To: Nancy L. Zimpher, Chancellor  
Monica Rimai, Senior Vice Chancellor for Operations  

From: Kenneth P. O'Brien, President  

Re: March 16 Discussion Among University Faculty Senators and Campus Governance Leaders on PHEEIA  

Date: March 17, 2010  

This past Tuesday, March 16, we had more than 30 Senators and Campus Governance Leaders, who represented 26 separate campuses, discuss the PHEEIA and the reactions on their campuses to both the proposed legislation and the draft comprehensive policies. The participants voiced unanimous support for giving SUNY the authority to set the General Tuition Rate and to keep the resulting tuition and fees collected within the system. In addition, almost all wanted some kind of guarantee that New York State would maintain, at the very least, the current levels of funding and would fund future labor contracts.

There were also a number of areas of genuine concern. Principal among them were the following:

1. The Special Tuition Rate (or “differential” by another name). It was generally agreed that the current draft of the policy lacked clarity. Many were uncomfortable not knowing more about which units (programs, either on a specific campus or system-wide, or campuses, or sectors) could apply for a “Special Tuition Rate.” And there was NOT agreement among the participants about what the unit should be, with some arguing for programmatic rates based on cost, others for programmatic rates based on opportunity, even whether a programmatic rate should apply to all students at a campus or just those in the program. Some argued for rates by sector, such as allowing the University Centers to raise their common tuition rate, with each sector, however that was defined, having the same rate.

Finally, while the language of the policy implies that the STR is situational and temporary, seeking to capitalize on special programmatic opportunities, the support on some campuses has articulated a very different understanding. Two comprehensive college presidents have long argued for the ability of their campuses to charge higher tuition rates than other comprehensive colleges, and hence, they see the flexibility of the STR as a critical means to make more resources available to their campus. Most of those on the phone conversation thought this definition of flexibility was not a good idea.

2. The discussion identified a number of pieces missing from the tuition policy that, if added, could determine the extent of faculty support. Each fell under the general category of “necessary” specification of limits of the policy. Some believed that the
STR could give a campus, in this case a neighboring campus whose president has already publicly stated his desire to absorb other SUNY units, an advantage in gathering resources that could result in unfair competition for students. The concern about the policy creating a much more competitive system within and among SUNY’s colleges and centers was general. Consequently, some argued against allowing for differential tuition rates among campuses within a sector, since that would foster the translation of current market status into long-term campus resource differentials.

In addition, it was generally agreed that a hard cap needed to be specified for any combined tuition increase. In sum, it was argued that some consideration of controls needed to be put into the policy to guard against creating competition among SUNY campuses that would result in winners and losers within a short period of time.

3. For both policies, there were concerns that “faculty governance” was not specified as among the campus groups that needed to be consulted in the design and implementation of the proposals. On p. 4 of the CAMP, it reads: “This proposal shall have the full support of the campus college council and campus faculty and student leadership prior to submission to the Chancellor.” While this may seem a nit that is being picked, “campus faculty” is a broad stroke, too broad if what you mean is “campus faculty governance.” And “full” is a word that will probably come back to haunt at some time, as some will take it to mean “unanimous.” The Comprehensive Tuition Policy for a STR proposal (p. 4) fails to specify faculty governance altogether, reading: “In crafting such proposals, the submitting campuses shall consider the following along with the general criteria…….” Results of consultations with campus constituencies, including but not limited to, campus student government and the recommendation of the campus college council.” This really needs to be revised.

4. The CAMP seems to have satisfied many of the concerns for faculty across the system, but several in addition to 3. above remain.

- A number of faculty wanted something more definitive than the promise that current employees will have their status and union rights protected; the language seems much less clear about future employees in joint ventures. There was concern, however, that could be construed as the “terms and conditions of employment,” and hence, is not appropriate for consideration by faculty governance.

- A final CAMP issue is that of local taxation and the concern that businesses could use the ability to create joint ventures on state property as a means of avoiding local business taxes, which in rural communities, such as those in which many SUNY campuses are located, is already an issue. The suggestion is that one of the criteria by which proposals will be evaluated will be their impact on the local community, which would include employment and general taxation. This is, we believe, another reason to specify the inclusion of faculty governance bodies in the campus review process.

- Among the “assets” defined on p. 2 is “intellectual property.” The participants want it understood that this clause had to be implemented through existing Board of Trustees policies governing the ownership of intellectual property.
As faculty members have ventured to Albany over the past month to meet with legislators as part of college-wide groups, they have reported back that many legislators indicated an unwillingness to support of the Empowerment Act, which raises the question, what happens if the bill fails and if the budgetary support for SUNY is not restored, which is likely given the most recent news about the increasing deficit? Specifically, are there discussions with legislators for a general tuition increase, which, after all does not necessarily depend on PHEEIA, but would help reduce the dire predictions of the coming crisis on some campuses?

Finally, the participants evinced good will toward and support for the new administration and the changes you have already brought and are now seeking for SUNY. You have earned the respect and appreciation of the members of the University Faculty Senate, who welcome the opportunity to engage in this process, with the goal of creating a more workable PHEEIA, one that can garner our unqualified support.