe areas are not permitted

to contain anything at all, must be large enough to hold the number of people each is to serve, and must have walls that are fire rated to withstand fire for up to two hours, during which time firefighters and emergency rescue workers could rescue the people waiting for them in these areas. All this must be done because of the findings of the consultants hired by DASNY. CUNY is paying for the work, some of which will take place this semester and the rest next semester. By the fall semester, all the work will be done. This means that our already dire lack of space will be even more severe. And even after all this work is done, North Hall will not be in full compliance with fire and safety codes.

The plan is to rent the commercial two floors of Westport and convert it into 18 classrooms to replace the 18 classrooms in North Hall that will be converted into offices. The bookstore would move to Westport and a microcomputer lab may be built where the bookstore is currently located, because part of the microcomputer lab on the first floor of **NH** must be converted into a safe area for Room 1311 **NH**, to which it is contiguous. Also, a dining facility would be built in Westport to supplement the cafeteria because the 400-seat cafeteria for 13,000 students will lose 25% of its space for the safe area that has to be built contiguous to the cafeteria.

Senator Betsy Gitter moved that the Senate approve this Resolution [Attachment D] with the understanding that the Executive Committee will incorporate the improvements in wording which have been suggested during this meeting. The motion was seconded.

Senator John Matteson recommended that the Senate fully report the hazardous conditions in North Hall in the Resolution. Senator Sung Ha Suh asked whether this Resolution would expedite the correction of the safety problems in North Hall. Professor Benton, Senator Huse and President Kaplowitz spoke about possible future actions which could be taken by the faculty which could be employed to mitigate or prevent delay in solving the safety problems. Senator Arias, Professor Benton, Senator Moller, and Senator DeForest made suggestions for various protest actions.

Senator Peter DeForest, a forensic scientist, said he is prepared to bring thousands of cotton swabs to North Hall and to offer to take and preserve DNA samples of every student, faculty member, and staff wishing to participate so that bodies could be identified in case of a fire, noting that after September 11, the difficulty in identifying the victims was because of lack of DNA samples of those believed to have died. Senator Lorraine Moller suggested a teach-in about the Triangle Shirt Factory fire on the anniversary of that event and the development of curricular suggestions for faculty across the disciplines to include this subject in their courses. Other suggestions were also made. The Senate expressed its support of such actions in principle.

President Kaplowitz suggested that she and Professor Benton communicate privately to various Vice Chancellors the plans of protest and civil disobedience that will take place by the faculty if the facility is not rented and paid for by the Central Administration and if the problems of health, safety, and crowding in North Hall are not immediately addressed. She said she thinks that if the Resolution is approved and if these private communications to various Vice Chancellors also take place, the results the Senate wants will be accomplished but, she said, to make these threats first and publicly might lead to the same outcome but could create a backlash of negative feeling toward the College which will not be in our long-range or short-range best interests.

She said that if the CUNY Central Administration knows that the John Jay faculty is ready to engage in such public actions, the knowledge of that resolve will probably be as effective as actually

engaging in those actions. She added that such actions could create tremendous anxiety on the part of our students which we want to avoid but which would be unavoidable if this strategy does not succeed. She suggested that if the Resolution and the private communications and other strategies do not work within the next month or so, the Senate Executive Committee will put on the agenda a discussion of possible protest actions and a strategy for implementing the protest actions that the Senate decides upon. In the meantime, she said, the faculty should develop a series of ideas for protest actions. Professor Benton said he entirely agrees with this approach.

The Resolution was approved by unanimous vote [Attachment D].

The Senate also voted to develop possible alternate ways, including protests and civil disobedience, if they prove necessary, in order to communicate the serious nature of this situation and the seriousness with which the faculty view this situation in case the Resolution fails to receive the necessary response from the CUNY Central Administration. An ad hoc committee offered to develop possible alternate ways to be presented to the Senate if such alternate courses of action prove necessary: the members of the ad hoc group are Professor Ned Benton and Senators Amy Green, Norman Groner, and Ann Huse.

**6. Discussion about the draft Policy on Workplace Privacy transmitted to the Senate for its comments by the Taskforce on Workplace Privacy appointed by Pres. Lynch [Attachment E]**

President Kaplowitz explained that John Jay currently has no privacy policy and that the laws give employers the right to access email, phonemail, offices, desks and file cabinets in employees' offices, as well college computer hardnves, and so forth, as long as these are owned by the College. Emails and urls can be accessed even if a person uses a privately owned computer if the College or University server is used. Employees have no expectation of privacy unless a policy exists stating that privacy will be respected and that exceptions to this expectation exist only in certain conditions with certain safeguards, as specified. She said that although employers legally have the right to invade employees' privacy, that does not mean they should act upon that legal right.

