Minutes of September 26, 2011


Guests: A. Fuller, C. Savage, C. Vasquez

Excused: C. Berotte Joseph, M. Coleman

Meeting called to order at 2:22 p.m., A. McInerney announced that President Berotte Joseph and Vice-President Coleman send their regrets.

1. Welcome and Introductions

2. Approval of September 26, 2011 SEC agenda: Approved as amended unanimously by voice vote.


4. Report of Secretary on email votes:
   a. The May 11, 2011 meeting could not be called to order for lack of quorum. The May 2011 Senate agenda was voted on by email: Ayes (L. Broughton, I. Boubacar, J. Freeman, A. McInerney, L. Montenegro, D. Peters, R. Quinn, G. Sanchez, H. Skinner), Abstentions (I. Sibabi, C. Williams)
   b. The September 2011 Senate agenda was voted on by email and approved unanimously (C. Berotte Joseph, K. Boateng, L. Broughton, J. Freeman, A. McInerney, L. Montenegro, R. Quinn, E. Sutton, H. Skinner, H. Wach, T. Warren)

5. Meeting schedule for SEC
   a. There is possibility that the President may have a recurring conflict with the existing SEC scheduled meetings. Carmen Vasquez will investigate if it's a recurring conflict. If so, A. McInerney proposes that we move all SEC meetings one Monday earlier. This matter will be dealt with through email.

6. Approval of October 6, 2011 Senate Agenda: Approved as presented unanimously by voice vote.

7. Nominations and elections (see attachment)
   a. Committee on Community Relations and Special Events (2 seats)
      i. No self-nominations were received. A. McInerney asked the body to help in eliciting nominations for this committee. The election was deferred.
b. Committee on Vice Presidents and Deans (2 seats)
   i. The following people were nominated: S. Bhaskaran (Chem), G. Burghardt (Nursing), H. Clampman (Bus/Info Sys), H. Pappas-Kavalis (Nursing)
   ii. First vote: S. Bhaskaran (0), G. Burghardt (9), H. Clampman (9), H. Pappas-Kavalis (2) ➔ G. Burghardt and H. Clampman were elected

c. BCC, Inc (Slate of 6 – President will choose 3)
   i. The following people were nominated: J. Athanasourelis, J. Pineiro

d. Auxiliary Enterprises (Slate of 4 – President will choose 2)
   i. The following people were nominated: M. Garrido, A. Shabazz

e. Student Election Review Committee (Slate of 4 – President will choose 2)
   i. The following people were nominated: A. Gilman, F. Moore

f. A motion was made to advance the names on the list for BCC, Inc., Auxiliary Enterprises, and the Student Election Review Committee to the President for her consideration with the note that these are not full slates. This motion was approved unanimously by voice vote.

g. A motion to waive the restriction on serving on more than one Senate committee for H. Clampman was made. The motion was approved unanimously by voice vote.

8. Other election issues
   a. Governance input into other appointments:
      i. Student Disciplinary Committee (see attached letter)
         1. This group usually has about 2 hearings a year, but in the future will also deal with issues of academic integrity
         2. Elections will be held in the October 27, 2011 Faculty Council meeting
         3. This committee is governed by the University bylaws.
      ii. Academic Integrity Officer (see attached letter)
         1. The Academic Integrity Officer shall be appointed by the President
         2. A. McInerney will check the language for this office.

   b. Procedural questions
      i. Complaint about how Academic Review Committee elections were conducted at the September 2011 Senate meeting (see attached letter)
      ii. A. McInerney asked if there were way to insert an informational element about each candidate into each election. L. Montenegro suggested that nominations be made with a statement of policy and purpose. A. McInerney suggested that online voting is not under the same time constraints. L. Montenegro noted that tying the elections to the calendar is important; the nominations could be in September and elections in October for the Academic Review Committee. A. McInerney asked the Secretary to transmit the options to Governance & Elections (S. Davis, chair) for their meeting on Tuesday, September 27th.
9. CUNY Transfer and Pathway issues
   a. November 1 to 15 is the comment period for the draft from the CUNY Transfer & Pathways committee. A. McInerney recommended that we defer that discussion until the next meeting.

