

# TESTIMONY OF THE PROFESSIONAL STAFF CONGRESS/CUNY

## EXECUTIVE BUDGET: THE CITY UNIVERSITY OF NEW YORK, FY 2015

### JOINT HEARING OF THE NY STATE SENATE FINANCE COMMITTEE AND THE ASSEMBLY WAYS AND MEANS COMMITTEE

*Delivered by Dr. Barbara Bowen, President  
February 6, 2014*

Good afternoon, Chairpersons DeFrancisco and Farrell, Chairpersons LaValle and Glick. Thank you for giving me the opportunity to speak today, on behalf of the 25,000 members of the PSC, the union representing the faculty and staff at The City University of New York.

#### **The Legislature Made a Difference for CUNY in the Enacted Budget for 2013-14**

I want to thank you at the outset for delivering critical investments in CUNY in the current year's State budget for CUNY. The Legislature's continuing advocacy for CUNY has been essential in mitigating the effect of years of punitive executive budgets. Last year you advocated successfully for these key improvements to the Executive Budget:

- For the community colleges, you added \$150 per FTE student to the Base Aid rate. That amounted to a \$9.3 million increase in community college funding for CUNY. You also restored half a million dollars for community college rental aid; added \$26,000 to College Discovery, the opportunity program at CUNY community colleges; and invested \$1.7 million to scale up the Accelerated Study in Associate Programs (ASAP).
- To the University's Operating Budget, you added \$550,000 to support SEEK, an opportunity program for senior college students, and \$1 million for the Joseph Murphy Institute for Worker Education and Labor Studies.
- The governor has cut from his Executive Budget proposal for next year several of the investments in CUNY that the Legislature fought to make this year. We are calling on you to restore the funds cut from SEEK and College Discovery, child care at community colleges, and ASAP.
- The Legislature has made a real difference for CUNY students. But CUNY has experienced years of State disinvestment and enrollment growth; incremental solutions are no longer enough. Our students need you to not only to continue—but to accelerate—the progress you have made for the University.

#### **CUNY is New York City's Best Opportunity Program**

- CUNY has always been New York City's most significant route out of urban poverty. For more than a century and a half, The City University has been a dynamic source of intellectual opportunity for New Yorkers who struggle to afford college.
- Now, as the state and national conversation turns increasingly to inequality—which many recognize as the greatest problem facing us as a nation—the importance of CUNY grows.

If the problem is inequality, the solution is CUNY. From its founding through a city referendum in 1847 till today, CUNY remains one of the spectacular success stories in the history of American higher education. It should be unthinkable that that story would weaken now, through failure of investment and failure of vision.

- CUNY creates opportunity for poor and middle-income New Yorkers and people of color. Seventy-five percent of CUNY undergraduates are people of color. Forty percent are immigrants, fifty-six percent have family incomes below \$30,000 per year, and 46% are from families with household incomes below \$20,000 per year.
- The state's economy isn't working for most New Yorkers, not the way it's working for the top 1%. In New York City, for example, the top 1% earn more than the bottom 80% of earners combined.<sup>1</sup>
- New Yorkers want a solution to this crisis, and CUNY is part of it. By creating opportunity for the people in our state who are poorly served by the current economy, CUNY can be a catalyst for shared prosperity in an economy with well-educated workers.
- People go to CUNY because they want to change their lives. We help them to do that by providing skills—not just job skills or STEM skills, but critical thinking skills, writing skills and skills of reimagination. We help them to become the kind of people who are instantly in demand in a new, sustainable economy.

#### **Fund CUNY's Unmet Mandatory Costs (\$49.5 million)**

- CUNY cannot be the engine of equality we know it can be if the University's funding continues to be hollowed out. The Executive Budget leaves unfunded nearly \$50 million of the cost increase for mandatory needs requested by CUNY to fund inflationary costs for energy, building rentals, technology and central administration, collective bargaining, and other non-personnel costs.
- The Legislature approved five years of \$300 annual tuition hikes for CUNY under the SUNY 2020 law with the understanding that revenue from the increases would be used to improve educational services. The state promised to maintain the base budget for CUNY, but the base budget is maintained only if all mandatory needs are covered from public funds. Full funding was provided in only 2012-13, the first year of the SUNY 2020 tuition increases.
- The PSC opposed the tuition increases at that time because many of our students could not afford them, and because we believed raising tuition would make it easier for the State to continue to disinvest in CUNY.
- Unfortunately, our fear has come true. If CUNY's mandatory needs are left unmet, virtually all of the additional \$60.8 million in new tuition revenue will go to cover this gap instead of being used, as promised, to enhance academic offerings, advising, career counseling and access to additional full-time faculty.

