

FACULTY SENATE MINUTES #75

John Jay College of Criminal Justice

April 30, 1992

Time: 3:15 PM

Room 510T

Present (28): Michael Blitz, James Bowen, Dorothy Bracey, Orlanda Brugnola, Lily Christ, James Cohen, Luis Cuevaa, Migdalia DeJesus-Torres de Garcia, Janice Dunham, Robert Fox, Elisabeth Gitter, Lou Guinta, Suzanne Iasenza, Karen Kaplowitz, Tom Litwack, Robert McCrie, Jill Norgren, John Pittman, Mary Regan, Lydia Rosner, Olga Scarpetta, Candice Skrapec, Timothy Stevens, Charles Stickney, Jerome Storch, Antoinette Trembinska, Martin Wallenstein, Agnes Wieschenberg

Absent (12): Arvind Agarwal, Haig Bohigian, Philip Bonifacio, David Brandt, Jannette Domingo, Sondra Leftoff, Rubie Malone, Dagoberto Orrantia, Douglas Salane, Edward Shaughnessy, Howard Umansky, Carl Wiedemann

AGENDA

1. Announcements from the Chair
2. Approval of Minutes #74 of the April 15 meeting
3. Budget Update
4. Approval of the slate of candidates for the Committee on Honorary Degrees
5. Issues involving the new Student Disciplinary Committee approved by the Board of Trustees and proposed Charter amendment
6. Meeting with the Middle States Steering Committee on the governance, organization and administration of the College
7. New **Business**

1. Announcements from the Chair

The Senate was directed to written announcements [Attachment A].

President Kaplowitz announced that today's Faculty Senate meeting is the 75th meeting since the Senate was formed in 1986. The Senate applauded this milestone. A celebration of the 75th anniversary will take place during the last meeting of this year's Senate on May 13. The first meeting of the 1992-93 Senate will be on May 20 and senators were asked to forward the names of their department's elected

delegate(s) to the Senate's executive committee so copies of materials for that first meeting can be mailed. Senators were reminded that adjuncts may now vote only for those positions for which they themselves are eligible to serve.

Provost Basil Wilson has concurred with the recommendation unanimously supported by the Senate that faculty be asked to defer banked and earned released on a voluntary basis only and that there be no freeze on banked and earned released time. The Budget Planning Committee took the same position and after meeting with the leadership of the Senate and with the Budget Planning Committee, the Provost has adopted this approach.

There has been a tremendously positive response by the faculty to the letter on fire and evacuation drills. A copy of the letter was placed in the mailbox of every full-time and adjunct faculty member. Senators were asked to observe how people respond to the fire drills that are scheduled for both buildings between now and the end of the semester. Since the last Senate meeting, two minor fires occurred in North Hall, one to which the Fire Department responded. Senator Stickney commended the fact that unambiguous No Smoking signs have been put up in T Building. Senator Norgren's suggestion that decals be placed on the wall of each classroom giving the location of 'safe rooms' and other pertinent information has been forwarded to Mr. Scully.

Clyde Collins Snow, the forensic anthropologist, will receive an honorary degree, along with former ACLU director Norman Dorsen, and urban sociologist William Julius Wilson, who will give the commencement address. Nina Totenberg, who was also approved, said she would have been honored to receive an honorary degree from John Jay but cannot because she is to receive the prestigious Peabody Award for Outstanding Journalism that day. She asked to be offered the degree next year but with lots of lead time; also, she is never available on a Monday. President Kaplowitz said she has suggested to President Lynch and to Judith Bronfman, who organizes commencement as chair of the Ceremonial Occasions committee, that a day other than Monday be chosen for 1993. President Lynch supports this suggestion. It was suggested that the faculty members on next year's Ceremonial Occasions Committee be alerted to this issue;

Nishan Parlakian (Speech & Theater) has won a Fulbright and Israel Rosenfeld (History) has won a Guggenheim. Books by Blanche Cook (History) and Eric Larsen (English) have just been reviewed in The New York Times Book Review.

The position of Director of Student Activities, which was asked about at the last Senate meeting, is a tax levy position, but only people who are already on John Jay's payroll as full-time employees are eligible for the position. They can be of any rank and if a person on a lower rank than Assistant to HEO is chosen, the person will be promoted to the rank of Assistant to HEO. The plan to use non-tax levy money was abandoned without explanation.

Professor Eli Silverman (Law, Police Science, and CJ Administration) received the requisite 40 percent of the ballots cast and, therefore, has been elected to the College P&B. The four highest runner-ups are now candidates for the

two other positions in a run-off election: election in the run-off is by plurality vote. The four candidates are Professors Philip Bonifacio (Counseling), Daniel Gasman (History), Lee Jenkins (English), and Maureen Wilson (Foreign Languages). It was reported that Senator Trembinska (the chair of the College Faculty Elections Committee) has asked that this information be published in "The Week of" since people voting in the run-off do not know that they are voting for two people who will represent them in addition to Professor Silverman. It was agreed that in the future it will be suggested that ballots contain such information.

The Council of Chairs and Provost Wilson have agreed to a way to keep Speech and Foreign Language classes at the current enrollment of 26 students. only 40 percent of the cut in the adjunct budget would be made in the fall, rather than 50 percent, because additional revenue is anticipated, both from the Randalls Island Fire Academy satellite program and from rental of the JJ theater to the Shubert organization.

The pending deal with the Shubert organization is to rent John Jay's theater for 11 months and for Shubert to build a 100-seat theater for student productions in the Speech and Theater area where sets are constructed. Senator Wallenstein reported that the site being considered for a black box theater will probably not be able to seat 100 spectators. It was reported that department chairs Professors Marlene Park (Art, Music, Philosophy) and Ray Rizzo (Speech and Theater) attended a meeting with the administration and the head of the Shubert organization but that negotiations about rental prices and other terms will take place without them. Senator Litwack noted that all actions of the College are covered by the open meetings law. President Kaplowitz noted that this raises the issue of where the rental money will go and whether it will go to the academia budget, as it should. The amount for yearly rental that is being discussed is half a million dollars. Senator Cohen said that the Provost had said that the money would be spent for academic and other purposes. Because of the ambiguity of such a statement, since only 10 percent might be spent for academic purposes, the Senate agreed that we should put this issue on the agenda of the next meeting.

The Board of Trustees has declared a state of fiscal exigency and President Lynch acknowledged at the College Council meeting that a retrenchment committee must, therefore, be formed at John Jay. The Board also approved amendments to the Retrenchment Guidelines: President Kaplowitz distributed copies of the amended guidelines. [Copies are available from the Senate's executive officers.]

The Board also approved the College Preparatory Initiative (CPI) [Attachment B]. A report from "the appropriate governance body" of each College is due at 80th Street by December 1992 as to how CPI will be implemented. Tuition was also increased as proposed.

The Retirees Association, under the leadership of Professor Emeriti Eileen Rowland and Shelly Waxenburg, conducted a book sale which raised \$1,000 for the Lloyd George Sealy Library.

Senator McCrie and his Evaluation Committee have

completed negotiations for the faculty survey of administrative services: the survey responses will be computer scanned. The surveys will be mailed on May 8 and completed questionnaires are due in Senator McCrie's office June 1. Although Senator McCrie begins his sabbatical leave at that time, he and his committee will prepare a report over the summer for presentation to the Senate in September and then, should the Benate decide, distribution to the faculty and to those evaluated,

At the suggestion of Senator Tom Litwack, a reception was given by President Lynch for those on the faculty who have served 25 years or more at John Jay. The Benate applauded Senators Dorothy Bracey and Tom Litwack, who were among those honored. (Two other senators were also honored but were not at today's Senate meeting: Haig Bohigian and Howard Umansky.)

