

Faculty Senate Minutes #344

Wednesday, May 20, 2009

3:15 PM

Room 630 T

Present (37): William Allen, Andrea Balis, Spiros Bakiras, Luis Barrios, Elton Beckett, Adam Berlin, Teresa Booker, Erica Burleigh, Demi Cheng, Shuki Cohen, Edward Davenport, Edgardo Diaz Diaz, Virginia Diaz, Janice Dunham, DeeDee Falkenbach, Joshua Freilich, Amy Green, Jay Hamilton, Kimberly Helmer, Heather Holtman, Karen Kaplowitz, Tom Litwack, Vincent Maiorino, Evan Mandery, Mickey Melendez, Nivedita Majumdar, Tracy Musacchio, Raul Romero, Francis Sheehan, Richard Schwester, Abby Stein, Robert Till, Shonna Trinch, Thalia Vrachopoulos, Roberto Visani, Valerie West, Joshua Wilson

Absent (9): Marvie Brooks, Elise Champeil, Beverly Frazier, Gail Garfield, Robert Garot, P. J. Gibson, Maki Haberfield, Nicholas Petraco, Tanya Rodriguez

Guest: Professor Lou Kontos

Invited Guest: President Jeremy Travis

Agenda

1. Adoption of the agenda
2. Welcome and introduction of Faculty Senate members
3. Announcements from the chair
4. Approval of Minutes #343 of the May 8, 2009, meeting
5. Review of the organization, history, and work of the Faculty Senate
6. Election of the Faculty Senate Executive Committee
7. Election of the Chair and Members of the 2009-10 Senate Fiscal Advisory Committee
8. Approval of the proposed Calendar of Faculty Senate meetings
9. Report of the May 11 and May 18 meetings of the College Council
10. Proposed CUNY Bylaws amendment establishing term limits for department chairs
11. Invited guest: President Jeremy Travis

1. **Adoption of the agenda.** Approved.

2. Welcome and introduction of Faculty Senate members [Attachment A]

3. Announcements & Reports

New department chairs were elected this month: Professors Amy Green (ISP) and John Pittman (Philosophy). Professor Patrick Collins has been reappointed by President Travis as chair of the Department of Law, PS & CJA.

Provost Bowers has accepted the Faculty Senate's recommendation that the workload guidelines for team teaching not be implemented until the Spring 2010 semester at the earliest and that, in the meantime, the issue be studied and decided in a consultative manner, and that this include the development of a definition of team teaching.

4. Adoption of Minutes #343 of the May 8, 2009, meeting. Approved.

5. Review of the organization, history, and work of the Faculty Senate [Attachment B, C]

6. Election of the Faculty Senate Executive Committee

All members of the Faculty Senate are eligible to nominate and to be nominated for all Executive Committee positions. The Senate elected the following members of the Executive Committee by secret, written ballot:

- a. President: Karen Kaplowitz
- b. Vice President: Francis Sheehan
- c. Corresponding Secretary: Evan Mandery
- d. Recording Secretary: Edward Davenport
- e. Associate Recording Secretary: Virginia Diaz
- f. Co-Associate Recording Secretary: Andrea Balis
- g. Officer at Large: Adam Berlin
- h. Officer at Large: Beverly Frazier

7. Election of the Chair and Members of the 2009-10 Senate Fiscal Advisory Committee

The Senate elected Senators Tom Litwack (Chair), Jay Hamilton, Karen Kaplowitz, and Francis Sheehan to the Senate's Fiscal Advisory Committee.

8. Approval of the proposed Calendar of Faculty Senate meetings [Attachment D]

The proposed calendar of meetings for the 2009-2010 academic year was approved.

9. Report on the May 18, 2009, added meeting of the College Council [Attachment E, F]

President Kaplowitz reviewed the recent events related to the proposal to create a new honors program. She said that, as the Senate knows from her emails, following our May 8 Faculty Senate meeting at which Senators raised serious concerns about the proposed honors program, especially about admissions criteria and about the lack of a budget for the honors program and concern about the fiscal drain that this program might have on our College's operating budget, she wrote three Resolutions which she moved at the May 11 meeting of the College Council [Attachment E].

