Why are drug prices so high?
Big pharmaceutical companies blame research costs for the high price of drugs. But their numbers don’t add up.

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UFS SURVEY
Campus dissatisfaction
The University Faculty Senate surveyed full-time faculty across CUNY—and for some campuses, the results are startling.

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NYU STRIKE
The fight continues
NYU graduate assistants vowed to stay strong and on strike into the Spring semester, despite President Sexton’s threats.

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BENEFITS
Combining P/T pensions
Many CUNY adjuncts are already in a non-CUNY pension plan. Make sure you get pension credit for the work you do at CUNY.

PAGE 8

Welfare Fund is Key
PSC SAYS: SETTLE IT NOW!
In November, the PSC reached a tentative framework with CUNY for a new contract agreement. But in December, progress on the final elements was slow, and the union pressed management to finalize the deal. (Above, Iris DeLutro and Steve Trimboli in a bargaining team meeting.)

PAGE 3
Serious...about a settlement?

An open letter to the Chancellor–

Dear Chancellor Goldstein:

You might remember me: I’m the architectural photographer who quit on Senate Forum that CUNY’s negotiating stance is such as to make you guilty of violating the Taylor law injunction against inducing public employees to strike. Or you might not remember me: I’m the teacher at City Tech who, in a typical month, steps carefully around the puddled water in the hallway outside of my classroom. I’m the teacher who, in a typical semester, steps carefully around the water dripping from the ceiling in the hallway outside of my classroom. I’m the teacher who, in a typical year, breathes gingerly the smell of raw human sewage from the leak in the drain pipes in the hallway outside of my classroom. You say you’re serious about wanting a settlement, but the evidence suggests otherwise. I believe you’re serious about not offering us real raises, or preventing erosion of our benefits. I disagree with this tactic. And I won’t settle for it. I’d rather hunt than accept an awful settlement.

Sincerely,

[Signature]

City Tech

No blank check for war

As someone who feels strongly about ending the war in Iraq, I have been most disappointed with the votes of the senate. The evidence of cruelty on the part of the army and our government is often hidden from view. However, one image that has been difficult to forget is a photographic print of the interior of an Iraqi prison. It was made to the torture! You have not passed by, “You’ve grown accustomed to the arm of a demonstrator who was trying to avoid being handcuffed. Shortly after the arrests, Hunter Director of Public Safety Lou Mad-
volution outside. She told us that she had been arrested – a charge denied by Hunter officials, but supported by a student witness.

The demonstrators belong to an organization called The World Can’t Wait which opposes the war in Iraq, torture and other Bush Administration policies. The group posted a video of the protest and initial arrests on its website. The video shows the demonstrators in orange jumpsmuits, black hoods and leashes around their necks. Four kneel on the floor near the college cafeteria while one stands and shouts at people passing by, “You’ve grown accustomed to the torture!”

TORTURE

Three and a half minutes into the tape, a security officer approaches the protest. One demonstrator shouts at him, “Admit to your crimes! You live in a country of torturers! You stand silent!” Three security officers then tackle and handcuff the protesters, who appear to be resisting them.

Mark Tinkelman, a protester and Hunter student who was arrested, said that during the scuffle, one security officer yelled to another to break up the arm of a demonstrator who was trying to avoid being handcuffed. Shortly after the arrests, Hunter Director of Public Safety Lou Madilton told the Associated Press that the demonstration was in a “permit only” space and did not have a permit. The Hunter Communications Office told Clarion that Mader and Associate Dean of Students Michael Escott “asked the protesters many times to lower their voices and leave the premises, which the protesters refused to do.”

Tinkelman said he never heard a warning and that he did not see Dean Escott until security officers had begun handcuffing the protesters. He acknowledged that his group lacked a permit to occupy the space near the cafeteria, but said, “People shouldn’t have to have a permit to protest torture.” They added that earlier in October they had seen a theater group doing a loud presentation about sperm in a similar public space at Hunter, and that the actors said they had no permit.

Witness describes misconduct by security officers.

The alleged punch is not visible on the website video, but a Hunter student who asked to remain anonymous confirmed Speel’s account. The stu-
dent, who was not involved in the protest and said she does not know the demonstrators, was in the cafeteria when she heard a commotion outside. She told us that she saw a security officer straddling a handcuffed demonstrator, who was visibly in pain. She said that when she urged him to stop, he became angry and turned around and basically took his anger out on this victim and bazaarly punched him in the balls.”

School officials say they lacked a permit

Witness describes misconduct by security officers.

Hunter’s Communications Office told Clarion that “The Office of Public Safety knows of no such allegation and no complaint has been filed with Hunter. All proper procedures were followed by Hunter security guards in defusing a disruptive and potentially threatening situation for our students.”

Hunter’s Communications Office also stated that the arrests were necessary because the protesters were “obstructing the walkway.” The video, however, shows plenty of room around them during the protest and only a small number of people watching, while others walk past without a problem. A much larger crowd gathers after the ar-
rests begin, but people are still shown passing through the area. Another protester, Joey Speel, told Clarion that while he was arrest-
ed, “one cop had my hands and one cop had my feet,” and “the one who had my feet pulled back and punched me in the testicles.”

The alleged punch is not visible on the website video, but a Hunter student who asked to remain anonymous confirmed Speel’s account. The stu-
dent, who was not involved in the protest and said she does not know the demonstrators, was in the cafeteria when she heard a commotion outside. She told us that she saw a security officer straddling a handcuffed demonstrator, who was visibly in pain. She said that when she urged him to stop, he became angry and turned around and basically took his anger out on this victim and bazaarly punched him in the balls.”

PROCEEDURES

Via e-mail, Hunter’s Communications Office told Clarion that “The Office of Public Safety knows of no such allegation and no complaint has been filed with Hunter. All proper procedures were followed by Hunter security guards in defusing a disruptive and potentially threatening situation for our students.”

Tinkelman and Speel said they had been previously arrested at Hunter in similar anti-torture protests. They added that earlier in October they had seen a theater group doing a loud presentation about sperm in a similar public space at Hunter, and that the ac-
tors said they had no permit. Speel and two other protesters are not affiliated with CUNY, but that does not appear to have been a factor in the decision to make the ar-
rests. Speel turned down an offer of a donation in contemplation of dismissal (ACD); Tinkelman said other arrestees either accepted the ACD or, as in his case, had charges dismissed.

FAITH TARNISHED

However, Tinkelman has received a written warning from Hunter College stating that “this type of behavior will not be tolerated in the future,” since it could have “provoked or encouraged physical violence.” Similar actions could lead to his expulsion, the let-
ter states.

The student witness who spoke to Clarion sees the issue different-
ly. Security officers “took it out of proportion and they were extreme-
ly violent,” she said. “This totally tarnishes my faith and respect for the security at Hunter College. I do not feel safe with these security guards.”

Fernando Braga contributed reporting for this article.
November saw continued move- ment toward a contract agreement between the PSC and CUNY – but in December, the union voiced con- cern that the pace of progress has slowed and that crucial elements of the deal were not yet in place.

“We will not accept a contract that does not stabilize the Welfare Fund,” warned PSC President Barbara Bowen in a letter on December 15. “We negotiated in good faith at the bargaining table, and reached a tentative framework with CUNY. It’s time to finalize that conceptual agreement and add it to the necessary support for the Welfare Fund.”

