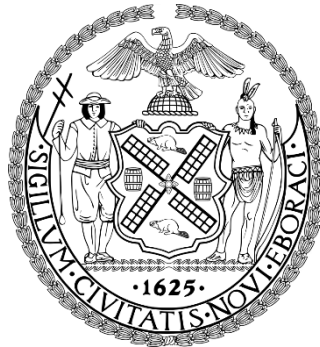


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**COMMITTEE ON CIVIL SERVICE AND LABOR**

Hon. I. Daneek Miller, Chair

January 30, 2020

**Oversight: Adjunct Faculty Employment at the City University of New York**

## **INTRODUCTION**

On January 30, 2020, the Committee on Higher Education, chaired by Council Member Inez D. Barron, and the Committee on Civil Service and Labor, chaired by Council Member I. Daneek Miller, will hold a joint oversight hearing on *Adjunct Faculty Employment at the City University of New York* (“CUNY” or “University”). The Committees will examine the newly approved and ratified collective bargaining agreement (CBA) between the Professional Staff Congress (PSC) and CUNY, its implementation, and other issues related to adjunct faculty at CUNY. Witnesses invited to testify include representatives from the CUNY Administration, the New York City (NYC) Office of Collective Bargaining, PSC, the University Faculty Senate, the University Student Senate, labor researchers, think tanks, advocacy groups and organizations, and other interested stakeholders.

## **BACKGROUND**

### ***Overview of the CUNY System***

CUNY was established in 1961 pursuant to New York State legislation that united seven existing municipal colleges and a graduate school into a formally integrated citywide system of public higher education.<sup>1</sup> Today, CUNY is the largest urban public university in the United States, providing accessible, high quality education to more than 274,000 degree-seeking students and 276,000 adult and continuing education students at 25 colleges across the City’s five boroughs.<sup>2</sup> With more than 1,400 academic programs, 200 majors leading to associate and baccalaureate degrees, and 800 graduate degree programs, CUNY offers learning opportunities at every level, from certificate courses to Ph.D. programs, in a system that now comprises seven community

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<sup>1</sup> CUNY, *Mission & History* (n.d.), available at <https://www.cuny.edu/about/history/>.

<sup>2</sup> CUNY, *About* (n.d.), available at <https://www.cuny.edu/about/>.

colleges, 11 senior colleges, the Macaulay Honors College, five graduate and professional schools, and an assortment of research centers, institutes and consortia.<sup>3</sup>

CUNY operates pursuant to a legislative mission that underscores its importance as a “vehicle for the upward mobility of the disadvantaged in the city of New York.”<sup>4</sup> While its mission is premised on the assumption that CUNY will “continue to maintain and expand its commitment to academic excellence and to the provision of equal access and opportunity for students,”<sup>5</sup> faculty and staff are explicitly recognized as intended beneficiaries of equal access and opportunity at CUNY.<sup>6</sup> As such, activities at CUNY must be undertaken in a spirit that recognizes the desire for CUNY personnel to “reflect the diverse communities which comprise the people of the city and state of New York” and, further, this desire must figure prominently across all CUNY operations, including hiring and contracting for services<sup>7</sup> as well as in supporting its faculty.<sup>8</sup> Indeed, CUNY’s academic offerings are taught by a diverse world-class faculty whose research and teaching are said to “push the boundaries of knowledge and pedagogy” within and beyond the University through expertise spanning the natural sciences, social sciences, and arts and humanities.<sup>9</sup> Faculty recognition also includes Nobel Laureates, members of National Academies, and MacArthur, National Book Award and Pulitzer Prize winners.<sup>10</sup>

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<sup>3</sup> CUNY, *Academics* (n.d.), available at <https://www.cuny.edu/academics/>.

<sup>4</sup> New York Education Law, § 6201, at 4.

<sup>5</sup> New York Education Law, § 6201, at 3.

<sup>6</sup> *Id.*

<sup>7</sup> New York Education Law, § 6201, at 5.