When a few years ago, DoIT was considering purchasing software that could monitor emails and urls to ensure the health of the network, the Senate's Technology Committee became concerned about privacy and reported this concern to the Senate, which invited key administrators to the Senate to discuss this issue. The Chairs and the Curriculum Committee also became concerned. Originally the Senate Technology Committee and the Curriculum Committee's Subcommittee on Educational Technology were to jointly propose a College policy but the faculty on the two groups decided that issues of privacy extend far beyond technology. The two groups proposed that a Taskforce on Workplace Privacy be appointed by President Lynch, similar to the Taskforce on College Webpages that had developed a draft policy, which the taskforce had submitted to the Senate for comment. After that taskforce had amended the document according to the Senate's recommended changes, it sent the policy to the College Council which adopted it as the College policy.

Based on that experience, the Senate had unanimously voted to request and recommend that the President of the College appoint a taskforce on privacy and that the Senate and other relevant groups comment on the draft document before it is transmitted to the College Council for action by that body. The Taskforce was appointed, wrote a draft policy, and has submitted it to President

Lynch who has reviewed and approved the proposed Policy. The Taskforce has now sent the document to the Faculty Senate with the request that the Senate comment on the draft Policy before the Taskforce transmits it to the College Council for action by that body [Attachment E].

Senator John Matteson said that he assumes the best intentions on the part of the Taskforce but the unfortunate fact is that the draft Policy on Workplace Privacy has been inartfully drafted. He posited that without a definition of privacy, which the draft document lacks, there can be no policy. The extent and limitation of our rights to privacy need to be defined. Rather than providing a definition, the document states, on page 1, under “A Note on Defining Privacy”: “Because the guidelines establish procedures for protecting privacy, it is not essential to provide a precise definition of the term. In applying the guidelines’ procedures, college officials can rely on conventional understandings of the term without having to worry about the precise lines to be drawn about what is and what is not private.” Senator Sheehan agreed that while it is not possible to anticipate every situation in which privacy will have to be defined, it is incumbent upon the College to explain as clearly as possible the extent and limitations of our rights.

Senator Matteson said that, furthermore, the draft document contains a misleading statement regarding a person’s right to privacy. He read from that same section: “*Privacy of the person* has to do with the practices that respect the body and solitude. By its very nature, privacy of the person is limited to the space an individual occupies at a given time. *Informational privacy*, by contrast, is not subject to such a limitation. Even when an individual is far removed from repositories of information about his or her personal life, that individual continues to have a legitimate interest in maintaining the confidentiality of the information they contain.”

Senator Matteson posited that if a faculty member kept medication in a drawer in his or her office or in a briefcase in his or her office, the language of the proposed policy would permit the desk drawer or even the briefcase to be searched. The finding of certain prescription medications may cause someone to think less of the faculty member. The irony is that if the faculty member is present, he or she is protected, but if absent, his or her desk can be searched, according to the proposed policy. Senator Matteson said he believes a faculty member would have more rights as a criminal suspect than he or she would have under this policy and he advised against approving it in its present form.

Senator Francis Sheehan suggested that the document is biased against college employees, such as faculty members, because it states, on page 3, that if an *employee* violates the privacy policy, then that employee “*shall* be liable to sanction” [emphasis added] but if an *officer* of the college violates the policy, that officer “*should* be liable to sanction” [emphasis added]. He said that the proposed policy is worse than no policy. President Kaplowitz added that the phrase “*officer of the college*” is ambiguous in that the CUNY Board of Trustees Bylaws state that the faculty are the officers of the University.

Senator Sheehan also noted that there is no provision for the person whose email is read or whose phonemail messages are listened to or whose computer hard drive is searched to even be notified that such actions have taken place. He noted that even the problematic Patriot Act provides for notification of incursions into a person’s privacy.