Bowen called on union members to write to Chancellor Matthew Goldstein and tell him that CUNY must “substantially increase its con- tributions” to the PSC/CUNY Wel- fare Fund. “Health benefits are a major part of the compensation for our work,” a union statement de- clared. “We cannot agree to a con- tract that does not protect them.”

PREVIOUS PROGRESS

By late November, the PSC and CUNY management had defined the broad strokes of a possible con- tract settlement on most key points. “Discussions have largely moved to the level of the City and State,” Bowen reported to mem- bers on December 2, “where we are seeking approval for the tentative agreements we reached with CUNY management and sup- port for the full econom- ic package we need.”

But nothing the under- standings between union and management could be firm until all basic points were settled, and adequate financing for the Welfare Fund remained a diffi- cult issue. “At this stage the work is primarily conversation – often many times a day – with CUNY manage- ment, the City and the State, to try to hammer out a settlement,” Bowen wrote to members on December 2.

DEADLINE WAS GOOD

Movement in negotiations had begun with management’s re- sponse to the PSC’s November 3 deadline for substantial progress at the table, as the union consid- ered a membership referendum on job action if contract talks were stalled. In combination with the UPF’s agreement to CUNY’s request, the dead- line changed the dynamics at the bargaining table.

“We recognize that throughout these negotiations that every time we stepped up the pressure, things have happened at the table,” said PSC bargaining team member Iris DeLucio. “Setting a deadline was good for the process – it lent an ur- gency to the talks that moved them forward.”

Bowen credited members’ ac- tions – particularly October picket lines and the record turnout at the September 29 membership meeting – with the progress that fol- lowed at the table. “The momentum you developed [in] the public spaces of the mass meeting or campus protests…fuelled six weeks of in- tense negotiations,” she said. “Doors that had been closed for three years opened dur- ing the two weeks after the mass meeting.”

But as November turned into December, the pace of progress began to slow. In part, said union negotiators, this was due to the complex- ity of contract negotiations at CUNY.

While public school teachers bargain directly with the City, and transit workers negotiate with a State authority, a PSC-CUNY con- tract agreement involves both the City and State, as well as CUNY management. In this round of con- tract bargaining, the City and the State each developed different pat- terns, and “they are both very in- vested in maintaining those pat- terns,” Bowen told the December 15 Delegate Assembly. The PSC has refused to agree to lower salaries for new hires or lower ben- efits for all.

LONG OVERDUE

In a November 28 letter to the Board of Trustees, Bowen had not- ed that “the Chanciller’s Office and members of the Board of Trustees have worked hard in re- cent weeks to assist in bringing contract negotiations to a close.” Nonetheless, she stressed, “we still have no contract.” In fact, she wrote, PSC members had been working under an expired contract for 1,124 days, and had not received a raise for more than four years. “A fair settlement is long overdue,” she concluded, and called on trustees to “redouble their efforts” to conclude a deal.

WELFARE FUND

By mid-December, the union was taking a sharper tone. In her De- cember 15 statement, Bowen ac- knowledged that finalizing an agreement was “a complex process, one that is both political and techni- cal – but there is no excuse for tak- ing this long.”

Union negotiators expressed par- ticular concern that, while there were tentative understandings with management on pay hikes and advances in equity and working conditions, the issue of enhanced contributions to the Welfare Fund had still not been resolved. They stressed that the PSC could not ac- cept any settlement that did not solve the Fund’s financial crisis. “It is outrageous to expect us to contin- ue working at CUNY without ade- quate benefits,” Bowen said.

“Years of inadequate support by the University have left the Fund with a growing structural deficit,” noted a PSC statement on the union’s website. “If CUNY manage- ment does not substantially in- crease its contributions in this round of bargaining, the Welfare Fund will be forced to enact dra- matic cuts in benefits or increases in costs. This would be intolerable.”

Continued inadequate funding would endanger CUNY’s ability to provide a quality education, the union added, because the Univer- sity “cannot hope to recruit and retain a strong academic work- force if CUNY offers substandard benefits.”

The PSC appealed to members to sign this statement and add their own stories of how they had been personally affected by the shortfall in Welfare Fund finances. The result was more than 1,600 faxes sent to Goldstein’s office on December 18 and 19, just before Clarion went to press.

At press time, union negotiators said that issues affecting CUNY’s Edu- cational Opportunity Centers and the Hunter Campus Schools also re- mained unresolved. “There have been constant sessions and side meetings on those topics,” Bowen told delegates on December 15.

In addition to the fax mobilization in mid-December, a PSC delegation attended the November 28 meeting of the Board of Trustees to prod them to conclude a contract agree- ment. About 15 union members held up brightly colored signs reading “1,124 Days: Settle Now!”

PSC activists said they came to impart a sense of urgency to the trustees. Bob Cermele, chapter chair at City Tech, told Clarion that he had participated in most of the union’s previous actions at Board meetings and didn’t want to miss this one. “I think it’s important to raise the Board’s awareness about our contract issues,” he said. “If we weren’t there, they would be un- aware of what members feel.”

CUNY MUST PAY

With the Board of Trustees scheduled to endorse the Chancel- lor’s proposal for perpetual annual increases in tuition, Cermele and others said they had also come to reiterate the union’s position that money for fair raises and decent health benefits should not come from tuition.

The PSC has argued that increas- ing CUNY’s reliance on tuition will let the State Legislature off the hook for the funding of public higher edu- cation (see “CUNY in Brief,” page 5). Students have been generally sympathetic to the PSC’s contract demands, and have cited the union’s opposition to tuition hikes as one of the reasons for their support. As Clarion went to press at the end of CUNY’s exam period, the City, State and CUNY management were holding a series of contract discussions; results were not yet known. Bowen urged members to check the union website (www.psc-cuny.org) in January for news or appeals for further action.

By PETER HOGNESS

Contract movement slows

Pressing to secure deal with CUNY, City, State

higher ed

in brief

Aid yanked

The New York Times reported that the for-profit Interboro Institute, one of the fastest-growing colleges in the state, violated NYS regula- tions for student financial aid eligi- bility. Comptroller Alan Hevesi’s office released an audit showing the violations and barred the school from receiving $803,150 in state aid.

Interboro offers mainly lower- cost career-oriented courses to mostly African-American and Latino students. It offers a high- school equivalency diploma and two-year college degree in 16 months with financial aid and job placement.

But all admitted students must pass tests and prove they are pro- gressing to a college degree (take- ing more than remedial courses) in order to qualify for financial aid, and Interboro’s students have been failing both the tests and the classes, the state found.

presidents vs. tenure

A Chronicle of Higher Education survey showed most presidents would axe tenure if given the chance. Some 53% thought the sys- tem should be replaced with long- term contracts.

The survey also found that pres- idents with teaching experience were more supportive of tenure, and “in general, a president’s im- mersion in the academic side of university life correlates to be an in- dicator of whether or not a presi- dent valued tenure.” Also, presi- dents in institutions with a significant number of Ph.Ds and presidents of secular colleges were less likely to oppose tenure.

