

Faculty Senate Minute #272

John Jay College of Criminal Justice

Thursday, February 10, 2005

3:15 PM

Room 630 T

Present (30): Andrea Balis, Teresa Booker, Orlanda Brugnola, James Cauthen, Effie Cochran, Edward Davenport, Virginia Diaz, Kirk Dombrowski, Janice Dunham, Joshua Freilich, Konstantinos Georgatos, P. J. Gibson, Elisabeth Gitter, Heath Grant, Carol Groneman, Jennifer Groscup, Jennifer Jackiw, Karen Kaplowitz, Tom Litwack, Vincent Maiorino, James Malone, Evan Mandery, John Matteson, Rick Richardson, Jodie Roue, Francis Sheehan, Liliana Soto-Fernandez, Thalia Vrachopoulos, Alisse Waterston, Robin Whitney

Absent (7): Marvie Brooks, Robert DeLucia, Kwando Kinshasa, Edward Paulino, Marilyn Rubin, Susan Will, Kathryn Wylie-Marques

Guests: Professors Valerie Allen, Danette Brickman, Blanche Wiesen Cook, Rose Corrigan, Holly Hill, Matthew Johnson, Gerald Markowitz, Bonnie Nelson, Patrick O'Hara, Sreca Perunovic, Lydia Rosner, Adina Schwartz, Chris Suggs, Maria Volpe

Invited Guest: President Jeremy Travis

Agenda

1. Report and Announcements from the chair
2. Approval of Minutes #271 of the December 10, 2004, meeting
3. Proposal that the Senate co-sponsor a College Forum on "John Jay, the Criminal Justice Community, and Academic Freedom": Executive Committee
4. Invited guest: President Jeremy Travis

1. Report and Announcements from the chair [Attachment A-1, A-2, A-3]

Provided to the Senate were two documents: a February 3 memorandum from President Travis about his realignment of the academic affairs part of the administration after a series of consultations with the faculty leadership, who consulted with their organizations, the Faculty Senate and the Council of Chairs [Attachment A-1], and President Travis' February 5 response [Attachment A-2] to joint resolutions of the Faculty Senate and Council of Chairs about various matters adopted by both bodies before the new President was selected and which had been forwarded to President Travis when he began his tenure. President Kaplowitz noted as particularly relevant to the Senate

President Travis' statement, "... as recommended, I have established a policy of conferring with the Faculty Senate to solicit nominations for faculty members on various task forces and committees" [Attachment A-21. Also distributed was a February 9 reply to President Travis from Karen Kaplowitz and Harold Sullivan [Attachment A-31.

2. Approval of Minutes #271 of the December 10, 2004, meeting

By a motion duly made and adopted, Minutes #271 of the December 10 meeting were approved.

3. Proposal that the Senate co-sponsor a College Forum on "John Jay, the Criminal Justice Community, and Academic Freedom": Executive Committee

The Senate has been invited to co-sponsor a College forum on "John Jay, the Criminal Justice Community, and Academic Freedom," which Distinguished Professors Blanche Wiesen Cook and Gerald Markowitz are organizing. The other co-sponsors are President Travis and the John Jay Chapter of the PSC. The tentative list of speakers includes Professors Todd Clear, Blanche Wiesen Cook, James Fyfe, and Maki Haberfeld. Provost Basil Wilson will moderate. Each speaker will speak only briefly so that members of the entire College community will have an opportunity to speak. A motion was made and carried that the Senate co-sponsor this forum on this important topic and Professors Cook and Markowitz were thanked for proposing and organizing it and for inviting the Senate to participate as a co-sponsor.

4. Invited guest: President Jeremy Travis [Attachment B, C, D, E, F]

President Kaplowitz welcomed President Travis. She said the Senate appreciates the opportunity to speak with him about the Susan Rosenberg situation, a very important issue for the faculty and for the College, and also welcomes the opportunity to hear his thinking and to learn about the factors that went into his decision. She also told him that the Faculty Senate had just voted to join him and the PSC as co-sponsors of the forum on "John Jay, the Criminal Justice Community, and Academic Freedom" being organized by Professors Blanche Cook and Gerald Markowitz.

President Travis thanked Karen for the opportunity to come to the Senate and said he is very pleased the Faculty Senate is co-sponsoring the Forum. He recalled that in December he and Karen talked about the kinds of activities within the College community that would be important in a larger conversation with the community about the specifics of the Susan Rosenberg issue and the larger issue of how to place this event in the context of who we are as a College. That is why, he said, when Blanche [Cook] and Jerry [Markowitz] came to him with the idea of a forum, he agreed immediately because we should be looking for opportunities in our collegial conversations with each other, in our departmental conversations but, most importantly, in how we think about ourselves, and how we relate to the law enforcement and criminal justice communities, which is the topic of the forum.

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President Travis said his posture on the issues that we are talking about is to have an open mind, an open door, for people from the individual level to the departmental level. Saying that he can't count how many people from the Sociology Department crowded into his office the other day to discuss this issue with him, he extended an invitation to anyone, on whatever level, who wants to talk with him and to share their thoughts with him. He called this an open invitation for as long as it is needed. He spoke of a wonderful discussion with a graduate student who wrote him a very thoughtful letter and also of a wonderful discussion with the PSC Executive Board in December about the issue.

The posture he wants to convey, he said, is that these are important issues, that he is open to any discussion, that he has a very thick skin, and that he knows there are very strong feelings about this issue, that there are very strong feelings on both sides of the Rosenberg controversy. This is what makes it a controversy: it raises deeply felt emotions.

President Travis said the best service he can provide is to give the chronology and to give insight into what he was thinking, to give his take on the decision. The first time the issue came to his attention, he said, was when the *New York Post* published an editorial about the fact that Hamilton College had invited Susan Rosenberg to be a visiting lecturer during [January 2005] intersession and the faculty there protested against that appointment, which was somehow picked up in New York City even though, strictly speaking, it was not a New York City story. That editorial did not mention Rosenberg's affiliation with John Jay but someone, referring to the *Post* editorial, asked him if he knew that Rosenberg teaches at John Jay as an adjunct.

He recalled that he had met Susan Rosenberg when Betsy Gitter invited him to a TSP – as it was then called – Department meeting when he was meeting with each academic department. At that meeting Susan Rosenberg introduced herself as having been in prison and as having been released from prison under a President Clinton commutation. He said he had never, until the *Post* editorial and the comment by someone, connected her to the Weather Underground and the Brinks robbery. For the week following the *Post* editorial he did nothing except to wait to see if anything further would develop. There was then a series of articles in the *Daily News* and elsewhere that started to mention the John Jay connection. At this point he was thinking, frankly, that he should do nothing and see how the story played. He started to gather background information within the College for himself, to learn her status, how long she had taught here, basic information such as that.

At some point in time, the Emerald Society – a police group in Rockland County, where the Brinks Robbery and homicides occurred – at a conference in New Orleans of Emerald Societies – launched a national campaign against Hamilton and John Jay, that Rosenberg no longer have affiliations with those two colleges. By “national campaign,” he explained, he means an email campaign. The emails were addressed to his now-colleague-in-controversy at Hamilton and himself. **So** in a very short period of time he started being inundated by emails from this national campaign and so he knew we now had a different dynamic on our hands.

At this point he relied on and drew upon what is now 20 years of experience, most of which were spent in New York, in connection with what happens when tabloids, in particular, and now, nationally – if we look at the Ward Churchill controversy – take up a cause. He very quickly made a judgment that the Rosenberg controversy was about to break open in a big way, that this controversy could have led, and his prediction was that it would have led, to what we saw in the Ward Churchill case. **So** a consultation process within his immediate staff, by which he means

himself and the Provost, became truncated whereby he asked what decision they would make given the factual situation of her appointment.

The factual situation of Susan Rosenberg's appointment was that she was appointed at the time and was serving out the semester as an adjunct teaching in Thematic Studies but she had decided to not teach at John Jay during this spring semester mainly, he thought, because of the Hamilton appointment, but whether or not it was for that reason does not matter. So the question on the table was should she be reappointed to the fall semester or to some other semester.

During this 48-hour period of time he made the decision, consulting with Basil [Wilson], that if asked by the TSP department – no formal request from the Department had been received because it was not timely – that they would not reappoint Rosenberg. So he communicated his decision to the leader of the national campaign. He personally sent an email to the Emerald Society [Attachment B] in which he said: let's get some facts on the table and here is the decision that he, as President of John Jay, has made. He said he made that decision and wanted to make it quickly to forestall or to save the College from the inundation that he predicted would come our way in the form of protests and controversy and the like.