Furthermore, Senator Sheehan said, the “Special-Needs Access” section, on page 3, Section 2.1, identifies the “college’s welfare” as sufficient reason to violate a faculty member’s or staff

member's privacy. He said that the "college's welfare" is too vague a term and is too low a bar. He noted that not only is the person whose privacy is invaded not notified of the fact, but the Privacy Review Board, described in Section 3.1-3.3, is not notified either, at least not until after the fact, which is too late. Furthermore, the special-needs access memorandum written by the President or by a Vice President need not include a justification for an invasion of privacy: it can simply assert that the "college's welfare" is at stake. Nor is the location specified of the file in which the special-needs-access memorandum is to be placed, nor who has access to this file. Indeed, he said, 50 memoranda could be placed in 50 files, each in a different location, according to the language of the document. Additionally, Section 2.5 provides that anyone outside the College may be given private information once a special-needs access memorandum is written.

President Kaplowitz suggested that as proposed, the Privacy Review Board would lack independence because one of the three members is to be an administrator and a second is to be a Higher Education Officer (HEO): administrators and HEOs, arguably, could have a conflict of interest between their employment status and their role on the Board, since it is the President and the Vice Presidents who would issue the "special-needs access memorandum" that they would review.

Senator Sheehan said that this proposed policy provides mechanisms for our privacy to be violated rather than mechanisms for our privacy to be protected. Indeed, he said, the proposed policy, if adopted, would legitimize violations of our privacy.

The Senate expressed its appreciation to Senators Matteson and Sheehan for their thorough preparation for today's discussion and approved by unanimous vote a motion by Senator Litwack that the Faculty Senate recommends and requests that the Taskforce take no further action on its draft Policy until the Senate has additional time to discuss and comment on the draft document.

The Senate also approved by unanimous vote a motion by Senator Betsy Gitter that the Senate invite to the next Senate meeting, which is October 9, the Chair of the Taskforce, Dean James Levine, and the Taskforce's four faculty members, Professors William Heffernan (the lead author of the draft Policy), Anthony Carpi, Lou Guinta, and Bonnie Nelson. The Senate decided to consider inviting the other members of the Taskforce to discuss the draft policy with the Senate at a time subsequent to the Senate's October 9 meeting. In the meantime, the Senate agreed to further study the document in preparation for a more complete discussion with members of the Taskforce.

## **7. Report on the September 17 meeting of the College Council**

The only agenda items were approval of the Minutes of the May meeting and secret ballot election of the Council's Executive Committee and of several other College Council committees.

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

Respectfully submitted,

Edward Davenport  
Recording Secretary

**Announcements from the chair**

**Faculty Senate's official homepage**

John Jay College's official homepage for the Faculty Senate, which is identifiable as official by the presence of the John Jay logo, can be accessed by going to the John Jay homepage at [www.iiay.cuny.edu](http://www.iiay.cuny.edu) and by then clicking on "Faculty and Staff" and scrolling down the menu and then clicking on "Faculty Senate" and then clicking on the "Go" button. To go directly to the Senate homepage, go to: <http://www.jjay.cuny.edu/facultyStaff/facultySenate/>

The Faculty Senate homepage includes:

- a. The schedule of Faculty Senate meetings
- b. The membership of the Faculty Senate and of its Executive Committee
- c. The Faculty Senate Constitution
- d. The Charter of Governance of John Jay College
- e. The membership of the College Council & the schedule of College Council meetings
- f. Information about the Senate-sponsored Better Teaching Seminars

**Faculty Senate listserve postings archived**

To access the archives of Facsen-Announce, the Faculty Senate's listserve, go to <http://listserver.jjay.cuny.edu/archives/facsen-announce.html>

**Faculty Senate Minutes being archived online**

A project is under way, made possible by Professor Bonnie Nelson and under the supervision of Professors Nelson and Francis Sheehan, who is also a member of the Senate's Executive Committee, to archive all the Faculty Senate Minutes electronically on the Library homepage.

**Middle States Commission action**

In its sessions on June 25-26,2003, the Middle States Commission on Higher Education acted to reaffirm the accreditation of John Jay College of Criminal Justice; to commend John Jay for the quality of its self-study process; and to request a monitoring report, due by April 1,2005, documenting: (1) development and implementation of a comprehensive institutional strategic plan which links planning to decision-making and budgeting processes; (2) development and implementation of a comprehensive facilities master plan; and (3) development and implementation of a written plan for assessment including student learning outcomes and institutional effectiveness. In addition to the monitoring report due by April 1,2005, the 5-year Periodic Review Report, traditionally required by the Commission, is due June 1, 2008. The next 10-year re-accreditation Self-Study Evaluation will be in 2012-2013.