<sup>8</sup> CUNY Central Office 2018-2019 Affirmative Action Plan, College Overview, Mission, at page 6, available at <https://www.cuny.edu/wp-content/uploads/sites/4/page-assets/about/administration/offices/hr/recruitment-diversity/statistics-and-reports/Central-Office-Federal-Affirmative-Action-Plan-2018-19.pdf>

<sup>9</sup> CUNY, *Faculty*, available at <http://www.cuny.edu/about/alumni-students-faculty/faculty/>.

<sup>10</sup> *Id.*

## ADJUNCT FACULTY AT CUNY

Policy 5.02, of Article V Faculty, Staff and Administration of CUNY's Manual of General Policy ("Manual"), designates that the use of the term "adjunct" in combination with the title of any professorial rank—including "adjunct professor," "adjunct associate professor," and "adjunct assistant professor"—is to be authorized, without conferring tenure, for persons whose:<sup>11</sup>

- a) Qualifications are comparable to those of faculty members appointed to the corresponding regular professorial ranks, or whose professorial achievement and training merit appointment to adjunct professorships in the several ranks
- b) Major employment is outside the University, and whose appointment in the University is made for a limited purpose (e.g., a special course or courses) or for a limited duration<sup>12</sup>

Adjunct professors in the several ranks are also eligible for appointment to the University's doctoral faculties without obtaining tenure. In such cases, recommendations to the CUNY Board of Trustees for the appointment of adjunct professors must then utilize the college and University procedures for line appointments, while recommendations for the appointment of adjunct professors of any rank to a doctoral staff follow the usual university procedures for the designation of such staff.<sup>13</sup>

According to a recent report published by the Bronx Community College (BCC) Senate's Diversity and Inclusion Task Force, there is no standardized hiring process for adjuncts, and recruitment "tends to be haphazard and last minute;" it does not occur via CUNYfirst (the University's suite of software which includes faculty and staff employment and benefits information), it is often based on personal networks of existing adjuncts who refer colleagues to department chairs, or the chairs' personal networks, and interviews may or may not be carried out

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<sup>11</sup> CUNY, Manual of General Policy, Article V Faculty, Staff and Administration Policy, 5.02 Adjunct Professorships (Jan. 1965), *available at* [http://policy.cuny.edu/policyimport/manual\\_of\\_general\\_policy/article\\_v\\_faculty\\_staff\\_and\\_administration/policy\\_5.02\\_adjunct\\_professorships/document.pdf](http://policy.cuny.edu/policyimport/manual_of_general_policy/article_v_faculty_staff_and_administration/policy_5.02_adjunct_professorships/document.pdf).

<sup>12</sup> *Id.*

<sup>13</sup> *Id.*

by department chairs.<sup>14</sup> The BCC Senate’s Diversity and Inclusion Task Force report also claims adjunct faculty members have very little job security, with few or no opportunities for promotion and/or professional development.<sup>15</sup> This is in spite of the fact that CUNY has demonstrated a growing reliance on adjunct faculty to teach courses.

Over the past five academic years, according to CUNY’s most recent Performance Management Process Data Book, the average percentage of full-time faculty delivering undergraduate courses has steadily decreased at both senior and community colleges.<sup>16</sup> The average percentage of undergraduate courses at senior colleges taught by full-time faculty decreased from 42.9 percent during the 2013-14 academic year to 39 percent during the 2017-18 academic year.<sup>17</sup> This suggests that the average percentage of undergraduate courses at senior colleges taught by adjunct faculty increased from 57.1 to 61 percent during that time.<sup>18</sup> The average percentage of undergraduate courses at community colleges taught by full-time faculty decreased from 53.4 percent during the 2013-2014 academic year to 51.8 percent during the 2017-18 academic year.<sup>19</sup> This suggests that the average percentage of undergraduate courses at community colleges taught by adjunct faculty increased from 45.6 to 48.2 percent during that time.<sup>20</sup> Across the University, at both community and senior colleges, the average percentage of adjunct faculty that delivered undergraduate courses increased from 52.3 to 56 percent.<sup>21</sup>

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<sup>14</sup> Diversity and Inclusion Task Force, Faculty Council, Bronx Community College, “FC Diversity and Inclusion Task Force Final Report” (Apr. 2019), 7-8, *available at* <http://www.bcc.cuny.edu/wp-content/uploads/2019/09/diversity-task-force-4-11-19.pdf>.