She emphasized the fact that she moved these Resolutions as an individual member of the College Council and not as the President of the Faculty Senate and certainly not on behalf of the Faculty Senate, given that she drafted the Resolutions subsequent to the Senate's previous meeting.

The three Resolutions require that: 1] beginning in Fall 2011 and annually thereafter for the subsequent four years an assessment report shall be submitted by the Honors Program Governance Committee to UCASC and to the College Council; 2] the Honors Program proposal shall be amended to provide for the admission of students who are in the top ranks of the students in each major and that the Honors Program Task Force and UCASC present a proposal for action by the College Council at its October 2009 meeting, at the latest ; 3] an assessment shall be conducted, including through the use of focus groups and survey instruments, of students and faculty who were previously in our honors program as well as those who are currently in our honors program.

At the May 11 College Council meeting, each of the three Resolutions, which were amendments to the proposal for a new Honors Program, were approved by unanimous vote of the College Council. The Resolutions were moved, discussed, and voted on one at a time and not as a package.

After each of the three Resolutions was approved, a motion was made to table the amended

proposal for a new honors program. The motion to table failed with a vote of 20 yes, 26 no, and 0 abstentions. Next a motion was made to adopt the honors program proposal as amended and this motion failed by a vote of 32 yes, 7 no, and 4 abstentions.

Because of the Public Officers Law, which the College Council must follow, an absolute affirmative majority is needed for a motion to carry and because the College Council has 69 members, 35 affirmative votes are needed. The 32 affirmative votes were, thus, insufficient even though the number of yes votes cast was a clear majority of the 43 members present.

Subsequent to the May 11 College Council meeting, Counsel Rosemarie Maldonado researched Roberts Rules and issued a memorandum [Attachment F] stating that the proposal for a new honors program may be reconsidered at a specially added meeting of the College Council. Such a meeting was called by President Travis (as is permitted by our Charter) and was held on May 18. At that meeting, the amended proposal for a new honors program was approved by an absolute majority of the College Council.

Also on the agenda of the specially scheduled May 18 College Council meeting was a Resolution regarding assessment of the MPA-IG Hybrid/Online Program. This Resolution, which was approved, requires the following: a five year evaluation of the MPA-IG Hybrid Online program; this evaluation shall consist of annual reports that will include but not be limited to the following: admissions standards, enrollment, retention, progress toward degree, graduation rates, curriculum, and cost to the college; and the reporting and assessment methodologies and instruments shall be developed by the MPA faculty in consultation with the office of the director of assessment and the director of OIR and shall be approved by the provost; and beginning in fall 2010 and annually thereafter for the first five years of the program an assessment report shall be submitted by the MPA Program to the Graduate Studies Committee and to the College Council.

10. Proposed amendment of the CUNY Bylaws establishing term limits for department chairs [Attachment G, H, I]

President Kaplowitz circulated documents [Attachment G, H, I] relating to the proposed amendment of the CUNY Board of Trustees Bylaws to impose term limits on department chairs [Attachment G]. She explained to the new Senators that the Faculty Senate has already voted against the term limits proposal as did several of our academic departments and the Council of Chairs. The University Faculty Senate has also voted a resolution opposing the proposal, a Resolution which the John Jay Senate endorsed on May 8 [Attachment H].

This proposed amendment of the CUNY Bylaws [Attachment G] is scheduled to be voted on by the Board of Trustees in September. Because quite a number of Senators are new members and were not on the Senate when the Senate voted its opposition to the term limits proposal, President Kaplowitz briefed the body. She said discussion of this today is necessary because

the Senate is meeting with President Travis in a few minutes and we need to discuss this issue with President Travis because Chancellor Goldstein has written to the Presidents directing them to discuss the proposed amendment with their faculties and to report to him [Attachment I].

11. Invited guest: President Jeremy Travis [Attachment G, H, I]

President Travis arrived from a meeting at 80th St. and reported that there is no new funding from 80th St to announce but that he thinks the College is well placed to receive new funding should any become available. He described the transformation of the College about which he had just presented a report to a group of Vice Chancellors at 80th St.