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<sup>1</sup> Source: Fiscal Policy Institute analysis of income groups' shares of total adjusted gross income, New York City 2010

- If CUNY's mandatory needs are left unmet and tuition is used to fill the gap, the tuition hikes are no more than a tax—a regressive tax that will force poor and middle-income students and families to pay an ever-increasing share of the cost of operating CUNY, while corporations and the wealthy receive tax breaks.
- In addition, SUNY 2020 provided that CUNY could not charge the poorest students more than \$5,000 per year, the maximum TAP financial aid award provided. This ceiling helped to limit the impact of the tuition hike for poor students, and we support this objective. But it left a gap in the revenues available to the university. The cumulative gap will be \$42 million next year and \$53 million by the end of 2015-16.
- The PSC asks the Legislature to add \$49.5 million to the Executive Budget proposal to fully fund CUNY's mandatory needs.

### **CUNY Needs State Investment to Fix Its Full-Time Faculty Shortage (\$40 million)**

- Decades of underinvestment in full-time faculty had already undermined academic departments, research and teaching capacity at CUNY before the University experienced ten years of rapid enrollment growth. Today enrollments have risen to 270,000 students. In 1975, the last time enrollment approached the current number, CUNY employed fully one-third more full-time faculty than it does today.
- CUNY has hired 1,363 new full-time faculty over the last decade, but enrollment growth has swamped these gains. The ratio of FTE students to full-time faculty actually rose from 27.6 in 2003 to 30 this year—despite 10 years of hiring. As a point of comparison, the ratio is 14: 1 at Rutgers, 18:1 at the University of Maryland and 17:1 at the University of Connecticut.
- The University relies on close to 10,250 part-time adjunct faculty to make up the shortfall; adjuncts teach more than half undergraduate courses at CUNY. They are treated as disposable workers by the University, hired when course enrollments increase and let go when enrollments decline.
- Adjuncts have almost no job security and receive inadequate benefits. They are excellent and dedicated teachers, but they are not supported to have the kind of research careers that enrich college life. They are not provided with working conditions that allow them to provide the time, attention and mentorship CUNY students need in order to succeed.
- The PSC asks the Legislature to add \$40 million to the Executive Budget proposal to hire additional full-time faculty.

### **New York Needs a Long-Term Strategy for Restoring Faculty Ranks at CUNY**

- The State must develop a long-term strategy for restoring CUNY's faculty ranks. The damage done by nearly four decades of disinvestment cannot be easily undone. CUNY has made a commitment to hire more full-time faculty and has begun to follow through on that commitment. But there is too much ground to cover through an incremental approach. And rising enrollment has pushed back the finish line.

- As part of NYSUT, we bring you an innovative proposal. We support NYSUT's innovative demand for the creation of an endowment to fund new full-time faculty and professional staff lines at CUNY and SUNY. The plan is part of the "Public Higher Education Quality Initiative" legislative platform.
- An endowment funded initially with one-time licensing fees from the gaming industry, a standard practice in many states, would generate the funds New York needs to lift the higher education budget out of the cycle of cuts and restorations. The endowment would be dedicated to increasing CUNY and SUNY faculty lines, and could, when coupled with direct investment, restore the full strength of New York's public university systems without shocking the state budget or burdening students and families.