**UFS Conference on the Patriot Act and the Academy**

On Friday, November 21, the University Faculty Senate will present its Fall conference, which is on "The Patriot Act and the Academy." The conference is at the Hunter School of Social Work at the corner of 79<sup>th</sup> Street and Lexington Avenue. The names of the speakers will be announced. To register for the conference, email the UFS at [stasia.pasela@mail.cuny.edu](mailto:stasia.pasela@mail.cuny.edu) or call 212: 794-5538.

**CUNY 2<sup>nd</sup> annual conference on Information/Instructional Technology**

The CUNY IT Conference, organized by Senior Vice Chancellor and COO Allan Dobrin, will be on Friday, November 14, at John Jay. All members of the CUNY community may attend.

**Town Meetings announced**

The Town Meetings, in the Multi-Purpose Room on the 2<sup>nd</sup> floor of **NH** are open to all faculty, staff, and students of John Jay: Wednesday, October 1, at 3:15 pm; Tuesday, October 28, at 4:30 pm; and Monday, November 17, at 3:15 pm.

**Committee meeting schedules announced:**

All meetings are at 3:15 PM and further information is forthcoming about some meeting dates:

Undergraduate Standards Comm: Sept 30, Oct 15, Nov 12, Dec 9 – Room 610T

Comprehensive Planning Comm: Sept 18 (cancelled), Oct 23, Nov 20, Feb 25, Mar 24, May 20 – 610 T

Curriculum Committee: Sept 12, Oct 3 – Room 610T.

Women's Studies: Sept 18, Oct 14, Nov 13, Dec 3 – Room 431 T (TSP Conference Room).

College P&B [members only]: Oct 10, Oct 24, Nov 7, Nov 14.

PSC/JJ Chapter: Sept. 16 – 610T.

**2003-2004 College Committee election results:**

**College Personnel & Budget (P&B) At-Large Faculty Representatives:**

James Malone (Counseling & Student Life)

Antony Simpson (Library)

Jon Christian Suggs (English)

**Committee on Undergraduate Honors, Prizes, Scholarships, and Awards:**

Litna McNickle (Freshman Services)

Marya Nieves (Office of the President)

Chitra Raghavan (Psychology)

**Committee on Faculty Elections:**

Valerie Allen (English) – Chair

Janice Bockmeyer (Government)

Mark McBeth (English)

Norma Manatu (Speech, Theatre & Media Studies)

Carolyn Tricomi (Counseling & Student Life)

**Committee on Student Evaluation of the Faculty: 2003-2005**

Keith Markus (Psychology)

Mangai Natarajan (Sociology)

**Calendar of 2003-04 College Council Meetings:**

<u>College Council Meeting</u>	<u>Deadline for agenda items</u>	<u>CC Executive Comm</u>
Wednesday, Sept. 17	Thursday, Sept. 4	Tuesday, Sept. 9
Thursday, Oct. 16	Wednesday, Oct. 1	Wednesday, Oct. 8
Tuesday, Nov. 11	Thursday, Oct. 30	Monday, Nov. 3
Wednesday, Dec. 10	Wednesday, Nov. 26	Tuesday, Dec. 2
Tuesday, Feb. 24	Thursday, Feb. 5	Monday, Feb. 9
Tuesday, March 23	Thursday, March 11	Tuesday, March 16
Monday, April 19	Thursday, April 8	Wednesday, April 14
Wednesday, May 12	Friday, May 30	Tuesday, May 4

College Council meetings are at 3:15 PM in Room 630 T

**Honorary degree candidates for May 2004 to be vote on by BoT**

The four individuals recommended by the Faculty Senate at its May 9, 2003, meeting for honorary degrees to be awarded at our May 2004 commencement ceremony are on the agenda for formal approval by the Board of Trustees on September 29: Derrick A. Bell, Barbara Ehrenreich, Fred D. Gray, and Mary Robinson.

**ATTACHMENT B – p. 1**

Testimony to the CUNY Board of Trustees  
Calendar Item #4A  
June 16,2003, Public Hearing

by Professor Karen Kaplowitz  
President, Faculty Senate  
John Jay College of Criminal Justice

Good afternoon. My name is Karen Kaplowitz. I am testifying on Calendar Item #4A in my capacity as the President of the Faculty Senate of John Jay College of Criminal Justice.

My testimony is about the senior college tuition increase and about a serious systemic problem with regard to the allocation of senior college budgets.