One of the memorable moments during that 48-hour period took place on a Friday evening when two television cameras were stationed outside the College. At that point he had already released his letter to the Emerald Society – on that day or maybe the previous day. The two television cameras were stationed outside the College as “gotcha journalism.” He said he could imagine the questions: why was she hired? who hired her? have you investigated how she got on your campus? He said he did not want to answer those questions and, indeed, he had never asked who had hired Rosenberg. A lot of people have urged an investigation as to how this could have happened and his response has been that that is not relevant. That Friday evening he left by the side door because he did not want the College to be embroiled in that sort of controversy. It was the same evening – he was not there but Blanche Cook has a friend who was there – that a group of police organizations picketed Hamilton College's annual fund-raiser at the Hamilton exhibit at the New York Historical Society [on Central Park West and 77th Street] and, according to Blanche's account from her friend, it was quite ugly.

He said when he met with the PSC Executive Board [in December] he used a word that some people found somewhat odd and, perhaps, inappropriate, but the strongest emotion he felt during that time was a protective emotion. He wanted to do something that was protective of the College. He said he has no doubt – and, again, people can differ on this prediction – but he has no doubt but that had the controversy swelled to some other level the decision would have been made, and not necessarily by him, but rather by our Board of Trustees or someone else, that Rosenberg not be invited back. He said he has no doubt that had the controversy blown up that would have been the decision. So he wanted to make that decision without consulting with the Chancellor or with the Board of Trustees and he said he made that decision after consultation with the Provost.

Susan Rosenberg herself had asked to see him and he, in turn, asked her to see Basil, which she did, before the New Orleans national campaign was launched. A regret he has, which he has expressed, is that the discussion that Basil had with Betsy Gitter, the chair of the department, did not happen in a timely fashion. He said he has asked Basil what efforts had been made to make that discussion happen and he was told that there had been missed phone calls and the like. That discussion should have happened during this 48-hour period and did not and he said he regrets that. Did we have time for a broader consultation, like the one at Hamilton, he asked. Hamilton had a

very broad kind of community-wide meeting in a different set of circumstances. During a time, according to his prediction, of heightened controversy we could have had that consultation and we could have had a community-wide meeting and yet, at the end of that consultation at Hamilton, Susan Rosenberg withdrew from Hamilton after seeing the controversy that had been generated. Would it have been healthy for the College to have lived through that controversy? He said it could be argued yes, that it is always good to live through hard times, but his judgment was no.

So the picture he wants to paint is a period of nothing going on, then a rapid national campaign directed at him, and his judgement, which can be called a strategic judgment, almost a political prediction based on years of doing this sort of stuff in New York City politics, that this was on the verge of being a much more full-blown raw controversy and making the decision in that moment, knowing full well that this would be an unpopular decision either way he made it. So he gets praise on one side, condemnation on the other. But that is what he gets paid for.

It was a tough decision. He said he thinks it was the right one. He said he understands and has expressed on different occasions his appreciation for the point about consultation, has expressed that regret to Betsy, and he thinks that the discussion afterwards that he has had with other colleagues has been very healthy because he thinks there are ways – he doesn't want to sound pollyannaish about it – but there are ways that this can become a very important conversation for the College.

Karen Kaplowitz said that before calling on faculty she would like him to know which documents the Senate members received with their agenda packet for today's meeting: the materials are President Travis' email to the Emerald Society [Attachment B], which he had emailed to her on December 2 as a courtesy after he had sent it, a courtesy she appreciated; his December 20 email to the John Jay community [Attachment C]; a December 20 letter from some members of the Sociology Department [Attachment D]; a January 27 PSC Delegate Assembly Resolution [Attachment E]; a letter sent to him on January 11 by Roger Bowen, the General Secretary of the American Association of University Professors (AAUP), which is on the AAUP website [Attachment F]; two documents from the AAUP *Redbook*: the AAUP Statements on Academic Freedom and on Governance in Colleges and Universities; as well as copies of various news articles and editorials from the *Daily News*, the *New York Post*, and the *Wall Street Journal*, to establish the context for President Travis' decision.

Senator John Matteson thanked President Travis for coming to the Senate, saying it matters a great deal to many members of the faculty that a dialogue is taking place. He said in his interactions with President Travis he has been impressed because President Travis is a person who thinks a lot about rules and who thinks a lot about principles. What he would like to hear is if President Travis were to couch his decision in terms of a rule or a principle, how would he state that rule or principle and what precedent would he see he was setting within this institution.

President Travis called that an interesting way – from one lawyer to another lawyer – to formulate the situation, adding he has not thought it through that way. Part of his analysis of this particular case is that these facts are so unusual that for him it almost has no precedential value. He acknowledged that this is easy for him to say since he is the guy in the middle of the controversy and he knows how powerfully this decision triggers lots of buttons and how people then suggest one analogy or another and then ask how he would handle these other sets of circumstances. But he said he has resisted that because no analogy is perfect, not that he wants to evade that sort of analysis but because he thinks this situation is so unique. What, he asked rhetorically, is so unique?

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In a purely legal sense the question is whether the College should enter into a contract, a new contract, with an employee. Although he said he understands fully it is someone being pushed out of the John Jay community, it is different from other cases, some of which are now in the news. A situation involving tenured faculty is different, of course, from a situation of inviting someone to the campus to give a speech that one knows, that one hopes, is controversial. He noted we had Steven Bright here the other night [to speak about the death penalty] and that we want people to express their passion. So in that narrow legal sense it is unique.

In terms of the reactions – and he said how struck he has been by how strong the emotions are on both sides – one of the attributes of this particular case is that in the community where the Brinks incident occurred there is no closure. So the criminal justice system, from their point of view, did not work. As an individual, Susan Rosenberg was sent to prison for something else; she was implicated and indicted but not prosecuted for the Brinks robbery and homicides and she maintains her innocence. The people in that community thought, and although he is putting his words in their mouths he thinks this is accurate, that Rosenberg was doing a long sentence and then the person he himself worked for [President Clinton] commutes that sentence. So he was really struck by the rawness of that wound. He thinks about this case a lot in terms of his own work and his national reputation as an advocate for prisoner reintegration. **So** what is different here, he asked. He said that this can be thought of in terms of a restorative justice point of view, the ability to bring closure to this chapter of our nation's history, where we had our own sort of domestic terrorism going on. The location, the lack of closure, the rawness, the level of harm, and the sort of unique police sensibility of "all for one and one for all" triggered this reaction.

On the other side, reactions that get triggered are from the prisoner reintegration group, which is one level of reaction, but the academic freedom reaction triggers a whole other history that is raw. He said he has learned a lot about CUNY history from people asking if he knew about this case and about that case. And that is as raw and as real and as 'today' as it was twenty years ago. He said he finds himself intellectually resisting trying to draw precedential value other than on the consultation issue, which he has taken to heart, because the facts of the case struck him as so unique. He said John Matteson's was a great question and if he comes up with a different answer he will share it but he has not quite formulated what makes this unique.

Vice President Kirk Dombrowki said he is troubled by what President Travis has just said because in his response he placed the two sides of this dilemma, the two sides of the rawness, on rhetorically equal footing, but they are very different because while we are part of the criminal justice community we are not part of the criminal justice system. Therefore there is, as far as he can tell, absolutely no requirement on our part to provide closure although we can, of course, acknowledge these things. But on the other hand we are very much, as President Travis said, the other side. Our first and foremost position within the criminal justice community is not as an arm of the criminal justice system but as an alternative community, as a commentator on that arm, as an independent voice commenting on the system. These do not seem to him, Vice President Dombrowski said, to be quite as real-world equal as they were made out to be rhetorically equal and he finds that troubling because so many of us here cherish being that alternative.

President Travis said that we *should* be that alternative and, as he said to the Sociology faculty, a critique he has had of John Jay prior to the Susan Rosenberg situation is that John Jay is *too close* to that system, that it is *too* intertwined with the criminal justice system, its identity – our identity – is too intertwined. He recalled that during the search process, when he came to the campus, he bridled at somebody, he forgets who it was, who talked about the criminal justice

community as “our constituents.” He asked Karen if she remembers that and she said that she does. He said we can *not* think of the police as our constituents. So he wants us to have more independence, a stronger ability and, over time, a recognized reputation of being the commentator, the critic. He said he is promoting research so we can do that.