President Travis said his priority for next year is to focus on helping students make the transition from high school to college.

President Kaplowitz referenced the Chancellor's letter of May 11 to the CUNY Presidents [Attachment I] asking the Presidents to consult with their faculty about the Chancellor's proposal to limit the terms of the elected chairs of academic departments to two consecutive three-year terms, an action that would require CUNY Board of Trustees action [Attachment G]. She invited President Travis to discuss this and noted that, as she had already informed him a few weeks earlier, the John Jay Faculty Senate had adopted a resolution opposing such term limits, as has the University Faculty Senate [Attachment H]. She asked him his view on this issue.

President Travis said he supports the Chancellor's proposal to establish term limits, having learned from the Vice Chancellor for Legal Affairs that the practice of electing chairs is not a universal practice. On the contrary, the practice of presidents appointing department chairs is very widespread, he has learned. He said frequent change in leadership is important, especially at John Jay. He noted that the Chancellor is not proposing that a person cannot serve more than two terms but rather that a person cannot serve more than two consecutive terms. At the same time, he said, he knows that the Chancellor does want feedback about this proposal and is open to ideas on this issue.

Asked why this issue has been introduced by the Chancellor, President Travis said it has been discussed with the Chancellor at the Council of Presidents and that many presidents have said they want this change. He noted that the issue certainly became an important one at John Jay when he removed a department chair last year. President Kaplowitz pointed out that the Chancellor has long wanted to remove chairs from membership in the union, arguing that they are managers and should, therefore, be excluded from union membership and protection and that the opposition of the faculty and the PSC leadership to that has been resolute.

President Travis said the fact that some chairs are reelected for many multiple terms, often in

uncontested elections, has contributed to this proposed change. President Kaplowitz said that sometimes this is because the chair has been and continues to be an outstanding chair, providing exemplary leadership to the department and to the college. On the other hand, she said, sometimes it is because of other reasons. She suggested we discuss these other reasons and propose some solutions to them, saying that improving the system of electing chairs would be preferable than an artificial solution such as arbitrary term limits.

One obstacle to contested elections, she said, is the way department elections are conducted. Roberts Rules permits the chair of the department to conduct the election for chair; there have been cases of which she is aware that the department chair has conducted the election when his or her term is up, has called upon a person (pre-arranged) to nominate that chair for re-election, then has called upon another person (also pre-arranged) to move that nominations be closed, which then happened, all within seconds. She suggested that chairs not be permitted to conduct elections for the chair; that, indeed, as is done at some colleges, a senior member of a different department conduct the election; and that there be secret nominations prior to the meeting as well as open nominations at the election meeting.

President Travis asked for an explanation of this last suggestion. President Kaplowitz explained that the CUNY rules about department elections, which VC Schaffer and his predecessors have promulgated, require open nominations to be held during the election meeting and at no other time. She said it is psychologically very difficult to sit at a meeting – especially one chaired by the department chair – and to nominate someone other than that person. It feels like a vote of no-confidence. She said that on the other hand, CUNY rules require secret ballots when voting. She said that if nominations could be made secretly, in writing, perhaps a week prior to the election meeting and the names circulated to the department members, perhaps with election statements, the department members would then have time to freely and privately discuss the candidates, including with people outside their department and then meaningful and informed voting could take place, including, if the department were to choose, speeches by each candidate. In addition, there would be open nominations of other candidates permitted at the election meeting itself. Also, she said, sometimes department members do not even know whether the chair is running for re-election until nominations open; we could require that incumbent chairs declare their intention to run for re-election, or not, at least a few days prior to the election meeting.

President Travis called these excellent ideas and suggested that we look into the possibility of implementing them at John Jay, whether the term limit proposal is enacted or not. President Kaplowitz said that at least one of them would require permission from VC Schaffer, most notably the requirement of open nominations at the election meeting.