What is particularly unfair and unfortunate is that students attending the CUNY senior colleges will be paying \$800 more each year in tuition but this tuition increase will only serve to fill a \$121.5 million hole proposed by the Governor and enacted by the Senate and the Assembly in their two-house budget: in other words, our students will be paying much more in tuition but the result will be a flat budget compared to last year. This means that their increased tuition dollars will not bring them increased numbers of full-time faculty which this Chancellery and this Board, especially Board Chair Benno Schmidt, have rightly identified as the single most critical need for our University. However controversial an increase in the community college tuition is because it is not mandated by a cut in the community college operating budget, that increase will provide 300 additional full-time faculty, an increase from 1,200 to 1,500 community college full-time faculty.

Because of this situation and because the Chancellor and the Board are committed to an Integrated University, I ask that the Trustees be mindful of the need to develop and lock into place a rational, fair, transparent, and equitable budget allocation model for the senior colleges.

No such allocation model exists for our senior colleges. The only allocation model that is in place is for the purpose of determining the amount of adjunct dollars each senior college needs to receive each year based on enrollment. But the **base budget** of each senior college is a function of only two factors: **history and politics**. Unlike the community colleges, whose annual budget is enrollment driven, the senior college base budgets are driven solely by each college's budget of the previous year.

The perverse consequence of this – in rather simplified terms – is that those senior colleges that lose enrollment over the years have far more full-time faculty per FTE students because their base budget doesn't change, compared to those senior colleges whose enrollment has grown, because their base budgets also do not change.

If enrollment grows, the University's only response until now is to increase that college's adjunct budget. As a result, the perverse consequence is that those colleges that experience enrollment increases become more and more inequitably funded compared to the other senior

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colleges that experience less or nor enrollment growth or enrollment decline.

In the Spring of 2001, expert consultants from outside CUNY – indeed from outside the State of New York – were retained and a year later they issued a report that recommends that FTE student enrollment should be the primary driver of a senior college budget allocation model and that, therefore, enrollment should be the single largest factor for determining a college's budget allocation and that no other factor in the model should affect a college's allocation to as great an extent as increases and decreases in FTE enrollment.

I am not going to cite by name any senior college except John Jay, because this situation is systemic to the senior colleges and is not the fault of any of the colleges. But to put some numbers on this situation, the CUNY Budget Office's March 2002 "Full-time Staffing Analysis" shows that in FY 2001, the ratio of FTE students to full-time faculty at John Jay was 39.2 to 1 – the highest ratio of the senior colleges – whereas another senior college's ratio – a college not to be named here – was 18.4 to 1. This means that John Jay's student-faculty ratio was more than double that of the other senior college.

In the May 2002 CUNY Budget Office Report on "University Expenditure Analysis (FY 2001)," the total senior college expenditure per FTE student at John Jay was \$7,054, the lowest of the senior colleges, as compared to another college – not to be named here – where the expenditure was \$13,511 per FTE student, almost exactly double that at John Jay.

These extreme discrepancies mean that students paying the same tuition and paying the same tuition increases, if the Board approves the Tuition Resolution next Monday, who attend Senior College A receive much more in academic and student support resources and services, have the ability to have many more course sections taught by full-time faculty, and have much, much more tax-levy dollars supplementing their tuition dollars than students who attend Senior College B or Senior College C and so forth. And students choose the senior college they attend without this knowledge.

**This is not fair to our students.** It is not good policy. This is a systemic problem that requires institutional will to correct. But a correction is necessary and this moment of tremendous tuition increase which will only provide a flat budget, compared to last year, is the moment to make this correction.

On behalf of our students and our University and on behalf of my colleagues at John Jay College of Criminal Justice and my colleagues and the students at those other senior colleges similarly disadvantaged because of the lack of an allocation model, I urge that a senior college allocation model be implemented in a way that does not cause dislocations at any college but that treats all senior colleges and the students who attend them in an **equitable** – not an equal – but in an equitable way in terms of the allocation by the University of the senior college base budgets.

Thank you.