The survey cited the AFT’s and AAUP’s stands in defense of tenure. It also pointed to Florida Gulf Coast University, at which 85% of faculty work under long-term contracts with no tenure.
Amid intensifying controversy over its planning, curricular design and administrative arrangements, CUNY seems determined to roll out the University’s first all-online baccalaureate degree in September 2006, as part of CUNY’s School for Professional Studies (SPS).

Much faculty criticism is related to the new program’s link to SPS. “CUNY appears to be rushing in a new, totally online degree program through the window that we refer to as a continuing education program,” said Susan O’Malley, chair of the University Faculty Senate. “SPS has only an adjunct faculty and little in the way of faculty governance.”

The “CUNY Online Baccalaureate” (OLBA) will begin with 300 students who stopped attending college while in good academic standing and had earned at least 30 credits. The OLBA is intended to help working adults return to college and complete their degrees, according to the letter of intent defining the proposal.

The letter says that “the heart of the targeted audience” is the 64,000 former CUNY students who left the University in good standing over the last six years. It cites work and family responsibilities as the main reasons given by them, and promises that “online instruction can eliminate the scheduling difficulties that have defeated so many students.”

SPS currently offers between 100 and 200 courses that are completely online, according to George Otte, CUNY’s Director of Instructional Technology. But the OLBA would be its first completely online degree. All OLBA students would major in “Communication and Culture.”

**ALL ONLINE**

The degree would be granted by SPS – and the uncertainties and disagreements swirling around the degree echo those that accompanied the establishment of the school in 2003. At that time, the University Faculty Senate and the PSC were both critical of the fact that the new school’s last-minute linkage with a full-time faculty and no departmental structure. Through the OLBA proposal, CUNY Central Administration is pressuring for SPS to issue undergraduate degrees - something it had promised would never happen, according to UFS leaders.

SPS was first proposed as a continuing education venture, with no mention that it would grant degrees of any kind. They brought in the issue of degrees only a few days before the proposal went to the Board of Trustees,” said O’Malley, adding that this sparked deep concern among faculty. “We were given assurances from the chancellor that there would be no undergraduate degrees granted by SPS, only very specialized master’s degrees that none of the campuses were offering,” O’Malley said.

Full-time faculty participating in the OLBA program would hold “joint appointments,” primarily developing and overseeing curricular instruction. The mechanism and status of these joint appointments is unclear. They would teach perhaps one course a year, on an overload basis. The rest of the courses would be taught by the program’s adjunct faculty.

A brief one-page description of the OLBA program distributed October 26 suggested that “as the program grows,” it would move beyond relying on joint appointments and would hire full-time faculty specifically to teach in the OLBA. But the 20-page letter of intent that followed did not mention this prospect.

Concerns about the placement of the OLBA program in SPS, the role of full-time faculty, and governance issues were the focus of a sometimes heated debate at this Fall, intertwined with questions and debates about the pros and cons of online education itself. Faculty governance bodies have been sharply critical of the process through which the proposal has advanced.

On November 18, the Council of Faculty Governance Leaders unan- imously urged “that no University-wide degree program should go forward unless passed by the University Faculty Senate.” On December 6, a UFS plenary declared that the Senate “cannot with confidence support the proposal as outlined in [this] document,” referring to the one-page OLBA program description.

The UFS has also declined to name its three members for the OLBA Curriculum committee, citing concerns about the academic rigor and clarity of the OLBA proposal, as well as what UFS leaders have called the limited number of people involved in its planning.

**RAPID PACE**

But these concerns and objections do not appear likely to slow the process down. On November 30, the SPS governing committee voted to establish the OLBA Curriculum Committee, without UFS representatives. And on December 12, the SPS board approved the program’s letter of intent.

These moves continued the rapid pace of the proposal so far. The June 2005 report of CUNY’s new Steering Committee for Online Resources and Education (SCORE) recommended the establishment of an online degree program. At a UFS meeting in September, Executive Vice Chancellor Selma Botman “announced that this degree would be housed in SPS and would begin next September,” former UFS Chair Sandi Cooper wrote in a later discussion on the UFS listserv, Senate Forum. “That was the first moment that the Senate had ever heard of this project, and the meeting’s entire agenda was derailed as people flocked to the microphone to ask questions.”

When done right, online education is labor-intensive.

**QUALITY TIME?**

On Senate Forum, concerns have also been raised about the capacity of online instruction to develop skills in oral expression, or a foreign language, or laboratory work in the natural sciences. Each of these requires drawn responses, both technological and pedagogical. One point of broad agreement has been that “the question of quality instruction is very labor-intensive.”

Pat Rudden, a PSC grievance counsellor, added that this last point calls into question the quality of instruction that the OLBA would offer, given that all full-time faculty who take part will teach on an overload basis. “All the wonderful talk of how much attention faculty can give online students rings hollow when one contemplates the prospect of a person teaching an online course on top of five…other courses,” she wrote on Senate Forum. “When faculty workload rapidly or unexpectedly increases, it can have dire consequences for students,” Greenbaum observed. “Limited access to full-time faculty can be particular important for online courses,” she said, “and this is an important workload issue.”

**WEAK STRUCTURE**

But O’Malley said that the weak governance structure of SPS makes it unclear who would decide on class size limits within the OLBA. “Right now it’s not clear who makes that decision,” she said.

The need for strong counseling and advising services for students in an online degree program has been emphasized by many faculty members, including both members of OLBA advisory groups and critics of the proposal. The latter have noted that there are no counselors in the OLBA advisory group on student and faculty support services.

Accompanied by many unanswered questions, the OLBA proposal is rapidly moving forward toward implementation Fall 2006. A comment period of at least 30 days is to follow the December 12 approval of the letter of intent. Next comes development of a more detailed degree proposal, which will be considered by the UFS trustees’ Committee on Academic Program, Planning and Research, and the CUNY Senate. The CUNY trustees’ Committee on Academic Program at the September 2006 meeting of the Senate of the New York State Education Department.

The unusual speed with which the OLBA proposal is moving forward becomes clear when one compares it with the development of the new School of Professional Studies. It was approved by the UFS Executive Committee in March 2004. After thorough discussion, Stefan Baum- rinn of the UFS Executive Committee added, “I think that the OLBA is not online education itself that is to blame…for the level of confusion, but the rush to do in weeks what needs years, and to do it in the face of considerable resistance.”
By DANIA RAJENDRA

The results of the University Faculty Senate survey of full-time CUNY faculty are in, and survey coordinator Dean Savage says that one thing stands out. “The real message of this survey is that there are astonishing differences by campus,” said Savage, who chairs the sociology department at Queens College. “It’s quite spectacular.”

On many questions, Savage told Clarion, it was not uncommon to see the share of respondents who were very or somewhat satisfied range from 80% at one campus down to 20% at another. Baruch was the campus that showed the most widespread satisfaction: on 83% of the survey’s 47 questions, the responses were above the CUNY-wide mean. Dissatisfaction was widest at Medgar Evers and City College – on both of these campuses, only 17% of those surveyed drew responses above the CUNY mean.

**DISCONTENT**

Results often showed a large number of campuses bunched in the middle, and a relatively high level of discontent CUNY-wide. On half of the questions, 40% or more said they were very or somewhat dissatisfied.