As an example he noted that [Professor] Andrew Karmen has proposed to him that John Jay run annual crime victimization surveys and said he loves that idea, adding that such surveys are conducted by interviewing randomly selected citizens about their experience with crime which, by definition, would set us up as a counterpoint to police recorded statistics. One of the questions on the NCVS is, “What’s your view of the legitimacy of the police?” He said he *wants* us to be in that position. So he said he takes Kirk’s point: it is hard to put these things in a balance but his starting point is that we need to build a college – we are not going to disavow our history and we are not going to disavow the advantage we have from that history – of being a *trusted* commentator, that of getting inside access to those worlds that are closed to most people but not to us, but we have to be able, in a more sustained and multifaceted way, to assert our separate identity.

Senator Rick Richardson said one of the impressions that was related to him about the meeting with the Sociology Department, which he could not attend because he was teaching at that time, is a duality in President Travis’ discussions about adjunct and full-time faculty issues. He said it is quite obvious that his decision to not reappoint Professor Rosenberg was easy because she is not a full-time faculty member and so there is no long term contractual obligation. At the same time, however, this heightens the vulnerability of adjunct faculty and the fact that adjuncts are expendable. He said he believes that at the Sociology Department meeting President Travis had said he could not have done what he did had Susan Rosenberg been a full-time faculty member.

President Travis said that is, in fact, legally true and recalled having said something to the effect that adjuncts and full-time faculty have different legal footing. Senator Richardson said that the concept he is trying to address is that there is an institutionalized sense of adjunct faculty being “less than” and, therefore, more expendable than full-time faculty. He asked for a comment about this. He also asked whether his action with regard to Susan Rosenberg did not leave the College open to a lawsuit for violating her rights and also whether this doesn’t send a signal that individuals who have very controversial pasts and who may be very appropriate for teaching some of the subjects that we specialize in need not apply to teach here.

President Travis said he has had discussions about the status of adjuncts and each time he has said, or at least he hopes each time he has said that we, as a college, more so than other *CUNY* colleges, are very dependent on adjuncts, which is a healthy reality in that, first of all, there are a number of adjuncts who have been here for long periods of time and are full status members of the community but it is also healthy in that, because we have access to scholars and practitioners in New York City, we are able to bring in perspectives that are valuable to our students. As to the question about lawsuits, he said he has been running public agencies for a long time and one learns to live with the fact that once in a while there is a court filing that shows up with one’s name – such as, “Sound of Angels Against Travis” with the devil being on your shoulder. He said he doesn’t know if a lawsuit is even possible in this case, no lawsuit has been filed and, with the caveat that this may be inaccurate, he has been told that Susan Rosenberg does not want to pursue a lawsuit.

His response to the third question, which is another way of coming back to Kirk’s question, is that because of our posture in the world as a liberal arts institution with a criminal justice

emphasis (he said he's been warned that some do not like the word "mission"), we have – as he noted in his global email to the College [Attachment C] – an obligation to bring people to John Jay who have been in prison, who have been rape victims, who have been police officers who have lived in communities that had a struggle with violence, or who have overcome addiction because those voices at our table are important to our students and to our understanding of the issues that we are talking about. Will some people look at this decision and decide to go elsewhere? That's certainly likely. This is true – and this also goes back to Rick's first question – no matter the person's status, adjunct or other; some may decide that John Jay is not a welcoming environment. President Travis said he would hope that such people, in meeting our faculty and in talking with him, will decide otherwise. He recalled that in the middle of the Susan Rosenberg situation he was trying to recruit someone he thinks very highly of, who is a member of a group called convict criminologists – people who received their doctorates either while in prison or shortly after they got out of prison – but for lots of reason this person doesn't want to come to John Jay but such people provide an important voice and it is important for our research and for our pedagogy to have those voices at the College.

Professor Lydia Rosner said that although she could not be at the meeting with the Sociology Department she signed the letter that faculty from her Department sent to President Travis [Attachment D]. She said she comes from a very different direction than many at the College, that her concern is not Susan Rosenberg, at all. Her concern is about President Travis' reaction to the threat that he perceived from the media and his reaction to what he thought would happen if the media were to run rampant on John Jay. She said this is what would concern her no matter who the person was, adding that she does not know Susan Rosenberg, has never met her. It is the immediacy of the situation and the fact that a decision had to be made in a very short period of time that concerns her. Having lived through the McCarthy years, this decision and how it was made frightens her although she certainly is *nut* suggesting that is an analogous situation. President Travis thanked her for not making such a suggestion. However, she said, she has known college presidents who have been under the gun and who were threatened by the media and she wonders if emails should be a determining factor in making decisions.

President Travis said he fully expects, given the nature of who we are and what we do, that there will be controversy being a member of the John Jay community from time to time. He doesn't know what the recent past has been like but he expects that the direction he thinks our College is headed in will subject us to some news attention that will generate controversy. Certainly in response to Kirk's question, he expects that although it may not be this type of controversy there will be statements made, research published, conferences held, by faculty and by students, that will not sit well with lots of people. That's fine. We should be strong enough to take that. Part of what he has learned about the John Jay history was reported during the Sociology Department meeting by Andy Karmen who recounted the controversy generated by statements he had made about the crime drop in America, comments which generated phone calls to the President's Office.

So on this one, he said, and he hopes no one takes it as a dodge, but he is asking the faculty to just watch him. As he has said before, he has been a long time in the rough and tumble of New York City life and has seen and learned from people who have been able to weather controversy. When he was an undergraduate at Yale he was very close to William Sloane Coffin, who was his chaplain and who was indicted for anti-war activity, and the two of them – with a few others – weathered a lot of controversy. For a long time in his life this is something that he has been paying attention to. President Travis stated that you have to stand up for things that are important and his hope is that there will be lots of ways that the things we do will generate attention, and even though

they will generate heat they will also generate light.

Senator Betsy Gitter said she knows that it is lonely at the top and that time was short. But, she asked President Travis, if he had to do it again, if he had to go through this kind of process again, did he think it would be helpful to engage in more consensus building and more consultation within the College *while* making the decision. She said she knows it was a mistake that she never was consulted but she said that is not what she's talking about. She is speaking about his talking with Karen – which he did not do – or with Jim Cohen or with others to learn their views and to build a consensus within the community so perhaps there would have been a middle way and a slightly different tone in the letter to the Emerald Society that might have made this go down more easily.

President Travis said one plays these tapes over and over in one's head and he has played this one quite a number of times. He recalled his late night email exchange with Betsy and has replayed that tape in his mind as well. He said that when he speaks of consultation he does not mean one more perfunctory phone call. He added that although there was not time for large community-type meetings there was time during those 48 hours for consultation. He said he and Karen can see each other whenever they want to and they often do and that would have been easy. That in fact, is precisely what he means when he says he should have engaged in consultation. How that would have rolled out and what would have come out of such consultation he does not know although there is one phrase in the Emerald Society letter he regrets – his statement that Susan Rosenberg will *never* teach at John Jay again. He said he asks Karen's advice and has asked her opinion about drafts of other things he has written and he could have done that during a very short period of time but he did not. He said he is clearer now on that than he was then.

Karen Kaplowitz said that, as she has recounted to President Travis in the aftermath of the Susan Rosenberg events, but would like to reiterate at today's meeting: during a period that many of us at John Jay lived through, as a result of pressure from outside and from some internal groups, the President of John Jay – Gerry Lynch – was ordered by the then Chancellor to fire five senior administrators identified by those groups for firing and was then to hand in his own resignation by the next day at 12 noon. Eight hours before the deadline President Lynch telephoned her – this was at 4:00 AM – to ask for her help, in her role as President of John Jay's Faculty Senate. She knew nothing about the Chancellor's order to him until he telephoned her. She immediately called a meeting of the faculty and by 9 am – and this was *before* the existence of email – the faculty was convened and they drafted a statement, which the faculty issued, and which each person signed. That statement was issued – prior to the 12 noon deadline – to the then Chancellor and to the then Chairman of the Board of Trustees, but only after she had first personally given it to the education reporter of the New York Times, Sam Weiss, as well as to other reporters on campus. As a result of these actions, none of those five administrators was fired and neither the President nor anyone else at John Jay had to resign. The faculty took action in response to pressure that was inappropriate and unacceptable. She said she doubts that Gerry Lynch regretted having made that telephone call to her and she is certainly glad that he telephoned her.