10. Other
   a. Agenda for next meeting will include a discussion of reducing paper usage by the Senate and Senate committees.

Adjournment at 3:55 p.m., A. McInerney

Respectfully Submitted,

Laura C. Broughton
Secretary

Attachments:
List of nominees to various positions
September 7, 2011 memorandum from Peter Barbatis Re: New Faculty Panel for the Faculty-Student Disciplinary Committee
September 19, 2011 email from Mary Rogan Re: Academic Integrity Policy
September 2, 2011 email from Debra Gonsher Re: Yesterday’s Senate Meeting
Nominees to various positions:

Committee on Community Relations and Special Events

Committee on Vice Presidents and Deans
Sunil Bhaskaran
Geraldine Burghardt(*)
Howard Clampman
Helen Pappas-Kavalis

BCC, Inc.
John Athanasourelis(*)
Jorge Pineiro

Auxiliary Enterprises
Marjorie Garrido (*)
Ahnisa Shabazz (*)

Student Election Review Committee
Allan Gilman (*)
MEMORANDUM

TO: Dr. Andrew McInerney, Chairperson of the Faculty Senate
FROM: Dr. Peter Barbatis, Vice President for Student Affairs
RE: New Faculty Panel for the Faculty-Student Disciplinary Committee
DATE: September 7, 2011

The two year term, Fall 2009 - Spring 2011, of the current Faculty-Student Disciplinary Committee’s Faculty Panel has ended.

This memorandum is to request the election of six (6) new faculty panel members. The new Faculty Panel must have faculty rank or faculty status and will serve a two year term (Fall 2011-Spring 2013) on the Faculty-Student Disciplinary Committee.

Service on the Faculty–Student Disciplinary Committee is a major contribution towards maintaining a healthy college environment for faculty, students and staff. Faculty Panel members of the FSDC will hear, participate in questioning and determine the outcome of disciplinary hearings brought against students for acts of inappropriate behavior or alleged violations of the Rules and Regulations for the Maintenance of Public Order, the College’s Code of Conduct or, possible violations of the Academic Integrity Code.

Faculty members of the FSDC may serve as Disciplinary Hearing members and/or Disciplinary Hearing chairpersons. The faculty member of the FSDC, who will serve as the FSDC Hearing Chairperson for a particular hearing, will be selected by lot from a the panel of the six (6) appropriately elected faculty members.

“Chairperson” training, for all faculty members of the new Faculty Student Disciplinary Committee, will be provided on Thursday, September 22, 2011 from 1:00 pm – 4:00 pm at 535 East 80th Street in the Kibbee Board Room. Training facilitators will be Mr. Daniel Simonette, Esq. and Ms. Yvette Santana of the Office of the General Counsel and Senior Vice Chancellor for Legal Affairs. All FSDC chairs are expected to attend. The training will outline the pre-hearing, hearing and post-hearing responsibilities of faculty chairs.

I would like to have the new Faculty-Student Disciplinary Committee in place no later than Friday, September 16, 2011.

I thank you in advance for your prompt attention to this matter.

PB:ft
C: Dr. Carole Berotte Joseph, President
Andy, I had left you a voice mail message. Please call when you have a minute so we can discuss. There is are two issues re: the new policy.

1. An Academic Integrity Officer shall be appointed by the President “in consultation with the elected faculty governance leader.” Who may fulfill that role is also specified and includes: “the college’s Student Conduct Officer, another student affairs official, an academic affairs official, or a tenured faculty member.” [Section 3.1]

At BCC, the Academic Integrity Officer has been the VP of Academic Affairs. In the prior Policy, there was no specified procedure for appointment of the Academic Integrity Officer.

We are suggesting that the Student Ombudsperson, as provided in the BCC Governance Plan, also be charged as the Academic Integrity Officer.

2. Added are additional due process right for students. If a student denies the academic dishonesty, “a fact-finding determination shall be made, at each college’s option, by an Academic Integrity Committee established by the college’s governance body or by the Student-Faculty Disciplinary Committee established under Article XV of the CUNY Bylaws. Each college’s Academic Integrity Committee shall adopt procedures for hearing cases. [If a college opts to use its Student-Faculty Disciplinary Committee for this purpose, that Committee shall use Article XV procedures.]” [Section 4.2.3]

We are suggesting that the Student-Faculty Disciplinary Committee be used for this purpose.

