

5189

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I N A S S E M B L Y

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Introduced by M. of A. P. RIVERA -- Multi-Sponsored by -- M. of A. ARROYO, BENJAMIN, BOYLAND, CAMARA, CASTRO, CLARK, DIAZ, ESPAILLAT, FARRELL, GANTT, GREENE, HEASTIE, HOYT, JEFFRIES, V. LOPEZ, MENG, ORTIZ, PEOPLES, PERALTA, PERRY, POWELL, RAMOS, J. RIVERA, N. RIVERA, SCARBOROUGH, TITUS, TOWNS -- read once and referred to the Committee on Higher Education

AN ACT to amend the education law, in relation to establishing the office for diversity and educational equity

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. Short title. This act shall be known and may be cited as  
2 the "Increasing Diversity in Higher Education Act of 2009".  
3 S 2. Legislative intent. The legislature hereby finds that the state  
4 university of New York has not fully met the growing demand placed on  
5 the university system to train the next generation workforce of our  
6 state. Simultaneously, the university system is faced with an  
7 unprecedented rate of minority and low-income student enrollment, high  
8 rates of student dropouts, larger numbers of students completing college  
9 after six years or more, and a situation where only 32 out of 100 white  
10 students and only 11 of every 100 Hispanic and African-American students  
11 are graduating from college. The economic impact on our state and the  
12 nation of these dynamics are tremendously negative and threaten the  
13 fabric of our civil society and national security.  
14 Over the past decade, the state university of New York has experienced  
15 a steady rise in the number of traditionally underrepresented students.  
16 By the year 2015, figures from the United States census and other data  
17 indicate that the majority of New York high school graduates will be  
18 from groups that have been historically underrepresented in SUNY. This  
19 demographic shift and a need to train a competitive New York workforce  
20 present public higher education policy makers with a challenge. It is  
21 clear that New York must reduce educational inequities faced by minority

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets  
[ ] is old law to be omitted.

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1 and low-income students from historically marginalized groups while  
2 simultaneously maintaining the highest of educational standards. This  
3 huge demographic change must be addressed by policy makers as the state  
4 university of New York is not prepared to increase the academic achieve-  
5 ment and educational attainment of historically marginalized groups.

6 Data compiled on college access and success show that New York is  
7 doing better than most states for those 25 years of age and older but  
8 not for younger, low-income and fastest growing populations. According  
9 to 2009 data compiled by the Education Trust, New York's four-year grad-  
10 uation rate for African-Americans is 22 percent and 17 percent for  
11 Hispanics. The six-year graduation rate more than doubles, however,  
12 most of these students will have compromised their academic achievement  
13 and dramatically reduced their opportunities to pursue post-secondary  
14 education based on their low grades.

15 The percentage of individuals from traditionally underrepresented  
16 groups who are attending SUNY is lower given their numbers in the state  
17 population. Consequently, any initiatives designed to maximize access to  
18 affordable, quality education should make special efforts to recruit  
19 students from these underserved sectors of the state's population. In  
20 its official publications SUNY recognizes its responsibility to employ a  
21 workforce and educate a student body that is representative of the  
22 state's population. However, SUNY has not been able to recruit and  
23 retain senior administrators, faculty, graduate and undergraduate  
24 students in sufficient numbers to overcome the long-standing under-re-  
25 presentation of people of color.

26 For example, the Hispanic population of New York grew by 33.1 percent  
27 between 1990 and 2000, and made up 15.1 percent of the state's popu-  
28 lation. By 2006, Hispanics made up 16.1 percent of the state's popu-  
29 lation. Yet, Hispanics accounted for only five percent of the student  
30 population in the state-operated/funded campuses of SUNY. African-Amer-  
31 icans are also underrepresented in SUNY, although their percentages are  
32 better than those for Hispanics. In 2006, 14,737 African-Americans  
33 attended SUNY state-operated/funded campuses, and accounted for seven  
34 percent of the student population. African-Americans comprised 17.4  
35 percent of the state's population in 2006. As is the case with Hispan-  
36 ics, Blacks are also seriously underrepresented in the SUNY campuses.

37 The figures on African-Americans and Hispanic student enrollments in  
38 SUNY universities and colleges are consistent with the findings  
39 published in an Education Trust study of public flagship universities  
40 that documents disproportionate under-representation of low-income and  
41 minority students. The report observes that flagship public universities  
42 are failing to make progress "in better serving the vast breadth of our  
43 citizenry." New York state should provide SUNY with the resources to  
44 implement effective strategies and best practices, so that it can stand  
45 as an exception to this discouraging national trend in public higher  
46 education.