President Kaplowitz said the other big obstacle to meaningful elections for chair is that the members of a department often do not know how good or poor a job the chair is doing. She said that there are often no records of even attendance at meetings that the chairs are expected to attend, or at least there are no records that are promulgated to the members of the department. She said that her experience of chairs in their role as campus leaders at John

Jay, is that most do an excellent job and that most do an excellent job overall, including, and sometimes, especially, chairs who have held the position for many, many years. But when that is not the case, her experience is that the department members do not have a clue about this fact; they have no information on which to base a decision as to whom to nominate, whether to themselves run, or whether to re-nominate the current chair.

President Travis said that he and Provost Bowers conduct an annual evaluation of each chair, as required by Chancellor Goldstein. He said that the evaluation begins with the chair's written self-evaluation, which includes the chair's plans for her or his department for the following year and, sometimes, for the following several years and is followed by a meeting attended by the chair, the President, and the Provost, and then that is followed by a written evaluation by Provost Bowers addressed to the chair. He said the chairs are expected to share that written evaluation by the Provost with their faculty and are so informed. President Kaplowitz said she does not think this is done.

President Travis expressed surprise and asked how many members of the Senate here today have received or seen the annual evaluation letter from the Provost to their chair. Not one hand was raised. (One person said he might have seen it but was not sure but the other Senators from that department were all silent.) President Kaplowitz said that, additionally, her understanding is that most faculty members are not consulted when the chair writes the self-evaluation which, as she understands it, is largely the chair's evaluation of the department. President Travis said he knows some departments have long-range planning committees and that the work of those committees is reflected in the self-evaluation but he added that of course the chair must consult with the department in preparing the self-evaluation and he said he assumed that the chairs share that self-evaluation, which is an evaluation of the department and its plans, with their faculty. President Kaplowitz said that if faculty were to have such documents, they could make a more informed choice in the election of chairs process.

President Travis said he completely agrees and that, again, we can institute these proposals without regard as to whether term limits are imposed. She added that we could recommend to the Chancellor that these changes be implemented.

Senator Tom Litwack said he is very pleased that the discussion of this issue is moving in this direction. VP Francis Sheehan said we are all leaving this meeting with new knowledge and new ideas about governance at John Jay and at CUNY. Many Senators expressed their concurrence. President Travis said he considers today's discussion to be invaluable and he thanked the Senate for it.

Upon a motion made and adopted, the meeting was adjourned at 5:20 PMj.

ATTACHMENT A

Membership of the 2009-2010 John Jay Faculty Senate

13 Full-time faculty At-Large Representatives elected by the full-time faculty:

Adam Berlin – English*
Marvie Brooks – Library*
Edward Davenport – SEEK/English*
DeeDee Falkenbach – Psychology**
Gail Garfield – Sociology**
P. J. Gibson – English**
Karen Kaplowitz – English*
Tom Litwack – Psychology
Evan Mandery – Criminal Justice*
Richard Perez – English
Nicholas Petraco – Science *
Francis Sheehan – Science*
Thalia Vrachopoulos – Art & Music*

4 Adjunct faculty At-Large Representatives elected by the adjunct faculty:

William Allen – Public Management*
Edgardo Diaz Diaz – Foreign Languages & Literature
Heather Holtman – Counseling & Student Life*
Richard Kempter – Psychology

8 At-Large members elected by the Faculty Senate

Andrea Balis – History/ISP*
Erica Burleigh – English*
Elise Champeil – Science*
Beverly Frazier – Law, PS, CJA*
Maki Haberfeld – Law, PS, CJA*
Kimberly Helmer – English*
Rick Richardson – Sociology*
Valerie West – Criminal Justice*

24 Department representatives elected to the Faculty Senate and to the College Council:

African-American Studies: Jessica Gordon-Nembhard*
Anthropology: Shonna Trinch*

Art & Music: Roberto Visani*
Communication & Theater Arts: Elton Beckett*
Counseling & Student Life: Katie Gentile*
Criminal Justice: Joshua Freilich*
Economics: Jay Hamilton*
English: Nivedita Majumdar*
Foreign Languages & Literature: Raul Romero*
Health & Physical Education: Vincent Maiorino*
History: Tracy Musacchio*
Interdisciplinary Studies Program: Richard Haw*
Latin American & Latina/o Studies: Luis Barrios*
Law, Police Science, CJA: Cecile van de Voorde*
Library: Janice Dunham*
Mathematics: Spiros Bakiras*
Philosophy: James DiGiovanna*
Political Science: Joshua Wilson*
Protection Management: Robert Till*
Psychology: Shuki Cohen*
Public Administration: Richard Schwester*
Science: Demi Cheng*
SEEK: Virginia Diaz*
Sociology: Robert Garot*