2. Approval of Minutes #74 of the April 15 meeting

By a motion duly made and carried, Minutes X74 were approved.

3. Approval of the slate of candidates for the Committee on Honorary Degrees

Four members of the seven-member Committee on Honorary Degrees are completing their three-year term of office. The Faculty Benate nominates candidates for the Committee on Honorary Degrees and the election is by the entire full-time faculty.

The four who are completing their term of office are Professors David Goddard (Sociology), Lawrence Kobilinsky (Science), Virginia Morris (English), and Edward Shaughnessy (Sociology).

The three who will continue serving on the Committee through June 1993 are Professors Barry Latzer (Government), Natalie Sokoloff (Sociology), and Maria Volpe (Sociology).

To be eligible to serve, one must be a full-time tenured member of the faculty holding the rank of associate professor or above. The Committee solicits nominations for honorary degrees recipients, deliberates in camera, and then recommends candidates to the Faculty Senate for its approval. Names of those candidates approved by the Senate are forwarded to President Lynch, Chancellor Reynolds, and the Board of Trustees for their approval.

The slate of eight candidates for the four positions was moved and seconded: Professors Jane Bowers (English); Jannette Domingo (African-American Studies/Economics); Daniel Gasman (History); Carol Groneman (TSP/History); Bonnie Nelson (Library); Dagoberto Orrantia (Foreign Languages and Literatures); Altagracia Ortis (Puerto Rican Studies/History); Robert Panarella (Law, Police Science, CJ Adm).

It was explained that by having elections in May, the

Committee would be in place in September to conduct business. Senator Fox recommended that each candidate be identified by department on the ballot. This suggestion was adopted, The alate was ratified by unanimous vote.

4. Issues involving the new Student Disciplinary Committee approved by the Board of Trustees and proposed Charter amendment [Attachment E]

The Board amended its Bylaws on student disciplinary procedures on February 24, 1992 [Attachment E]. The first paragraph of the advisory memorandum dated March 24 from Vice Chancellor Diaz to the college presidents states that "These bylaws are effective immediately and may not be superseded by governance plan provisions." Also, the amended Bylaw 15.8 states: "The provisions in a duly adopted college governance plan shall not be inconsistent with the provisions contained in this article." Yet, John Jay's Charter (governance plan) does contradict the amended Bylaws,

Bylaw 15.5c states that the faculty members of the Committee "shall be chosen by lot from a panel of six elected annually by the appropriate faculty body [italics added] from among the persons having faculty rank or faculty status."

The rotating chairs are to be members of the instructional staff selected by the President in consultation with the executive committee of the governance body.

President Raplowits said that she met with Provost Wilson about this issue and that he supports the position of the Senate's Executive Committee that the "appropriate faculty body" to elect the panel of six faculty is the Faculty Senate. She said that she pointed out that if it is not the Faculty Senate then the appropriate faculty body is the entire faculty and he agreed that it should be the Faculty Senate. Thus, the College Council should not be electing the panel even though nominations for the faculty members were solicited at the last College Council meeting. She noted that two faculty members are chosen by lot from the panel of six elected by the appropriate faculty body. Thus we need more than six candidates; however, at the College Council meeting, the council was told that two were to be elected from those nominated.

Unfortunately, it is too late to have two readings of any proposed Charter amendment because there is only one meeting of the College Council (on May 18) scheduled for this year. A first reading cannot take place in May and a second reading in September because the body changes in June. Therefore, the first reading has to be in September,

Senator Litwack asked how President Kaplowitz had learned of this Bylaw change and its implications for faculty. She replied that she had learned about it and understood the implications of it by attending the meetings of the Board of Trustees and the meetings of the University Faculty Senate. She added that President Lynch had sent the packet with the covering letter from Vice Chancellor Diaz and the Bylaw amendment and the explanatory material to key administrators at the college and to faculty in leadership

positions: the cover letter can be seen to have various initials on it, including "KK," which tells President Lynch's staff which people should be sent copies. However, no one seems to have acted on the issue of a faculty panel or of the chairs, even though the last sheet was to be mailed back to 80th Street with the names of the faculty and student members and the three rotating chairs, who are to be trained by 80th Street's legal office. She noted that the Office of Student Development is aware of the Bylaws change: students were provided with petitions to run for the panel of six students of whom two are to be selected by lot to serve on the new Student Disciplinary Committee. (Only two students, however, have run for the six-member panel.) But nothing has been done about the faculty panel nor about the three rotating chairs.

Senator Norgren suggested that the central role the Senate is playing in the administration of the College and in the implementation of College and University policies provides a strong basis for arguing that members of the Senate's executive committee be given released time.

The Senate considered a proposed Charter amendment that contained the exact language of the new Bylaw but with the words "@*FacultySenate" replacing the words "appropriate faculty body." Senator Brugnola said that this new Disciplinary Committee could meet without any students since a quorum of the chair and two members is required. President Kaplowits said that this is how the process has been designed by the Board of Trustees and she noted that it also means that the committee could meet without any faculty. Therefore we must elect a panel of six, any two of whom would be sure to attend and fulfill their responsibilities. If either of both those chosen by lot cannot hear a particular case, another name or names must be drawn by lot from the same panel of six. Senator Wallenstein suggested that when lots are drawn, two be drawn and then lots for alternates be drawn. It was explained that this is not permissible, presumably so there is no pressure on those chosen by lot to not attend and so that those chosen by lot fulfill their obligation. This makes the nomination of a strong slate extremely important.

Senator Blitz asked who would draw the lot and who would witness this. President Kaplowits noted that the Bylaws do not specify this. Senator Litwack said that this means that the right to determine the procedures are reserved for the appropriate body or bodies at each College. Senator Blitz suggested that the lots be drawn in full view at the College Council. Senator Litwack pointed out that this would mean the committee would have to wait until a College Council meeting (if a new member had to be selected) and thus would frustrate the functioning of the Committee.

Senator Litwack suggested that the lots should be drawn in the presence of at least one a member of the Faculty Senate Executive Committee and at least one member of the Student Council Executive Committee. The procedure and the Charter amendment, naming the Faculty Senate as the body empowered to elect the panel of six faculty members, passed by unanimous vote. It was agreed that the proposed Charter amendment and the proposed procedures be submitted to the College Council in time for the May 18 Council meeting.

[Ed. The day following the Senate meeting, the Faculty Senate Executive Committee unanimously agreed to postpone such action and a phonemail message was sent to the Faculty Senate explaining the reasons and soliciting comments and nominations: In speaking with Trustee Robert Picken, UFS Chair, it was clarified that the new procedures are in effect even though the Charter has not been amended. Because a "first reading" of a Charter amendment cannot take place until September, and because Senate discussion was hurried (because of guests who arrived during deliberations) and because various senators in the interim suggested better procedures and pointed out flaws with the procedures approved, the Senate executive committee agreed to put the matter on the agenda of either or both Senate meetings in May and also in early September. In the meantime, senators were asked to recommend faculty to whom a copy of the new Bylaws should be sent in the hopes that these people would stand for election to the faculty panel. Subsequently, Senator Blitz and President Kaplowits met with Ms. Patricia Maull, Secretary off the College Council, who agreed to withdraw the ballot for this committee from the College Council's May 18 agenda because the College Council is not the appropriate faculty body. Later in a meeting with President Raplowits, Vice President Witherspoon concurred that the Senate is the appropriate body. He also consulted about faculty whom he is considering recommending to the President to be chairs of the Disciplinary Committee.]