“CUNY-wide, the overall level of satisfaction was especially low for faculty influence on college policies, effectiveness of shared governance, access to information about the budget, support for intellectual life, and enforcement of health and safety regulations,” said PSC First Vice President Steve London.

UFS Chair Susan O’Malley, who hoped CUNY administrators would look to the survey results to identify and promote best practices within CUNY. “We’re thinking about doing a UFS conference on this in the Spring,” O’Malley said. “It’s important to understand why one college does so well on a certain topic, while at another college the level of satisfaction is 60 points less.” For example, on the effectiveness of shared governance, satisfaction ranged from a high of 89% at Queensborough to a low of 12% at City College.

The survey results have been most noted in such a public way for the questions on “college culture,” O’Malley said. On a majority of CUNY campuses, the faculty were most satisfied with their influence over college policies and with the effectiveness of shared governance. On respect for faculty shown by college administration, discontent outweighed satisfaction on several campuses: CCNY, Medgar Evers, LaGuardia, BMCC, John Jay, York and Hunter. (Except for John Jay and York, the same colleges were also in the bottom seven on shared governance and faculty influence on college policy. The survey was conducted before York’s new president took office.)

**NO RESPECT**

At City College, 73% of respondents said they were dissatisfied with the level of respect shown to faculty by the CCNY administration. “If you look at the way that City scored, you’ll notice a whole series of items on the relationship between faculty and the administration,” said George Brandon, acting vice president for academic affairs. “We have a good administrator who is working cooperatively with us, not against us. It’s more of a relationship of equals, and that’s an extrememly important factor.” He noted that Marti is himself a former CUNY faculty member who worked for years as a professor of biology at BMCC.

Full-time faculty at Queensborough were almost as broadly satisfied as those at Baruch: on 76% of the questions, they expressed more satisfaction than the CUNY-wide mean. But the sources of satisfaction at the two colleges were notably different. At Baruch, the five issues where satisfaction was the highest above the CUNY mean were classroom space, office space, restrooms, audio-visual equipment and maintenance of physical plants. At Queensborough, the top five were shared governance, respect shown to faculty, support for intellectual life, enforcement of health and safety regulations – and parking. CCNY actually fared poorly on office space and class size, scoring below the CUNY mean.

Results from a number of questions pointed to an important conclusion, commented Savage. “You may not have a lot of money at CUNY, but it’s still possible to treat the faculty with respect.” At CCNY, 85% of respondents said they were satisfied with the respect shown by college administrators, while at CCNY the picture was almost the reverse – 85% said they were dissatisfied.

Tami Gold, PSC chapter chair at Hunter, said that these issues were important not only to faculty, but also to students. “When you have a workforce that feels valued and feels that it’s part of a community, then people work better,” she told Clarion. “If you have people rushing to get home at the end of the day because they don’t like being there, then it’s not an environment which is good for our mission – which is to educate our students. These statistics need to be taken seriously.”

The survey was distributed to 6,200 full-time faculty, and more than 2,000 forms were returned. Survey forms were also distributed to several hundred adjunct faculty in a pilot study. Savage told Clarion, but the response rate was low. Since the overall study was “exploratory” and the first such UFS effort, he said, there was no provision for follow-up work to increase the response rate and therefore the full survey focused on full-time faculty. But part-timers should be included in future research, Savage said: “They’re the majority of the CUNY faculty, but they teach at CUNY, and they need to have a voice, too.”

**ANALYSIS CONTINUES**

Much of the data is still being analyzed, Savage said. “Even the response rate by college. “However, with such huge percentage differences, I can’t imagine that even if we had an 80% response rate that it would eliminate the very large campus-campuscampus differences,” he said.

O’Malley noted that many of the questions came from an existing national study, and that the UFS plans to repeat its survey every two years. Thus, she said, CUNY’s results can be compared to those of other universities and also analyzed over time.

“Administrators in general are not used to being judged in a public way,” she said. “They have now been evaluated by a significant number of their full-time faculty, and evaluators have a public mandate. Some, but not all of them, will be paying attention.” He paused. “Man, how can there be such big differences? A lot of this stuff is free – you just have to be nice!”

**Grove’s gift**

Andrew S. Grove, City College alum and a founder of Intel, will donate $26 million to his alma mater, the largest donation in the college’s history. Grove’s gift comes after annual donations of nearly $108,000,000 for City’s chemical engineering program over the last six years, The New York Times reported.

CCNY will use the money to improve infrastructure and support to gift funded engineering faculty and students, as well as fund new research initiatives and interdisciplinary programs.

Chancellor Matthew Goldstein hailed the gift as a vote of confidence in public higher education.

**Malo sentenced, will appeal**

On December 13, Hostos Community College student Miguel Malo was sentenced to three years’ probation, 30 days of community service, an anger management course, and a $120 fine in Bronx Criminal Court. Malo was arrested at a Hostos demonstration for holding up a sign protestting cuts to the school’s ESOL program in 2001.

Sargeant called the punishment “unusually harsh,” but noted that the Bronx District Attorney’s office had been seeking jail time. Judge Catherine Bartlett said she considered the letters sent by Malo supporters in rejecting that request. “Miguel is not behind bars today. This is a direct result of the mobilization of support at Hostos and other CUNY campuses,” she said. The PSC Delegate Assembly and the CUNY Faculty Senate both passed resolutions of support.

Malo, who has maintained his innocence and earlier rejected a plea bargain, announced his intention to appeal.

**Trustees vote to index tuition**

Over the objections of the PSC and dozens of protesting students and faculty, the Board of Trustees unanimously endorsed Chancellor Matthew Goldstein’s plan to tie tuition increases to inflation.

Under Goldstein’s plan, tuition will go up every year, but not faster than the Higher Education Price Index, an aggregate index of services and commodities associated with running a university. The PSC argues that the plan lets the State Legislature off the hook and that increases in tuition have now meant a net decrease in operating funds.

The student representative, Lehman student Carlos Sierra, abstained, but all other trustees voted to approve the plan. The student representatives were noted that the union opposes any increase in tuition, and that salary increases for PSC members should come from sources other than increased tuition.
The 34,000 members walked off the systems on the union's longstanding down the City's mass transit sys-
thes of the council and its pro-
As a trustee, she will sit on the exec-
inputs and industrial. Its basic goal is to 
The TWU maintains that its mem-
New York City Central Labor Council is the 
by car, and pay for public health care
Local 10011.
ness of the council and its pro-
united states that represent workers of all 
charge of her leadership and the growing vis-
The New York City CLC is the 
the CLC spoke out in protest. The 
PSC President Barbara Bowen is also an executive board 
and its most important action has been to hold 
support for public higher educa-
ally and politically for CUNY's role as the primary universi-
ny’s freedom to be active in 
and its annual Labor Day Parade would 
New York unions.
ical and a member of IBEW 
and its national split, announcing that 
AFL-CIO endorsed Democrat Mark Green in 
also a member of the State Assembly.
post of the national split, announcing that 
and its most important action has been to hold
LABOR IN BRIEF

Detectives reject contract

On December 1, the NYPD detectives’ union rejected the City’s offer of raises of 17% over four years. The members of the Detectives Endowment Association (DEA) voted down the deal by 111 votes and were the first city union to do so on Mayor Michael Bloomberg’s watch, Newsday reported. The tentative contract involved a longer work week and slower salary increases for new hires, following the pattern of “productivity increases” from new workers set by the PBA arbitration in June.