* = Member, also, of the College Council

** = Alternate Member, also, of the College Council

ATTACHMENT B

History and work of the Faculty Senate

John Jay administrators have regularly been guests of the Senate:

- <> President Jeremy Travis
- <> Provost Jane Bowers
- <> Vice President for Administration Robert Pignatello
- <> Assistant Vice President for Planning and Outcomes Rubie Malone
- <> Assistant Vice President for Enrollment Management Richard Saulnier
- <> Dean for Graduate Studies Jannette Domingo
- <> Dean for Research James Levine
- <> Legal Counsel Rosemarie Maldonado
- <> various previous members of the College administration

The Senate has met with invited guests from the CUNY Chancellery, with some several times:

- <> Chancellor Matthew Goldstein
- <> Interim Chancellor Christoph Kimmich
- <> Chancellor W. Ann Reynolds
- <> Executive Vice Chancellor for Academic Affairs Selma Botman
- <> Executive Vice Chancellor for Academic Affairs Louise Mirrer
- <> Senior Vice Chancellor and Chief Operating Officer Allan Dobrin
- <> Vice Chancellor for Budget and Finance Ernesto Malave
- <> Vice Chancellor for Legal Affairs and General Counsel of the BoT Frederick P. Schaffer
- <> Vice Chancellor for Academic Program Planning Russ Hotzler
- <> Vice Chancellor for Construction & Buildings Emma Macari
- <> Vice Chancellor for Academic Affairs Richard Freeland
- <> Vice Chancellor for Budget Richard Rothbard
- <> Vice Chancellor for Student Affairs & University Dean for Academic Affairs Elsa Nunez
- <> CUNY Budget Director Ernesto Malave
- <> CUNY Director of Facilities Construction Joanna Pestka
- <> CUNY Director of Facilities Design Lia Gartner
- <> Senior Vice Chancellor and Chief Operating Officer David Freed

The Senate has met with invited guests from the CUNY Board of Trustees:

- <> Trustee Jeffrey Wiesenfeld
- <> Trustee John Morning
- <> Trustee George Rios
- <> Trustee Jerome Berg
- <> Trustee Michael Crimmins
- <> Trustee Kathleen Pesile
- <> Trustee Sandi Cooper

Other Faculty Senate guests have been elected City and State officials:

- <> NYS Assemblymember Denny Farrell
- <> NYS Assemblymember Scott Stringer
- <> NYS Assemblymember Edward Sullivan
- <> NYS Assemblymember Richard Gottfried
- <> NYS Assemblymember (and later NYS Senator) Larry Seabrook
- <> NYS Senator Catherine Abate
- <> NYS Senator Franz Leichter
- <> Manhattan Borough President C. Virginia Fields

A very partial list of major Faculty Senate initiatives

1. Issuing a letter on "Grading and the Definitions of Undergraduate Course Grades" to the faculty May 2009
2. Updating and revision, with the Council of Chairs and the College administration, of the JJ Personnel Procedures Guidelines: adoption expected in Fall 2008
3. Revision, with the Council of Chairs, and the College administration, of the JJ Charter of Governance: approved by the College Council April 2008 and approved by the CUNY Board of Trustees on June 23, 2008
4. Provided a forum for and participated in the process for the reorganization of several academic departments: approved by the College Council April 2008 and approved by the CUNY Board of Trustees on June 23, 2008
5. License for Turnitin.com – a plagiarism prevention online service – and hands-on workshops
6. Development of a proposed policy on privacy – with the Council of Chairs – which became the basis of the CUNY Policy on Computer Use adopted by the CUNY Board of Trustees
7. Class size and course cancellation policy – 2003 – with the Council of Chairs
8. Admissions criteria raised for both the associate and baccalaureate programs – 1998
9. Honorary Degrees Selection Process – 1989. The Senate proposed the current process and is responsible for recommending candidates to the President
10. Policy providing compensation for faculty teaching Independent Study Courses – 1990. Still in effect.
11. Closing of the ROTC Program at John Jay because of discriminatory policies and practices against gay and lesbian students – 1990.
12. Endorsement of statement by Board of Trustees Interim Chair Benno Schmidt on academic

freedom and tolerance – September 2001.

