

## Faculty Executive Committee Meeting

October 26, 2021

3- 5:00 pm ZOOM

[ZOOM Link Here](#)

Meeting ID: 862 6311 9926

Passcode: 724171

### Agenda

1. Approval of Agenda -
2. Approval of Minutes – **9-28-21---Ted Rosen (see attached)**
3. Treasurer's Report: Faculty Account –**Julia Rothenberg (see attached)**
4. Faculty Website: Status Report –**Marvin Gayle –all is up to date on FEC and ARC sites**
5. Chairperson's Report – **Philip Pecorino**
  - Monthly conversation with President Mangino
  - Report of Julia Rothenberg on FAAB and Search for Dean of Faculty
  - **Reminder** timing for voting on Proposed Amendments to Gov Plan and Faculty Bylaws circulated in January and vote in February-Early March
  - Update on change in FEC bank account managers
  - VOE too soon = too many WN grades –possible action
7. [QCC FACULTY GOVERNANCE LEADERS EVENTS: TENTATIVE CALENDAR 2021-2022= no changes](#)
8. Faculty meeting 10-27-21 by ZOOM Pedagogy Showcase (Beth Counihan) and Time to Be Heard (see attached Draft)
9. Discussion Items
  - Celebration of Service 20-30-40-50 years-what is current status
  - Guide for ARC on Due Process- **Ted Rosen**
  - Process for handling complaints about faculty conduct UPDATE by **Ted Rosen---**on to be discussed with CUNY Legal Affairs as to indemnification of FEC members and other matters.
10. Old Business:
11. New Business

Treasurer's Report  
Faculty Association Account

Tuesday October 26, 2021

Submitted by Julia Rothenberg, Treasurer

**Current Balance:**

<p><b><u>Administration:</u></b></p>	<p><b><u>Art &amp; Design</u></b> Mauro 18/19 Tekleab 18/19 Tudor 18/19 Wentrack 20/21</p>	<p><b><u>Library</u></b> <b>Galvin 19/20</b> Jia 20/21 Wengler 19/20 Williams 20/21</p>	<p><b><u>Music</u></b> Berkhout 18/19 Chang 22/23 Dahlke 20/21 Litroff 18/19</p>
<p><b><u>History</u></b> Clingan 24/25 Hall 18/19 Pearl 21/22 Tai 19/20 Van Cleef 19/20 Van Els 19/20 <b>Visoni 18/19</b></p>	<p><b><u>Engineering Technology</u></b> Asser 19/20 Birchfield 19/20 Gayle 27/28 Lam 20/21</p>	<p><b><u>Counseling</u></b> Capozzoli 18/19 Fletcher-Anthony 21/22 Urcioli 21/22</p>	<p><b><u>Physics</u></b> Cheung 20/21 Depihawala 18/19 Holden 18/19 Kokkinos 19/20 <b>Lieberman 20/21</b> Marchese 19/20 Riegel 21/22</p>
<p><b><u>Business:</u></b> Ford 20/21 Francis 20/21 Hammel 29/30 Katz 20/21 Kolios 19/20 Masterson 19/20 Manzo 28/29 Murolo 19/20 Pace 19/20 Rosen 19/20 Sarkar 23/24 Ulrich 18/19 Volchok 20/21</p>	<p><b><u>English</u></b> Anderst 19/20 Bateman 20/21 Bogacka 18/19 Byas 20/21 Carroll 18/19 Cercone 21/22 Che 19/20 Cimino 19/20 Counihan 20/21 Darcy 19/20 Denbo 22/23 Diaz 19/20 Dupre 20/21 Edlin 20/21 Ford 19/20 Fragopoulos 19/20 Hock 19/20 Humphries 20/21 Jacobowitz 21/22 Katz 22/23 Kuszai 18/19 Lane 19/20 Lago 18/19 Lau 18/19 <b>Maloy 21/22</b> McAlear 18/19 Miller 18/19 Murley 20/21 Murray 19/20 O'Donnell 19/20 Ridinger-Dotterman 20/21 Rochford 19/20 Rothman D. 19/20 Rothman T. 21/22 Shaheen 18/19 Schrynemakers 20/21 Schwartz 18/19 Sexton 20/21 Talbird 19/20</p>	<p><b><u>Social Sciences</u></b> Alimaris 19/20 <b>Culkin 19/20</b> Gilleaudeau 25/26 Goldhammer 20/21 Honey 19/20 Jankowski 22/23 Kincaid 20/21 Pecorino 27/28 Peller 19/20 Poulsen 18/19 Roberston 18/19 Saindon 19/20 Traver 20/21</p>	<p><b><u>Nursing</u></b> Byfield 20/21 Campbell 19/20 Colalillo 21/22 Cupelli 22/23 <b>Menendez 18/19</b> Molloy 21/22 Nelan 22/23 Prepetit 20/21 Rosa 18/19 Riehurt 18/19 Spencer 19/20 Stroehlein 18/19 Tarasko 18/19 Weber 18/19</p>