<sup>15</sup> *Id.*

<sup>16</sup> City University of New York, Performance Management Process: 2018-19 Data Book, CUNY Office of Institutional Research and Assessment (May 2019), 91, *available at* <https://ares.mec.cuny.edu/wp-content/uploads/2019/10/PMP-Report-2018-19.pdf>.

<sup>17</sup> *Id.*

<sup>18</sup> *Id.*

<sup>19</sup> *Id.*

<sup>20</sup> *Id.*

<sup>21</sup> *Id.*

For the 2017-18 academic year, data for John Jay College of Criminal Justice indicates that an average of 72.1 percent of undergraduate courses were delivered by adjunct faculty, the highest among the senior colleges.<sup>22</sup> Data for Brooklyn College indicates that an average of 49.8 percent of undergraduate courses were delivered by adjunct faculty, the least among the senior colleges.<sup>23</sup> Data for LaGuardia Community College indicates an average of 57.2 percent of undergraduate courses were delivered by adjunct faculty, the most among the community colleges.<sup>24</sup> Data for Queensborough Community College indicates an average of 32.3 percent of undergraduate courses were delivered by adjunct faculty, the least among the community colleges.<sup>25</sup>

While enrollment at CUNY has increased 40 percent since 2000,<sup>26</sup> the number of full-time faculty has not grown to accommodate the enlarged student body and increased workload. CUNY currently employs 12,000 adjuncts, who work semester to semester.<sup>27</sup> The PSC/CUNY Collective Bargaining Agreement, which expired in November 2017, provided some job security for adjuncts in three year employment contracts.<sup>28</sup> However, less than 2,000 adjuncts, out of about 14,000 across the University, qualified for these contracts due to rigid requirements.<sup>29</sup>

### ***Tenured vs. Adjunct Faculty: Challenges and Related Issues***

Tenure in U.S. higher education is intended to protect academic freedom, including that which may push the boundaries of knowledge and pedagogy, while supporting diverse faculty and

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<sup>22</sup> *Id.*

<sup>23</sup> *Id.*

<sup>24</sup> *Id.*

<sup>25</sup> *Id.*

<sup>26</sup> PSC CUNY, Fix CUNY (Jan. 2020), available at <https://www.psc-cuny.org/BudgetCampaign2020>.

<sup>27</sup> Lewis, Crystal, Some CUNY Adjuncts Say 71% Per-Course Hike Came Up Short, The Chief (Nov. 2019), available at [https://thechiefleader.com/news/news\\_of\\_the\\_week/some-cuny-adjuncts-say-per-course-hike-came-up-short/article\\_5eecaf68-fcb9-11e9-a233-fbebe19d49c1.html](https://thechiefleader.com/news/news_of_the_week/some-cuny-adjuncts-say-per-course-hike-came-up-short/article_5eecaf68-fcb9-11e9-a233-fbebe19d49c1.html).

<sup>28</sup> Diversity and Inclusion Task Force, Faculty Council, Bronx Community College, “FC Diversity and Inclusion Task Force Final Report” (Apr. 2019), 7-8, available at <http://www.bcc.cuny.edu/wp-content/uploads/2019/09/diversity-task-force-4-11-19.pdf>.

<sup>29</sup> *Id.*

viewpoints within a common system of professional values, standards, rights, and responsibilities.<sup>30</sup> By guaranteeing job security and protection from the personnel biases and whims of university administrators, legislators, and donors, tenure ensures that faculty can speak freely and truthfully in the pursuit of their teaching, research, and other academic endeavors.<sup>31</sup>

At CUNY, tenure is defined by statute as the right to hold a position “during good behavior and efficient and competent service”, except where removal is necessitated by:

- Incompetent or inefficient service;
- Neglect of duty;
- Physical or mental incapacity; or
- Conduct unbecoming.