**FY 2004 Senior College Undergraduate Faculty Allocation Model**

**ATTACHMENT C**

Model Undergraduate Teaching Cost Adjusted for Average Undergraduate Teaching Load	(1)	(2)	(3)	(4)	(5)	(6)
	Model Undergraduate Teaching Cost Adjusted for Average Undergraduate Teaching Load	# of Total	Estimated FY 2003 Classroom Teaching Cost	# Difference	% of Total	Faculty Funding
Baruch	28,897,680	12.2%	21,407,199	(7,490,480)	15.1%	377,404
Brooklyn	22,117,906	9.3%	21,401,509	(7,16,397)	1.4%	36,095
City	17,001,709	7.2%	18,761,028	0.0%	-	-
Hunter	31,800,994	13.4%	21,736,483	(10,064,510)	20.3%	507,095
John-Jay	23,307,457	9.8%	15,726,244	(7,581,213)	15.3%	381,976
Lehman	15,962,784	6.7%	14,345,489	(1,617,296)	3.3%	81,487
Medgar-Evers	9,062,492	3.8%	7,578,591	(1,483,901)	3.0%	74,766
NYC-Tech	26,223,302	11.0%	19,548,260	(6,675,043)	13.5%	336,319
Queens	27,699,807	11.7%	22,724,226	(4,975,580)	10.0%	250,692
Staten-Island	23,189,120	9.8%	16,720,319	(6,468,801)	13.0%	325,927
York	12,204,373	5.1%	9,659,174	(2,545,199)	5.1%	128,239
Sum	237,467,623	100%	149,604,521	(49,614,420)	100%	2,500,000

- (1) The undergraduate teaching cost by college (full-time and adjunct) as per the Senior College Allocation Model based on ISM enrollment data, student faculty ratios by discipline, and differential average salaries by discipline funded at 70% full-time instruction. Full-time salary costs are adjusted to reflect average faculty teaching load for undergraduate instruction by college (as per the Teaching Load Report Fall 2002) divided by the contractual workload of 13 hours per semester at NYCCT, and 10.5 hours per semester at all other colleges.
- (2) Each college's percentage of the total Model undergraduate teaching cost.
- (3) Estimated undergraduate classroom teaching cost for FY 2003 by college as per Fall 02 Teaching Load Report and CUPS salary data.
- (4) The difference between the estimated FY 2003 classroom cost and the Model undergraduate teaching cost.
- (5) Each college's percentage of the total cost difference.
- (6) Each college's percentage of the total cost difference applied to \$2.5 million in new faculty funding.



**JOHN JAY COLLEGE OF CRIMINAL JUSTICE**

*The City University of New York*  
445 West 59th Street, New York, N.Y. 10019  
212 23 7-8000

October 1, 2003

To: Chancellor Matthew Goldstein  
Senior Vice Chancellor Allan Dobrin  
Vice Chancellor Emesto Malave  
Vice Chancellor Emma Macari

From: Karen Kaplowitz  
President, Faculty Senate

Re: Funding for Critically Needed Rental Space for John Jay

Dear Colleagues,

On behalf of John Jay's Faculty Senate, I am enclosing a Resolution unanimously adopted by the Faculty Senate at its September 25, 2003, meeting, on the funding for critically needed rental space for the College.

I look forward to being able to convey to the Faculty Senate your response to the Senate's Resolution and I am, of course, available to provide additional information or to answer questions about the Resolution. Thank you.

cc. President Gerald W. Lynch  
Vice President Robert Pignatello  
Provost Basil Wilson  
Professor Ned Benton, Chair, JJ Budget Committee  
Professor Harold Sullivan, Chair, Council of Chairs  
Professor Jim Cohen, PSC Chapter Chair

att.

**Resolution on the Funding of Critically Needed Rental Space for John Jay**

**September 25, 2003**

**Faculty Senate of John Jay College of Criminal Justice**

**Approved by Unanimous Vote**

**Whereas**, CUNY explicitly acknowledges that John Jay College is and has been historically underfunded in comparison to other CUNY senior colleges, and CUNY last month initiated the implementation of an allocation model for the faculty funding portion of the base operating budgets in order to remedy this underfunding over time, and

**Whereas**, CUNY also acknowledges that John Jay College lacks sufficient campus space compared to other CUNY senior colleges, and CUNY has consequently supported the Phase II project as a partial remedy to this shortage, with the planned for Phase III to be the long-term remedy, and

**Whereas**, CUNY also recognizes, based on independent professional studies, that John Jay's North Hall, which houses the majority of the College's classrooms, faculty offices, student clubs, student services, and the children's center, has extensive violations of fire and safety codes and standards, including over-occupancy, excessive egress distances, and substandard egress capacity, and CUNY has initiated renovation projects to partially remedy these dangerous conditions, and

**Whereas**, The same studies recognize that John Jay has a critical need for additional space in order to align the numbers of people using North Hall with the capacity of North Hall, based on standards and codes, and

**Whereas**, CUNY is considering a proposal to rent two floors of the Westport facility located at 10th Avenue and 56th Street, for the purpose of providing John Jay with alternative space that is necessary in order to more closely align North Hall occupancies with the requirements of codes and standards, and