<u><b>Administration:</b></u>	<u><b>Art &amp; Design</b></u> Mauro 18/19 Tekleab 18/19 Tudor 18/19 Wentrack 20/21	<u><b>Library</b></u> <b>Galvin 19/20</b> Jia 20/21 Wengler 19/20 Williams 20/21	<u><b>Music</b></u> Berkhout 18/19 Chang 22/23 Dahlke 20/21 Litroff 18/19
	Tarafdar 20/21 Toohey 18/19 Tuszynska 19/20 White 18/19 Ye 21/22		
<u><b>Biological Sciences and Geology</b></u> Gadura 18/19 Stark 18/19 Tawde 21/22 Timbilla 20/21 Trujillo 23/24	<u><b>Health, Physical Education and Dance</b></u> Desepoli 18/19 Garcia 19/20 Iconis 18/19 Kim 19/20 Marchitello 20/21 <b>Salis 19/20</b> Sinclair 18/19	<u><b>Mathematics and Computer Science</b></u> Bertorelli 19/20 Carvajal 19/20 Cheng 20/21 Chiu 19/20 Cifone 18/19 <b>Franco 19/20</b> Holt 23/24 Kim 20/21 King 19/20 Khomyak 19/20 Lee 19/20 Liu 18/19 Molina 19/20 Pham 18/19 Pinheiro 19/20 Ren 27/28 Russell 22/23 Sassoulas 19/20 Soonza 18/19 Sosnovski 18/19 Stroumbakis 23/24 Wallach 18/19 Wajngurt 19/20 Yao 20/21 Yildrim 18/19	<u><b>Speech Communication And Theatre Arts</b></u> Adair 19/20 Cesarano 19/20 Ferrari-Bridgers 21/22 <b>McGill 19/20</b> Thompson 20/21 Van Der Horn-Gibson 18/19 Vogel 19/20 Yonker 21/22
<u><b>Foreign Languages and Literature</b></u> Ansani 19/20 Avens 18/19 Chaves 19/20 Ellis 18/19 Lai 18/19 Lin 19/20 Osorio 21/22 Raya 18/19 Reeves 18/19 Ruiz 18/19 <b>Sabani 19/20</b> Sanchez 20/21	<u><b>Chemistry</b></u> Hemraj-Benny 20/21 Kolack 19/20 Lall-Ramnarine 27/28 Sarno 20/21 Rutenburg 27/28 Zhou 19/20	<u><b>CWC</b></u> Rabinovich 18/19	<u><b>CETL/ACC/Media Services</b></u> Perez 19/20 Prancl 18/19

Treasurer's Report  
Faculty Association Account

**To:** Faculty Executive Committee

**From:** Julia Rothenberg

**Date:** October 26, 2021

Current balance checking: \$364.51.

Current balance money market: \$5,905.13

Total balance: \$6,269.64

Respectfully submitted,

Julia Rothenberg

Treasurer

**QCC FACULTY GOVERNANCE LEADERS EVENTS: TENTATIVE CALENDAR 2021-2022**

FEC Meetings	Academic Senate	PSC Meetings EC 3-4pm GEN 12-2 Oakland	QCC General Faculty Meeting	Department Chairs Meet alone	Department Chairs with Provost	CAPC Meetings A-502D 3pm	Other Univ Level Meetings
Fourth Tuesdays 3-5pm S316	Second Tuesdays 3:10 -5pm M-136	EC and Chapter General Mtgs	Wednesday 12-2pm. M-136	Second Tuesdays 2-3pm	First Tuesdays 3-5pm		
August 24					Aug 31		
September 28 w/ President	September 14	Sept 21 EC		September 14		Sept 22	FAAB Sept 10 ITSt Sept 15 FGL Sept 24 UFS Sept 28
Oct 26	Oct 12	Oct 19 EC ?? Chapter mtg	Oct 27	Oct 12	Oct 5	Oct 13	ITSt Oct 20 UFS Oct 26
Nov 23	Nov 9	Nov 16 EC Nov 20 ??Chapter		Nov 9	Nov 2	Nov 17	FAAB Nov 8 ITSt 17
Dec 28	Dec 14	Dec 21 EC		Dec 14	Dec 7	Dec 15	UFS Dec 7 FGL Dec 10 ITSt Dec 15
Jan 25							ITSt Jan 19
Feb 22 w/ President	Feb 8	Feb 15 EC Feb ?? Chapter		Feb 8	Feb 1		ITSt Feb 16 FAAB Feb 18 FGL Feb 18 UFS Feb 22
Mar 22	Mar 8	Mar 15 EC	Mar 30	Mar 8	Mar 1		ITSt Mar 16 UFS Mar 29
Apr 26	Apr 12	Apr 19 EC ?? chapter		Apr 12	Apr 5		ITSt Apr 20 FAAB Feb 18 FGL Apr 29
May 24	May 10	May 17 EC		May 10	May 3		UFS May 10 ITSt May 18
							ITSt June 15