Even with such exceptions in place, the statute nonetheless directs that exceptions must be interpreted so as not to interfere with academic freedom.<sup>32</sup> As discussed below, however, adjuncts are not entitled to such job protections and associated academic freedoms even when they comprise the majority of teaching staff at major U.S. institutions of higher education, including at CUNY.

In 1969, nearly 80 percent of faculty at U.S. colleges and universities were tenured, or tenure-track employees;<sup>33</sup> however, a study by the American Association of University Professors found that the tenure system among U.S. higher education institutions has steadily eroded to the point that a majority of teaching faculty are now considered non-tenure track “contingent workers”, a term that includes part-time adjuncts who are generally compensated on a per-course, or hourly basis.<sup>34</sup> Although contingent faculty in this study may also include full-time non-tenure

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<sup>30</sup> American Association of University Professors, Data Snapshot: Contingent Faculty in US Higher Ed, *available at* <https://www.aaup.org/sites/default/files/10112018%20Data%20Snapshot%20Tenure.pdf>.

<sup>31</sup> *Id.*

<sup>32</sup> New York Education Law, § 6212, at 9.

<sup>33</sup> Adam Harris, “The Death of an Adjunct”, *The Atlantic*, April 8, 2019, *available at* <https://www.theatlantic.com/education/archive/2019/04/adjunct-professors-higher-education-thea-hunter/586168/>.

<sup>34</sup> American Association of University Professors, Contingent Appointments and the Academic Profession, adopted by the Association’s Council in 2003, statistical information updated in 2014, *available at* <https://www.aaup.org/report/contingent-appointments-and-academic-profession>.

track employees who receive a salary, or practitioners who are brought in to share their field of expertise<sup>35</sup>, roughly three-quarters of faculty at U.S. colleges and universities are now non-tenured contingent faculty.<sup>36</sup>

By definition, contingent faculty such as adjuncts lack the protections for academic freedom ensured under a tenure system.<sup>37</sup> Moreover, research has found that contingent faculty are increasingly composed of faculty whose primary source of income is derived from cobbling together multiple classes, sometimes at multiple colleges, with meager pay and scant benefits.<sup>38</sup> There has, however, been a push to improve working conditions for adjuncts across the country through collective bargaining.<sup>39</sup> This includes local efforts at CUNY, where adjuncts are represented by the PSC which recently won significant concessions from CUNY with respect to adjunct pay (discussed below). However, critics have reported that adjuncts generally still have far to go to achieve respect and parity with other faculty members.<sup>40</sup>

Adjuncts still frequently work under the threat of having their classes canceled days before they start, and they rarely receive health insurance, or have a say in university governance.<sup>41</sup> Adjunct pay varies widely by region, institution and discipline, but some adjuncts have been reported as living at or below the poverty line and receiving public assistance—even with a full course load.<sup>42</sup> These conditions are also said to have an impact on students, because adjuncts find themselves with little time for counselling and they are unlikely to pursue research that raises

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<sup>35</sup> *Id.*

<sup>36</sup> *Supra* note 32.

<sup>37</sup> *Supra* note 29.

<sup>38</sup> Danielle Douglas-Gabriel, “It keeps you nice and disposable: The plight of adjunct professors”, *The Washington Post*, February 15, 2019, available at [https://www.washingtonpost.com/local/education/it-keeps-you-nice-and-disposable-the-plight-of-adjunct-professors/2019/02/14/6cd5cbe4-024d-11e9-b5df-5d3874f1ac36\\_story.html?noredirect=on](https://www.washingtonpost.com/local/education/it-keeps-you-nice-and-disposable-the-plight-of-adjunct-professors/2019/02/14/6cd5cbe4-024d-11e9-b5df-5d3874f1ac36_story.html?noredirect=on).