13. Made North Hall and T Building more accessible for people with disabilities: 1989-1992.

14. Change in class schedule, ending 10th period and changing times for periods 1-9.

15. Had course prerequisites enforced through computerized prerequisite checking and blocking of registration for courses when course prerequisites not completed.

ATTACHMENT C

Membership structure of the Faculty Senate & College Council

Faculty Senate: 49 members:

13 full-time faculty elected by the full-time faculty

4 adjunct faculty elected by the adjunct faculty

24 faculty elected by each of the academic departments – one per department – to serve on the College Council & Faculty Senate

8 faculty to fill the additional seats on the College Council (chosen by any method adopted by the Faculty Senate)

College Council: 69 members

42 faculty (60% of the membership):

One representative elected by each of the 24 academic departments

The remaining 18 faculty chosen by any method adopted by the Faculty Senate

14 students

5 HEOs

8 administrators: President, Provost, VP for Student Development, VP for Finance & Administration, Dean of Undergraduate Studies, Dean of Graduate Studies
Dean for Research, VP for Enrollment Management

ATTACHMENT D

Faculty Senate Calendar of Meetings for 2009-2010

Fall 2009

Thursday, September 10
Wednesday, September 23
Wednesday, October 7
Thursday, October 22
Tuesday, November 3
Wednesday, November 18
Friday, December 4 – all-day meeting

Spring 2010

Thursday, February 11
Monday, February 22
Thursday, March 11
Wednesday, March 24
Thursday, April 8
Wednesday, April 21
Friday, May 7 – all-day meeting

First meeting of the 2010-2011 Senate

Wednesday, May 19

All meetings are at 3:15 pm in Room 630T.

ATTACHMENT E

3 Resolutions to amend the proposal for a new Honors Program

Submitted to the College Council by Professor Karen Kaplowitz

May 11, 2009

RESOLUTION #1

Resolution Regarding Assessment of the Honors Program

RESOLVED

That there shall be an annual evaluation of the proposed new Honors Program that is on the agenda of the College Council's May 11, 2009, meeting;

That this evaluation shall consist of annual reports that shall include but not be limited to the following: admissions standards, enrollment, retention, progress toward degree, graduation rates, curriculum, student satisfaction, faculty satisfaction, and cost to the college; and

That the reporting and assessment methodologies and instruments shall be developed during the 2009-10 academic year by the Honors Program Task Force in consultation with the Director of Assessment and the Director of the Office of Institutional Research and shall be approved by the Undergraduate Curriculum and Academic Standards Committee and by the College Council; and

That beginning in Fall 2011 and annually thereafter, for the subsequent four years, an assessment report shall be submitted by the Honors Program Governance Committee to the Undergraduate Curriculum and Academic Standards Committee and to the College Council.

RATIONALE

The College has an interest in carefully monitoring the effectiveness of the proposed Honors Program at John Jay. Since this is a College-wide interest, it is appropriate that the assessment and evaluation of such initiatives have the attention of College governance committees.

RESOLUTION #2

Resolution Regarding Admission to the Honors Program

RESOLVED

That the Honors Program shall be amended to provide for the admission of students who are in the top ranks of each major; and

That the Honors Program Task Force and the Undergraduate Curriculum and Academic Standards Committee shall study such admittance to the Honors Program and shall present a proposal for action by the College Council at its October 2009 meeting, at the latest.

RATIONALE

Certain majors are extremely challenging and might unfairly exclude students from possible admission in the Honors Program. This provision would provide a method for including them and thus further ensure diversity of the students in the program by providing for diversity of academic majors. The proposal is provide for the invitation of students in each major who are in the top 5% or 10%, to be determined by the relevant governance bodies, of all students in each major to apply for admission.