We can mobilize very quickly, Karen said, adding that the message she most wants to convey to President Travis is that he is not alone. All of us, she said, are with him as he does his **job** and we expect him to be with all of us as we do our **job**. It is better if we come up with a solution together and if we can stand united, that is, if we can come to an agreement, but even if we can not agree, if we understand each others' reasons we may be able to modulate the position that is ultimately taken.

She said that 48 hours sounds like a luxurious amount of time when she thinks about how much we accomplished in 8 hours and, as she had mentioned, without the benefit of email. We used a telephone tree that was created in the early hours of that morning. The faculty debated the issues; Tom Litwack put our position into the form of four principles, the first of which is the necessity of due process. We voted on the statement, finished it by 12 noon, by the deadline, transmitted it, and we stopped internal and external groups that were trying to impose decisions that should have been internal decisions only and that should have been subject only to appropriate and established processes.

But the main point, Karen said, is that even if we all had agreed – and we certainly did not – but if we had all agreed that those five administrators and that president should no longer be at this College, that was not how such a decision should be made. Because these internal and external groups tried to inappropriately determine the status of those six people, the same kinds of decisions could then inappropriately be made about anyone else at the College. That was a message we all felt we absolutely had to convey and we were successful. She noted that ours is a very engaged, informed, and responsible faculty.

Karen also told President Travis that she has heard from many many faculty about his decision about Susan Rosenberg, whom she has never met, and that many, but not all, including those who agree with his decision, are troubled by the process or by the lack of a process. She said she also finds very striking the fact that those who are willing to speak out are those who disagree with President Travis but those who agree with his decision, and there are quite a few, have not been willing to speak, at least not publically. President Travis said he, too, finds that fact interesting, Karen said that, to date, those who have indicated to her that they agree with President Travis' decision have a law enforcement background and with that paramilitary, hierarchical background or orientation they really understand and expect that it is the Commissioner or the CEO or the Chief who makes the decisions. But, she said, we have a culture and a history in the academy of *real* consultation, of *shared* governance, of making decisions *together*. She said that whether people agree or disagree with the decision, many, and certainly she is one, are troubled by the way this decision was made.

Secretary Edward Davenport noted President Travis' statement that after realizing that a storm was about to break he determined that the issue before him was whether or not Rosenberg should be reappointed and that crystallizes what troubles him. In the ordinary course of due process here, that question would not be on the President's desk at that point but rather would be a department's decision and would come to the President's attention only after the department had made its determination. President Travis replied it is not that it would not have been his decision but rather that in the normal course what would have happened is that he would have reversed the department's decision, if the department had decided to reappoint the person. Secretary Davenport asked, even given the time pressures involved, wouldn't it be better to adhere to the procedures that are established for appointments, albeit using a speeded up timetable as necessary.

President Travis said that is why he had made the point that the consultation between Basil Wilson and Betsy Gitter did not happen when he had wanted it to happen and, had that consultation taken place during that time period, that decision would have been a departmental one.

President Kaplowitz asked President Travis whether the communication that Basil did not engage in with Betsy was that of *telling* Betsy that he – President Travis – had made the decision to not reappoint? President Travis said, yes, he was clear about the decision that he had made.

President Kaplowitz replied that is not *consultation* but, rather, *communication*. President Travis said he understands.

President Kaplowitz quoted a sentence from the AAUP Statement on Governance: “The governing board and president should, on questions of faculty status, as in other matters where the faculty has primary responsibility, concur with the faculty judgment except in rare instances and for compelling reasons which should be stated in detail.” She said she is sure he considers that this was rare and compelling. He said he does. President Kaplowitz said that the point, however, is that President Travis wanted the Provost to *tell* Betsy Gitter that Susan Rosenberg would not be reappointed rather than wanting the Provost to *ask* Betsy what approach her department thinks should be taken. President Travis said that the discussion could have included what approach should be taken.

Senator Robin Whitney said that in President Travis’ email to the Emerald Society [Attachment B] he stated that “At John Jay College, adjunct faculty members are hired on a semester-by-semester basis.” She noted that this was true until the current contract which provides that after six consecutive semesters adjunct faculty are given one year appointments. She said this is the only source of some kind of job security for adjuncts. President Travis said he is aware of this. President Kaplowitz said, for the record, and as she is sure Senator Whitney knows, Susan Rosenberg had not yet taught for six consecutive semesters at John Jay.

Professor Patrick O’Hara said that he is someone who agrees with President Travis’ decision and who is willing to say so publically. Furthermore, he does not have a law enforcement background and he may have even been the person who raised the question of “constituencies” during the on-campus interviews that President Travis referred to a few minutes ago. Professor O’Hara said he has thought long and hard about this situation during the past two weeks and he has thought about it in two ways.

First, Professor O’Hara said, he has thought about it as a graduate of Baruch, both the undergraduate and master’s programs. He said that if, for example, Mark Rich, whose sentence was commuted at the same time as Susan Rosenberg’s, was brought to Baruch as a professor of “critical business studies” or even of the “literature of fugitives from justice,” he would have been furious, he would have written a letter to the president of Baruch, and he would have fully expected some kind of response that acknowledged his role as an alumnus, and as someone who really values the school, and as someone who really values its principles relative to how one runs the business world well. He said he would not expect his voice to be immediately listened to above all others but he also would not want his voice trumped by some claim that the faculty or anyone else has some preemptive voice in the matter. On that basis, Professor O’Hara said, he can see how President Travis decided as he did.

Professor O’Hara said he can also see how President Travis did the right thing for us institutionally in a very delicate situation. Calling himself also a process person, Professor O’Hara said that part of this issue is that the technicalities of the process actually allowed President Travis to do something that was a correct action. He said he understands that faculty consultation is important but he has been at John Jay long enough to know that at times we have really shot ourselves in the foot with huge groups of people whose support we need, such as when we disinvited Lee Brown from our Commencement.

President Travis said he did not know about this incident and asked about it. President

Kaplowitz explained that a group of student protesters had demanded that Lee Brown, who was the NYPD Commissioner at the time, not be our Commencement Speaker even though he had already been invited to be the speaker, had agreed to be, and this fact had been publically announced. This was during a long siege of student protest at the College that was ongoing and the then President, Gerald Lynch, agreed to this student demand. That decision by a President of John Jay was made *without* consultation with faculty and certainly *without* consultation with elected faculty leaders, she added.

Professor O'Hara said he had talked with Lee Brown afterward and that action of disinviting him hurt us with a huge number of people whose support we needed and it continued to hurt us for years and years and years. He said that with the Susan Rosenberg situation we were again aiming the gun at our foot but that this decision, although there are a lot of people who disagree with it, took our foot out of the line of fire. He said that is a good thing because our new President has brought tons of capital to our College, with the Legislature, with the Chancellery, with law enforcement. He said that while appreciating the concerns the decision has triggered, he also is grateful that we have been pulled out of the line of fire. He said this decision, as tough as it is, was the right one.

Professor Adina Schwartz questioned Professor O'Hara's apparent position that the voices of alumni/ae should be listened to, but the voices of students should not be listened to, at least with reference to the incident involving Lee Brown. Professor O'Hara said that his niece is a student at Baruch and if she objected to the hypothetical hiring of Mark Rich, her voice, as a student, should be heard as well as his, as an alumnus. He said that his point about Lee Brown is not about whose voices were listened to or were not listened to but rather that the decision made at the time was not helpful to this College and, in fact, hurt the College for the next several years.

President Travis said that we are dealing with very complicated ideas. The Mark Rich analogy is illustrative and while no analogy is perfect when we talk about our relationship to the criminaljustice community, and when we think about what the value of it is and what the risks inherent in it are, and what the limits to it are, he thinks analogies are sometimes useful. Imagine, he said, a school of business with a Mark Rich on its faculty. Should a Women's Studies Program be required – if the department wants to – to hire an abortion clinic bomber? Should a Black Studies Program be required – if the department wants to – to hire a former Klansman? The answers to all those questions may be "yes," and that is what the academy is for. Here we have to consider some pretty fundamental questions in making decisions when we have this history with, this connection to, our students, our alumni, our faculty. He told Professor O'Hara that, of course, he appreciates his statement of support, but he thinks it is complicated, really complicated. That is why we have to take this as an opportunity to learn and as a communal testing of each other.

