**State Budget Cuts Would Impact Higher Education**

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New York State Conference – American Association of University Professors (AAUP)

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Academic Freedom Survey

By Irwin Yellowitz, Chair of New York Committee A on Academic Freedom and Tenure

The New York Conference Committee A on Academic Freedom and Tenure has been trying to determine the state of academic freedom in New York State. We have sent a short questionnaire twice to the chairpersons of the various chapters, and that has provided some information. Now we would like to extend this survey to all the chapters.

You can help by completing a very short questionnaire. It covers the academic years 2007-2008, and 2008-2009. You may include not only academic freedom issues that concerned you, but those involving other core values that have come to your attention. In this latter case, you may not be able to com-

Fiscal Policy Institute: New York Under Invests in Higher Education

New York State is not providing the funds needed to help CUNY and SUNY adjust to increasing numbers of students. That’s the conclusion of a report issued by the Fiscal Policy Institute (FPI), legislators in Albany heard testimony on higher education in the state budget.

The report, issued by the Fiscal Policy Institute (FPI), shows that even before the recession, state aid to SUNY’s four-year colleges and graduate schools fell by five percent since the early 1990s, and at CUNY state support was down by 14 percent over the same period. The picture is even more dismal at community colleges, where funding is down by 12 percent at SUNY and 26 percent at CUNY. The figures are adjusted for inflation.

“Increased enrollment at SUNY and CUNY simply haven’t been matched by a similar increase in funding,” said David Dysserga Kallick, FPI senior fellow.

“Next year’s classes at SUNY and CUNY are expected to be larger than ever,” Kallick said, “Yet, rather than expand funding to an already overtaxed system, the state budget proposal recommends a decrease in support for public higher education. That’s not a smart economic strategy, and it’s not good stewardship of two of the country’s great systems of public higher education.

“The share of the state’s labor force with at least an associate’s degree has increased by 10 percent since 2002, and that means expanding access to higher education institutions is at great risk,” Smith warned. He noted that as public facilities, SUNY hospitals are required to serve not only uninsured and underserved patients, but also those referred with medical conditions that require costly treatment. Smith asked legislators to reverse the $25 million cut, and increase the state subsidy by $40 million.

“Making sure that people of color, immigrants, and low-wage workers have good opportunities to expand their skills and education during this downturn should be a high priority for state officials,” Kallick said.

Administra tion Calls for Prompt Response to Information Requests

The White House on January 21 issued a memo instructing heads of federal executive departments and agencies to respond “promptly and in a spirit of cooperation” to FOIA requests made under the Freedom of Information Act (FOIA).

The government “should not keep information confidential merely because public officials might be embarrassed by disclosure, because errors and failures might be revealed, or because of speculative or abstract fears,” the memo said. In addition, agencies should take affirmative steps to make information public.

The American Association of University Professors had joined with civil liberties and open government organizations in calling on the Obama transition team to issue such an order early in the new administration.

“The difficulty of obtaining information through FOIA requests has been a source of frustration for many scholars, particularly historians. The administration is now in a position to ease access to government information. The White House should act promptly and aggressively to reverse the downward trend in access to government information.”
The nominations committee has put forward the slate of recommended candidates who will be voted on at the Spring Meeting of the Conference, which will be held at Marymount Manhattan College, April 17-18.

The nominating committee consists of:

Chair: President Jeanne Jancouart (Syracuse University)
Treasurer: Patrick J. Cibon (Syracuse University)
Secretary: Cecilia McCullough (Baruch College)

The slate for the Volunteer Recruitment Scholarship is as follows:

Dr. Joyce Furboro (St. John's University)
John Marino (UUP)
Suzanne Wagner (Niagara University)
Kate Eker (Hilbert College)

Committee A: We Can Help Defend Your Academic Freedom

by Irwin Yellowitz
Chair of NYAA Committee A on Academic Freedom and Tenure

Academic freedom protects all faculty members, tenured or untenured. If a faculty member in New York State has experienced, or is threatened with, a violation of academic freedom, or of the tenure rights which sustain it, the members of this committee must be informed of the circumstances of the case in order to be ready to help prepare responses to complaints and provide advice about possible courses of action.

If you or someone you know is in this situation, please contact Committee A.