RESOLUTION #3

Resolution Regarding an Assessment of Former and Current Honors Program Students and Faculty Members

RESOLVED

That the Office of Assessment and the Director of Institutional Research, in consultation with the Honors Program Task Force, shall develop an assessment instrument and methodology, including focus groups, that measure the satisfaction and experience of those students currently and previously enrolled in the current Honors Program and of those students enrolled in the existing Program during the 2009-10 Academic Year as well as those faculty members who currently and previously taught in the Program as well as those teaching in the program during 2009-10. The survey instrument and focus groups shall include questions for ascertaining the opinions of these students and of these faculty members about the proposed new Honors Program.

RATIONALE

The experience and opinions of students and faculty in the current Honors Program – which has existed for 7 years – are important to know and to analyze in developing and implementing the best possible Honors Program at John Jay.

ATTACHMENT F

Memorandum

To: Jeremy Travis
From: Rosemarie Maldonado
Re: Roberts Rules Section 38
Date: May 15, 2009

A motion that has been voted down by the College Council can be brought up again for consideration at a subsequent meeting. Section 38 of Roberts Rules permits the *renewal of a motion* that has been disposed of by an assembly as long as it is not brought up in the same *session*. Section 38 states in relevant part:

If a motion is made and disposed of without being adopted, and is later allowed to come before the assembly after being made again by any member in essentially the same connection, the motion is said to be renewed. Renewal of motions is limited by the basic principle that an assembly cannot be asked to decide the same, or substantially the same, question twice during one session, except through a motion to reconsider a vote or a motion to rescind an action or in connection with amending something already adopted.

The question here is what constitutes a “session.” Section 8 of Roberts Rules defines “a session of an assembly” as “a meeting or series of connected meetings devoted to a single order of business, program, agenda or announced purpose” Roberts Rules further explains that the number of meetings constituting a session depends on the type of assembly and the bylaws. However,

In a permanent society whose bylaws provide for regular weekly, monthly, or quarterly meetings that go through an established order of business in a single afternoon or evening, each ‘meeting’ of this kind normally completes a separate session – unless the assembly at such a meeting schedules an adjourned meeting “

The College Charter and Bylaws do not define a College Council session; therefore, the definition set forth in Roberts Rules applies. Accordingly, the renewal of a motion previously considered is permitted at a subsequent College Council meeting.

ATTACHMENT G

THE CITY UNIVERSITY OF NEW YORK - PROPOSED AMENDMENT TO ARTICLE IX OF THE BYLAWS:

RESOLVED, That the Bylaws of the Board of Trustees be amended as follows (additions indicated by underscoring):

Section 9.1 Department Organization

[No revisions to subsection a]

b. The executive officer of the department shall be the department chairperson who shall be a professor, associate professor or assistant professor elected by secret ballot for a term of three years, except as provided below, by a majority vote of all the members of the instructional staff of the department who have faculty rank. Proxy or mail voting shall not be permitted. The department chairperson must be tenured or have been approved by the board for tenure at the time of his/her election, except in-departments less than seven years old. Such elections shall be subject to the subsequent approval of the president and the board. Department chairpersons may serve for no more than two consecutive terms, unless a waiver of this limitation is Granted by the president because of unusual circumstances and in the best interests of the department and the college. Service as a department chairperson for more than one-half of a three-year term will be considered service for a full term for purposes of determining eligibility for additional service. The present system of staggered departmental elections shall be continued. The successors of department chairpersons shall be elected during the first full week in May at the expiration of the respective terms of office to take office as of July first of the year in which they are elected and at the three year intervals thereafter. Vacancies shall be filled by election for the unexpired term. Notwithstanding anything in the foregoing to the contrary, in the library department, the president of the college shall from time to time recommend a member of the department to the board for designation as chairperson. Department chairpersons who are not tenured professors, associate professors or assistant professors on January 1, 1976 may fill out their unexpired terms as chairpersons, subject to the provisions of sections 9.1.(c) and 9.6.(a) of these bylaws.

[No revisions to subsections c, d, e, f, g]

RESOLVED, That the above-mentioned amendment take effect at the end of the term of department chairpersons starting in the 2009-10 academic year.