Vice President Dombrowski told President Travis that he hopes to convince him that consultation is not merely a procedural issue, that it is not just that consultation should take place, and it is not just that the AAUP calls for consultation, but that, as President, he should really *want* to consult. VP Dombrowski said we blew an opportunity on this one, that it is not a question of whether we dodged a bullet but rather that we blew an opportunity to speak in a broad way and to educate the public in a broad way as to what the role of a criminaljustice college is within the criminaljustice system. It is not so much that the faculty want President Travis to feel that he is supposed to consult with us but rather that the faculty could help provide him with a process and with experience and information for making decisions.

Kirk Dombrowski said we are an educational institution and we had an opportunity, through

a letter to the Emerald Society that could have been published more generally, to educate people about what the appropriate role is of an educational institution within the criminal justice system, about which he believes there is a large amount of consensus between the President and the faculty. This was not just rapid defense or, if it was rapid defense, he told President Travis, then he really does need to consult with the faculty substantively, not just procedurally. This was an opportunity that, by narrowing our view and seeing it as a college under siege, we missed. Frankly there are many, many good people here who view these situations in such a complex fashion who could be of great assistance in helping present the College to the world.

VP Dombrowski added that he had been told that when President Travis met with the PSC Executive Board, the President had asked whether the faculty did not believe he had their back, that he was covering their back. He said his question to President Travis is whether he doesn't think the same thing about the faculty, that we have his back. We want him to succeed, he said, and to make the College as successful as possible.

Senator Francis Sheehan said he would like to follow up about a matter that he raised at the PSC Labor/Management meeting in December, at the meeting Kirk just made reference to. What troubles him greatly, he told President Travis, is that he did not first communicate with the TSP Department or with the College community but rather wrote not only first but also directly to the Emerald Society, which is playing right into the hands of those who are able to now say that external pressure worked. He quoted President Travis' December 20 email to the John Jay community, which he sent almost three weeks after sending his email to the Emerald Society: "My reasoning is based on the simple fact that in order for us to carry out our unique mission as a College of Criminal Justice, we need to rely on the active support and engagement of the law enforcement and criminal justice communities throughout the country, particularly here in New York. The conversations and communications I had with members of those communities – including many alumni, students, and staff at John Jay – convinced me that the events surrounding the Brinks robbery and homicides still reverberate powerfully" [Attachment C]. Senator Sheehan said he would like to know what part of the Brinks robbery and homicides Susan Rosenberg is guilty of in President Travis' mind. That is what troubles him.

Senator Sheehan explained that if President Travis had written that Susan Rosenberg had been convicted of having 600 pounds of explosives and that in New York City, so close to the World Trade Center where the wounds are so raw, we can not have the kind of discomfort among our faculty and our students triggered by somebody convicted of that, he could go along with that. But the letter bases the non-reappointment on the Brinks robbery for which Rosenberg was not convicted and for which the indictment was dropped. Is that not saying that Rosenberg could not be convicted in a court of law but she was convicted in a court of public opinion – and not even public opinion but in the law enforcement community's opinion – and, therefore, she was guilty according to John Jay and, therefore, no longer worthy of employment.

President Travis said that if his letter were read carefully he thinks one would see that he did not say that she was guilty but rather he was relating to what he thinks was and is the reality of that organization's and the larger law enforcement community's perspective of Rosenberg, which is not about all the other things she was convicted of or indicted for but is the Brink's robbery, which is the rawest wound. So he was communicating to their reality, which is very powerful. He said if he tried relating this to the World Trade Center people would scratch their head. If you put yourself in the law enforcement communities' shoes, he added, they do not think of this as relating to the World Trade Center bombing, they relate it to the Brinks robbery, and that is the raw wound. He said he

recognizes she was not convicted of that.

Senator Sheehan said that then means that President Travis based his decision on the perception and not on the reality, that she was convicted or not convicted in a court of law, which he called very troubling. He said that Kirk invoked the phrase that he was going to use, about having our backs. President Travis said that at the Sociology Department meeting Andy Karmen told of the NYPD Commissioner at the time who called Lynch to complain about Andy's work. Lynch said no to Andy being fired but Andy was told to stop speaking about his research findings. President Travis said his reaction was that he certainly would have made the first statement, that Andy would not be fired, but he would never have asked him to make the second commitment, to be quiet about his research until his book was published. He said he would not say such a thing. He said he does not think he is breaking any confidences in speaking about this. President Kaplowitz assured him he is not, explaining that many of us know about that shameful incident and knew about it at the time which, as she can best recall, also involved pressure from the then Chairman of the *CUNY* Board of Trustees. President Travis promised that once we get to know each other well enough people will know that he means what he is saying about this.

Senator Rick Richardson said he would like to raise this from the other side of the coin. Let's say the Law and Police Science Department hires an adjunct faculty member who is a former police officer to teach a course and it turns out this was one of the officers who gunned down Amadou Diallo. When this becomes known, there is going to be an uproar from the NAACP, among others. He said his concern is about the future and about the job security of adjunct faculty.

President Travis said we can work through a set of hypotheticals as a way of testing the faculty's perceptions and his own perceptions about what is the right thing to do. He said his hope here is that we would have enough information, that we would have sufficient information at the right levels at the College, and that we would, in advance of any outburst, of any reaction, in line with what Kirk has said, have our act together. We would know why we were doing something that could potentially bring a lot of controversy to the College. We would have thought it through before this 48-hour period that he has described hits us and we would have had that conversation before, a conversation in which it was discussed that we were about to hire a certain person and whether it is the right thing to do or the wrong thing to do. We should think through what might be the potential fallout. We should think through what might be the benefit. We should think through the rest, the terms of employment, whether it is for one semester or for a longer period, or whether it is to invite someone to give a lecture, as Hamilton did. That is the conversation he would like to think we would have throughout the College, should another fact pattern present itself. He said he does not know, because he resisted the suggestion that we find out, how this happened, who hired Rosenberg. He said he did not want to go there, he did not want to ask who hired Susan Rosenberg, how much consultation there was, how much the Provost knew, at what time the Provost knew it, how much disclosure there was, whether was this raised throughout the community or whether it was a single department's decision.

We should not shy away from potentially controversial hires but before we encounter a controversy we should be able to predict a controversy and have talked it through, President Travis said. That would be his fervent hope in a situation like that, that there would have been not just a hiring decision but a community discussion. He has now had the pleasure of sitting on the Personnel Committee and talking about tenure decisions, of participating in wonderful discussions in that room about not just academic accomplishments and scholarship and the like, but decisions about fit and long-term commitments. He would hope in the future that we would be able to have a sustained

conversation in advance of a hiring decision where the Chair or the Provost or somebody says that we need to go into this with our eyes open and be ready and be prepared. He said he is not saying that we would have to arrive at consensus but we should at least have aired the issue in advance.

Professor Sreca Perunovic said she could not be at the Sociology Department meeting because she was teaching at the time but what she had heard about the meeting had made her feel that we and President Travis are really not on opposite sides of the barricades and today's Senate meeting makes her feel even more confident of this. President Travis thanked her for saying so. She said we all make mistakes and some lessons are learned the hard way. She said that her friends, including Norman Siegel, speak very highly of President Travis and she hopes we will learn to do things better and that discussions such as this one at today's Faculty Senate meeting are extremely, extremely important. She said that academic freedom is being attacked everywhere but she hopes it is not the case that that will happen at our College. She added that the Faculty Senate should initiate an action to negotiate for a job on behalf of Susan Rosenberg within the CUNY system.

President Travis said before he leaves, after which faculty may wish to discuss that specific idea, he would like to make an observation triggered by Professor Perunovic's comment. He reads the newspaper differently these days and he watches people like Lee Bollinger, Larry Summers, the President of Hamilton College, the President of Colorado where Ward Churchill teaches. He reads these news stories with a new perspective. He puts himself in their shoes and asks himself what he would do if he were each of them. He said he is not looking to be put in their league, as it were, but these are difficult decisions and these incidents seem to be increasing in number. Whether there is a rash of these incidents or whether it just seems as if that is so, there are lots of academic freedom controversies in the news recently.