“As Fall came to a close at NYU, striking graduate assistants vowed to hang tough in the face of management threats to blacklist strikers from future employment. “The strike has been massively disruptive Fall semester - and it will disrupt Spring semester, too, unless NYU comes to the table,” said Michael Palm, chair of Graduate Student Organizing Committee (GSOC).

STRIKE CONTINUES

NYU President John Sexton had set a deadline of December 5 – later extended to December 7 – for strikers to return to work. If they did not, he said, they would lose their teaching assignments and stipends for the next two semesters. But the deadline came and went, and GSOC refused to call off the strike. “We foresaw this ultimatum,” said third-year sociology PhD student Owen Whooley as he walked a picket line. “We’re here to stay.”

Several academic unions are urging their members not to be scab labor by NYU in the coming semester. “Part-timers, most prone to be approached by offers to scab, realize that our strength as workers is in collective action,” said Marcia Newfield, PSC Vice President for Part-time Personnel. “This strike can be a turning point for higher education unions across NYC.” Besides the PSC, graduate workers’ unions at Columbia and Rutgers have also urged members not to scab at NYU.

The dispute centers on NYU’s refusal to recognize or bargain with the union, with which it had previously signed a contract that expired in August 2005. In 2004, however, a Republican-dominated National Labor Relations Board ruled that graduate students are not workers protected by federal labor law. The Board held that graduate students’ labor is simply part of their own education – even when it has little relation to their own field of study. (The ruling did not affect graduate employees at public institutions such as CUNY.)

RECOGNITION

The strike at NYU began November 9, in response to NYU’s repeated refusals to negotiate. “None of us want to picket, but we will,” George Tomlinson, a teaching assistant in the history department, told Clarion in December. “It’s the only way to resolve this.”

The day after the December 7 deadline, NYU officials claimed that three-quarters of roughly 1,000 graduate assistants were working. (NYU had not previously admitted that even one-quarter of its graduate assistants were on strike.) GSOC disputed this figure, and said the strike remained strong enough to prevent business as usual. “There are still hundreds of graduate assistants on strike,” Palm said on December 14. “NYU was hoping that everyone would come back in time to do this semester’s grading, and avoid disruptions Spring semester – but that didn’t happen,” he said.

The strength of the strike appears to vary widely by department. Inside Higher Ed reported that the six out of 20 graduate assistants in mathematics who had gone on strike in November had all returned to work. But in other departments the strike remained solid, and in nine departments – all in humanities and social sciences – full-time faculty have voted not to cooperate with administration sanctions.

SOLID SUPPORT

Close to 100 international students signed a letter to Sexton, saying that they opposed his “antagonizing, intimidating and outrageous threats.” They accused him of exploiting their vulnerability, since student visas can limit the ability to work outside NYU. The letter said some signers would return to work under protest, others would remain on strike, but all of them support GSOC’s demands.

By PETER HOGNESS

Walkout continues into Spring semester

As Fall semester came to a close at NYU, striking graduate assistants vowed to hang tough in the face of management threats to blacklist strikers from future employment. “The strike has been massively disruptive Fall semester - and it will disrupt Spring semester, too, unless NYU comes to the table,” said Michael Palm, chair of Graduate Student Organizing Committee (GSOC).

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By PETER HOGNESS

 Hundreds of unionists supported NYU strikers at a rally on December 2. The PSC contingent is visible on the left.
Adjunct pension issues

If you’re in another retirement system...

By ELLEN BALLEISEN
PSC Pension Counselor

Last year’s Clarion article on ad-

junct pensions sparked the most phone calls of any story in Clarion. CUNY has not always done a good job of providing its part-time em-

ployees with pension information, and this article clearly filled an important gap.

"Adjunct Pensions: A Surprising Return" an-

swers most basic ques-

tions on the subject and is available on the web. (See page 9 of the February 2004 Clarion at www.psc-cuny.org/communications.htm.)

But when it comes to pension ad-

vice for adjuncts, one size doesn’t fit all. CUNY adjunct service is pension-

able through the New York City Teachers’ Retirement System (TRS). However, many CUNY ad-

juncts already belong to another New York public pension system, and they need to take specific steps to make sure they get the maximum benefit at retirement. Most can still get pension credit for their CUNY teaching, but the details vary. Below is information for adjuncts in sever-

al categories:

- Faculty and staff who have already retired from CUNY, SUNY, the Department of Education or any other New York City or State agency and are now working as CUNY adjuncts cannot get additional pension credit for their post-re-

tirement teaching. But they may open a supplemental retirement ac-

count with TIAA-CREF or HRC and deposit a percentage of their CUNY pay into this account via payroll de-

duction. There are no matching funds from the employer.

- Teachers and supervisors in the New York City Department of Education are already members of the New York City TRS. CUNY adjunct service makes DOE employ-

ees eligible for “multiple employment membership,” which will in-

crease the salary base TRS uses to calculate their pen-

sions. The specifics of multiple employment membership are different for each TRS tier. For information about your tier, contact me at eballeisen@pscmail.org or 212-354-1252.

Before retiring from the NYC DOE, employees need to request a record of service from the Human Resources department of the CUNY school where they work. This docu-

ment should be attached to the TRS retirement application.

- CUNY full-time faculty and staff who also work as adjuncts get salary base credit for their adjunct teaching automatically if their ad-

junct work is at their home campus. Full-timers who teach extra courses on other CUNY campuses are also entitled to salary base credit but must also take the initiative to give the TRS office their second campus their pension number.

- New York State employees in the New York State Employees’ Retirement System and the New York State Teachers’ Retirement System may join the New York City TRS in order to get pension credit for their CUNY adjunct teaching. They must be vested in both pension systems before retirement and must retire from the City and State on the same day. At retirement, both pensions will be combined un-

der the New York State pension sys-

tem. To make this happen, an ad-

junct must take the initiative to re-

quest the transfer to the State.

- Full-time SUNY employees in TIAA CREF may join the New York City TRS to get credit for their CUNY adjunct work. They must re-

tire from SUNY and CUNY on the same day. They will receive sepa-

rate pension checks from TIAA-

CREF and from TRS.

- Adjuncts with vested TIAA-

CREF pensions from private em-

ployers or public employers outside New York City may join the New York City TRS with no restrictions.

- CUNY adjuncts who are also SUNY adjuncts may join the New York City TRS to get pension credit for their CUNY work and either the New York State TRS or TIAA CREF to get credit for their SUNY work. They must retire from CUNY and SUNY on the same day, and those who belong to both the New York State and New York City TRS may have both pensions combined at retirement.

- New York City employees in the New York City Employees’ Retirement System and the Board of Education Retirement System are not eligible to join the New York City TRS and may not get pension credit for their adjunct teaching. However, they may de-

posit a percentage of their CUNY pay into a supplemental account with TIAA-CREF or with HRC.

- Adjuncts who join the New York City TRS and later get a job that makes them eligible for a dif-

ferent New York City or State pen-

sion plan may transfer their TRS accounts into the pension sys-

tem that covers their new position. Alternatively, those eligible for a different New York City pension plan may choose to stay in TRS as transfer contributors.