# ARC ACADEMIC REVIEW COMMITTEE and DUE PROCESS

Ted's work for which we are indebted to him. March 22, 2021

## MEMORANDUM

To: The Members of the Faculty Executive Committee

From: Ted Rosen

This memorandum addresses suggestions for improving the due process of the procedure of the Queensborough Community College Academic Review Committee ("the ARC")

### Nature of the Committee's Proceeding

Before discussing how the procedure of the ARC may be improved through additional due process requirements, it is suggested that the nature of the ARC procedure be clarified. Does the ARC procedure constitute a review (appeal) of the determination of the College's P& B Committee ("the P&B") or is it a *de novo* procedure. Clearly, it is not the latter. However, it is also not a pure review or appellate procedure, because the ARC accepts and considers new material, both documentary and statements and does not limit its review to *only* the information and documents that the P&B considered. It is important that the nature of the ARC's procedure be clarified and memorialized so that the nature of the ARC procedure be clear to all interested parties and that it be consistent over time and not subject to variation depending on the opinions of the members of the ARC at any given time.

### Procedural Due Process

Procedural due process involves several elements including: notice; impartial arbiter; opportunity to confront adverse evidence; opportunity to cross-examine; opportunity to submit evidence; and right to counsel.

### Notice

The party appealing to the ARC must be afforded adequate notice of the proceedings of the ARC. How much notice is adequate may be the subject of disagreement, but certainly, the notice should allow the appellant adequate opportunity to prepare and to present his or her position to the ARC as to why the determination of the P&B should be reversed.

### Impartial Arbiter

A fundamental aspect of procedural due process is that the arbiter be impartial. A party appearing before a judge has the right to object to the judge presiding. A party in a jury trial has the right to object to prospective members of the jury. A party in an arbitration has the right to object to the arbitrators. A party in an administrative hearing has the right to object to the administrative law judge. It is not suggested that the appellant before the ARC should have the right to object to the entire membership of the ARC for obvious reasons. However, it would serve the interests of due process if an appellant in an ARC proceeding had a limited right to object to one member of the ARC. While affording the appellant such right would not further the interest of collegiality that is important and valued in a college setting, it would serve the interest of due process. Such an objection, if permitted, should be similar to a peremptory objection made during jury selection in a trial in court in which no reason for the objection is required to be given, as opposed to a challenge for cause, which would require the reason for the challenge to be stated and which would require that there be some adjudication by the ARC of the merits of the challenge.

### Opportunity to Confront Adverse Evidence

The appellant should have the right to review all the evidence submitted to the ARC. This includes what material was before the P&B and any additional material and statements submitted to the ARC. Certainly, due process requires that the appellant be permitted to review all adverse material and statements submitted to the ARC. The appellant should be able to review all material submitted to the P&B, all additional material submitted to the ARC and should be present when any person appears before the ARC to provide any statement.

Opportunity to Cross-Examine

If a person appears before the ARC and makes a statement and/or answers questions from the members of the ARC, the appellant, who presumably is present during such statements and questions and answers, should have the right to ask questions of the person making the statement and/or answering the questions. Appropriate rules should be adopted to keep such questioning on track and in a manner appropriate to the college setting.

Opportunity to Submit Evidence

The appellant should have the right to submit additional material and make a statement to the ARC, assuming it considers any material or statements not considered by the P&B. The appellant should be permitted to respond to any adverse material or any adverse statements submitted to the P&B.

Right to Counsel

An essential element of procedural due process is the right to counsel. (This does not mean that counsel is necessarily provided free of charge.) Of course, in the college setting, this right should be modified. The appellant, if he or she so chooses, should have the right to be represented or accompanied by a representative when the appellant is appearing before the ARC. The representative may be an attorney, although in the overwhelming number of cases it is likely that it will not be. The representative may be a union representative, whether it be the union's grievance officer or someone else. Alternatively, the representative may be another member of the faculty selected by the appellant.

Record of the Proceeding

Having a record of the proceeding is not necessarily a requirement of procedural due process. However, it is important that there be such a record, certainly to assist in whatever procedures, if any, may follow the ARC proceeding. The record does not have to be a verbatim stenographic record or an audio recording and it is likely that it will not be. At a minimum, it should be a document that identifies which members of the ARC participated, who presided, what material the ARC considered, who made statements to the ARC and what the final vote was, although not necessarily how individuals members of the ARC voted.