I am happy to share with you the entirety of the document.

Mary

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Andy,

I am writing to voice how concerned I am about the manner in which elections for the Academic Review Committee were conducted at yesterday’s meeting of the Senate.

I have been on the Senate for ten of the last twelve years. I know that elections for the Academic Review Committee are often lengthy; it is tempting to try to speed up and streamline the process. That said, the manner in which the elections were held yesterday makes me fear that critical decisions affecting College governance are being conducted in a manner that privileges expediency over careful deliberation, and substitutes immediate results over process. I am referring specifically to three aspects of the election process: the lack of information regarding the candidates; the removal of the lowest vote getter to hasten the election’s outcome; and the naming of a candidate as a “winner” who had received far fewer votes than the majority of the 30 votes required.

First, I find it inexplicable that the idea of discussing the merits of the various candidates, or asking them to present their credentials was never even raised. How can people, among them newly elected faculty and students -not to mention President Joseph- whom, I think it fair to assume, are not necessarily familiar with all candidates, make informed decisions without information about the qualifications of the candidates? By not requiring that the credentials of candidates be presented, the Senate tacitly endorsed voting for someone based solely on another’s recommendation. Moreover, I know of at least one new member of the Senate who had no idea of what the responsibilities were of those elected to the Academic Review Committee. Given that crucial issues of reappointment, tenure and promotion are brought to this select group for ultimate peer review, I would suggest that faculty would have a very large stake indeed, in insuring that only highly qualified and respected faculty serve on the ARC.

Not only were Senators given no information by which to make an informed choice, choices were denied. According to Robert’s Rules (p.426-427)

_When repeated balloting for an office is necessary, the names of all nominees are kept on the ballot. The nominee receiving the lowest number of votes is never removed from the next ballot unless the bylaws so require, or unless he withdraws- which, in the absence of such a bylaw, he is not obligated to do. The nominee in lowest place may turn out to be a "dark horse" on whom all factions may prefer to agree._
Of course, one might argue that we’ve conducted elections this way before. Why not continue to do so? Not only is this argument troubling, it also begs the question of whether or not all members of the Senate were familiar with Robert’s Rules on this aspect of repeated balloting. Assuming several Senators were not, I think we need, at a minimum, to consider the question of whether, had they been informed of the rules, they would have approved of the way the election was held.

If the decision to eliminate the lowest names was in violation of specified process, the validity of the election was further compromised by the decision to declare the candidate who had the highest number of votes, even if that number was NOT a majority, as the “winner.” This motion was made at 1:45 pm, in the interest of time, when many Senators needed to go to classes or simply wanted to finish the meeting. That a member of the Academic Review Committee should be considered “elected” by his/her peers with a mere 1/3 support of the Senate seems to me, if not illegal, a decision that comprises the integrity of the Senate.

What is particularly distressing is that there was no need to compromise the election process since there was no need for the Senate to complete the elections yesterday. As the BCC Academic Calendar makes clear, the earliest a meeting of the Academic Review Committee could be convened would be at the beginning of November. This allows the Senate one and, perhaps, even two more meetings for the presentation and discussion of candidates’ credentials and for the body to deliberate before voting. Perhaps the results would have been the same—but, at the very least, the process would not have been upended. If you are asking yourself why I did not raise these issues at the Senate, it is because the Senate does not appear to me to be a place where differing opinions are considered and deliberation welcomed.

I am aware, going forward, that the Senate agenda is a full one and that pressures on its time are real. But the abdication of rules and process in favor of expediency is a troubling path for us to be on. I expect you understand and know this as well. It is the role of the Chair to insist that due process and regulations be adhered to even if the process is time consuming. That you have been re-elected as Chair, speaks to the fact that you have earned the respect of the Senators. I believe with this endorsement you are in an extremely strong position to insist that process be respected and that the Senate follow its mandate and adhere to a model for proper and just governance.

Debra

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