**Whereas**, The cost of the rental may exceed \$2 million, an amount that both greatly exceeds the financial resources of John Jay College and that also greatly exceeds the funds recently allocated to the campus to begin to remedy historical budget inequities, and

**ATTACHMENT D – p. 3/3**

**Whereas**, If John Jay were equitably funded, given current CUNY resources, John Jay's FY2004 Base Budget would be approximately \$16 million greater than its present allocation and its Grand Total Operating Budget would be approximately \$13 million greater than its current allocation, and

**Whereas**, John Jay requires the entirety of its currently allocated resources to provide instruction and support services to our students and faculty, while maintaining fiscal responsibility,

**Therefore**, the Faculty Senate of John Jay College of Criminal Justice Resolves that:

The University should promptly approve the Westport facility rental and associated modifications of North Hall to enhance compliance with codes and standards and to better protect the safety of John Jay students, faculty, staff, and guests; and

The University should fund the project in a manner that does not draw at all upon John Jay's currently allocated budget resources; and

The University should not place John Jay College in the untenable position of having to choose between either improving the safety of those who use North Hall or maintaining the current level of John Jay's already extremely underfunded teaching resources and academic support services.



## JOHN JAY COLLEGE OF CRIMINAL JUSTICE

The City University of New York  
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New York, NY 10019  
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office of the Dean of **Graduate Studies and Research**

## MEMORANDUM

To: Professor Karen Kaplowitz  
President, Faculty Senate

From: Dean James P. Levine  
Chair, Workplace Privacy Committee

Re: Proposed Privacy Guidelines

Date: September 11, 2003

In response to a request by the Faculty Senate, President Lynch in December 2002 appointed a workplace privacy advisory committee to recommend policy for John Jay College. Its membership is as follows:

Dean James P. Levine, Chair  
Mr. Bob Banowicz  
Professor Anthony Carpi  
Dean Don Gray  
Professor Lou Guinta  
Professor William Heffernan  
Professor Bonnie Nelson  
Dean Richard Saulnier

The committee concluded its deliberations in June 2003. After a searching fact-finding expedition and careful consideration of a range of issues, the committee unanimously approved the enclosed recommendations and policy guidelines at John Jay College of Criminal Justice.

President Lynch has reviewed and approved these proposed guidelines. I am now forwarding them to the Faculty Senate for its consideration. After the Senate deliberates, I would like to place them on the College Council's agenda for approval.

I look forward to the Senate's reaction. Feel free to get in touch with me if you want to discuss the guidelines before presenting them to the Senate.

Cc: Workplace Privacy Committee

JOHN JAY COLLEGE OF CRIMINAL JUSTICE  
City University of New York

PROPOSED PRIVACY GUIDELINES

**Preamble.** The growth of information-storage technology and the development of devices for conducting surveillance of individuals have made privacy a major concern in modern organizations. Academic institutions have particularly strong reasons to be concerned about privacy. The freedom to inquire, to think, and to express ideas, so necessary to academic institutions, rests on an expectation of privacy, and that the privacy of those who teach, study, work, and conduct research in the college will be respected.

Academic institutions also have strong reasons to be concerned about the personal information contained in their files. Student transcripts contain critical personal data. The personnel files of faculty and other staff members refer to medical histories, salaries, and past employment. And faculty research files are replete with data essential to work that is in progress but not ready for publication. A college's privacy policy must provide a coherent, readily understandable framework for dealing with these and other facets of informational privacy. These guidelines are designed to provide such a framework for John Jay College of Criminal Justice.

**The Legal Baseline.** The guidelines have not been created in a legal vacuum. Federal and state statutes establish a context for determining access to personal information held by the college's officials. The regulations of administrative agencies are also relevant here, as are the judgments of federal and state courts. Policies ordained by the City University of New York also serve as a source of constraint governing access to personal information. Taken together, these legal rules can be said to provide a baseline for privacy protection at the college. The privacy guidelines contained in this directive will sometimes *exceed* this baseline; they should not be interpreted as providing less protection than is already provided by the legal baseline.

**A Note on Defining Privacy.** Because the guidelines establish procedures for protecting privacy, it is not essential to provide a precise definition of the term. In applying the guidelines' procedures, college officials can rely on conventional understandings of the term without having to worry about the precise lines to be drawn about what is and what is not private.