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# Draft 1.0 of what the FEC might send to the ARC based on work of Ted Rosen

## MEMORANDUM

Date: Fall 2021

To: The Members of the Faculty Academic Review Committee

From: Faculty Executive Committee

Subject: Observing Due Process

This memorandum provides guidance for improving due process in the procedures of the Queensborough Community College Academic Review Committee (“the ARC”)

### Nature of the Committee’s Proceeding

It is important that the nature of the ARC’s procedure be clarified and memorialized so that the nature of the ARC procedure be clear to all interested parties and that it be consistent over time and not subject to variation depending on the opinions of the members of the ARC at any given time as members change from one academic year to another as do the Chairpersons of the ARC appointed by the College President.

It is herein presented that the nature of the ARC as historically evolved is not a pure review or appellate procedure, because the ARC has accepted over the decades of its existence new material, both documentary and statements made by appellants and chairpersons and others and does not limit its review to *only* the information and documents that the P&B considered.

### Procedural Due Process

Procedural due process involves several elements including: **notice; impartial arbiter; opportunity to confront adverse evidence; opportunity to cross-examine; opportunity to submit evidence; and right to counsel.**

### Notice

The party appealing to the ARC must be afforded adequate notice of the proceedings of the ARC. How much notice is adequate may be the subject of disagreement, but certainly, the notice should allow appellants adequate opportunity to prepare and to present their position to the ARC as to why the determination of the P&B should be reversed.

### Impartial Arbiter

A fundamental aspect of procedural due process is that the arbiters be impartial. To some degree the QCC Governance Plan and Faculty Bylaws acknowledge the possibility for conflicts that might challenge impartiality and provide for this: “No member of the Academic Review Committee may participate in review of an appeal by a member of the same department as the member of the committee” (11.3).

A party appearing before a judge has the right to object to the judge presiding. A party in a jury trial has the right to object to prospective members of the jury. A party in an arbitration has the right to object to the arbitrators. A party in an administrative hearing has the right to object to the administrative law judge. It is not suggested that the appellant before the ARC should have the right to object to the entire membership of the ARC for obvious reasons. However, it would serve the interests of due process if an appellant in an ARC proceeding had a limited right to object to one member of the ARC. While affording the appellant such right would not further the interest of collegiality that is important and valued in a college setting, it would serve the interest of due process. Such an objection, if permitted, should be similar to a peremptory objection made during jury selection in a trial in court in which no reason for the objection is required to be given, as opposed to a challenge for cause, which would require



the reason for the challenge to be stated and which would require that there be some adjudication by the ARC of the merits of the challenge.

Opportunity to Confront Adverse Evidence

Certainly, due process requires that the appellant be permitted to review all evidence, materials and adverse material submitted to the P&B and all additional materials submitted to the ARC and statements made to the ARC and should be present when any person appears before the ARC to provide statements.

Opportunity to Cross-Examine

If a person appears before the ARC and makes a statement and/or answers questions from the members of the ARC, then the appellant should be present for such and have the right to ask questions of the person making statements and/or answering the questions. Appropriate rules should be adopted to keep such questioning on track and in a manner appropriate to the college setting.

Opportunity to Submit Evidence

The appellant should have the right to submit additional material and make statements to the ARC, assuming it considers any material or statements not considered by the P&B. The appellant should be permitted to respond to any adverse material or any adverse statements submitted to the P&B or to the ARC.

Right to Counsel

An essential element of procedural due process is the right to counsel. In the college setting, this right should be modified. The appellant, if he or she so chooses, should have the right to be represented or accompanied by a representative when the appellant is appearing before the ARC. The representative may be an attorney, a union representative, whether it be the union's grievance officer or someone else, or another member of the faculty selected by the appellant.

Record of the Proceeding

Having a record of the proceeding is not necessarily a requirement of procedural due process. However, it is important that there be such a record, certainly to assist in whatever procedures, if any, that may follow the ARC proceeding. The record does not have to be a verbatim stenographic record or an audio recording and it is likely that it will not be because confidentiality should be maintained. At a minimum, it should be a document that identifies which members of the ARC participated, who presided, what material the ARC considered, who made statements to the ARC but not the actual statements and what the final vote was, although not necessarily how individuals members of the ARC voted.

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## **QCC FACULTY BYLAWS Article XI ACADEMIC REVIEW COMMITTEE**

**11.1 The purpose** of the Academic Review Committee shall be to hear all appeals regarding personnel decisions of departmental and College personnel and budget committees. Consideration of an appeal may be requested by the affected individual or referred to the Academic Review Committee by the President.

### **11.2 Membership**

The membership shall consist of the following: There shall be , the Chief Academic Officer, chosen by the President annually to serve as chairperson without vote; five (5) tenured professors and/or associate professors elected at large annually with a sixth as an alternate.