5. Meeting with the Middle States Steering Committee on the governance, organization and administration of the College

The members of the Middle States Steering Committee were welcomed and introduced: Dean Mary Rothlein, Dean Eli Faber, Professor T. Kenneth Moran (chair of Law, Police Science, and CJ Administration), and Senator Lydia Rosner (representative of the Faculty Senate). Also introduced were George Cockburn, assistant to Dean Rothlein, and Tom Fernandez, who has been hired to edit the report.

Dean Rothlein began by thanking the Senate for the opportunity of meeting with the Senate at the Steering Committee's request. She said that she was very happy to be here today. She noted that in looking around the table that there are several chairs of self-study teams present: Lily Christ, Migdalia DeJesus-Torres de Garcia, Lou Guinta. The four members of the Coordinating Team have had a continuing opportunity to meet with and hear from all the subcommittees. On the topic of governance, the committee felt that they need more input than they had to make an honest and substantive report. She noted that the self-study is supposed to be descriptive and yet that these matters are also matters of perception. She noted that the committee is also supposed to be critically analytical, not relying on purely subjective impressions. She noted that the committee has met with the Cabinet, and would be meeting with Council of Chairs, the Student Council, and with the President of the college and that they would then be drafting the entire document. Dean Rothlein then invited the other members of the committee to comment. Senator Rosner noted that this meeting with the Faculty Senate will provide a very vital piece of the committee's report on governance. She asked about the

faculty's impression of faculty participation in governance and how it might be lacking or in what ways it is strong.

President Kaplowits began the discussion by making a statement, in which she first noted some very positive aspects of governance. She said the Faculty Senate is very effective, and its members are very involved not only in the Senate but in the life of the College, Members of the Senate feel that their involvement in the Senate is worthwhile because things get accomplished: the Senate takes actions and positions that get results. There is not the feeling that one gets on so many committees that one is spinning wheels and that if the committee had never met there would be no noticeable difference. She said one of the reasons this is true of the Senate is that people speak on the record, which serves two purposes: when people speak for attribution what is said is taken more seriously; secondly, by having deliberations recorded it is possible for those who are not present to understand the reasoning that goes into the decisions that are made. She praised Senator Norgren, who instituted detailed attribution minutes when she served as the first President of the Senate. She also noted the tremendous contribution of the various recording secretaries: Edward Davenport, Shirley Schnitzer and Altagracia Ortiz (who were co-recording secretaries, Jose Arcaya, Timothy Stevens, Antoinette Trembinska, and now, again, Timothy Stevens.

President Kaplowits also praised the Council of Chairs and said that the coordination between the Faculty Senate and the Council of Chairs is wonderful, and is an example of real consultation and cooperation. The two bodies often adopt similar resolutions or complimentary positions and the joint Senate/Chairs report on the associate degree program is an example of excellent work through joint effort of the two bodies. Every year several Chairs serve on the Faculty Senate --and this was a decision by the Senate in its first year that Chairs be eligible to serve on the Senate (and indeed Professor Robert Croeier, the Chair of the Council of Chairs, was a member of the Senate for several years while serving in that capacity); similarly, ever since the Senate was formed, the president of the Senate has been invited to attend meetings of the Council of Chairs, There is also an excellent sharing and consultative relationship between the Faculty Senate and the Budget Planning Committee, with the president of the Senate attending meetings of that body.

She noted that Provost Wilson is always accessible to her and devotes many hours at a time to meetings with the Senate executive committee and that he is always open to suggestions and to proposals. He takes her calls at all times and shares information. She said that Vice President Witherspoon is always very open and supportive of proposals by the Faculty Senate and not only usually supports suggestions but acts on them. He is very good at following through on decisions and agreements. He too always takes her calls and is always available to meet and confer and often tests ideas with her. There is real consultation,

President Kaplowits said the next item has to do with philosophical issues. Faculty are supposed to make academic policy (and policy related to academic issues and support of the academic program) and administrators are supposed to administer those policies: she said that some administrators

do not understand this basic philosophy which faculty do understand. Furthermore, administrators are there to facilitate the work of faculty (and others) and they are certainly not supposed to obstruct such work. Yet that is what some administrators do.

There is also a fundamental difference between the faculty's understanding of consultation and that of many administrators: we understand consultation to be what the dictionary says it is: many administrators think that if they convene a group of faculty and tell them what is being done or what will be done, they have consulted with the faculty. Mother problem is that some administrators do not return calls (despite phonemail), nor do they answer memoranda.

President Kaplowitz said a third category are problems at the College. First of all, things do not get done. The College Council passes resolutions but those resolutions are frequently not acted on. The "@AcademicSix," which she noted is not listed on Dean Rothlein's memorandum to the Senate, has no faculty members. Either policy decisions are debated by six administrators with no faculty present or there is no policy making or policy deliberating body with administrators.

Although the President's Cabinet is informational, and is the source of information often found nowhere else, it is not a deliberative body. Indeed, it is rare that anything substantive is discussed. She said that academic departments do not meet frequently enough. The College Council and Faculty Senate representatives (and other committee representatives) rarely report to departments and frequently, therefore, represent themselves rather than their department: this is something the Senate has yet to grapple with. The President of the College is not available; he is out of town too frequently: it is virtually impossible to get an appointment to meet with him or even to talk to him on the telephone. There is not sufficient information and communication from the administration. She noted the disrespectful nature of some communications from the administration and said this attitude filters down to staff personnel who have been known to be exceedingly disrespectful to faculty. Faculty are frequently treated by the administration as equal to students and this false egalitarianism is eroding the respect faculty feel toward the administration.

She noted that John Jay is a place where people can really speak freely and she praised President Lynch's invaluable leadership in providing a sense of openness and real academic freedom and a culture of tolerance. She said that we really learned how fragile and how vital such a culture is and President Lynch's great achievement in leading the College in this way when the College had a mercifully brief but exceedingly painful interaction with an administrator who believed in and acted in the opposite way and that former Dean Steve Young provided us with a frightening glimpse into what a College could be like.

Senator Guinta noted that President Kaplowitz had referred, on phonemail and during today's meeting, to an incident that she described as a paradigm of one of the persistent problems at the College and that it has to do with the meeting room of today's Senate meeting. He asked what the incident involved. President Kaplowitz explained that she and Vice President Dunham had booked 630T for the entire

year, and had scheduled meetings based partly on the availability of 630T since it is the only room suitable for Senate meetings. Several weeks ago she had been asked by staff members of Dean Rothlein's Office to move the Senate meeting from 630T because a week-long international police conference for law enforcement officials from South America, Central America, and the Caribbean with simultaneous translating machines would be held in 630T. She said she agreed to move as long as the move was to the fifth floor faculty/staff lounge, Room 510T. This same situation occurred once before and the Senate was given 510 T and it was a suitable alternative. But she was told first by Stacy Raptis and then by George Cockburn that Vice President for Administration John Smith had said that the Senate absolutely could not use 510T because it is a lounge and that it is not a "bookable" room. She was also told that 630T is the Senate's room if she wanted to force the conference attendees to leave early that day despite a reception at 5 PM. She said that was patently out of the question and that she felt the Senate and she were being set up for a no-win situation.