Adjuncts with further questions about their pension status can con-

act Ellen Balleisen at eballeisen@pscmail.org or 212-354-1252.

Pensions for part-timers come in many forms.

By ELLEN BALLEISEN
PSC Pension Counselor

PROFESSIONAL STAFF CONGRESS/CUNY
NOTICE OF NOMINATIONS AND ELECTIONS — SPRING 2006

PSC GENERAL OFFICERS
Term of Office: 3 Years

President, First Vice President, Secretary, Treasurer, 5 University Wide Officers

Vice President, Senior College Officers, 3 Senior College Officers

Vice President, Community Colleges, 3 Communi-

city College Officers

Vice President, Cross Campus Chapters, and 3 Cross

Campus Officers

Vice President, Part-Time Instructional Staff, and 3 Part-Time Instructional Staff Officers

NYSTU AND AFT CONVENTION DELEGATES
Term of Office: 3 Years

100 Convention Delegate Positions

ELECTION SCHEDULE:
1. Nominating petitions will be obtained upon re-

quest from chapter chairpersons or from Ms. Barbara

Carolina Arentsen

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Kimberly Bennett

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Drug prices & research

By FRANCINE BREWER

It’s the marketing, not the research costs

The pharmaceutical industry claims that high drug prices in the US are necessary to pay for the research and development (R&D) of new and often life-saving medicines. If American consumers paid the same low prices charged in Canada and Europe, where drug costs are regulated, the industry could not afford to pay for new discoveries – or so says PhRMA, the Pharmaceutical Research and Manufacturers of America.

Asking a few basic questions can help us evaluate PhRMA’s claim.

**HOW MUCH DOES A NEW DRUG COST?**

PhRMA contends that it costs about $800 million to produce a new drug. That number comes from the Tufts Center for the Study of Drug Development – which is mainly funded by the drug industry. But this estimate is highly inflated.

The Tufts Center itself says that the actual cash outlay for R&D of a new drug is about $400 million. But it says it must double that amount to account for the “opportunity cost of capital” – that is, the amount that could have been gained by spending nothing on research and putting the $400 million into the stock market or other investments instead.

But $400 million is still too high because it is a pre-tax figure. Since a large share of drug companies’ research expenses are tax-deductible, the actual cost to industry is about $240 million. This figure, however, only applies to a subgroup of drugs that are the most costly to develop.

The Tufts Center looked only at “self-originated” new chemical entities, or NCEs – drugs that contain a new active ingredient. Of new drugs approved by the FDA from 1988 through 2006, only 5% were NCEs. The other 65% were based on active ingredients that were already on the market, and those “me-too” drugs are far cheaper to develop.

What’s more, not all NCEs are “self-originated,” meaning that they were developed entirely by a drug company’s own research staff. Many, if not most, important new drugs are developed with the help of public money. A National Institutes of Health study of the five best-selling drugs in 1996 found that most of the research to discover them was conducted with government funds. But none of the drugs in the Tufts Center study received any government support.

According to Public Citizen, a more accurate estimate of the R&D costs for the average drug would be $110 million. While this is admittedly a lot of money, it is nowhere near the $800 billion or 34% of that money on R&D. About half of that R&D money is spent on “me-too” or “copy-cat” drugs. In order to get in on the share of the billions of dollars spent by top-selling companies, a pharmaceutical company invests in research to produce their own similar drug. Developing “me-too” drugs is less risky, because the market for them is known, and the research involves fewer dead ends.

For example, the lucrative market for cholesterol-lowering drugs has spurred many companies to develop their own versions. As a result, there are now six major drugs prescribed to lower cholesterol: Lipitor, Zocor, Pravachol, Crestor, Lescol and Mevacor (now a generic). Pharmaceutical companies even imitate themselves with “me-too” drugs, in order to maintain the high profits that come with patent protection. When a drug’s patent is about to expire, the company that produced it will often develop a modified version – one that is just different enough to secure a patent.

Prilosec, a heartburn medication that was one of the best-selling drugs in the world, lost its patent protection in 2002. To replace it, AstraZenica developed Nexium, relentlessly marketed as “the purple pill.” Research costs for such “me-too” drugs are lower, and the profits can be high. Nexium came on the market with a price almost six times as high as the nongeneric Prilosec.

The truth is that only about 7% of the money generated by US drug sales goes toward creating new, truly innovative drugs.

**HOW MUCH DO DRUG COMPANIES SPEND ON R&D FOR TRULY NEW MEDICATIONS?**

Drug sales in the US generated about $210 billion in 2004. Pharmaceutical companies spent about $30 billion or 14% of that money on R&D. About half of that R&D money is spent on “me-too” or “copy-cat” drugs. In order to get in on the share of the billions of dollars spent by top-selling companies, a pharmaceutical company invests in research to produce their own similar drug. Developing “me-too” drugs is less risky, because the market for them is known, and the research involves fewer dead ends.

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**HOW MUCH DO DRUG COMPANIES SPEND ON MARKETING DRUGS?**

The largest single item in the budgets of US pharmaceutical companies is the cost of marketing their drugs. The average amount spent is 31% of annual revenues, or about $85 billion. “Marketing” includes the growing amount spent on direct-to-consumer advertising.

It includes free samples and sales pitches to doctors in their offices, carried out by an army of sales reps. (In 2001 there was about one drug sales rep per every eight physicians in the US.) Marketing includes advertising in medical journals and “educational” meetings for physicians.

This last point needs some elaboration. “Education for doctors” sounds like a public service – but when it’s part of drug company marketing, its purpose is not to serve the public but to serve the bottom line. Doctors are required to participate in continuing medical education to maintain their licenses. Pharmaceutical companies pay for 60-70% of the various educational programs offered to doctors, which are held at hospitals, resorts, etc. Drug manufacturers often contract with private, for-profit companies to plan the courses, select the speakers and organize the meeting. A number of companies in the medical education business are owned by advertising agencies. It is thus no surprise that many “medical education” sessions effectively promote the drugs produced by the companies that pay the bills.

Comparing the $15 billion that the pharmaceutical industry spends on R&D for innovative drugs with the $85 billion they spend on marketing gives us some perspective on the industry’s claim that high drug prices are required to fund research.

Another bit of perspective is provided by the scale of drug industry profits. According to Fortune magazine, the pharmaceutical industry has had the highest profit rate of any industry in the US in every year since 1982. As a percent of sales, drug company profits have been three times as high as the average for other industries in the Fortune 500 over that time.

If PhRMA were to say that the drug industry needs high prices in order to pay for expensive marketing, which is needed to maintain its huge profits, the public would be outraged. This illustrates why public education is so important to the cause of health care reform: the more Americans know the facts, the more we can make regulation of drug costs – and Canada-style prices – a real political possibility.

Francine Breuer is chair of the PSC Health Care Reform Committee and a member of the Retirees Chapter Executive Committee. She can be reached at francine@psccuny.org. Much of the information in this article is from The Truth About the Drug Companies by Dr. Marcia Angell, former editor of the New England Journal of Medicine.