### **Increase Community College Base Aid to its 2008-2009 Level (\$19.5 million)**

- CUNY's community colleges are among the most critical educational institutions in New York, but they are dramatically under-resourced, even after the Legislature's restoration of \$300 per FTE student to State Base Aid over the last two years.
- The governor's budget proposal does not build on the progress you made last year. The Executive Budget proposal provides no further increase to the Base Aid rate, leaving it at \$2,422 per FTE student, \$250 per FTE student less than it was in the 2008-09 academic year (\$2,672).
- CUNY's community colleges serve multiple missions: they offer over 250 associate degree programs for students seeking education and skills needed for specific jobs; they provide developmental and remedial courses to students with poor high school preparation, learning disabilities or English-language deficits; and they provide general education courses at a lower cost to students who intend to transfer to a four-year baccalaureate program.
- Students at the CUNY community colleges tend to have lower incomes and are more likely to be people of color than students at CUNY senior colleges. They are generally older, and are more likely to work and to be raising children while enrolled at CUNY. They also tend to be less academically prepared. For these and other reasons, they often take longer to complete their studies.
- Because of the challenges they face, community college students are in particular need of smaller classes, more one-on-one time with faculty mentors, more advisement, academic tutoring and holistic student services.
- ASAP—Accelerated Study in Associates Programs—shows what CUNY can achieve with significant investment in community colleges. The program has been hugely successful in increasing retention and graduation rates among entering freshman—including those who enter with modest remedial course needs. ASAP's three-year graduation rate is 56%, well over twice the rate for a comparison group in a recent study.<sup>2</sup>

<sup>2</sup> <http://www.cuny.edu/academics/programs/notable/asap/about/evaluation/ASAP-Key-Eval-Prog-Overview-051413.pdf>

The Legislature invested \$1.7 million in the program this year. We ask you to restore that funding for next year (as it was cut in the Executive Budget proposal) and consider expanding support so that more students can be enrolled.

- ASAP is successful because students get the support they need: classes are capped at 25 students. Counselors have an average caseload of just 85 students. Students' tuition is covered (after financial aid), and they receive Metrocards and books free of charge, so they are less likely to have to work (or can work less) while they are in school. ASAP students also get meaningful academic and career counseling.
- ASAP spends 50% more per student than is available for the majority of CUNY community college students. That money makes a big difference. But it is making a difference for only 3,200 students. There are 71,000 FTE students in the community colleges. Many more could benefit from the enhanced educational supports that have aided ASAP students to graduate in three years or less.
- PSC asks the Legislature to add \$19.5 million to the Executive Budget proposal to fund CUNY community colleges at a Base Aid rate of \$2,672 per FTE student and to restore funding for ASAP.

### Scholarships for STEM Majors

- We support the governor's objective to encourage more young people to enter a degree program that will prepare them for a job or career in the STEM fields, but disagree with the proposed program design. Selecting the top 10% of high school graduates for free tuition may appear to be a way of selecting a group without replicating inequalities of race, ethnicity and class, but the experience with a similar program in Texas, The Texas Top 10%,<sup>3</sup> challenges this notion.
- A recent National Bureau of Economic Research study of the Texas program<sup>4</sup> found that automatic admission did not promote greater racial and economic diversity because the majority of immigrant and minority students accepted under the program came from poorly-resourced, under-performing high schools. They gained admission to college but had poorer educational training, and the skills gap did not disappear. Rather, it was predictive of lower college GPAs.
- Without additional resources to make up the skills deficits of incoming students and support structures that aid retention for all at-risk students, the proposed "top 10% STEM scholarship program" is unlikely to draw more underrepresented students into STEM careers or expand the STEM workforce in New York. The Texas experience would suggest that the benefit of such a program, with free SUNY and CUNY tuition, will go mostly to students from high-performing high schools, who already have other options for college. We fear that structuring State STEM scholarships as proposed in the

<sup>3</sup> The goal of the Texas Top 10% program was to improve racial diversity by guaranteeing acceptance to a state college to any student graduating high school in the top 10% of their class.

<sup>4</sup> "Can you leave high school behind?" <http://www.nber.org/papers/w19842>

Executive Budget will reinforce the achievement gaps between graduates of rich and poor high schools.

- Instead, the Legislature should enhance existing undergraduate STEM programs at the community colleges and four-year senior colleges, including additional funding for faculty mentoring, intensive academic advising, research opportunities and STEM job-related internships.