As the faculty knows from some of his communications, President Travis continued, he distinguishes the Susan Rosenberg case from academic freedom cases. People differ about that and we will see how that turns out. But he thinks the message that even the people who disagree with him will take from this discussion and from others is that, first of all, he is not shy about coming and listening and learning but, more importantly, he wants to be a leader of a community where moments like this are not swept under the rug and we do not just say that it is done, it is over, and that we should move on to the next gig and the wounds will heal naturally. We need to not just heal wounds but we need to think about ways to emerge from moments like this having reaffirmed core principles. He said he has come away from this reaffirming core principles and he hopes everyone else does, too, and that is the purpose of the forum that Jerry [Markowitz] and Blanche [Cook] have proposed. This is not a reflexive thing to do because you can not reaffirm core principles just by saying you are doing so but rather you have to work them through anew, each time coming back to the point of saying that is what is important and that is what I believe. That is his hope for us, he concluded. He thanked Karen and everyone here today and Karen thanked him as well.

The Senate also expressed its appreciation to President Travis through its applause.

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

Submitted by,

Edward Davenport
Recording Secretary

ATTACHMENT A-1

To: allusers@jjay.cuny.edu
cc: allusers-moderator@jjay.cuny.edu

02/03/2005 12:19 PM

Subject: Academic Affairs Realignment[Scanned for viruses at CUNY]

Dear colleagues:

Provost Wilson and I are pleased to make the following announcements regarding the Office of Academic Affairs.

Over the past several weeks, we have been engaged in discussions with members of the faculty and administration about ways to strengthen the role of the Office of Academic Affairs in promoting the educational and research agendas of the College. Because our College has grown significantly in recent years, and because we have set ambitious programmatic goals for the future, we need to rethink the structure and staffing of the Office of Academic Affairs. Accordingly, the new Office of Academic Affairs will reflect these changes, effective immediately:

We will create the title of Dean of Research and Graduate Studies, a slight change in the current title that reflects our new emphasis on promoting research at John Jay College. Dr. James Levine will continue to occupy this position. We will create a new Office for the Advancement of Research that will report to Dean Levine. Over the Spring Semester, Dean Levine will work with faculty, external agencies, and funders to design the best structure and mission statement for this new office. We will also create a new position of **Academic Director** for Graduate Studies, reporting to Dean Levine. We will commence a national search for candidates to fill that position immediately.

We will once again create the title of Dean of Undergraduates Studies, replacing the position of Associate Provost. We have named Dr. Larry Sullivan, the Chief Librarian, to fill that position on an interim basis while we conduct a national search for candidates to fill this position. Janice Dunham will serve as the Interim Chief Librarian in Prof. Sullivan's absence. I have named Dr. Larry Kobilinsky to the new position of Science Advisor to the President. His main responsibility will be to strengthen the forensic science program within the College, including creation of a doctoral program in forensic science, a program of professional studies, and new funding sources for laboratories and other needs of the College. We will also create a new position of Academic Director for Undergraduate Studies and will conduct a search for this position once we have filled the position of Dean of Undergraduate Studies.

We will create the position of Executive Director for Academic Support Services, reporting to the Provost and have named Dr. Patricia Sinatra to fill this position. Over the coming weeks, Dr. Sinatra will develop a plan for strengthening the interface between the many support services offered by the College and the curricular offerings of the College. In this capacity, Dr. Sinatra will continue to work closely with the Office of Student Development.

We will create the position of Dean of Professional Studies, reporting to the Provost. This position will replace the position of Dean of Special Programs, currently occupied by Dean James Curran. Dean Curran has returned to his faculty position within the Department of Law, Police Science and

ATTACHMENT A-1 (cont)

Administration. We are completing a search for the new Dean of Professional Studies and hope to make an announcement within the next month.

This new structure will provide the College with a firm foundation for strengthening our undergraduate curriculum, building our graduate and doctoral programs, promoting a vibrant research agenda, engaging the professions in new academic programs, and strengthening the programs offered to our students. Over the next few weeks, we will be working with faculty and administrators to further specify the duties of the positions created under this new structure. I am very pleased with the results of our deliberations and consultations over the Fall Semester and look forward to working with the new members of the team in the Office of Academic Affairs.

Jeremy Travis

President

ATTACHMENT A-2

February 6, 2005

Dear Senators,

Last spring, before anyone knew who would be the new President of JJ, the Faculty Senate and the Council of Chairs adopted a series of resolutions, which were to be transmitted to the new President. They were transmitted when Jeremy Travis officially began his tenure as President. One was that the decisions of the departments in the hiring process be supported by the administration; another was that the appropriate faculty body(ies) recommend the faculty for appointment to search committees for position of director/dean or above. The Senate also adopted a resolution inviting any academic department or groups of departments interested in doing so to develop and propose liberal arts/humanities majors, given Chancellor Matthew Goldstein's comments to JJ's Faculty Senate when he met with us on April 11, 2004. Subsequently, the Senate and Chairs last semester, in September, recommended that the issues of the associate degrees and the expansion of liberal arts/humanities majors be addressed by a task force that would study the empirical data relevant to those issues.

President Travis last night emailed the Chairs and the Faculty Senate and I am forwarding his email to you.

Best regards

Karen

From: jtravis@jjay.cuny.edu
2/05/05 07:05 PM
Re: Expediting the faculty search process

Greetings all:

I am responding to the resolution of the Council of Chairs and the Faculty Senate that the Provost and the President have no role in the selection of faculty of the College. Borrowing Harold Sullivan's formulation of the proposed policy change, the Council and the Senate have recommended that "department P&B committees should make appointments as soon as they complete their interviews."

In our discussions on this issue, faculty leadership have identified a number of logistical issues related to the current policy -- e.g., inconvenience (and costs) experienced by candidates who must return to the campus; difficulties finding time for interviews with the Provost, Associate Provost, and President; interviews that seem pointless and redundant; the loss of candidates to competitor institutions, etc. These are legitimate issues and I understand why they would raise concerns within the faculty.

In my analysis, however, these logistical issues overlook a larger conceptual issue: faculty who come to John Jay are joining a college, not a department, and for this reason the final decision regarding hiring is that of the President, not the department. For me or any President to exercise this authority, the decision to hire a new faculty member cannot be simply an automatic ratification of a decision made by the department. For this reason, I have decided not to accept the recommendation of the Council of Chairs and the Faculty Senate, but I do commit to working with leaders of those bodies to address the logistical issues that have been identified.

ATTACHMENT A-2 (cont)

My inclination to adopt this position was confirmed when I conducted my first interview with a candidate earlier this week. She was forwarded to me by the Psychology Department. Maureen O'Connor told me the candidate was considering two other highly attractive offers from competitive institutions and asked me to see her on an expedited basis. Maureen had told the candidate of my commitment to research, which was important to her, and recommended that I underscore that commitment. In a 45 minute interview, the candidate and I discussed my vision for the College, the centrality of the research agenda to that vision, the relationship I am building with the world of practice (specifically our new partnership with Bellevue, in response to her interest in clinical psychology placements), and the advantages of being in a college with a criminal justice mission. I told her of my recent meeting with the Government Department where the faculty spoke movingly about the importance of having colleagues in other departments with similar interests but different disciplines. I even told her about the book club that was described during that meeting. We had a good substantive discussion about treatment of sex offenders, an issue both of us have written about. With Maureen's encouragement, I used my time with her to persuade her to come to John Jay. We may never know exactly why she called Maureen two hours after leaving my office to accept the offer to come to John Jay, but Maureen thinks her interview with me made a difference.

Perhaps few interviews with me or the Provost will help a candidate tip the balance in favor of John Jay, as this one did. But I realized after that interview that I had accomplished another purpose -- namely conveying to a candidate that he or she is being invited to join an institution with leadership committed to the success of its faculty, beginning with the President. In some of our conversations on this issue over the past several weeks, the role of the President has been described as exercising a "veto" over a nomination. I respectfully suggest that this terminology reflects a very narrow view of the relationship between the College President and the new faculty we intend to hire in the future. Certainly there may be rare instances when something surfaces in an interview that will lead me to turn down a hiring recommendation. But the interview this week reminded me of the larger purpose of these interviews and the powerful connection between the College and its faculty, a connection that transcends departments.

Within the context of this decision on the overarching question presented by the Council of Chairs and the Faculty Senate, I look forward to a constructive discussion in the near future about ways to overcome whatever logistical issues may have arisen in the past. I am certain that we can find ways to solve those problems by working together. Our common goal will be to attract and hire the very best candidates possible.