She then consulted with Dean Curran, who was running the conference, and he and Dean Rothlein agreed that 510T was a viable and sensible solution and they authorized use of the room. Then last night she learned that Registrar Donald Gray had booked the "unbookable" 510T for today through Vice President Smith a week ago (long after the Senate was given 510T) for the purpose of testing the system of computerized registration and that his computers were all set up and the Senate was, therefore, without a room. She spoke to Mr. Gray, who spoke to the President's office and he was told to vacate the lounge. Here is one administrator, she said, who goes beyond any possible job description to accommodate faculty and students and he is the one who gets booted. And the Faculty Senate, furthermore, is the great supporter of computerized registration. So she called President Lynch and asked to use his office for the meeting (all other locations, including the Theater lobby and the Criminal Justice Center classroom were booked) and he said he needed his office but that Mr. Gray is to vacate the lounge so the Senate could use it. She said she has spent hours on this and that her time, Don Gray's time, and others' were wasted because of administrative obstructionism.

Dean Rothlein said that when the conference was planned, she asked President Lynch if he thought it was appropriate to ask the Senate to move and that President Lynch said that he was sure that Professor Kaplowitz would cooperate especially because of a talk the two had had about the value of training programs for law enforcement personnel. She said that Vice President Smith had been aware of this discussion and was also aware of the importance of this international conference. Senator Rosner asked how this could have been better handled. President Kaplowitz said that when she agreed to move the meeting and suggested 510T, she should have received a call back saying that would be fine and that the new paperwork would be taken care of and she should have been thanked for being cooperative. Senator Guinta said that his Middle States Committee on the Physical Plant had fielded many such complaints. He said that his committee discovered that Vice President Smith's Office has become deeply involved in policy matters and that the faculty has abdicated its responsibilities in this area.

President Kaplowits said she had several suggestions but that she would first turn the floor to other members of the Senate. Senator Gitter said that the Curriculum Committee functions very well, but that it is disheartening to find that some members of the committee are uninformed about the curriculum and she proposed an orientation session about curriculum matters, required courses, etc. for new members and others. She also said that there should be some way that the Curriculum Committee works through the budgetary implications of its proposals and decisions. She spoke of the frustration of spending countless hours at the Curriculum Committee only to have the Committee's decisions forestalled and even overturned at the College Council whose membership is only 50 percent faculty. She said this is terribly dispiriting. She also noted that there are hard decisions, such as during a budgetary crisis, when a proposal might be made to move students more rapidly through a program, and that a general faculty meeting could be held to develop a consensus about such an approach. She also felt that it was inappropriate that a table of suits faces the audience at the College Council and said that only the President should be there. She also said that the seating arrangement of the audience is disheartening and alienating, with everyone claustrophobically wedged in, staring at other peoples' backs. There should be a semi-circular arrangement so we can see who is talking and who we are talking to. She suggested that a session at the beginning of the year to get to know other members would help build rapport.

Senator Scarpetta said that communication between full-time and part-time faculty is increasingly important during a time in which so many part-time faculty are teaching. She said that it is important to integrate adjuncts with the full-time faculty and into the life of the College. She noted that it is generally the adjunct faculty who teach in the evening, often alone and without guidance.

Senator Bracey said that one serious problem is that this is a College where a huge number of exciting things go on and that the people who make policy and allocate resources feel that teaching undergraduates is unimportant and unexciting. She noted, having attended the President's Cabinet for a number of years, that even at the level of the Cabinet there is little communication about the undergraduate program. She noted Dean Faber's responsiveness to the undergraduate programs, and also noted the understaffing of his office in contrast with other offices that receive greater resources but that have no specific undergraduate responsibilities.

Senator Cuevas said that there had been a total breakdown of communication between the organization of Latino Faculty and Staff and the administration. After the initial meetings, there seems to have been a collapse of interest. He said that this is indicative to him of the administration's inability to handle ongoing issues.

Senator Wieschenberg referred to Senator McCrie's committee's questionnaire concerning the administrative units and suggested that the Middle States Committee study the results of this survey. She seconded President Kaplowitz's point concerning the lack of communication with and the lack of availability of the President. President Kaplowits noted

that she had tried to schedule a Faculty Benate meeting with the President all semester, but that he has always been unable to meet. He was out of the country at the time of three consecutive Senate meetings. The Charter mandates a meeting between the President and the Benate at least once a semester and the spring meeting has not taken place and he is not available on May 13. The only possibility, and she is waiting for an answer, is May 20 when the new Senate meets and since that is a new body such a meeting puts the Benate at a disadvantage because many members will not be as familiar with the issues as the current Senate is. President Kaplowitz suggested that one recommendation the Middle States report could present is that President Lynch meet regularly with the Executive committee of the Faculty Senate as well as regularly with the elected faculty leadership (president and vice president of the Senate, chair of the Council of Chairs, and chair of the Budget Planning Committee).

Senator Rosner asked President Kaplowitz to elaborate about an earlier statement: that actions by the College Council are not implemented. President Kaplowitz cited the proposed renovation of the lobby of North Hall which the college Council unanimously opposed because it would create terrible difficulties for people with physical disabilities (the College's 504 Committee supported the motion to oppose the renovation). The College Council unanimously voted to direct the John Jay administration to so inform 80th Street and thus to stop the renovation. No such notification was sent, even upon her verbal and written requests to the President. The item was on the agenda of the Board of Trustees meeting because the administration declined to relay the College Council's decision. Therefore, she spoke at the public hearing and asked the Trustees to remove the item from the agenda, which they did. She also noted the much delayed letter relaying the college Council's decision to end the College's association with ROTC. Several calls and written communications were necessary before the decision of the Council was enacted and a letter was sent to ROTC and then later to the Department of Defense. Another example is the change in class schedule from four classes in the evening to three: the faculty supported this proposal at the College Council several years ago only upon the explicit promise by the administration that a survey of students would be conducted after a year to determine if the schedule change was detrimental to students, especially evening students. No such survey has been conducted. Another example is a resolution passed by the college council requiring reports by Council committees but no such reports have been presented.

She also noted the change in Bylaws respecting the Student Disciplinary Committee and the fact that this was not being implemented at the College. She reported on the Senate's initiative today which is the first comprehensive action to implement it. She noted that there is a growing feeling among faculty that if the Faculty Benate does not take action, nothing would get done. She noted the enormous number of committees, 95 College committees (not counting department committees and the Middle States committees) but the lack of follow-through. She urged that committees be combined and in some cases eliminated.

Senator Bracey reminded President Kaplowitz of the important example of honorary degree candidates. President

Kaplowitz agreed and explained that the Committee on Honorary Degrees and the Faculty Senate do their work expeditiously but the shepherding of the paperwork and the calling of candidates are not done in as expeditious manner. Last year the Secretary of the Board of Trustees did not have the names of any candidates the day before the last day that the Board could vote on them: because she had called to check she was able to have the materials delivered to the Board Secretary. Otherwise there would have been no honorary degree recipients last year. She said that all this creates a sense of frustration. Senator Rosner asked what she would propose as a solution. President Kaplowitz said the Committee on Honorary Degrees and the Faculty Senate should have the responsibility of taking care of the paperwork and inviting the candidates, responsibilities the President says is his.

Senator Fox said there is a major communication problem, caused in part by the day/night schedule. He disagreed with limiting discussion of curriculum items at the College Council, noting the problems of being informed by departmental representatives about actions of committees. He said that departmental policy should require reports back to the department. He also noted that he had heard from many people that there is a perception of varying standards for promoting faculty from one rank to another.

Dean Faber asked about the institution of the department chair, following up Senator Fox's point. He asked about the role of the chair in formulating academic policy, advising faculty, guiding faculty research, etc. Senator Fox noted that in his department there has never been a departmental discussion of actions by the Council of Chairs. Senator Gitter said this is clearly dependent on the particular chair and department, noting that there is continual discussion in the English Department and the Department of Thematic Studies about the issues considered by the Council of Chairs.