### **Pass the NYS Dream Act and Reform the Tuition Assistance Program (TAP)**

- PSC is a strong supporter of the NYS DREAM Act (A2597a/S2378b) and of the other TAP reforms put forward by the Coalition to Reform the New York State Tuition Assistance Program. This is the year to make the NYS DREAM Act a reality. A state that prides itself in leading the way on progressive social legislation should not miss the chance to join the leaders on the DREAM Act.
- Undocumented immigrant students who graduate from New York State high schools and GED programs should have access to TAP. Access to college is almost meaningless without access to financial aid. Many of the State's undocumented college students attend CUNY. We know them to be highly motivated, talented students with tremendous potential. Many more low-income undocumented New Yorkers would attend CUNY if they had access to State financial aid.
- These students and potential students are part of our State. State law recognizes that by allowing them to pay in-state tuition. They contribute to the economic and cultural vitality of New York, but are denied access financial aid and a chance at a better life. It's not right.
- PSC supports the DREAM Act and the entire Coalition platform because many students who attend CUNY or aspire to attend CUNY are excluded from receiving TAP or underserved by TAP. Their awards were eliminated or reduced when Albany passed austerity budgets; the award schedules that apply to them haven't been updated in decades, or they are not the "traditional," full-time students that TAP was designed to serve.
- For example, TAP award schedule for independent single students without children—a category which includes foster children, orphans and wards of the state—prevents virtually all poor, single working adults from qualifying for TAP aid by making them ineligible if they earn more than \$10,000 in net taxable income, and limits the maximum grant they can receive to just \$3,025. Many, many of our students—some of the most determined to claim an education—fall into this category and cannot receive support.
- The PSC also supports the Coalition's call for an increase in the maximum TAP award and an end to the tuition discounting policy enacted under SUNY 2020.

### **Support CUNY's Capital Budget Request**

- The PSC supports CUNY's capital budget requests. We join the University in urging you to fight for funding CUNY's construction needs, including \$211 million for new buildings at the senior colleges and \$34.5 million for new buildings and upgrades at the community colleges.
- Capital funding is vital to the educational mission. Despite gains in capital funding and construction in recent years, too many students are still crammed into classrooms without enough seats, into labs without enough workstations. Too often, the physical conditions at CUNY are an obstacle, not an aid, to learning.

### **A Threat to Faculty's Academic Freedom and Constitutional Rights**

- Finally, I turn to proposed legislation that would, if enacted, have a profound, devastating and unconstitutional effect on the higher education budget. Legislation proposing to deny all public funding to New York colleges and universities that support any employee participation in groups conducting a boycott "in certain countries" (S.6438) passed the Senate on January 28. The Assembly version of the bill, A.8392, was held up this week for further consideration.
- We thank the Assembly, and Chairperson Glick in particular, for removing the bill from the Committee agenda on Monday. The Senate bill should never have come to the floor without even a single public hearing.
- PSC members hold a variety of positions on the Israel/Palestine conflict, and hold such positions deeply. PSC members also hold a range of positions on the efficacy and legitimacy of academic boycotts as a strategy. We stand together, however, in opposing legislation that would subject New York State funding for colleges and universities to this suppression of free speech.
- The PSC, together with the CUNY Administration, NYSUT and UUP, the Center for Constitutional Rights, the American Association of University Professors, the American Civil Liberties Union, the National Lawyers Guild, Jews for Peace, and a growing list of other organizations, strongly oppose the bill.
- We also oppose any reworked version of the bill in which universities would be prohibited from using State funding for participation in scholarly organizations conducting a boycott, but would not lose all their State funding. Even in this form, the legislation is an unacceptable political intrusion into the university and is designed to punish political speech and association of academics, a violation of well-settled First Amendment rights.
- As Columbia University professors write in their memo of opposition, "Statements such as A.8392 and S.6438 that seek to suppress the rights of educators to participate in public affairs have long been condemned by the U.S. Supreme Court as an affront to the free speech rights of academics, and even more, as an affront to the very essence of democratic self-rule in a free society. In fact, an overwhelming number of the Supreme Court's free speech cases have involved threats to free speech rights of educators. The

Court has frequently reaffirmed that speech on public issues occupies “the highest rung on the hierarchy of First Amendment values,” and is entitled to special protection (NAACP v. Claiborne Hardware Co., 458 U.S. 886, 913 (1982)).

- CUNY students, and students throughout New York State, are entitled to an education in which their professors are not unconstitutionally muzzled. The proposed legislation was ill-considered and is a dangerous mistake. We understand that many legislators—like many of the people we represent—strongly oppose the boycott of formal ties with institutions funded by the Israeli government passed by two scholarly societies. But the proposed legislation violates the law and would do incalculable damage to everything democratic education is about. It must be withdrawn.