47 The problem is just as acute within African-American and Hispanic  
48 representation in the faculty ranks of the state-operated/funded campus-  
49 es which also fail to reflect the composition of the state's population.  
50 In the doctoral institutions the percentages for full time Black and  
51 Hispanic employees are 14.9 percent and 2.7 percent, respectively. For  
52 the research university centers the figures are 6.8 percent African-Am-  
53 erican and 2.4 percent Latino. An analysis of Hispanic faculty employ-  
54 ment by a member of the New York State Assembly recently revealed that  
55 SUNY lags substantially behind the state's private universities and the

1 city university of New York in the number of Hispanics in its full time  
2 professional ranks.

3 It is the finding of this legislature that in order for the state  
4 university of New York to address the problems cited above, the univer-  
5 sity system must engage in a system-wide effort to increase faculty and  
6 student diversity and improve its student success rates. In order to  
7 begin such work, SUNY must put in place a Vice Chancellor for the Office  
8 of Diversity and Educational Equity who will report directly to the  
9 Chancellor. Just as major public and private university systems across  
10 the United States have hired and provided substantial resources and  
11 authority to a chief diversity officer, SUNY must follow the lead of  
12 these successful university and college programs in order to remain  
13 competitive and fulfill its mission of training New York's future work-  
14 force, while also improving the economic outlook for all the communities  
15 it is entrusted to serve.

16 S 3. The opening paragraph of subdivision 1 of section 352 of the  
17 education law is designated paragraph a and a new paragraph b is added  
18 to read as follows:

19 B. (1) THERE IS HEREBY ESTABLISHED AN OFFICE FOR DIVERSITY AND EDUCA-  
20 TIONAL EQUITY IN THE ADMINISTRATION OF THE STATE UNIVERSITY. SUCH OFFICE  
21 SHALL BE ESTABLISHED BY THE STATE UNIVERSITY TRUSTEES AND SHALL ADVISE  
22 THE TRUSTEES AND THE CHANCELLOR ON ISSUES RELATED TO INCREASING FACULTY,  
23 STAFF AND STUDENT DIVERSITY IN THE STATE UNIVERSITY SYSTEM AND ENSURING  
24 EDUCATIONAL EQUITY IN THE STATE UNIVERSITY SYSTEM. THE HEAD OF THE  
25 OFFICE FOR DIVERSITY AND EDUCATIONAL EQUITY SHALL BE A VICE CHANCELLOR  
26 WHO SHALL REPORT DIRECTLY TO THE CHANCELLOR OF THE STATE UNIVERSITY.  
27 FURTHERMORE, THERE SHALL BE INCLUDED IN THE STATE UNIVERSITY OF NEW YORK  
28 BUDGET PROPOSAL TO THE GOVERNOR AND TO THE DIVISION OF THE BUDGET AN  
29 APPROPRIATION FOR EACH STATE FISCAL YEAR TO FUND AND SUPPORT THE OPERA-  
30 TION OF THE OFFICE FOR DIVERSITY AND EDUCATIONAL EQUITY.

31 (2) THE VICE CHANCELLOR OF THE OFFICE FOR DIVERSITY AND EDUCATIONAL  
32 EQUITY SHALL ANNUALLY, ON OR BEFORE JANUARY FIRST, SUBMIT A REPORT TO  
33 THE GOVERNOR AND THE LEGISLATURE DETAILING THE CURRENT EFFORTS TO  
34 INCREASE DIVERSITY AS THEY RELATE TO THE HIRING AND EMPLOYMENT OF FACUL-  
35 TY AND STUDENT ENROLLMENT AT ALL CAMPUSES OF THE COLLEGES AND UNIVERSI-  
36 TIES OF THE STATE UNIVERSITY OF NEW YORK. SUCH REPORT SHALL INCLUDE, BUT  
37 NOT BE LIMITED TO:

38 (I) MINORITY ENROLLMENT AT EACH CAMPUS;

39 (II) MINORITY WITHDRAWALS AND DISMISSALS AT EACH CAMPUS;

40 (III) THE SIZE OF THE MINORITY FRESHMAN CLASS AT EACH CAMPUS;

41 (IV) THE NUMBERS OF MINORITIES WHO GRADUATE AFTER FOUR YEARS, FIVE  
42 YEARS AND SIX YEARS AT EACH CAMPUS;

43 (V) THE NUMBER OF FACULTY POSITIONS FILLED BY MINORITIES AT EACH  
44 CAMPUS; AND

45 (VI) THE NUMBER OF MINORITY FACULTY HIRED BY EACH CAMPUS, AND THEIR  
46 SALARY RATE AND TITLE.

47 ALL INFORMATION SHALL BE FURTHER BROKEN DOWN BY CAMPUS, GENDER AND  
48 ETHNICITY.

49 S 4. This act shall take effect immediately.