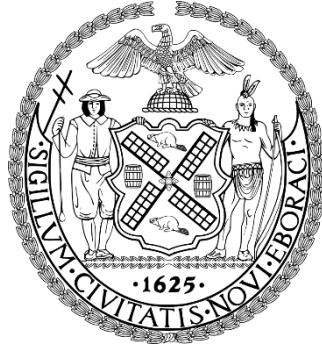


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THE COUNCIL OF THE CITY OF NEW YORK

BRIEFING PAPER OF THE HUMAN SERVICES DIVISION

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COMMITTEE ON HIGHER EDUCATION

Hon. Inez D. Barron, *Chair*

June 10, 2020

Oversight: The Impact of Coronavirus (COVID-19) on the City University of New York

INTRODUCTION

On June 10, 2020, the Committee on Higher Education, chaired by Council Member Inez D. Barron, will conduct an oversight hearing on *The Impact of Coronavirus (COVID-19) on the City University of New York* (“CUNY” or “University”). The Committee will examine CUNY’s efforts to ensure the safety of students, faculty, and staff during the COVID-19 pandemic, as well as its plans to continue providing educational and supportive services through the summer and fall 2020 semesters. Witnesses invited to testify include representatives from the CUNY Administration, the Professional Staff Congress (PSC), the University Faculty Senate, the University Student Senate, advocacy groups and organizations, and other interested stakeholders.

BACKGROUND

Overview of the CUNY System; Founding and Mission

CUNY was established in 1961 pursuant to state legislation that united seven existing municipal colleges and a graduate school into an integrated citywide system of public higher education.¹ CUNY is now the largest urban public university in the United States (U.S.) serving more than 274,000 degree-seeking and 276,000 adult and continuing education students across the City’s five boroughs.² 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, through a system that has grown to seven community colleges, 11 senior colleges, the Macaulay Honors College, five graduate and professional schools, and an assortment of research centers, institutes, and consortia.³

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

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

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

CUNY’s mission is to serve as a “vehicle for the upward mobility of the disadvantaged in the city of New York”⁴ by providing “equal access and opportunity” to its programs.⁵ This mission is premised on CUNY’s longstanding commitment to a diverse student body; however, faculty and staff are also beneficiaries.⁶ CUNY’s mission requires that its personnel be similarly reflective of the “diverse communities which comprise the people of the City and state of New York,” and this diversity should figure prominently across all CUNY operations, including in the hiring and contracting for services⁷ and through faculty support.⁸ The COVID-19 pandemic, however, has presented challenges for the University at every level of its operations, including particularly among its students and adjunct faculty.

The Advent of Coronavirus (COVID-19) and its Impact on Colleges and Universities

In the months since COVID-19 was designated a pandemic by the World Health Organization (WHO) it has continued to wreak havoc across all aspects of daily life.⁹ WHO issued guidance to help reduce its spread, including, maintaining social distance of “at least one meter” from others and avoiding crowded places where it is more difficult to maintain the recommended distance.¹⁰ These recommendations have led both Governor Andrew M. Cuomo and Mayor Bill de Blasio to institute compulsory social distancing measures in many aspects of daily life, and similar measures have had a profound impact on colleges and universities across

⁴ New York Education Law, § 6201, at 4.

⁵ New York Education Law, § 6201, at 3.

⁶ *Id.*

⁷ New York Education Law, § 6201, at 5.

⁸ CUNY, CUNY Central Office 2018-2019 AFFIRMATIVE ACTION PLAN, 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>.

⁹ World Health Organization, “What is a coronavirus?” Q&A on coronaviruses (COVID-19) (Apr.17, 2020), *available at* <https://www.who.int/emergencies/diseases/novel-coronavirus-2019/question-and-answers-hub/q-a-detail/q-a-coronaviruses>.

¹⁰ *Id.*, What can I do to protect myself and prevent the spread of disease?

the country.¹¹ Institutions of higher education have closed their physical campuses, cancelled intercollegiate sporting events and other activities, shuttered dormitories, and moved exclusively to remote instruction and learning.¹² The California State University system has projected that similar measures across its campuses will continue well into the fall 2020 semester.¹³

New York’s Higher Education Response to COVID-19

On March 11, 2020, in response to the developing COVID-19 situation in the state of New York, Governor Andrew Cuomo announced that CUNY would implement distance learning, in order to abide by social distancing rules, effective March 19th through the end of the spring 2020 semester.¹⁴ Guidance from the New York State Education Department (NYSED) subsequently extended distance learning through the summer 2020 semester.¹⁵ Accordingly, each school was directed to develop a plan appropriate for their curriculum-specific needs that also reduced student density on campus.¹⁶ University Chancellor Félix V. Matos Rodríguez expressed support for this measure, noting that distance learning would “protect the health and safety of [CUNY] students, faculty and staff while maintaining academic continuity and safeguarding students’ ability to finish their semester and protect their financial aid.”¹⁷

¹¹ Anemona Hartocollis, “After Coronavirus, Colleges Worry: Will Students Come Back?” THE NEW YORK TIMES (Apr. 15, 2020), available at <https://www.nytimes.com/2020/04/15/us/coronavirus-colleges-universities-admissions.html>; see also Andrew DePietro, “Here’s a Look at the Impact of Coronavirus (COVID-19) on Colleges and Universities in the U.S.” FORBES (Apr. 30, 2020), available at <https://www.forbes.com/sites/andrewdepietro/2020/04/30/impact-coronavirus-covid-19-colleges-universities/#69a4b76c61a6>.