Dean Rothlein followed up on Dean Faber's question. She felt that in addition to the critical role of communication, the other issues concerning leadership, strategies for faculty development, a research agenda--these are the kind of topics that had come up so far.

Senator Bracey noted that the only duties specified for the chair by the Bylaws concerns the schedule and that even this had been constantly encroached upon by the Provost. This means that other responsibilities could be set only by consent of the faculty. She suggested that the principle of rotating the chair be adopted. She felt that more rotation of personnel through every office in the College would be good.

Senator Wallenstein said that there is excessive concern and fighting over turf in the Curriculum Committee. He noted that there is too much fighting between programs and competition for students and not enough coordination. He said that perhaps this is inevitable during a period of scarce resources.

Senator Iasenza noted her participation on the Middle states committee on the mission of the college and noted the difficulty of articulating that mission. She pointed out the problems this leads to. President Kaplowitz noted Professor Chris Suggs' comment at a recent Town Hall Meeting that there

should be long-term planning, and his comment that having been away from the College for three years (at 80th Street as a faculty fellow and then as director of a grant) he can report that it is terrific to teach at John Jay but it is also incredibly difficult to work at John Jay, because of the lack of planning and the lack of adequate support services.

Dean Rothlein noted the wide-spread complaints about long-range planning throughout the study so far, noting that the Coordinating Committee has provided this information to the President, who has been very receptive to the committee's preliminary recommendations on this. The committee felt that the planning of policy, perhaps reducing the fighting over turf, would be more likely and more successful if the mission of the College were more clearly articulated. In response to President Kaplowitz's question whether Dean Rothlein envisions faculty participation in planning, Dean Rothlein responded that clearly such work would need to be inclusive.

Senator Cuevas noted the problems that need to be addressed in scheduling classes and said that this might be addressed through better planning.

Senator Wallenstein noted the feeling of alienation of our in-service students and their lack of say in the governance of the college. Senator Rosner responded that this has surfaced in many discussions of the committee. Senator Wallenstein said that he has no doubt that there are honorable administrators who use funds in an open way, but that there is not enough openness in the expenditure of funds and that the lack of openness breeds mistrust.

Professor Suggs (English) said that CUNY is very different from almost every other university because of the nature of the civil service contracts under which we work and its limits on the powers of the chairs, noting that we are in a distinct minority in the academic world. He noted that academic rank means little here, except for pay differential.

Professor Moran, responding to comments about lack of department meetings and lack of communication from chairs said that he, as a chair, has learned that the faculty, while saying they want meetings, do not want to be inconvenienced by too many meetings. He said that he tries to convey as much as he knows to his faculty through memoranda, but that he does not get the feeling that the faculty wanted more.

Senator Fox said that with phonemail and with written memoranda, chairs could keep their department members informed but that many do not do so. He said meetings are not necessary to keep faculty informed.

Senator Blitz said that the idea that there are 95 committees is staggering. He suggested paring down the number of committees to avoid overlap. He also said that the chairs do not have much choice in the communication problem at the College. He noted that there are real problems with getting in touch with faculty because they are so heavily scheduled and he suggested that chairs can help to publicize the activities of faculty. He noted the unheralded faculty publications that are not celebrated, as compared to publications that are embraced by the media.

Senator Stickney noted his past service on the College council, before the Faculty Senate's existence, and his feeling of being a puppet there. Because of the Faculty Senate meetings and its minutes, he now has a real sense of the issues and a reasonable amount of information. He noted that this information is also available to other people as well through the minutes. President Kaplowitz agreed that one of the important things the Senate did was to schedule Senate meetings a few days before the College Council and to have on the Senate agenda a discussion of items on the College Council agenda. This way the faculty are informed about the issues and while the faculty may not have an agreed upon position they each have an informed opinion.

President Raplowits said it is crucial to recognize that the administrators of John Jay have tremendous ability and tremendous talent. She noted the unique administrative accomplishment in getting T Building completed in record time and the astonishing accomplishment of organizing an international conference in Russia while the Soviet Union was disintegrating. She said that this great talent makes the faculty aware that when the administration wants to do something, it can, no matter how herculean a task. And, therefore, when the administration does not do something, it is clear that it is not because of a lack of talent but because there is a lack of will: that what is important to the faculty, if it is not important to the administration, is not done. She said a perfect example is the horrific experience of trying to make the two buildings even minimally accessible to the disabled. She said this is something that the College is legally mandated to do, as well as morally, and yet it is literally an uphill struggle with absolutely no cooperation by the administration even though this is their job. She said if we had inept administrators that would be one thing. But we have talented administrators and that makes their behavior absolutely intolerable and inexcusable.

President Kaplowitz also noted the wonderful feeling of family that has long been fostered at the College, largely because so many of us have grown up as adults together. But she said that it is inappropriate in a public forum, such as the College Council or Town Meetings, for administrators to call faculty by their first name as they do students. Senator Bracey noted that whereas faculty are called by their first name, Mr. Ngadi is called "President Ngadi." President Kaplowitz asked that faculty in such settings be called either Doctor or Professor: this is a simple beginning to changing the false and inappropriate egalitarianism with which students and faculty are treated by administrators.

Professor Koran wondered why it is that there is so much disagreement concerning the President's exercise of power. He said that he believes that the lack of a strong sense of mission frees the administration to pick and choose. He said that turfism exists at John Jay because it works. He said that he hopes that what comes from the Middle States dialogue is a continuing dialogue to help challenge all the elements of the John Jay community to discover what we have in common.

President Kaplowitz suggested that an anonymous instrument be sent to current and past members of various committees and bodies to provide a forum for members to register their opinions. Senator Gitter disagreed, saying

that such anonymity is not a good idea and that openness should be encouraged. She said that since the faculty is asking for more openness from the administration, it should set the example.

Professor Suggs said that one of the things that has struck him about the Senate, and he has read the minutes while away and sees it verified at today's meeting, is that at the Senate faculty speak to issues as faculty and avoid turf battles. He felt that that is good and should be preserved and he praised the Senate for this accomplishment.

Dean Rothlein noted that the issue of openness is a very interesting issue for members of the committee. She said that the committee has developed and sustained a very high level of open communication and that they are functioning as a microcosm of the College. She characterized the committee members as candid, honest, and open and said that this had been very helpful in encouraging similar responses from other heads of committees. She said that there is much merit in getting over inhibitions and that she hopes that the effects of this report would outlive the report itself. She expressed her pleasure in noting that the Faculty Senate is engaged in critical self-examination.

Dean Faber said that he is looking forward to September when the entire faculty will have an opportunity to discuss the Middle States report which will be in faculty mailboxes when faculty return from summer break. He said that the Middle States self-study sets a kind of system for making recommendations and proposing possible alternatives. He hopes that everyone would set aside time in August to read the draft.

Asked for a timetable, Dean Rothlein said that the Middle States visiting team will come to John Jay in March 1993. Six weeks before the visiting team arrives, the team must have the report. After fall registration, a college-wide meeting will be held to discuss the draft of the report.

The Steering Committee is also hoping to meet again with all organized bodies for further consultation on the draft. Dean Rothlein explained that there would be plenty of opportunity to provide written feedback on the draft report. Dean Rothlein said she hopes to circulate a final draft before it is sent to Middle States. Professor Moran noted that the entire process has taken much longer than expected. Dean Faber thanked the Senate for the opportunity to hear the opinions and observations of the Senate. Dean Rothlein offered to provide more information about the team visit.