### **11.3 Election of the Members of the Academic Review Committee**

11.3a Two (2) members of the Academic Review Committee shall be elected by the Faculty (see Section 11.3a.1) in the Spring for a term of three (3) year s. The terms shall be staggered with one third elected each year. Six faculty will be elected in the Spring of 2012 , two each to terms of one , two and three years. The six (6) members shall be tenured professors and/or tenured associate professors. Deans, associate deans, assistant deans, assistants to the President, and departmental chairpersons shall be ineligible for election to the Academic Review Committee. Only one member from any department may serve at any time on the Academic Review Committee. Each year the Academic Review Committee will designate one member as an alternate member without vote who will serve with vote in the event that another cannot so serve. No member of the Academic Review Committee may participate in review of an appeal by a member of the same department as the member of the committee.

11.3a.1 Those members defined as Faculty (Article I) shall constitute the electorate in voting for members of this committee with the exception of administrators.

11.3b The election shall be conducted by the Faculty Executive Committee.

11.3c Nominations shall be made by petition signed by at least ten (10) members of the Faculty eligible to vote for the Faculty Executive Committee (Article XI, Section 11.3a.1).

11.3d Election shall be by ballot.

11.3d.1 Each year after 2012 The two (2) individuals receiving the highest number of votes shall be declared elected members of the Academic Review Committee. (A tie shall be resolved by a run-off election.)

**11.4 The alternate member** of the Academic Review Committee shall serve in the absence of one (1) of the five (5) members of the Academic Review Committee. In the event of the absence of an alternate member of the Academic Review Committee the Faculty Executive Committee will appoint one of its members to serve as alternate on a case by case basis, as needed.

**11.5 Duties.** The Academic Review Committee shall hear all appeals regarding personnel actions of departmental and College personnel and budget committees.

11.5a This Committee shall have access to all pertinent information available to departmental and College personnel and budget committees.

11.5b The chairperson shall preside at all meetings (or may designate a member of the

Committee to preside). All meetings shall be conducted according to the most recently revised version of Robert's Rules of Order.

11.5c Positive decisions shall be forwarded directly to the President.

11.5d In the case of negative departmental action, the Academic Review Committee may refer its positive recommendations initially to the College Personnel and Budget Committee.

11.5e The affected individual shall have the right to appear before this committee in his/her own behalf.

11.5f The affected individual shall have the right to access to all materials available to the committee ten (10) days prior to his/her appearance before the committee, or prior to a discussion of his/her case by the committee.

# **DRAFT of a PROPOSED PROCESS FOR DEALING WITH COMPLAINTS ABOUT FACULTY CONDUCT**

## **1 Authority to Establish a Process for Dealing with Complaints about Faculty Conduct**

The basis for the authority to establish a process for dealing with complaints about faculty conduct is not explicitly stated but one could easily infer such authority from existing provisions in the Queensborough Community College (“QCC”) Governance Plan (II.D.) or the QCC Faculty By-Laws VI.6.1) For example, Article II, Section D of the Governance Plan provides:

*The faculty shall be responsible for the academic status, role, rights, obligations, and freedoms of the faculty, and such other matters that may affect the welfare of the faculty consistent with this document...*

## **II Procedure for Proposed Process for Dealing with Complaints about Faculty Conduct**

There should be one procedure with a stage in the procedure that would allow for an informal resolution of a complaint.

A. **Filing of A Complaint** – Any complaint against a faculty member that involves a complaint of unprofessional conduct or conduct unbecoming a member of the profession may be filed with, or referred, to the QCC Faculty Executive Committee. Such a complaint may be made by a member of the QCC faculty, a member of the QCC staff, the QCC Administration, a QCC student or a third party. All complaints must be in writing (electronic or paper) and must be signed by the complaining party. Oral or anonymous complaints will not be accepted by the FEC. Absent a provision in the CUNY BOT By-Laws, the QCC Governance Plan or the QCC Faculty By-Laws, there may not be a requirement that all complaints against a QCC faculty member alleging unprofessional conduct or conduct unbecoming a member of the profession, *must* be made to the FEC as opposed to the Administration or, requiring that such a complaint made to the Administration, may or must be referred to the FEC for adjudication. All complaints filed or referred to the FEC will be dealt with through the same procedure as set forth below. A complaint may not designate whether it is being filed to be handled by a formal or by an informal process. The complaint should specify the name of the faculty member against whom it is made, a statement of the facts upon which the complaint is based, a statement why the alleged conduct of the faculty member is claimed to be unprofessional or conduct unbecoming a member of the profession and include the name and contact information of the person filing the complaint.

B. **Confidentiality** - All complaints, the process of adjudication by the FEC and all documents in connection therewith shall be handled on a confidential basis. The final determination of the complaint should be made available to the members of the QCC faculty and/or administration, only if the FEC decides for good cause to publish such a final determination to the QCC faculty or administration.

C. **Initial Review** – All complaints against a faculty member alleging unprofessional conduct or conduct unbecoming a member of the profession that are filed, with or referred to, the FEC, will undergo an initial review by all members of the FEC. Such review is to determine if the complaint contains all of the requirements of a complaint as set forth above. If upon the initial review, the FEC, by majority vote determines the complaint fails to contain any of the requirements of a complaint, it may decline to adjudicate the complaint. In addition, the FEC by majority vote may decide to decline to process the complaint on the basis that a majority of the FEC determines that the conduct complained of on the face of the allegations is trivial, minor or frivolous.