<sup>39</sup> *Id.*

<sup>40</sup> *Id.*

<sup>41</sup> *Id.*

<sup>42</sup> *Id.*



important academic issues for fear of ruffling administration feathers and rendering their employment status even more tenuous.<sup>43</sup> While one critic has noted that the position is “often inaccurately described as akin to a form of slavery”, a 2016 report on faculty diversity nonetheless showed that the percentage of underrepresented minorities in non-tenure track part-time adjunct positions in higher education grew by 230 percent over the 20 year period 1993 to 2013.<sup>44</sup> In contrast, over this same period, the percentage of underrepresented minorities in full-time tenure track positions grew by just 30 percent.<sup>45</sup>

Despite these challenges, colleges and universities have justified their reliance on adjuncts as providing them flexibility to relieve budgetary pressures and to respond to enrollment trends.<sup>46</sup> Indeed, by offering through adjuncts more or fewer courses and subjects as needs dictate, institutions can avoid expensive, long-term staffing commitments compelled under a more robust tenure system.<sup>47</sup> Critics, however, see this growing reliance on adjuncts as counter-productive to long-term institutional and curricular planning. Moreover, because there are fewer established faculty available for mentoring newer faculty and students, or for other lauded academic responsibilities such as peer review, the resulting instability has been argued to impact the overall quality of student learning.<sup>48</sup>

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<sup>43</sup> *Id.*

<sup>44</sup> *Supra note 32*; see also cited report, Advancing Higher Education, Taking the measure of faculty diversity, TIAA Institute, April 2016, available at [https://www.tiaainstitute.org/sites/default/files/presentations/2017-02/taking\\_the\\_measure\\_of\\_faculty\\_diversity.pdf](https://www.tiaainstitute.org/sites/default/files/presentations/2017-02/taking_the_measure_of_faculty_diversity.pdf).