The Senate thanked the Steering Committee for providing this opportunity for the Senate members to express their views about the governance, administration, and organization of the College and for coming to today's meeting.

The meeting was adjourned at 5:45 PM.

Respectfully submitted,

Timothy Stevens
Recording Secretary

Announcements from the Chair

Board of Trustees April 27 agenda

On April 27, the Board of Trustees approved a resolution on the College Preparatory Initiative (CPI), after a number of amendments were negotiated by UFS Chair Professor Robert Picken, on behalf of the faculty, with Chancellor Reynolds. The most important change is the eighth "Resolved" clause which not only ensures control of the curriculum by the faculty of each College but requires that the "appropriate governance body at each college submit a implementation plan to the Office of Academic Affairs [of 80th Street] no later than December, 1992. This plan shall contain a list of college courses and other modalities that compensate for unit deficiencies. College plans may include requests for specific exemptions . . ." [See Attachment B for the text of the Board's resolution on CPI.]

Also approved was a tuition increase of \$350 for all former and current CUNY students and an increase of \$600 for all new CUNY students, to begin with the first full semester following June 1, 1992, including summer session. Also approved was a 100 percent waiver of tuition for the semester culminating in a baccalaureate degree for those students who enter CUNY for the first time after June 1, 1992. Also approved was a \$350 tuition increase for current and new community college students.

The Board also approved a resolution declaring a state of fiscal exigency for the senior colleges and for the Central Office (80th Street) for the 1992-93 fiscal year and also a resolution to implement "The Guidelines and Procedures for Discontinuance of Instructional Staff Personnel Mandated by Financial Exigency" as approved at the time of implementation.

The Board approved amendments to "The Guidelines and Procedures" for retrenchment. Copies of the amended Guidelines were distributed to the Senate. The explanation given for this calendar item is that amendments are needed so "provisions in the 1983 Guidelines be clarified and that, where discontinuance is necessary, the budget savings realized as a result may more significantly ameliorate financial exigency during the 1992-93 year."

Also approved was an honorary doctorate for forensic anthropologist Clyde Collins Snow, to be conferred on June 1 by John Jay. (The Board has already approved Norman Dorsen and William Julius Wilson.)

Advisory report on faculty role in student disruptions issued

An advisory report on the faculty's role during student protests has been jointly issued by the University Faculty Senate and the Council of Elected Faculty Governance Leaders. Copies are available from the Senate's executive committee.

Legal opinions on faculty indemnification provided by JJ law professor and by vice chancellor for lesal affairs

In response to the Faculty Senate's discussion about faculty liability and indemnification, as reported in the Senate Minutes, Professor Norman Olch (Law, Police Science, CJ Administration) has written the Senate about the issue and has provided documents [See Attachment C]. Vice President Witherspoon requested information from Vice Chancellor Keisz on this matter in response to the Senate's concerns and she obtained an opinion from Vice Chancellor for Legal Affairs Robert Diaz [Attachment D].

April 16 College council meeting

President Lynch announced that he hopes that when the State Legislature's session resumes on April 21 legislation will be introduced to close the loophole involving the funding of the associate degree programs at John Jay and NYC Tech. He said that this year's funding is a one-time only appropriation. Asked about the Board of Trustees' anticipated declaration of fiscal exigency at all senior colleges, President Lynch acknowledged that a Retrenchment Committee will have to be formed at John Jay after the Board's action.

Professor Kaplowitz reported on behalf of the Faculty Senate. She noted the successful reception co-sponsored by the Senate and the Office of VP Witherspoon honoring faculty advisors of clubs. She announced that John Jay has its first Belle Zeller Scholarship winner since 1988: Rian Keating and pointed out that Mr. Keating is a TSP student as was JJ's first Belle Zeller Scholar: Wayne Holder. She said this is a wonderful way to mark TSP's celebration of its 20th Anniversary which is being commemorated on May 6. Professor Kaplowitz noted that Mr. Keating is one of the three John Jay students who, along with three JJ faculty, is a named plaintiff in the CUNY equal protection lawsuit. She reported that the John Jay Alumni Association has donated \$2,000 to the CUNY lawsuit and praised Alumni Director Al Higgins for his leadership and the Alumni Association's Executive Board for their generosity. Professor Kaplowitz reported that the previous day the Faculty Senate unanimously approved a resolution calling on the Governor and the Legislators to enact and approve legislation for an early retirement initiative at CUNY and she distributed copies of the resolution and read the text to the College Council. She reported on the Senate's meeting with Mr. James Scully and the Senate's decision to write to the faculty about participating in fire/evacuation drills. She reported the Senate's support of faculty participation in freshman orientation and reported that she and VP Witherspoon are co-signing a letter to the faculty urging participation.

Nominations for College Council committees were reported by the President and several other nominations were made. It was agreed that further nominations may be made to the College Council executive committee until: May 7 when the Executive Committee meets, as long as the nominations are of people who have agreed to accept nomination.

A first consideration of the calendar of the 1992-93 College Council meetings was discussed. It was agreed that the calendar of the Board of Trustees would be checked.

Professor Kaplowitz moved to suspend the rules (the agenda) so that all second readings of Charter amendments could be voted on and so that all first readings of Charter amendments could take place because only one more College Council meeting is scheduled.

The second reading of the Faculty Senate's proposal to amend the Executive Committee of the College Council passed with one vote against and one abstention. This is the proposal that was agreed to as the condition upon which the Senate withdrew its objections to the Board's approval of Charter amendments restructuring the College Council. The new Executive Committee will have 6 faculty; 1 HEO; 3 students; and four statutory administrators (president; provost; vp for student development; vp for administration). This amendment goes to the Board of Trustees for approval.

The second reading of a Charter amendment creating a Council Committee on Cultural Pluralism and Diversity was approved. This committee, upon approval: of the Board, will consist of 6 faculty elected by the Faculty Senate (from among the entire faculty) and two faculty appointed by the President; two students elected by

College Council April 16 meeting (cont.)

the Student Council and one student appointed by the President; one member of the non-teaching instructional staff (HEOs) elected by their constituent assembly and one appointed by the President; the dean of undergraduate studies; the vp for student development. The committee shall elect its chair and the President shall provide a secretary to the committee.

A first reading was given of the Charter amendment to clarify the language regarding the P&B Committee so that the term "faculty" replaces "instructional staff."

A first reading was given to a proposal to amend the Charter to delete language that restricts who may speak at College Council meetings so that the Charter conforms to actual practice.

A first reading was given to a proposal to change the College Council Committee on Student Retention and Academic Standards to a Committee on Undergraduate Academic Standards. (A special task force on retention will be formed if the Charter amendment is approved.) The Committee on Academic Standards will have a representative from each academic department: five students who have a GPA of 3.2 or higher who have been nominated by the Student Council and elected by the College Council; and five statutory members: the president of the Faculty Senate; the chair of the Council of Chairs; the dean of undergraduate studies; the dean for admissions and registration; and the vp for student development. A vote in principle by the Council supported the proposed amendment.

A first reading was given to Professor Suzanne Iasenza's proposal to amend the Charter so that the limitation on terms of office could be waived by vote of the full-time members of the constituency. Professor John Pittman moved that the proposal be amended so that the vote be of the majority of full-time members of the constituency who are present for such a vote [this assumes a quorum is present since Robert's Rules requires this and the Council and its committees are bound by Robert's Rules). The amendment to the proposal was adopted. A vote in principle by the College Council, for informational purposes to departments who are holding elections before the next College Council meeting, supported Professor Iasenza's amendment.