D. **Informal Resolution Stage** - All complaints filed with, or referred to, the FEC, and as to which the FEC has not in its Initial Review made a determination that it will decline to adjudicate such complaint, shall proceed to the Informal Resolution Stage. In this stage, two (2) members of the FEC shall meet with the complainant and with the member of the faculty against whom the complaint is made and shall attempt to achieve a resolution of the complaint by agreement of the complainant, the party against whom the complaint is filed and the participating members of the FEC. If either the complaining party, or the faculty member against whom the complaint is filed declines to participate in the Informal Resolution Stage, the two participating representatives of the FEC may meet with the other party who is willing to participate. Any agreement to resolve the complaint that is achieved at this stage must be agreed to by all parties and in the event such an agreement is reached, a written

memorandum of such agreement shall be signed by all such parties. In the event of such an agreement, the FEC will take no further action with respect to that complaint. All documents with respect to such complaint including a memorandum of an agreement to resolve such complaint shall be maintained as a confidential record by the Secretary of the FEC and shall not be disclosed to any other party except if such disclosure is required by law.

E. Formal Resolution Stage - In the formal resolution stage, all efforts should be made to afford the accused faculty member due process. A hearing of the complaint would take place before a panel of three (3) members of the FEC, which is charged with the responsibility to hear the complaint and report back to the full FEC with a recommendation to dismiss or sustain the complaint. The FEC members participating in the hearing should not be the same FEC members who participated in the Informal Resolution Stage of that complaint. The following steps should be followed in the Formal Resolution Stage:

(i) Notice – The accused faculty member and the person who filed the complaint must be given written notice of the day, time and location of the hearing. Every attempt should be made to schedule the hearing date on a date and time convenient for all the participants.

(ii) Representation - The faculty member against whom the complaint is made may be represented at the hearing by an attorney or by another faculty member.

(iii) Procedure - At the hearing, the party who filed the complaint will summarize the complaint. If the party who filed the complaint is not present, the written complaint shall be read. The faculty member against whom the complaint was filed will be entitled to ask the complaining party questions. Following the statement by the complaining party, any other parties may make statements in support of the complaint. The faculty member against whom the complaint was made may ask questions of each party making a statement in support of the complaint. After all of the statements in support of the complaint have been made, the faculty member against whom the complaint was made may make a statement defending against the complaint. Following the statement by the faculty member against whom the complaint was made, any other parties may make statements in defense of the complaint. The party who made the complaint will be entitled to ask the faculty member against whom the complaint was filed questions. Both the party who made the complaint and the faculty member against whom the statement was made are entitled to ask questions to any person making a statement. The representatives of the FEC may ask questions of each party making a statement in support of, or in defense against, the complaint. The complaining party and the faculty member against whom the complaint was filed may submit any additional material in support of, or in defense against, the complaint.

(iv) Deliberation - After all the statements are made and all material presented as set forth in the preceding section, the representatives of the FEC shall meet and confer and by majority vote shall make a determination on the merits of the complaint. The representatives of the FEC shall prepare a report of their determination to the full FEC.

(v) The full FEC shall meet, discuss and decide to accept or reject the report on the complaint made by the three FEC representatives who issued the report or a majority thereof. The FEC shall decide to dismiss the complaint or to sustain the complaint. If the complaint is sustained, the FEC shall decide what, if any, further action should be taken, including censuring the faculty member against whom the complaint was made and/or referring the decision of the FEC to the College's Vice-President of Academic Affairs for further action, if any, by the Administration.

(vi) Appeal - In the event the complaint is sustained by the FEC, the member of the faculty against whom the complaint was made shall have the right to appeal such determination to the full body of the faculty of the College by filing a written statement of intent to appeal with the Secretary of the FEC within thirty (30) days a copy of the FEC decision is sent to such member of the faculty. The appealing faculty member may submit a written statement in support of such appeal within twenty (20) of the filing of the statement of appeal with the Secretary of the FEC. The FEC may then, by its Secretary, submit a written statement in support of its decision within twenty (20) days of the date the statement in support of the appeal is filed. Both the statement in support of the appeal and the statement in support of the FEC's decision shall be submitted to the all the members of the faculty, who may then vote electronically to sustain or reject the decision of the FEC. The faculty shall have seven (7) days to vote and such vote shall be official if a majority of the faculty participate in such vote. A decision of the faculty on such appeal shall be

based on a majority of the faculty voting. In the event the faculty vote to reject the decision of the FEC, the Secretary of the FEC shall notify the member of the faculty against whom the complaint was filed that its decision on such complaint has been rejected by the faculty and that such decision is thereby rendered a nullity. In the event that a majority of the faculty do not vote, or vote to affirm the decision of the FEC, the appeal shall be dismissed and the decision of the FEC shall stand.