To complete the record, I would like to address the two other resolutions forwarded by the Council of Chairs and the Faculty Senate. As recommended, I have decided to support a consideration of the issue of allowing liberal arts majors at John Jay College. As you know, the President's Advisory Committee on Critical Choices is now preparing a discussion document on that issue (and the separate issue regarding the future of the associate degree at John Jay College), leading up to a College-wide discussion later this spring. Second, as recommended, I have established a policy of conferring with the Faculty Senate to solicit nominations for faculty members on various task forces and committees. I trust that the experience with that new policy has been positive from the perspective of the faculty, as it has been positive from my perspective.

Mayra Nieves will be set up the followup meeting on logistics regarding faculty appointments within the next two weeks.

Jeremy Travis

ATTACHMENT A-3

Subject: faculty hirings and role of administration
From: Karen Kaplowitz <kkaplowitz@jjay.cuny.edu>
Date: 2/9/05 11:48 am
To: Jeremy Travis <jtravis@jjay.cuny.edu>
cc: Harold Sullivan <hsullivan@jjay.cuny.edu>

Dear President Travis,

We are writing on behalf of the Faculty Senate and the Council of Chairs in response to your February 5 email to us about departmental hirings of faculty, most specifically about your opening statement that you are "responding to the resolution of the Council of Chairs and the Faculty Senate that the Provost and the President have no role in the selection of faculty of the College. Borrowing Harold Sullivan formulation of the proposed policy change, the Council and the Senate have recommended that 'department P&B committees should make appointments as soon as they complete their interviews.'"

We would like to clarify our communications to you.

The Resolution of the Senate and of the Chairs was given to you in writing on August **16**; the following is the text of our joint letter to you:

"Dear President Travis,

"On May 7, 2004, the Faculty Senate and on May 11, 2004, the Council of Chairs each adopted the following Resolution by unanimous vote for transmittal to the new President of John Jay College of Criminal Justice:

Resolved, That The Faculty Senate and the Council of Chairs recommend that the College return to its longstanding procedure whereby faculty candidates recommended for hiring by the Department P&B Committees be approved by the College Administration, absent compelling information not available or known by the Department P&B. Concerns, if any, on the part of the College Administration should be communicated to the Department P&B for the P&B's re-consideration of the candidate but not for vetoing the Department P&B's decision. Exceptions to this procedure are to take place only when an academic department has a demonstrated record of failures to make good hiring decisions, as evidenced by the failure of candidates of a department to succeed in reappointment and/or tenure actions at the College P&B Committee.

"This Joint Resolution applies to candidates recommended for both tenure-track

ATTACHMENT A-3 (cont)

full-time faculty positions and substitute full-time faculty positions.

"We are available to provide the background and context of this issue, from the faculty's perspective, as well as the many compelling reasons for the unanimous position taken by both groups about an issue that both bodies consider to be extremely important to the College."

The Chairs and the Senate certainly did not mean to exclude the administration and we certainly welcome all efforts and activities to help us recruit and retain the faculty who best meet the teaching and research needs of our departments and of our College.

We do appreciate your accurate summary, in your email, of the concerns that Harold, Ned, Kirk, and I raised during discussions last semester with you and various members of your administration about this matter.

Harold's very recent email to you, which I supported in a separate email to you, and which you quoted in your February 5 email to us, was a proposal for only this year's process because the process has been delayed to such an extreme extent. Most professional organizations have had their annual meetings, meetings at which interviews with faculty applicants are conducted. Indeed, the Political Science Society's conference was held at the end of August and the MLA, at which faculty who teach writing, literature, and foreign languages, was held in December in Philadelphia. Harold's proposal was for a one-time dispensation from the administrative layers. If we can find ways to facilitate your and others' role and assistance in our work this year in recruiting and hiring faculty, that would be ideal.

But at no time did the Senate or the Chairs suggest that there be a permanent or total exclusion of the administration. Among the topics for our joint and continuing discussion of this matter, we need to develop formal timelines for each step in the hiring process so delays such as this year's (and in some cases, former years) be avoided.

We also look forward to the answers to the questions raised in the emails of Ned and Maki and Maureen, which you have referred to Basil.

Thank you.

Karen and Harold

cc. Council of Chairs
Faculty Senate

ATTACHMENT B

----- Original Message -----

Subject: heads up

Date: Thu, 02 Dec 2004 17:51:57 -0500

From: Jeremy Travis <jtravis@jjay.cuny.edu>

To: Karen Kaplowitz <kkaplowitz@jjay.cuny.edu>

Karen:

I wanted you to know that I have sent the following email to individuals who have inquired about the Susan Rosenberg issue.

<snip>

To whom it may concern:

It has come to my attention that the Emerald Society of Rockland County has circulated an email message expressing strong opposition to the hiring of Susan Rosenberg as a member of the adjunct faculty at John Jay College of Criminal Justice. I am writing you to offer some background information on this issue and to address your concerns.

Susan Rosenberg was hired as an adjunct faculty member in the Thematic Studies department of John Jay College of Criminal Justice in fall 2002. Working with another faculty member, she team teaches a writing course to undergraduate students. As you may know, she has a master's degree in writing and, by all accounts, her classroom teaching has been rated satisfactory.

At John Jay College, adjunct faculty members are hired on a semester-by-semester basis. Under her current contract with the College, her teaching responsibilities are completed at the end of the fall semester, approximately a month from now. Last month, we made a decision not to renew her contract for the spring semester 2005 or for any future semesters.

As you may know, I was recently named the President of John Jay College of Criminal Justice and took office in August 2004. For the past twenty years of my professional life, I have worked closely with local, state and federal police agencies across the country, including four years' service as Deputy Commissioner, Legal Matters of the New York City Police Department. I understand the strong reactions that have been generated, particularly in the law enforcement community, by the realization that Ms. Rosenberg had been hired by John Jay College. It is my hope that the decisions we have made will help put this issue behind us. We have important work to accomplish to provide the best education possible to all our students, whether they intend to enter a career in law enforcement or not. That is my overarching goal as the new President of this educational institution.

I hope you find this information helpful.

Sincerely,

Jeremy Travis
President

ATTACHMENT C

Subject: A Message from President Travis
From: allusers-moderator@jjav.cuny.edu
Date: 12/20/04 2:58 pm
To: allusers@jjav.cuny.edu

Dear colleagues:

I would like to address a matter that has recently gained some attention in the news media and within the University and the College.

In August 2002, John Jay College hired Susan Rosenberg as an adjunct lecturer in the Thematic Studies program. She has taught as an adjunct for four out of the past five semesters, including the current semester.

Upon being granted clemency by President Clinton in January 2001, Ms. Rosenberg was released from federal prison after serving 16 years of a 58-year sentence. She had been convicted of possessing more than 600 pounds of explosives, unregistered firearms and false identification documents. She had also been indicted for committing a 1981 armed robbery of \$1.6 million from an armored Brinks truck, during which two police officers and a security guard were murdered. This indictment was dropped when the prosecution determined a key witness would not provide testimony critical to the case. The conviction for possession of firearms and explosives, the robbery of the Brinks van and the murder of the officers and security guard were related to Ms. Rosenberg's activities as a member of the Weather Underground, a group committed to the overthrow of the government by violent means.

The fact that Ms. Rosenberg had been hired by John Jay College became more widely known last month when a decision by Hamilton College led to significant protests by faculty members, students and the law enforcement community. Those protests resulted in media coverage that also reported on her employment by John Jay.

When some controversy surrounding her appointment here surfaced, I consulted with the Provost, members of the Executive Staff, and others inside and outside the College, to determine our course of action. I learned that Ms. Rosenberg was not scheduled to teach at John Jay in the Spring 2005 semester and that plans for the Fall 2005 semester had not yet been finalized. I decided that it would be in the best interests of the College if we did not offer her a new contract for the Fall 2005 semester.

I hope that we can distinguish this decision from the larger policy questions regarding reintegration of ex-offenders. I have devoted the past five years of my professional life to a national effort to support the reintegration of former prisoners. As a policy matter, I believe that our College should not automatically close its doors to individuals who have criminal convictions in their past. In trying to achieve this goal, however, we cannot look at each case in a vacuum. Given the goals of our College and the makeup of our faculty, students, alumni and supporters, I determined it would be inappropriate to continue Ms. Rosenberg's affiliation with John Jay.

My reasoning is based on the simple fact that in order for us to carry out our unique mission as a College of Criminal Justice, we need to rely on the active support and engagement of the law

ATTACHMENT C (cont)

enforcement and criminal justice communities throughout the country, particularly here in New York. The conversations and communications I had with members of those communities – including many alumni, students, and staff at John Jay -- convinced me that the events surrounding the Brinks robbery and homicides still reverberate powerfully. The release of Ms. Rosenberg following presidential clemency reopened those wounds and her status as a member of the adjunct faculty at this college in particular added salt to those wounds.