<sup>45</sup> *Id.*

<sup>46</sup> *Supra note 37.*

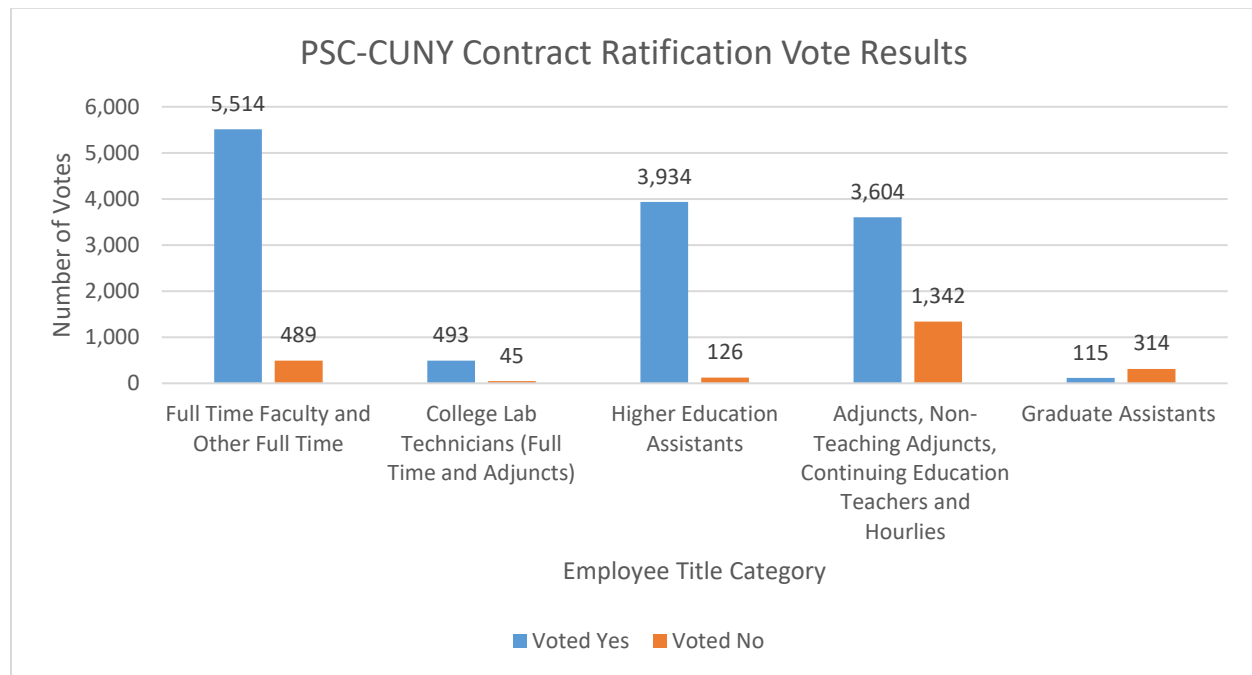
<sup>47</sup> *Id.*

<sup>48</sup> *Supra note 33.*

## PSC CUNY COLLECTIVE BARGAINING AGREEMENT 2017-2023

### *Vote and Ratification*

On December 16, 2019, the CUNY Board of Trustees voted to approve the CBA between the PSC and CUNY.<sup>49</sup> This comes after the PSC' highest-ever voter turnout on ratification, with an 86% vote in favor of the contract.<sup>50</sup> Of a total of 21,416 eligible voters, 15,976 votes were cast—a 75% participation rate, with 13,660 members voting in favor of the contract.<sup>51</sup> As the CBA was approved, PSC leadership and staff have begun to concentrate on ensuring that CUNY management pays the salary increases and back pay that were agreed-upon in an expedited manner, while also ensuring that other provisions of the CBA, including paid family leave, the anti-bullying campaign, and weekly paid office hours, are implemented successfully.<sup>52</sup>



*Source: American Arbitration Association (based on eligible voter list provided by PSC)<sup>53</sup>*

<sup>49</sup> PSC-CUNY. *PSC Contract 2017-2023*. Available at: <https://psc-cuny.org/Contract2019>.

<sup>50</sup> *Id.*

<sup>51</sup> *Id.*

<sup>52</sup> *Id.*

<sup>53</sup> Data provided by American Arbitration Association. Available at: <https://psc-cuny.org/Contract2019>.

## ***CBA Highlights***

The term of the CBA between the PSC and CUNY is December 1, 2017 to February 28, 2023, covering 63 months.<sup>54</sup> The CBA includes a number of terms and conditions relating to CUNY employees, including:

- Salary increases of more than 10% across all CUNY employee titles by November 2022;<sup>55</sup>
- Restructuring the pay for teaching adjuncts, with the minimum pay for a three-credit course increasing to \$5,500 (an increase of 71%), and four-credit courses to \$6,875 by the end of the CBA;<sup>56</sup>
- Restructuring adjunct workload to include paid office hours for every course, and paid professional hours;<sup>57</sup>
- PSC-CUNY Welfare Fund funding increases;
- Additional salary increases for equity across full time College Laboratory Technicians (CLT) titles, all Lecturer titles, and Assistants to Higher Education Officer (HEO);
- The establishment of a Labor/Management Committee to ensure implementation of Paid Family Leave for eligible part-time employees and for eligible full-time employees, if possible, modeled on the New York State statute and on applicable State/City programs;
- Improved funding and firm time frames for HEO differential awards;
- Pilot program on payment of stipends for certain defined projects that are not part of the employee's normal responsibility and that include a specific deliverable in a specified timeframe;
- Designation of two PSC representatives to the CUNY Committee on Academic Technology;
- Graduate employee health insurance funding and tuition waiver expansion;
- Access to professional development grants for non-teaching adjuncts;
- Research support for department chairs, beginning in 2021;

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<sup>54</sup> PSC-CUNY. Contract. *Memorandum of Agreement 2019*. Available at: <https://psc-cuny.org/contract/memorandum-agreement-2019>.

<sup>55</sup> *Id.*

<sup>56</sup> *Id.*

<sup>57</sup> *Id.*

- Increased funding for professional development funds for adjuncts, Continuing Ed faculty, CLTs and HEOs;
- Contractual travel funds increased to \$1,863,236 annually;
- Contractual language on on-line teaching;
- Terms set for the PSC’s obligation to pay \$9.76 million of this settlement;
- Implementation of a joint PSC and CUNY anti-bullying campaign; and
- Retroactive pay increases.<sup>58</sup>

Notably, the most meaningful terms for CUNY adjuncts in the CBA are the substantial salary increases for three- and four-credit courses, the restructuring of adjunct workload to include paid office hours and paid professional development hours, access to professional development grants for non-teaching adjuncts, and the increased funding of up to \$660,000 annually for the Adjunct Professional Development Fund.<sup>59</sup>