III Indemnification - Members of the FEC participating in this process should be indemnified by CUNY in the event that legal action is taken against any, or all, of them if it is determined that members of the FEC acting in connection with this policy were doing so in the discharge of their official duties as members of the QCC faculty. For this reason, it is imperative that the procedure set forth hereinabove be deemed an official, authorized process for dealing with complaints about faculty conduct. The best way to ensure that this procedure is an official, authorized process for dealings with complaints about faculty conduct is if the procedure is established by, and authorized in, the QCC Governance Plan and QCC Faculty By-Laws, or if not in both documents, if the procedure is established in, and authorized by, the QCC Faculty By-Laws at the very least. In the absence of such official establishment and authorization, the argument may be made that this procedure set forth herein is not an official procedure of QCC and therefore that members of the FEC in participating in such procedure were not acting in their discharge of their official duties as QCC faculty members. It should be noted that to provide reasonable assurance of faculty members being so indemnified, extensive and complete legal research of this issue should be conducted, which I have not undertaken in preparing this memorandum.

IV Conclusion - It is submitted that the process set forth above is a relatively simple, but a fair process, which affords a faculty member accused of unprofessional conduct or conduct unbecoming a member of the profession with the essential elements of due process. It is important that, to the extent practicable, the process be conducted confidentially. It is also important as stated that members of the FEC participating in the process have a reasonable basis to believe that in the event of legal action against them because of their participation in the process, they would be indemnified by CUNY and because of that it is important that the process be established and authorized as an official process of the College and that the FEC members acting in connection with such process are acting in performance of their official duties as members of the QCC faculty.

**FALL MEETING OF THE FACULTY**  
**Faculty Executive Committee**  
**Wednesday, October 27, 2021**  
**At Noon Via Zoom**

Register in advance for this meeting: \

After registering, you will receive a confirmation email containing information about joining the meeting.

**12:10 Business Items**

Approval of Agenda

Presentation of Notes from Spring 2021 Meeting –Ted Rosen-attached

Treasurer’s Report: Faculty Account –Julia Rothenberg -attached

Elections Report – Beth Ann Counihan-attached

Academic Freedom Committee- Julian Stark, Chair—attached

CUNY Faculty Academic Advisory Board- Julia Rothenberg- QCC representative Report - attached

Chairperson’s Report – Philip Pecorino

**12:25-12:40 President Christine Mangino**

**12:40-1:30 Faculty Pedagogy Showcase:** 3 or more modes of instruction: In Class, Fully Online, Hybrid/Hyflex with Beth Counihan (English), Organizer

**A. Introduction to the sessions:** Purpose and Modes to be presented, Beth Counihan (English)

**B. Hybrid/Hyflex:** Kevin Kolack (Chemistry), Lorraine Cupelli (Nursing)

15 min 2 presenters 2 different modes @ 5 min each then Q&A 5 min total 15 min

**C. Asynchronous:** Nataliya Khomyak (Math), Madiha Shameem (English)

15 min 2 presenters 2 different modes @ 5 min each then Q&A 5 min total 15 min

**D. Synchronous:** Patrick Wallach (Math) , Valerie Peyer (English)

15 min 2 presenters 2 different modes @ 5 min each then Q&A 5 min total 15 min

**E. General Session: Q&A**

**1:30 1:40 Time to Be Heard-** Faculty Voices on any matters related to faculty including the conditions under which faculty are now fulfilling their duties, academic freedom, participation in governance, scheduling concerns, communications from administrations, etc..

**1:40-2:00 Q and A**

**2:00 Adjourn**

**FALL MEETING OF THE FACULTY  
Faculty Executive Committee  
Wednesday October 27, 2021**

**To:** Faculty Executive Committee

**From:** Julia Rothenberg

**Date:** October 27, 2021

**Subject:** Treasurer's Report

The following transactions have taken place from October 2020 to October 2021.

Current balance checking -

Current balance money market -

Total balance

We will not be collecting dues this academic year given that we are unable to meet in-person meeting and provide a luncheon. When it is safe to meet in person, one person will be removed as a signer on the account and the new treasurer will be added. Until such time, the Chair of the FEC will maintain all accounts.

Respectfully submitted,

Julia Rothenberg, Treasurer 2021-2023



**QUEENSBOROUGH COMMUNITY COLLEGE  
FACULTY EXECUTIVE COMMITTEE**

**Beth Counihan, Elections Officer**

**Report to Faculty Meeting Fall 2021**

The Faculty Executive Committee conducts balloting on several matters including:

- Elections of Faculty to Faculty Committees
- Elections of Faculty to Panel of Nominees to present to the President for service on College and University entities; Associations, Funds, Disciplinary Panels
- Faculty Referendum on Amendments of Faculty Bylaws and College Governance Plan
- Faculty Surveys
- Faculty Statements

There may well be a ballot on amendments to the QCC Governance Plan and Faculty Bylaws during the 2021-2022 academic year. Below are the dates associated with faculty elections. Faculty should consider being nominated for such positions well in advance of the dates indicated.