EXPLANATION: The proposed amendment revises Article IX of the Bylaws to limit the service of department chairpersons to two consecutive terms. Limiting a department chairperson's service to two (three-year) terms will give more faculty the opportunity to serve as chairpersons, performing an important service to the department and to the college. As different faculty members have diverse viewpoints and leadership styles, the department will benefit by having new department chairpersons who will bring fresh ideas and approaches to managing their departments. The college president may waive this term limit because of unusual circumstances and in the best interests of the department and the college (e.g., a very small department where there is literally no one else who could serve as chairperson). In order to avoid disturbing the elections that have just taken place or having special elections for department chairpersons who have served longer than this term limit allows, this amendment will take effect at the end of their terms starting in the 2009-10 academic year.

ATTACHMENT H

University Faculty Senate

May 5, 2009

Resolution Opposing Term Limits for Department Chairs

Whereas, the CUNY Board of Trustees will be asked to vote in June on a Bylaws change that would impose a two-term limit on elected department chairs (text from OGC on obverse, undated), and

Whereas, the Council of Faculty Governance Leaders voted unanimously on May 1 to reject the proposal for the reasons cited below:

- 1) Faculty members' right to elect a chair of their departments to represent them is an important power. Any Board action to limit or truncate this power can only be viewed as an attack on faculty governance and faculty voice.
- 2) Mechanisms already exist to remove chairs at any time who are not performing adequately, especially presidential action.
- 3) The Bylaws already require that elections take place by secret ballot every 3 years, which ensures that all eligible faculty have an opportunity to be elected if the faculty of the department deems it in the best interest of the department and the college.
- 4) The job of chair is complex: acquiring the expertise to do it well takes time, making continuity valuable.
- 5) The proposed maximum 6-year term for chairs is not consistent with the current 7-year tenure clock. An important function of chairs is to mentor younger faculty from their hiring to their getting tenure. Shortening the term of chairs would significantly disrupt this process.
- 6) Lack of proper consultation: the proposal surfaced two weeks ago, just before the end of the semester and after the point at which many college senates have already had their final meeting of the year.

Therefore, Be It Resolved, that the University Faculty Senate joins the Council of Faculty Governance Leaders in urging the Board of Trustees to reject this proposal.

Proponent: Executive Committee (unanimously)

Present for the Council of Faculty Governance Leaders vote were UFS Chair Manfred Philipp, and Professors Jason Young (Hunter College), Martha Bell (Brooklyn College), Hector Lopez (Hostos CC), Stefan Baumrin (Graduate School), Rosalind Carey (Lehman College), Donald Hume (Kingsborough CC), Lenore Beaky (LaGuardia CC), Leslie Jacobson (Brooklyn College), Roberta Klibaner (College of Staten Island), Elizabeth Lowe (Queens College), Karen Kaplowitz (John Jay College), Emily Tai (Queensborough CC), Phil Belcastro (BMCC), Ruth Bass (Bronx CC), and Peter Parides (NYCCT).

The Chancellor

May 11, 2009

To: College Presidents
From: Matthew Goldstein *MKG*
Re: Term Limits for Department Chairs

As you know, there has been discussion by the Council of Presidents regarding its desire to change the way in which department chairs are chosen. A proposed idea was to limit the number of successive times a faculty member could serve as chair. From what I understand, there is strong sentiment among presidents that a change should be made, with the particulars yet to be worked through.

The central administration had a very preliminary conversation with the University Faculty Senate (UFS) leadership regarding this issue. This was followed by a quick vote against the idea at a recent UFS plenary before any serious discussion that would inform a change.

It has always been my intention to request a briefing from each president about how his or her campus constituencies and governance leaders feel about this issue before any action is taken. To that end, I ask that you initiate a process on your campus, based on your specific circumstances, to elicit the views of your college community regarding term limits for chairs.

I realize that it is late in the academic year to begin such a process. I would ask that this discussion take place either in the time remaining in this semester or in the earliest part of the fall semester, and that you report back to me as soon as you have gathered the appropriate feedback.

Thank you.