**Credit union to move – but not far**

The PSC/CUNY Federal Credit Union will be closed Friday, January 13 to move to its new location – on a different floor of the same building. The Credit Union will re-open Monday, January 16 in observance of Martin Luther King Day; it will reopen Tuesday, January 17, on the third floor of 25 West 4th Street, room 311.

Credit union members should note that telephone and online banking may be unavailable during the move. See www.pscuny.org for further details.
Once I was in Eden and I walked, blithely, out of it.

How was I to know?

There seemed another Eden, just next door. It looked familiar, and I was tired of the new.

All day he strolled around with his name-tags
Glitter turned specific, but I craved the blandness of things, the inexact borders, the possibility that this could also be that.

Of course I was an idiot. I’d run back now, if I could, bear his painless children, even call the girl If Only, the boy, I Told You So.

Instead of living in this okay crowded world, I’d make all my mistakes in Paradise.

Is it?

Is that possible?

I’d make all my mistakes in Paradise. Instead of living in this okay crowded world, I’d make all my mistakes in Paradise.

(Elizabeth Bishop) Dr. Maria Guadalupe Garcia, Director of Communications.

Dania Rajendra / Peter Hogness / 10

Then the gate closed.

Is it?

Is that possible?

I’d make all my mistakes in Paradise. Instead of living in this okay crowded world, I’d make all my mistakes in Paradise.

Then the gate closed.

That was the Spring

I told the poetry students: avoid the abstract and generalizations, and then had to go back and cross out the abstract, and then had to go back and cross out generalizations, then had to go back and cross out and from Found Poems from Capital, Volume 1

Page 375, or Why We Don’t Have Solar Energy

It was partly the want of streams with a good fall on them, and partly their battles with superabundance of water in other respects that compelled the Dutch
to resort to wind as a motive power.

The wind-mill itself

They got from Germany, where its invention

was the origin of a petty squabble between the nobles, the priests, and the emperor

to which of those three the wind “belonged.”

Jan Heller Levi is an assistant professor of English at Hunter College. “Eve Speaks” is from her most recent book, Skyspeak.

Louisiana State University Press. “Page 375, or Why We Don’t Have Solar Energy” was originally published in Goshute Quarterly, issue 8/9. “That was the Spring” is previously unpublished.

By IRWIN YELLOWITZ Chair, PSC Retirees Chapter

Our Rights

Academic governance and collective bargaining

Opponents of collective bargaining in higher education have argued that unionization would destroy the entire system of academic governance, replacing it with contractual rules that supersede collegiality, peer judgment and management’s role in senate, councils and committees. In fact, this is a myth, no matter how loudly and fiercely repeated.

The record shows that academic unions respect established and functioning systems of governance, and actually enhance them. As academic managers have sought to bring corporate methods into the academy, shared governance has often been undermined. Unions have defended faculty members’ right to a voice in university decisions, and have played an important role in strengthening academic governance systems.

Unions & Governance

The experience of unionization in the City University of New York (CUNY) illustrates these points.

When collective bargaining began in CUNY in 1969, a well-established and functional system of academic governance already existed. It included faculty senates and councils at the individual colleges within the system, significant authority by faculty over curriculum and related matters, peer review, election of department chairpersons, and a newly established CUNY-wide University Faculty Senate (established by the administration to try to head off support for collective bargaining among faculty).

However, the governance system itself was subject to change at any time by the administration. The union in CUNY respected the role of faculty in governance, and added to it by use of the contract. Beyond this, the union defended the entire academic governance system from attack by administrators.

In its first contract with CUNY, the PSC fought to guarantee academic governance, which it considered part of the past practice of the University.

This became an issue in non-binding fact-finding by a state board. The report of the fact-finders supported the union on this point, but the University rejected it, and refused to sign a contract with such a provision. Administrators were not prepared to give up their ability to change governance structures. The union had to give up on this item to get a contract, but clearly the PSC’s purpose was to protect academic governance, not replace it. And the contract does allow the union to defend academic governance in another way: if management violates CUNY’s Bylaws, a union member may challenge this by filing a grievance.

Protectons

In 1973, the CUNY administration adopted a tenure quota: no department could have more than 50% of its members tenured without special justification from the college president. The University Faculty Senate and other faculty bodies objected that would violate the contract of peer review and was therefore inimical to quality, but they were powerless to block this step by the administration.

The PSC, however, had access to resources that faculty bodies lacked, and it carried out a strong campaign against the tenure quota. The union reached out to academe nationwide and ultimately to the general community. With the help of its affiliates in the labor movement, the PSC made the tenure quota a public issue, which led to considerable criticism of the CUNY administration. In addition, the PSC organized a highly successful boycott of the CUNY Chancellor by governance bodies. This had tremendous symbolic impact. Within six months, CUNY rescinded the tenure quota. Again the union had defended a basic element of academic governance.

Peer Review

The union has further fortified the governance structure of peer review through a contract that provides for fair observation and evaluation of faculty, but still leaves to colleagues their traditional right to recommend reappointment, tenure and promotion. The contract aims to prevent abuse of the power of peer review.

The PSC also has defended the right of faculty to elect their chairperson, a right that goes back to 1908. Since 1969, CUNY has demanded that chairs be withdrawn from the bargaining unit, which would pave the way for chairs to be appointed by administrators. This is an issue in the current contract negotiations, with the union still refusing to yield.

Finally, the union contract from its inception has sustained academic freedom – clearly one of the major functions of academic governance. It does so both through the contract’s explicit commitment to academic freedom, and in its legally enforceable guarantees of due process.

Clearly there have been differences over specific issues, as one would expect in any academic setting. However, these differences are not as important as the long-term strength of the union as an ally to faculty.

Overlap

This complementary relationship between the union and academic governance has arisen from policy, not personality. Certainly, there has been some overlapping of leadership. For example, the current chair of the University Faculty Senate is also a member of the PSC’s Executive Council.

Some department chairs and leaders of faculty governance bodies at the various campuses also have been union officers. Yet this overlap is a minor factor in the union’s respect for academic governance.

More important is the matter of culture. Union leaders in CUNY have been, in the main, successful academics. Union leaders regard the union as a powerful tool not only to enhance a governance system they respect, but also to maximize the role faculty and staff can play in their total professional lives. Thus the union and academic governance are complementary, and each has gained from the success of the other.

Unions fortify faculty governance

Clarion January 2006

OPINION
**OUR RIGHTS**

**Top NY court strengthens faculty governance rights**

By STEVE LONDON

PSC First Vice President

A recent New York State Court of Appeals ruling in Perez v. CUNY repairs setbacks to faculty governance rights dating back to the mid-1990s and strengthens faculty policy-making rights under existing CUNY bylaws. In a decision concerning the New York State Open Meetings Law and Freedom of Information Law, the state's highest court held that the Hostos Community College Senate and its rejection of CUNY's claim that the Hostos College Senate was merely "advisory" to the Board of Trustees is integral to the Court's findings in this case.

'SOLE LEGISLATIVE BODY'

The court found that the CUNY Board of Trustees' Bylaws delegate board authority to faculty, organized in college-based faculty councils, to formulate policy relating to such matters as admission and retention of students, curriculum and granting of degrees. The court ruled the Hostos Senate, acting under this Bylaw authority "...is expressly imbued with the power to formulate policy..." for the College Senate.