<b>Elections to be Run by the FEC in 2021-2022</b>								
The dates are only approximate								
		<b>Nomination Ballots</b>			<b>Electorate</b>	<b>Election Balloting</b>		
Election event		Start date	End date	FEC responsible party		Start date	End date	H-345 witnesses
Governance Plan				Beth Counihan	Full time faculty Inc CLT's	March 21	April 21	
Faculty Bylaws				Beth Counihan	Full time faculty Inc CLT's	April 1	April 30	
UFS Full-Time Three-Year Delegates (2)		March 13	March 27	Beth Counihan	Full time faculty Inc CLT's	March 29	April 12	
UFS Full-Time One-Year Alternate(s) (1)								
Academic Review Committee (2)		March 13	March 27	Beth Counihan	Full time faculty Inc CLT's	March 29	April 12	

## Elections to be Run by the FEC in 2022-2023

The dates are only approximate

Election event	Nomination Ballots		FEC responsible party	Electorate	Election Balloting	
	Start date	End date			Start date	End date H-345 witnesses
FEC Chairperson	Jan 30	Feb 13	Philip Pecorino	Full time faculty Inc CLT's	Feb 15	Mar 1
FEC Members	March 2	March 16	Philip Pecorino	Full time faculty Inc CLT's	March 20	April 3
UFS Full-Time Three-Year Delegates (4)	Feb 13	March 3	Beth Counihan	Full time faculty Inc CLT's	March 6	March 20
UFS Full-Time One-Year Alternate(s) (2)						
Elected Adjunct CLT (if necessary)	March 2	March 16	Beth Counihan	Adjunct Clt's	March 20	April 3
CLT Member of College P&B	March 2	March 16	Beth Counihan	Clt's	March 20	April 3
Academic Review Committee (2)	March 2	March 16	Beth Counihan	Full time faculty Inc CLT's	March 20	April 3
QCC Auxiliary Enterprises, Inc. Board (2 from 6)	Feb 13	March 3	Beth Counihan	Full time faculty Inc CLT's	March 20	April 3
QCC Student Activity Association, Inc. Board (3 from 6)	Feb 13	March 3	Beth Counihan	Full time faculty Inc CLT's	March 20	April 3

**FALL MEETING OF THE FACULTY**  
**Faculty Executive Committee**

**REPORT: CUNY Faculty Academic Advisory Board- Julia Rothenberg QCC representative**

There is not too much to report yet. They are planning some CUNY wide pedagogical workshops and a "Chairs Conference" on November 5. At the end of the meeting admin opened it up for discussion and attending faculty, to a person, complained long and loud about the botched reopening plans and also about Hyflex. It seems that there is a massive loss of confidence in admin across CUNY (just so you know we aren't the only ones!).

Julia Rothenberg, PhD  
Associate Professor of Sociology  
Social Sciences Department  
Queensborough Community College

## **FALL MEETING OF THE FACULTY**

### **Faculty Executive Committee**

#### **Report: Academic Review Committee –Dr. Timothy Lynch. Provost-attached**

#### **Members:**

- Belle Birchfield, Engineering Technology (Fall 2019-Spring 2022)
- Wendy Ford, Business, (Fall 2019-Spring 2022)
- Trevor Milton, Assistant Professor, Social Sciences (Fall 2021-Spring 2024)
- Urszula Golebiewska, Associate Professor, Biological Sciences and Geology (Fall 2021-Spring 2024)
- Moni Chauhan, Professor, Chemistry, (Fall 2020-Spring 2023)
- Susan Jacobowitz, Professor, English, (Fall 2020-Spring 2023)

#### **Actions:**

In AY 17-18, the Academic Review Committee had four hearings.

In AY 18-19, the Academic Review Committee had five hearings.

In AY 19-20, the Academic Review Committee had two hearings.

In AY 20-21 the Academic Review Committee had three hearings.

The hearings related to cases involving tenure, promotion, reappointment, and sabbatical leave requests.

Timothy G. Lynch, Ph.D., Chairperson

Provost and Senior Vice President for Academic Affairs

Queensborough Community College, The City University of New York

**FALL MEETING OF THE FACULTY  
QUEENSBOROUGH COMMUNITY COLLEGE  
Academic Freedom Committee**

**Report to Faculty Meeting Fall 2021**

**October 27, 2021**

**Julian Stark, Chairperson, 2019-2021**

QCC Faculty Academic Freedom Committee:

Edmund Clingan

Beth Counihan

Marvin Gayle

Susan Jacobowitz

David Lieberman

Philip A. Pecorino

Ted Rosen

Julia Rothenberg

Julian Stark