President's Report

Executive Budget - Higher Education

Other TAP Adjustments

Still another measure of the Administration's fiscal prudence is the plan to eliminate the current enhancement in TAP award amounts for applicants who have multiple dependent family members in college and making students ineligible for TAP if they are ineligible for federal loans.

Currently, students in default on federal loans guaranteed by the Higher Education Services Corporation would not be eligible for TAP awards, but students in default on other federal loans retain TAP eligibility. The Executive Budget provides that all students in default on federal loans would be ineligible for TAP awards, regardless of guarantor.

(2009-10 Savings: $9 million; 2010-11 Savings: $13 million)

All Other Higher Education Adjustments

The Regents Professional Opportunity Scholarship and the Community Opportunity Scholarship will sunset, consistent with existing law, and new awards for the Volunteer Recruitment Scholarship are included. The Budget continues to support community colleges to reduce the redactions in spending resulting from the discontinuation of new Regents Opportunity and Volunteer Recruitment scholarship awards, the Executive Budget still includes $38.5 million in funding for various scholarship and award programs.

(2009-10 Savings: $2 million; 2010-11 Savings: $2 million)

Other Budget Actions

Establish SUNY Supplemental Operating Account

SUNY is expected to end 2009-10 with a cash balance in its primary non-tuition revenue account of approximately $20 million. The University has indicated that reductions in state support sustained in 2008-09 and any further loss of such support by the University would create significant budget and workforce reductions. This action would set aside $75 million of SUNY's cash balances to preserve undergraduate programs and faculty positions.

State Budget Cuts Would Impact Higher Education

already struggle to pay for tuition, books and board. School officials said that to register for the courses they need to graduate on time.

The New York Higher Education Loan Program, known as NYHELPS, provides an opportunity to clear one's name and need not comply with formal procedures to be valid. Chilingirian v. Boris, 882 F.2d 200, 206 (6th Cir. 1989)." The appeals court rejected the district court's holding that Gunasekera did not have a property interest because university officials' discretion was not entirely restrained. As the appeals panel put it, 'Gunasekera's argument...that...his ability to show that a common practice and a legitimate claim to graduate faculty status so long as he met the stated conditions. In addition, OG had admitted that it had never revoked or suspended academic status or tenure, and Gunasekera's record indicated that he was entitled to the presumption that he had suffered a deprivation of property. Because OG's lawyer admitted that the academic status or tenure deprivation was not a deprivation of the right to due process, the appeals court reversed the district court's dismissal of Gunasekera's property-interest claim. With respect to Gunasekera's claim asserting a right to a name-clearing hearing, the university admitted that Gunasekera had a "protected liberty interest" in such a hearing, so the only question for the court was what process was due and whether the hearing had to be public. In this appeals court noted that even in the absence of the university's admission, Gunasekera would have a "protected liberty interest" in a fair hearing.

The court had previously held that "a name-clearing hearing need only provide an opportunity to clear one's name and need not comply with formal procedures." Chilingirian v. Boris, 882 F.2d 200, 206 (6th Cir. 1989)." Using a three-part test articulated by the Supreme Court, the appeals court concluded that: (1) "where, as here, the employer has inflicted a public stigma, there is no way that the employee can clear his name; (2) the public stigma is through publicity;" (2) "publicity adds a significant benefit to the employer;" and (3) "the publicity function would not necessarily impose a significant burden on the employer. The appeals court left it to the district court to determine the "exact parameters of the name-clearing hearing," adding that "concerns for the privacy of students implicated in plagiarism" could shape the precise nature of the required procedure.

As Chair of NY Conference Committee A, I deal with an inquiry, or assign it to a member of the Committee, who then contacts the person and takes responsibility for the investigation.

The full committee makes all decisions on how to proceed once the facts and issues have been established. Our actions are based on AAUP's principles as stated in AAUP's policy statements, and on our judgment of how a particular situation fits with those standards.

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Please return to: New York Academe, 125 Lathis Avenue, Staten Island, NY 10303.
The SUNY Board increased undergraduate tuition by $620 (14 percent) from $4,350 to $4,970 per year, graduate tuition reduced by $60 to $4,260 per year, and non-resident undergraduate and graduate tuition by 21 percent annually. These increases are effective beginning in the Spring 2009 semester, and are reflected in the SUNY Board’s 2008-09 and 2009-10 Executive Budget. The SUNY Board recommends that the SUNY Board increase resident graduate tuition by an additional 7 percent, effective with the fall 2009 semester.

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