I would also hope that we do not confuse my decision regarding Ms. Rosenberg with issues of free speech or academic freedom. The decision not to offer her a new contract does not reflect any judgment on her past or current political views or writings. I do not even know, nor have I inquired about, her thinking in this regard. As an academic institution, we remain firmly committed to a robust discussion of all issues confronting our society and should defend the right of our faculty, students and invited guests to engage in open debate.

We have a very bright future as a College. To achieve that future, we need the active support of every sector of this community. We must remain focused on the best way to make John Jay College the world's premier liberal arts educational institution devoted to criminal justice.

I thank you for your consideration.

Sincerely yours,

Jeremy Travis

President

ATTACHMENT D

From the Department of Sociology:

12/20/04

Open Letter to President Travis, John Jay College of Criminal Justice

This letter is in response to the recent decision by President Travis not to allow Susan Rosenberg to teach as an adjunct in the Department of Thematic Studies at John Jay College of Criminal Justice. We, the undersigned in the Department of Sociology at John Jay College of Criminal Justice, are very concerned with President Travis's action and call upon the administration to reconsider its decision, defend academic freedom and allow Susan Rosenberg to be hired in the Thematic Studies Department in the future.

While we understand the extremely complicated and difficult position facing the College and the President in this matter, we consider the decision not to re-hire Susan Rosenberg to be antithetical to the democratic academic traditions that we are trying to maintain and expand at John Jay College. The following are the major reasons behind our position:

- (I) Ms. Rosenberg has an excellent reputation as a teacher and is held in high esteem by both her students and her faculty colleagues. Further, Ms. Rosenberg has conducted herself in a completely professional manner during the last three years. To our knowledge, there is absolutely no evidence of any ethical impropriety on her record. Therefore, there are no reasons not to rehire her based on her classroom activities and/or her job performance.
- (ii) The decision to refuse further employment to a faculty member based on inappropriate pressures from outside interest groups sets a dangerous precedent. It amounts to a blatant attack on academic freedom by agreeing with and encouraging those who argue that the purported character of a person and her political beliefs should outweigh her academic credentials and job performance. This position by the college leaves the faculty vulnerable to a host of threats that undermine academic life. Who now decides who is hired and what we teach? What does this say about our commitment to a meritocracy? Who else will not be allowed to teach at John Jay College again?
- (iii) Precisely at the time when the college is trying to change its image and move away from its old reputation as a "cop college" the administration's decision to place the interests of some sections of the law enforcement community above those of the College will make that task more difficult and less credible.
- (iv) In the President's scholarly work and in his various speeches, he has argued forcefully for the expansion of reentry programs for ex-inmates and for greater emphasis to be placed on rehabilitation rather than punishment. Ms. Rosenberg is considered one of most celebrated examples of prisoner rehabilitation, which is why she was pardoned by President Clinton in 2001. How can one reconcile a highly principled position on offender rehabilitation with the decision to never allow Ms. Rosenberg to teach at John Jay College again?
- (v) In the academy, we place a great deal of emphasis on discussion and consultation. This is particularly so when we deal with issues directly affecting our independence as scholars and our ability to teach in a free and open-minded environment. Such issues go to the heart of Ms. Rosenberg's case. However, as far as we know, no member of our faculty was consulted on this issue nor has Ms. Rosenberg been given any opportunity to defend herself or state her case. Such a lack of due process is completely contrary to the President's stated commitment to the principles of transparency and to our College's culture that champions free and open debate on the most important issues of the day. We respectfully submit this letter to President Travis in the hope that it inspires a process of reflection, open dialogue and remedial action. In a period of rapidly eroding civil

ATTACHMENT D (cont)

liberties and repeated assaults on academic freedom and critical thinking we regard this challenging situation occurring within our own institution as a reminder of our obligation to defend our democratic freedoms.

David Brotherton

Associate Professor of Sociology, Criminal Justice and Urban Education
John Jay College of Criminal Justice and the Graduate Center

Donald Goodman

Associate Professor of Sociology and Thematic Studies
John Jay College of Criminal Justice

Andrew Karmen

Professor of Sociology and Criminal Justice
John Jay College of Criminal Justice and the Graduate Center

Richard Loveley

Associate Professor of Sociology
John Jay College of Criminal Justice

Sreca Perunovic

Adjunct Professor of Sociology
John Jay College of Criminal Justice

Rick Richardson

Adjunct Professor of Sociology
John Jay College of Criminal Justice

Lydia Rosner

Associate Professor of Sociology
John Jay College of Criminal Justice

Natalie Sokoloff

Professor of Sociology, Criminal Justice and Women's Studies
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Staci Strobl

Adjunct Professor of Sociology and Criminal Justice Doctoral Candidate
John Jay College of Criminal Justice

Barry Spunt

Associate Professor of Sociology and Criminal Justice
John Jay College of Criminal Justice and the Graduate Center

Susan Will

Assistant Professor of Sociology
John Jay College of Criminal Justice

Christina Wolf

Adjunct Professor of Sociology and Criminal Justice Doctoral Candidate
John Jay College of Criminal Justice

ATTACHMENT E

Resolution on the Susan Rosenberg Case

Whereas, the faculty of the John Jay College Thematic Studies Program chose to offer courses on prison writing as part of its curriculum, and

Whereas, the faculty judged Susan Rosenberg to be qualified for this assignment and assigned her to teach such courses, and

Whereas, the Emerald Society of the Rockland County, N.Y. Police Department, a voluntary police association external to John Jay College, and others, demanded that Susan Rosenberg be forbidden to teach at John Jay College solely because of a prior conviction for which she was pardoned and unproven accusations of her involvement in the 1981 Brink's robbery in Rockland County, N.Y., and

Whereas, John Jay's President acceded to the demands of an external group for reasons completely unrelated to the instructor's qualifications, prior performance, peer review or any threat of danger to the college community, and banned her from teaching at the college,

Resolved that the Professional Staff Congress call for the President of John Jay College to drop his pre-emptive ban on future teaching assignments for Susan Rosenberg and pledge that the College will respect the legitimate decisions of its own faculty and will maintain the John Jay College of Criminal Justice as an institution devoted to free intellectual inquiry.

Presented by the PSC Academic Freedom Committee

Revised, 1/6/05

Passed Unanimously, PSC Delegate Assembly, 1/27/05

ATTACHMENT F

11 January 2005

President Jeremy Travis
John Jay College

Dear President Travis:

I do not doubt that your decision to end Ms. Susan Rosenberg's affiliation with John Jay was intellectually and emotionally difficult for you--intellectually because Ms. Rosenberg has taught at John Jay for four semesters without incident; and emotionally because you have been involved nationally in efforts to reintegrate ex-offenders into the work place and society.

But it is difficult to accept your explanation that "The decision not to offer her a new contract does not reflect any judgment on her past or current political views or writings" when you offer as a reason for ending Ms. Rosenberg's affiliation with John Jay the opposition of "the law enforcement community"—an opposition based only on her past political views and actions. You ask your faculty to "not confuse [your] decision regarding Ms. Rosenberg with issues of free speech or academic freedom," but there is no other conclusion to draw from your action. By bowing to political pressure you have indeed sacrificed academic freedom.

You have also violated one of the key aspects of academic freedom: the faculty's right to self governance in matters of curriculum and appointment. If Ms. Rosenberg has served John Jay effectively as a faculty member—and her renewal for three semesters would indicate as much—then non renewal of her services should be a decision made by faculty colleagues, not by the president.

You end your letter to the faculty members of John Jay with a hollow pledge of remaining "firmly committed to a robust discussion of all issues confronting our society" and emphasize the "right of our faculty, students and invited guests to engage in open debate." But unlike President Joan Stewart of Hamilton College, who faced a similar controversy about Ms. Rosenberg, you have not invited debate, nor have you encouraged "robust discussion." You acted unilaterally and, it seems, without appropriate consultation.

The academy will never be immune from pressure groups that seek to dictate personnel and curricular decisions, but when presidents succumb to the pressures of particular groups they undermine the institutional autonomy of our colleges and universities, our society's last and best sanctuaries for intellectual freedom.

Sincerely,

Roger W. Bowen
General Secretary