A proposal from the Department of Sociology to change its name to the Department of Sociology and Criminology was presented by Professor David Goddard, the chair. The proposal generated considerable discussion and proved to be quite controversial and was not resolved because of loss of a quorum.

President Lynch agreed to Professor Kaplowitz's request that the May 18 agenda begin with the second readings of the proposed Charter amendments.

President's Cabinet

On April 1, Gail Haus, director of Institutional Research, presented a report to the President's Cabinet on the cohort studies of freshmen students who entered JJ in 1982 and those who entered in 1987. The report was a summary of the charts generated for the Middle States self-study by Ms. Haus about student retention, graduation, and drop-out rates, etc.

On April 8, Personnel Director Margaret Schulze reported that 144 John Jay faculty and staff are eligible for the early retirement plan proposed by CUNY. VP Witherspoon reported that all students with a 3.30 GPA or higher are being mailed scholarship applications, including for the Belle Zeller and Rhodes Scholarships. He also reported that all of the Student Council executive positions are being contested. Elections are May 6 and May 7.

A. COLLEGE PREPARATORY INITIATIVE:

RESOLVED, That the Board of Trustees of The City University of New York reaffirms its policy to offer admission to a college of the University to all New York City high school graduates; and be it further

RESOLVED, That the comprehensive pattern of college preparatory subjects expected of entering students shall include four years of academic units in English, three years in mathematics, four years in social science, two years in natural science with laboratory, two years in foreign language, and one year in fine or performing arts; and be it further

RESOLVED, That high school curricula that constitute academic units will be determined by a committee designated by the Chancellor, including, but not limited to, high school and University faculty from the appropriate disciplines; and be it further

RESOLVED, That beginning in the Fall of 1993, all students entering the University directly from high school, except those enrolling in certificate programs or as non-degree students, will be expected to have completed nine academic units when enrolling in associate degree programs and eleven academic units when enrolling in bachelor's degree programs; and be it further

RESOLVED, That the unit expectation shall be increased two units every two years until full implementation. The Chancellor shall provide the Board with an annual report that includes impact on enrollment as well as access and diversity at each college; and be it further

RESOLVED, That students who have not completed the academic unit expectation prior to enrolling in the University be required to demonstrate a level of knowledge and skills in the disciplines in which they lack units. College governance bodies will determine the modalities by which deficiencies may be satisfied. Levels of knowledge and skills shall meet the general standards of competency contained in the Collaborative Conference Report; and be it further

RESOLVED, That a deficiency in a high school unit expectation satisfied at any CUNY college by completing a designated course or examination will be recognized as satisfying the expectation for all CUNY colleges; and be it further

RESOLVED, That the appropriate governance body at each college submit a implementation plan to the Office of Academic Affairs no later than December, 1992. This plan shall contain a list of college courses and other modalities that compensate for unit deficiencies. Colleges plans may include requests for specific exemptions to prevailing unit expectations in cases in which compliance would significantly affect the length of time needed for a student to complete specific majors. The CUNY Chancellor will work closely with the Chancellor of the Board of Education to insure that opportunities are available for high school students to complete the designated number of academic units; and be it further

RESOLVED, That at the conclusion of the 1996-97 academic year, the Chancellor will provide the Board with a comprehensive report, including data on high school compliance, as well as the impact on the University's enrollment profile; and be it further

RESOLVED, That ultimately, at full implementation, both community college and senior college entrants will be expected to have completed the full pattern of sixteen units; and be it further

RESOLVED, That all associate and bachelor's degree students will be required to satisfy the prevailing unit expectations before graduation; and be it further

RESOLVED, That special provisions will apply to the following categories of students:

Students who have graduated from high school prior to 1993 will be exempt from unit expectations regardless of when they subsequently enter the University;

Students who have received a General Equivalency Diploma (GED) prior to September, 1993 will be exempt from their expectations regardless of when they enter the University;

Students who have received GED's in 1993 and thereafter will be required to meet prevailing unit expectations; the University will develop an index to award academic units based upon GED scores.
and be it further

ATTACHMENT B (cont)

RESOLVED, That the University's faculty and staff shall continue its fruitful collaboration with the faculty and staff of the New York City public schools in the Implementation of this Initiative, and that the Chancellor and Board of Trustees shall undertake to cooperate with the Chancellor of the public schools and the Board of Education to insure that resources are committed to meet the goals of the Initiative; and be it further

RESOLVED, That the University and the Board of Education undertake a comprehensive and aggressive public information and education campaign designed to promote awareness of the critical importance of high school academic preparation; and be it further

RESOLVED, That the Chancellor issues such guidelines as may be necessary to implement this resolution. (See Attachment B)

EXPLANATION: The College Preparatory Initiative (CPI) was endorsed by the Board of Trustees at its February 25, 1991 meeting: The Chancellor was asked to prepare a plan which phased-in stronger curricular expectations for incoming students. The Initiative is a collaborative effort of The City University of New York and the New York City Board of Education designed to strengthen the academic preparation of high school students in order to enhance their opportunities for success in higher education and/or employment.

There is an obvious relation between the completion of academic courses in high school and subsequent success in college. Research studies have demonstrated that for each additional academic course taken in high school, a student's college grade point average increases; and, college grade point average is the most important indicator of student retention and graduation. In addition, academic preparation in a broad range of subject areas expands student opportunities to pursue the full range of college degree programs. The University recognizes the influence of other academic, social, and economic factors on student performance; CPI complements the University's efforts to provide instructional and non-instructional supportive services for students requiring them.

The primary goal of CPI is to increase the number of high school academic courses taken by students coming to the University. Students who have not fully satisfied the University's preparatory curriculum expectations prior to graduation from high school will be admitted to a college of the University, where they will be expected to demonstrate stated levels of knowledge and skills in subject areas they lack. The mechanisms by which this may be done are to be specified by the appropriate campus governance body. These may include, but not be limited to, a college course which incorporates the levels of knowledge and skills set forth in the general standards of competency contained in the Collaborative Conference Report, a nationally recognized discipline-specific competency test or one designed by departmental faculty.

The CPI plan also contains provisions for students who do not enter the University directly from high school. Non-traditional students -- GED recipients, non-recent high school graduates, foreign high school graduates, transfers, and students in special programs and disabled students -- will continue to have access to the University, and the University will continue its commitment to provide appropriate support services.

The Chancellor will report to the Board annually regarding the progress of the Initiative and will indicate whether the increases in the unit expectation are to proceed as planned after consultation with the presidents and the faculty. At the end of the fourth year, the 1996-97 academic year, the Chancellor will furnish the Board with a comprehensive review of all aspects of the Initiative.

CPI reflects extensive and comprehensive consultation with a broad range of constituent groups within and outside the University. Approximately 200 faculty from the University and the New York City Board of Education participated in the process of defining student competencies in each of the disciplines and developing a program for faculty collaboration. An Advisory Committee of the University Faculty Senate produced comprehensive statements of expected levels of student competency in the six disciplines included in the Initiative. A Chancellor's Advisory Committee, composed of college presidents and administrators, faculty members, and students, developed a plan for implementation. The proposal of the Chancellor's Advisory Committee's was the subject of forums held on every campus, attended by students, faculty and staff. Thousands of members of the University community took the opportunity to offer insights and recommendations.

Through every step of the process, the University also consulted with the New York City Board of Education, which is a full partner in the Initiative. This collaboration has significantly strengthened the University's relationship with the Board of Education and the relationships between faculty of the University and the public school system.