¹² *Id.*

¹³ *Id.* See also: Theresa Waldrop, Jon Passantino and Sarah Moon, “Some of California’s main universities not likely to return to campus this fall” CNN (May 13, 2020), available at <https://www.cnn.com/2020/05/12/us/california-universities-fall-online/index.html>.

¹⁴ See May 11, 2020, Novel Coronavirus Briefing, available at <https://www.governor.ny.gov/news/during-novel-coronavirus-briefing-governor-cuomo-announces-new-york-state-will-contract-28>.

¹⁵ See NYSED, *Guidance for Colleges and Universities on Addressing the Needs of Students Impacted by the Coronavirus*, (updated Apr. 2, 2020), available at http://www.nysed.gov/common/nysed/files/nysed-coronavirus-guidance-colleges-and-universities_0.pdf.

¹⁶ *Id.*

¹⁷ See CUNY, “An Important Message on Coronavirus from Chancellor Matos Rodríguez” (Mar. 11, 2020), available at <https://www.cuny.edu/coronavirus/chancellor-letters/an-important-message-on-coronavirus/>.

CUNY's Response to COVID-19

Chancellor Matos Rodríguez convened the Coronavirus Task Force to serve as a strategic “command center” that would work with CUNY’s 25 schools and provide systematic guidance based on the latest information from the federal, state and City health officials.¹⁸ CUNY also established a “Coronavirus Updates” webpage on its central website, which continues to be regularly updated with information relevant to students.¹⁹ Additionally, each CUNY school also created their own “Coronavirus Updates” webpages, which are updated with information specific to their individual campuses.²⁰

On April 2, 2020, in accordance with NYSED guidance,²¹ CUNY announced that the summer 2020 semester across all its campuses would be “exclusively conducted via distance education format.”²² However, decisions regarding the fall 2020 semester, specifically whether students will return to campus, will depend on ongoing consultation with academic leaders and faculty, as well as guidance from NYSED and other accrediting bodies.²³

Additional policy and operational changes implemented by CUNY as part of its overall strategy to respond to the COVID-19 pandemic include:

- Providing access to 30,000 laptops and tablets for full student participation in distance learning;
- Instituting a new grading policy under which students may convert letter grades earned in the spring 2020 semester to Credit or No Credit;
- Refunding dormitory fees on a prorated basis from a student’s move-out date; and

¹⁸ See CUNY, “Coronavirus Updates,” available at <https://www.cuny.edu/coronavirus/>.

¹⁹ *Id.*

²⁰ See for example, Baruch College’s Coronavirus Updates webpage, available at <https://www.baruch.cuny.edu/coronavirus/>.

²¹ See NYSED, *Guidance for Colleges and Universities on Addressing the Needs of Students Impacted by the Coronavirus*, (updated Apr. 2, 2020), available at http://www.nysed.gov/common/nysed/files/nysed-coronavirus-guidance-colleges-and-universities_0.pdf.

²² See CUNY, “Coronavirus Updates,” available at <https://www.cuny.edu/coronavirus/>.

²³ *Id.*

- Waiving 25 percent of the spring 2020 Student Activity Fee, based on enrollment in a 15-week academic calendar, or 50 percent for those enrolled in a 12- or six-week calendar.²⁴

Additionally, CUNY provides general guidance and information to students on such matters as stemming the spread of COVID-19 and responding to symptoms, tips for successful academic continuity, on- and off-campus wellness and mental health resources, information for CUNY employees, support for food, unemployment, housing, and cash assistance, and Coronavirus Aid, Relief, and Economic Security (CARES) Act Emergency Student Grants.²⁵

CARES Act Emergency Grants and Chancellor’s Emergency Relief Grant Program

The CARES Act, enacted on March 27, 2020, contains more than \$2 trillion in economic relief to several groups impacted by the COVID-19 pandemic, of which an estimated \$14 billion is designated for higher education.²⁶ The Higher Education Emergency Relief Fund (HEERF) is part of the CARES Act that allocates funds to higher education institutions to directly support students facing urgent needs related to the COVID-19 pandemic, and to support institutions as they cope with its immediate effects.²⁷ These funds may be used 1) for institutional expenses, “including lost revenues and payroll for employees” and 2) to help eligible students cover education-related expenses caused by the COVID-19 pandemic provided, however, that at least 50 percent of the amount awarded to the institution is paid to students as emergency financial aid grants.²⁸

²⁴ *Id.*

²⁵ *Id.*

²⁶ Kelsey Snell, “What’s Inside The Senate’s \$2 Trillion Coronavirus Aid Package” NPR, (Mar. 26, 2020), available at <https://www.npr.org/2020/03/26/821457551/whats-inside-the-senate-s-2-trillion-coronavirus-aid-package>.