## ISSUES AND CONCERNS

### *Prior Testimony regarding CUNY Adjuncts*

Testimony from a prior Higher Education Committee hearing highlighted a number of issues and concerns relating to adjunct faculty employment at CUNY. At a September 18, 2018, hearing on African American Studies and Hiring of Black Faculty at CUNY, the committee received testimony asserting that adjuncts are “underpaid, overworked and undervalued members of the institution.”<sup>60</sup> It was also noted during testimony that while community colleges employ a significant number of adjuncts of color, senior colleges employ much fewer, preferring to recruit graduate students for teaching engagements and limiting black adjuncts from community colleges in their pursuit of senior college positions. Notably, a tenured CUNY professor asserted during

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<sup>58</sup> *Id.*

<sup>59</sup> *Id.*

<sup>60</sup> See testimony of John Aderounmu

testimony that although black adjunct faculty are highly qualified and experienced, they find it nearly impossible to obtain full-time positions because of alleged racism in CUNY's hiring practices.<sup>61</sup>

### ***PSC Campaigns***

Although the ratification of the recent CBA between the PSC and CUNY means that PSC members have accepted a new set of terms and conditions, this does not mean that this contract resolves every issue that PSC members, of which includes adjuncts, face at CUNY.<sup>62</sup> As part of PSC's continued fight to ensure that their members are compensated and treated fairly, the PSC has a number of campaigns still effective even after contract ratification. Among these include:

- Fixing CUNY's Budget, with a request of \$4.5 billion in State funding over 5 years to ensure CUNY's buildings are properly maintained and an additional \$277.4 million from the State, City and CUNY students for the academic year of 2020-2021 to ensure that campus maintenance, rent, fringe benefits, CUNY programming and contract settlements are adequately paid for;<sup>63</sup>
- Ensuring that health, safety and environmental issues in CUNY working environments are adequately identified and resolved, mainly through the PSC Environmental Health and Safety committee;<sup>64</sup>
- Creating a Social Safety Net Working Group to ensure that PSC members are educated about social safety net programs such as Social Security, public sector pensions and Medicare, while also defending the right to have such programs;<sup>65</sup> and
- Creating an Environmental Justice Committee to ensure that the CUNY community and NYC play a key role in responding and adequately addressing climate change concerns.<sup>66</sup>

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<sup>61</sup> See testimony of Professor James Blake, President, BMCC Black Faculty and Staff Association

<sup>62</sup> PSC-CUNY. *PSC Contract 2017-2023*. Available at: <https://psc-cuny.org/Contract2019>.

<sup>63</sup> PSC-CUNY. Issues. *Fight for Full Funding for CUNY*. Available at: <https://psc-cuny.org/BudgetCampaign2020>.

<sup>64</sup> PSC-CUNY. Issues. *Health and Safety*. Available at: <https://psc-cuny.org/about-us/environmental-health-and-safety>

<sup>65</sup> PSC-CUNY. Issues. *Defend the Social Safety Net*. Available at: <https://psc-cuny.org/issues/defend-social-safety-net>.

<sup>66</sup> PSC-CUNY. Issues. *Environmental Justice Committee*. Available at: <https://www.psc-cuny.org/environmental-justice-committee>.

As such, all of these campaigns and issues affect CUNY employees, including adjuncts, and thus are vital to the cause of PSC and its continued advocacy for its members.

## **CONCLUSION**

At today's hearing, the Committees on Higher Education and Civil Service and Labor will seek to gain a better understanding of adjunct faculty at CUNY. This includes basic data on adjunct labor at the University, such as how many adjuncts there are at CUNY, their racial and ethnic demographics, as well as the rights and opportunities afforded to them. The Committees are also interested in reviewing the recently ratified CBA, and highlighting the advances and gaps in the new contract. Additionally, the Committees expect to learn about the University's growing reliance on adjunct faculty, and how that impacts the experiences of adjuncts as well as their future career goals. Lastly, the Committees are looking forward to hearing how CUNY will better track and support adjunct faculty moving forward.