ATTACHMENT C

TO: Karen Kaplowitz
FROM: Norman Olch
RE: Faculty Liability as Club Advisers

Dear Karen,

The minutes of the Faculty Senate reflect a legitimate concern over the question of the legal liability of student club advisers and a general uncertainty over the state of the law on the matter. While I have not examined the issue thoroughly, I suggest that the starting place is Section 6205 subd. 1 of the state's Education Law, which deals with indemnification of CUNY personnel. A copy of the statute is enclosed. (Subdivision 2 deals with the community colleges.)

Under §6205 the state will hold harmless and indemnify "any duly appointed member of the teaching or supervising staff...of the senior colleges" pursuant to Section 17 of the Public Officers Law for any claims arising out of "the discharge of his ~~duties~~ and within the scope of his service on behalf of such university." You will note that the statute speaks broadly of "duties" and "service" on behalf of the university.

Section 17 of the Public Officers Law ^(copy enclosed) establishes the procedure by which one asserts his right to a defense and indemnification by the state. It includes such obligations as notifying the attorney general of any claims and assisting the attorney general in defending against the claim. The statute indicates that the state will hold harmless and indemnify only where the employee's act or omission is within the scope of his or her employment or duties. The state will not indemnify for intentional wrongdoing.

I do not believe there is any court decision covering the precise question of faculty advisers to student clubs. There is, however, a procedure for seeking the opinion of the state's Attorney General on the meaning and scope of a state statute. In light of the events at City College, and heightened concern by faculty over the issue, it may be appropriate to initiate the process for securing the Attorney General's opinion. On the other hand, in light of the litigation growing out of the City College deaths, the Attorney General may not at this time wish to offer a binding interpretation of the statute.



[Copies of § 6205 "Liability of board of trustees and liability of city university of New York" and Section 17 of the Public Officers Law, "Defense and indemnification of state officers and employees," both of which Professor Olch appended to his memorandum, are available from the Executive Officers of the Faculty Senate.)

THE CITY UNIVERSITY OF NEW YORK

Office of the General Counsel and Vice Chancellor for Legal Affairs

535 East 80 Street, New York, N.Y. 10021

212/794-5383



March 2, 1992

Memorandum

To: Acting Vice Chancellor Marcia V. Keizs

From: Robert E. Diaz *RKD*

Re: Indemnification of Student Affairs Administrators

In your memorandum of February 18, 1992, you ask what "protection" faculty advisors or club advisors have when they function in that capacity with students. If such service is in the discharge of their duties and within the scope of their service on behalf of the University, they are entitled to two protections if sued by a student or anyone else: (1) to be defended in a suit, and (2) to be indemnified in the amount of any judgment or settlement.

University policy and practice with respect to representation and indemnification of employees will be set forth in greater detail in a forthcoming Administrative Advisory Memorandum. I believe that memorandum will assist you in responding to the inquiries you have received. If you require further information, however, please let me know.

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ATTACHMENT E

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535 East 80 Street, New York, N.Y. 10021

212/794-5182



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Student Advisory Memorandum #12

March 24, 1992

To: College Presidents

From: Vice Chancellor Robert E. Diaz

Re: Revised Student Disciplinary Procedures

Enclosed for review and implementation are the revised bylaws on student disciplinary procedures adopted by the Board of Trustees on February 24, 1992. These bylaws are effective immediately and may not be superseded by governance plan provisions. The revised bylaws are labeled Attachment I, so that they may be readily enclosed with any disciplinary charges sent to a student. These bylaws set forth the due process procedures that are to be afforded a student brought up on student disciplinary charges by a college for acts of misbehavior occurring at the campus and engaged in by a student enrolled at the college. Charges preferred by the Chancellor for Henderson Rule violations engaged in by a student enrolled at a City University of New York constituent college continues to be governed by the November 23, 1970 Board of Trustees resolution on this matter.

There are important revisions in the structure of the faculty-student disciplinary committee which must be implemented immediately. Except for disciplinary hearings commenced prior to February 24, 1992, all hearings should now be held under the new committee structure. The revised committee has five members, as opposed to seven, and consists of a chairperson, two faculty members, and two students.

- A. Chairperson: The chairperson, pursuant to Bylaw Section 15.5(b), is selected in rotation from a group of three members of the instructional staff selected by the college president. The president makes these appointments after consulting with the head of the appropriate faculty governance body,

or where the head of the governance body is the college president, its executive committee.

- B. ~~Faculty~~: Two faculty members selected by lot from a panel of six; elected annually by the appropriate faculty body from among the persons having faculty rank or faculty status. You may continue to use the current faculty panel until the next election. (**See** Bylaw Section 15.5(c))
- C. ~~Students~~: Two student members selected by lot from a panel of six; elected annually in an election in which all students registered at the college shall be eligible to vote. You may continue to use the current student panel until the next election. (See Bylaw Section 15.5(c))

Pursuant to the revised Rylaw, the chairperson is given the responsibility to act as the administrative hearing officer. Chairpersons will receive training by my office on the technique of presiding at a hearing and how to rule on motions. Until group training sessions are scheduled, you should have any chairperson **who** is designated for a particular hearing contact this office as soon **as** possible to consult with a member of my staff.

Pursuant to Bylaw Section **15.3(f)(11)**, a college president may request that my office provide an attorney to present the case for the college in those instances where a student is represented by an attorney. Current staffing levels and our increased work load under the revised bylaws (we will not only prosecute selected cases but must train the chairpersons) requires that where local campus counsel exists, they will have to present the college's case. **Rest** assured that the presence of an attorney at the campus, who has immediate access to students, staff and other witnesses, will help immeasurably in the development, processing and presentation of the college's case. Requests for an Office of **General** Counsel attorney should be addressed to Roy Moskowitz, Deputy General Counsel, as far in advance **as** possible. Hearing dates should not be scheduled until the assigned attorney is contacted.

I also note changes in the procedures for the initial processing of complaints prior to referral to the faculty-student disciplinary committee. **Once** a complaint is filed with the dean of students by an individual, organization or department, the Chief Student Affairs Officer must conduct a preliminary investigation. The Chief Student Affairs

officer must then take one of the following actions: (i) dismiss the complaint and notify the complainant and the accused student; (ii) refer the matter to conciliation before a designated counselor or faculty member; or (iii) prefer formal disciplinary charges. The charges may be referred directly to the faculty-student disciplinary committee without first going to conciliation where the college believes the alleged violations of University rules or policies are so egregious as to warrant a full and early review.

In those cases where a college does not have a chairperson from the local campus available for assignment to a faculty/student disciplinary case, a college president may request that a chairperson be selected by lottery from the entire group of chairpersons appointed by other colleges. The Office of Student Affairs and my office will maintain a master list of designated chairpersons. Such requests should be directed to the Vice Chancellor for Student Affairs. Please complete the enclosed form as soon as possible and send a copy of the form to my office and the Office of the Vice Chancellor for Student Affairs.

Encls.

c: Acting Vice Chancellor Marcia Keizs
Chief Student Affairs Officers
Legal Affairs Designees

MDS/iv
SAM12

[N.B. This memorandum from Vice Chancellor Diaz was the cover letter for two additional documents: the seven-page amended Bylaws, Section 15.3 - 15.8 "Student Disciplinary Procedures," and a form entitled "Designation of faculty-student disciplinary chairpersons," a form which is to be returned to the Office of the General Counsel and Vice Chancellor for Legal Affairs and to the Office of the Vice Chancellor for Student Affairs. Copies of the text of the new Bylaw are available from the Executive Officers of the Faculty Senate.]