This said, it is nonetheless helpful to note the general thrust of privacy concerns. When we speak of privacy, we focus on two different matters. *Privacy of the person* has to do with the practices that respect the body and solitude. By its very nature, privacy of the person is limited to the space an individual occupies at a given time. *Informational privacy*, by contrast, is not subject to such a limitation. Even when an individual is far removed from repositories of information about his or her personal life, that individual continues to have a legitimate interest in maintaining the confidentiality of the information they contain.

Each of these facets of privacy is informed by a distinction between what has and has not been deliberately revealed to the world-at-large. If someone chooses to reveal a portion of her body (her face, for example) or information about the facts of her life to anyone who might be interested, then the act of presenting these matters to the public constitutes a relinquishment of a privacy claim of what was presented. Special-use presentation, however, *cannot* be interpreted as a relinquishment. For example, if someone reveals information about the facts of her life while filling out a college form, the understanding associated with completion of the form is that the information is being presented to facilitate the work of the office issuing the form—the information, it is implicitly understood, is not to be disseminated to the public-at-large. Most, though not all, privacy issues at the college involve information provided to officials on a special-use basis. The aim of the guidelines is to protect such information while ensuring that college officials have access to information necessary for efficient administration.

**The Units of Administrative Responsibility.** The guidelines treat the various offices within the college (for example, the Personnel Office, the Office of the Dean of Students, etc.) as the basic units of responsibility for implementing the guidelines. A full list of these offices can be found at the beginning of the college's telephone directory under the heading "Academic, Administrative and Departmental Offices." A Privacy Review Board will be charged with enforcement of the guidelines in settings where an individual is aggrieved by an office's method of implementation.

**The Structure of the Guidelines.** The guidelines are informed **by** a distinction between routine and special-needs access to information. Designated employees of the various college offices must have access to information managed by their offices—thus the rules for routine access. Also, there will be occasions when administrators will need to discover information about a member of a community on a one-time basis—thus the rules for special-needs access.

The guidelines require that rules be drawn up by each office to determine routine access to information by the office's employees. The guidelines also make allowance for special-needs access to information by administrators with general responsibility for the operation of the college.

## **The Guidelines**

### **First Guideline: Routine Access**

*1.1 Routine Access Defined.* An employee of a college office **has** routine access to information held by that office when he is required to seek that information and use it in the course of his job.

*1.2 Abuse of Routine Access.* **An** employee abuses routine access if that employee seeks information not necessary for the performance of his job or uses information in a manner inconsistent with his job description.

*1.3 Sanctions for Abuse of Routine Access.* If an employee of a college abuses his routine access, that employee shall be liable to sanction by the head of his office. If an officer of the college abuses routine access, that officer should be liable to sanction from the person to whom the officer reports.

### **Second Guideline: Special-Needs Access**

*2.1 Special-Needs Access Defined.* An administrator of the college may have special-needs access to information held by a college office when there is an issue pertaining to the college's welfare that makes it necessary for the administrator to request information from that office.

*2.2 Officials Entitled to Claim Special-Needs Access.* Only the president and the vice-presidents of the college are entitled to seek information on a special-needs basis.

*2.3 Procedure for Securing Special-Needs Access.* A written memorandum, signed by the president or one of the vice-presidents, must be sent to the appropriate director of a college office requesting information on a special-needs basis. This memorandum must be placed in a file.

*2.4 Instances when Special-Needs Memoranda Are Required.* A special-needs memorandum is necessary if college officials deny employees access to their offices or seek to examine material contained in their offices. Such a memorandum is also necessary to examine the electronic files and e-mail messages of an employee of the College whether those files and email messages reside on a personal computer that the college has made available to an employee of the college or on a college-owned server (outside of files that are routinely shared in the course of work-related activities). This list is not intended to be exhaustive. There may be other occasions of a similar nature in which a special needs memorandum may be required.

*2.5 Request for Information from Outside Sources.* No entity outside John Jay College may have access to private information contained in John Jay files except as required by law or authorized on a special needs basis.

### **Third Guideline: Privacy Review Board**

*3.1 Jurisdiction of the Board.* A Privacy Review Board shall be established to monitor compliance with these guidelines. Any member of the college community is entitled to seek a ruling from the board concerning the application of the guidelines to information held by the college pertaining to that person.

*3.2 Correction of Board Rulings.* All rulings by the Privacy Review Board are subject to revision by the president of the college.

*3.3 Composition of the Board.* The board shall be composed of three full-time employees of the college, one of which shall be a member of the administration (appointed by the president), another a professor (elected by the Faculty Senate), and a higher education officer (appointed by the Council of HEO's). The term of office shall be three years.