DIVISION OF POWERS

While the court recognized the college president's right to approve policies passed by the senate and the CUNY Board's "formal power to veto recommendations," the court found against CUNY's claim that the Senate was only an advisory body. The court reasoned that the Senate, a legislative body, is carrying out a civic function and doing the public's business. Under the Open Meetings Law and Freedom of Information Law, the public has the right to observe public officials, attend meetings, listen to debate, and have the information leading to making public policy.

Having formally delegated its authority to the faculty, the board cannot simply formulate public policy outside of the processes it has set up and the public has come to expect, and thereby abrogate its responsibility. In its ruling, the court upholds the board's ultimate statutory authority to the Chancellor and college presidents to make public policy decisions, and thereby abrogated its legal responsibility.

CONTESTED TERRAIN

In addition to the Perez decision, faculty governance rights are supported by the collective bargaining agreement between the PSC and CUNY through peer review processes, due process protections, and election procedures. The case was appealed to the New York Court of Appeals, reversed a "good faith" standard of review that superseded a university's obligation to comply with internal rules. The decision also nullified all university rules that mandate faculty participation in academic policy decisions in light of "the board's ultimate statutory authority to govern and administer the university" (the PSC's appeal to the New York State Court of Appeals).

REPAIRED

The case was appealed to the New York State Court of Appeals but before the case was heard, a settlement was reached among the parties in November 1997. The settlement provided for a compromise on the reduction of credits, reducing degree credits to 60 for an AA or 120 for a BA, while allowing for exceptions.

The settlement also reiterated the Board's authority to govern the University under education law and reaffirmed the faculty's Article 8.6 rights to formulate academic policy and Article 8.13 establishment of the University Faculty Senate and its responsibilities.

While the settlement agreement formally reaffirmed Articles 8.6 and 8.13, CUNY management treated the faculty's authority to "formulate policy..." as merely advisory to the board's ultimate authority. Given the appellate court's decision in Polishook, legal challenges to interpretation proved difficult. Perez v. CUNY repairs and advances the legal framework derived from the Polishook case and gives added weight to the responsibility of faculty councils and of the University Faculty Senate for formulating academic policy.
Back to the future for tax fairness

By FRANK MAUBO

New York State has made some good changes in its personal income tax over the last 30 years, such as creating tax brackets for married couples that are double the single brackets, thus eliminating the bulk of the so-called “marriage penalty.”

But two changes have taken us in the wrong direction: the flattening of the state’s graduated rate structure, and the virtual gutting of the personal exemption. These shifts have reduced taxes on incomes at the top – by billions – while increasing taxes for those in the middle and below.

LESS TAXES

If those two changes had not been made, and rates and exemptions had been adjusted for inflation, New York State today would have almost $8 billion more in revenue – and 19 of 20 New Yorkers would be paying less in taxes.

In 1972, New York State had a personal income tax with 14 brackets, ranging from a low of 2% to a high of 15%. Since then, the state government has moved the income tax much closer to a flat tax.

The lowest rate in the old structure was 2%, but that rate and the 3% rate have now been eliminated. At the other end of the spectrum, even more rates and brackets have been eliminated. The 15%, 14%, 13%, 12%, 11%, 10%, 9%, 8%, and 7% brackets are all gone. The 15%, 3% rate have now been eliminated. The 14%, 13%, 12%, 11%, 10%, 9%, 8%, and 7% brackets are all gone.

Instead of 14 brackets, New York now has five – but all five of these rates are between 4%, the current lowest rate, and 6.85%, the current highest rate. (Two temporary brackets of 7.25% and 7.7% were enacted in 2003 but they were set to expire at the end of 2005.)

The current bracket structure could be described as one that “soaks the working class.” A single person reaches the top 6.85% rate with taxable income of $20,000. A married couple is in the top bracket when its taxable income is $40,000 or more.

To address the impact of eliminating the bottom two brackets, New York has adopted a state earned income tax credit. This helps the lowest-income working families, which is good. But it does not address the impact of the bracket squeeze of the last 30 years on moderate-income families.

Middle-class and lower-income taxpayers have also been hurt by the virtual gutting of the value of New York’s personal exemption.

In 1972, New York’s personal exemption for all taxpayers (including both members of married couples) and each of their dependents was $625. In 2005 dollars, that $625 figure would be $3,000.

VIRTUAL GUTTING

But Albany chose to go in a very different direction. In fact, New York no longer has a personal exemption for taxpayers – and the exemption for dependents has been stuck at $1,000 since 1988.

Over this same period, the federal government’s personal exemption has increased from $1,950 to $12,000. That means that a married couple with two children gets exemptions of $12,800 when calculating their federal income tax but only $2,000 when calculating their state income tax.

Instead of shifting taxes from the rich to the middle class, New York could have kept its old tax structure but stretched out the brackets each year to reflect the effect of changes in the cost of living and done the same with the personal exemption.

Under this alternative approach, 95% of New Yorkers would be paying less in state income taxes than they do now and the state would be collecting an estimated $7.7 billion more in tax revenue each year. That sounds impossible, but it’s true – because incomes have grown so much at the top end and so little in the middle and below.

A family of four with income of $50,000 is now paying about $1,000 more in state income taxes each year than it would be paying if New York State had indexed its tax brackets and its personal exemption for inflation rather than doing what it did. The biggest losers are families earning about $150,000, who are paying about $2,500 more.

At the other end of the spectrum are the big winners. A family earning $500,000 is now paying $22,000 a year less than it would be paying if New York had indexed its tax brackets and its personal exemption for inflation, rather than cutting brackets from the top and bottom. Those with incomes of $2 million save about $145,000.

UNFAIR

Not only is New York’s current tax system unfair – it also can’t get the job done. For years, New York State has underfunded important public needs like higher education, and those services have deteriorated as a result. In 2006, Albany faces an additional challenge: finding a legitimate statewide solution to the NYS Court of Appeals decision in the Campaign for Fiscal Equity case.

The court held that the state constitution requires that all elementary and secondary schools have the resources necessary to provide all of their children with a sound basic education.

Improving educational opportunities so that they meet this standard is essential to the future of the state’s economy and to New Yorkers’ quality of life, but doing so will require billions of dollars in new spending. Some state leaders say that the revenue can come from “natural growth” in state revenues as the state’s economy grows. While there is such natural growth, it basically covers the increasing cost of current services, including the current level of educational services. This is not enough.

INSUFFICIENT

So how can we meet this challenge without putting higher education and other important state priorities in jeopardy? As a start, the governor can stop recommending additional tax cuts. He can also dedicate all the revenue from his gambling initiatives to education, not just the revenue from the video lottery terminals (VLTs); and he can work to close more of the state’s corporate loopholes. But those steps will only get us part way to a balanced budget.

And New York needs a budget that is balanced economically and socially, not just fiscally. By moving in the direction of a tax system based on the 1972 rates, brackets, and personal exemptions – adjusted for changes in the cost of living – the Governor and the Legislature can do the rest of the job while making New York’s tax system much fairer.

Frank Maubro is executive director of the Fiscal Policy Institute, which focuses on budget and related public policy issues in New York State. The New York State United Teachers supports the FPI’s proposal to restore the 1972 tax brackets and rates adjusted for inflation.