²⁷ IRS, “FAQs: Higher Education Emergency Relief Fund and Emergency Financial Aid Grants under the CARES Act” (updated May 7, 2020), available at <https://www.irs.gov/newsroom/faqs-higher-education-emergency-relief-fund-and-emergency-financial-aid-grants-under-the-cares-act>.

²⁸ *Id.*

CUNY campuses received \$236 million in total under HEERF,²⁹ \$118 million of which has been allocated to the approximately 190,000 undergraduate and graduate students that CUNY determined are potentially eligible for aid.³⁰ Eligibility requires confirmation that students meet basic eligibility for federal “Title IV” financial aid, demonstrated by their family-income information provided on the student’s Free Application for Federal Student Aid (FAFSA).³¹ There is no student application process for HEERF aid because, in most cases, students have already completed a FAFSA and CUNY’s financial aid offices have this information on file, therefore grants are deposited directly into an eligible student’s bank account or sent to them by check.³² According to its website, CUNY disbursed funds to eligible students between May 22 and 29, 2020.³³

In addition to being enrolled in a degree or certificate program and making satisfactory progress, eligibility requirements for HEERF funds include being a U.S. citizen or national, permanent resident, or other eligible noncitizen, leaving undocumented students ineligible.³⁴ However, with an initial \$3.5 million donation from the Petrie Foundation, CUNY established a separate Chancellor’s Emergency Relief Grant Program in response to the COVID-19 crisis that provides \$500 emergency grants to any student in need, including undocumented students.³⁵

Although lottery-based, initial eligibility for the entry includes:

- Undergraduates within 12 credits of earning an associate or bachelor’s degree and who have an Expected Family Contribution of zero on their FAFSA; or

²⁹ Allocations for Section 18004(a)(1) of the CARES Act, available at <https://www2.ed.gov/about/offices/list/ope/allocationsforsection18004a1ofcaresact.pdf>.

³⁰ CUNY, “CARES Act Student Emergency Grant Program – FAQs” (n.d.), available at <https://www.cuny.edu/financial-aid/federal-and-state-grants/federal-grants/cares-act/>.

³¹ *Id.*

³² *Id.*

³³ *Id.*

³⁴ *Id.*

³⁵ See CUNY, “Chancellor’s Emergency Relief Fund,” available at <https://www.cuny.edu/emergencyfund/>; see also CUNY, “Chancellor’s Emergency Relief Grant Program – FAQs,” available at <https://www.cuny.edu/emergencyfund/faq/>.

- Undocumented undergraduate or graduate students; or
- International undergraduate or graduate students.³⁶

The program provided students with \$1 million in grants in April 2020, thereby aiding 2,000 students, and another \$1 million was anticipated to be allocated to 2,000 students starting May 22, 2020.³⁷ As of the date of this briefing paper, CUNY continues to raise private funds for the program and decisions about future grants and other information will be disseminated to students on a continuing basis.³⁸

Issues and Concerns

On March 24, 2020, Chancellor Matos Rodriguez announced a week long “CUNY Recalibration Period for Educational Equity,” noting that the coronavirus pandemic spotlighted “disparities that stratify the higher education landscape” that had “already begun to surface on [CUNY] campuses.”³⁹ The Recalibration Period, which spanned March 27 to April 2, 2020, paused all distance learning at CUNY to allow the University to equip students with the necessary computer equipment to pursue their studies remotely while also affording faculty time to “fine tune” their remote teaching practices to improve educational outcomes.⁴⁰ In announcing the rationale for the Recalibration Period, Chancellor Matos Rodriguez echoed CUNY’s mission as one of “equity, access and opportunity for all”; however, a clarifying announcement made the day after, on March 25, 2020, highlighted the primary reason as allowing time for the distribution of laptops and tablets.⁴¹ Still, the Recalibration Period and underlying lack of access to computers for remote learning highlighted additional questions about the fuller impact of

³⁶ *Id.*

³⁷ *Id.*

³⁸ *Id.*

³⁹ See March 24, 2020 letter, available at <https://www.cuny.edu/coronavirus/chancellor-letters/recalibration-period/>

⁴⁰ *Id.*

⁴¹ See <https://www.cuny.edu/coronavirus/chancellor-letters/further-clarity-on-recalibration-period-from-chancellor-matos-rodriguez/>

COVID-19 on CUNY's unique student body, many of whom are disadvantaged and representative of lower income households. According to CUNY's 2016 Student Experience Survey,⁴² 42 percent of CUNY students had incomes lower than \$20,000 annually; 45 percent are a first-generation students; and 12 percent of students are supporting children as parents or single parents.⁴³ Moreover, students at community colleges were more likely to come from low-income families than students at senior colleges with 71 percent versus 54 percent, respectively.⁴⁴ Consequently, many of these students rely on CUNY not just for their educations but for other essential resources such as food access⁴⁵ and childcare services. The impact of COVID-19 on these and other essential resources is therefore a significant issue of concern for today's hearing.

There has also been growing concern among CUNY adjunct professors about their futures and livelihoods.⁴⁶ At a January 2020 joint City Council hearing of the Higher Education and Civil Service & Labor Committees on Adjunct Faculty Employment at CUNY,⁴⁷ it was observed that more than half of all University teaching staff consists of adjunct professors,⁴⁸ yet adjuncts are frequently underpaid, do not qualify for basic employee benefits such as health

⁴² Note that students voluntarily respond to the Student Experience Survey, and results from the 2016 survey are the most recent available online.

⁴³ CUNY Office of Institutional Research. A Profile of Undergraduates at CUNY Senior and Community Colleges (Fall 2015), available at http://www2.cuny.edu/wp-content/uploads/sites/4/media-assets/ug_student_profile_f15.pdf; see also CUNY Office of Institutional Research and Assessment. Student Experience Survey 2016, available at <https://public.tableau.com/profile/oira.cuny#!/vizhome/2016StudentExperienceSurvey/MainMenu>.

⁴⁴ *Id.*

⁴⁵ Nicholas Freudenberg, Michelle Fine and Erinn Bacchus, "After COVID-19, we must save CUNY", May 29, 2020, *New York Daily News*, available at <https://www.nydailynews.com/opinion/ny-oped-after-covid-19-we-must-save-cuny-20200529-akizmq5hjhk3nfvkebvfkzqu-story.html>.

⁴⁶ Jillian Jorgensen, Union Increases Pressure to Prevent CUNY Layoffs, NY1, available at <https://www.ny1.com/nyc/all-boroughs/news/2020/05/23/union-increases-pressure-to-prevent-cuny-layoffs>

⁴⁷ See January 30, 2020, Joint Hearing of the Committees on Higher Education and Civil Service & Labor, Adjunct Faculty Employment at CUNY, available at <https://legistar.council.nyc.gov/MeetingDetail.aspx?ID=756642&GUID=FF7CB34F-9E9B-41E7-88A8-58A7E99A5F44&Options=info&Search=>.

⁴⁸ 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>.

coverage, and lack the same job security as tenured faculty.⁴⁹ Despite some enhanced benefits and higher pay rates negotiated as part of CUNY's 2017-2023 collective bargaining agreement⁵⁰, the coronavirus outbreak has highlighted the extent to which CUNY adjuncts are still heavily relied upon but lacking in job protections. During the 2017-18 academic year over 72 percent of undergraduate courses were delivered by adjunct faculty at John Jay College, the highest adjunct concentration of any CUNY school⁵¹; however, the college more recently sent notice to more than 400 adjunct professors that they would not be re-appointed in the coming term as a result of coronavirus-related reductions.⁵² The College of Staten Island similarly issued a plan that called for reducing its adjunct faculty budget by 35 percent.⁵³ Although PSC, the union representing CUNY teaching staff, negotiated a delay in adjunct faculty non-reappointments,⁵⁴ the full extent of future layoffs remains unclear; however, because adjuncts teach such a majority of courses at CUNY, the impact of these layoffs on student learning could be profound.

CONCLUSION

At today's hearing, the Committee on Higher Education will seek to gain a better understanding of the full impact of COVID-19, and efforts to mitigate its spread, on CUNY operations and its ability to serve the needs of its students. This includes transparency and messaging to the CUNY community, the impact on faculty, adjunct faculty in particular, and

⁴⁹ 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_5eeca68-fcb9-11e9-a233-fbebe19d49c1.html; see also 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.

⁵⁰ *Id.*

⁵¹ *Supra note 43.*

⁵² *Supra note 42.*

⁵³ *Id.*

⁵⁴ See Agreement of Extension of Notification Date for Adjunct Appointments for Fall Semester 2020, available at <https://www.psc-cuny.org/sites/default/files/Agreement%20on%20Adjunct%20Notification%20Date%20Extension.pdf>.

staff. Finally, the Committee is interested in learning what mitigation efforts CUNY is planning to undertake in order to safely resume its academic calendar in the fall 2020 and in-person learning.