S T A T E O F N E W Y O R K

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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:

Section 1. Short title. This act shall be known and may be cited as the "Increasing Diversity in Higher Education Act of 2009".

S 2. Legislative intent. The legislature hereby finds that the state university of New York has not fully met the growing demand placed on the university system to train the next generation workforce of our state. Simultaneously, the university system is faced with an unprecedented rate of minority and low-income student enrollment, high rates of student dropouts, larger numbers of students completing college after six years or more, and a situation where only 32 out of 100 white students and only 11 of every 100 Hispanic and African-American students are graduating from college. The economic impact on our state and the nation of these dynamics are tremendously negative and threaten the fabric of our civil society and national security.

Over the past decade, the state university of New York has experienced a steady rise in the number of traditionally underrepresented students. By the year 2015, figures from the United States census and other data indicate that the majority of New York high school graduates will be from groups that have been historically underrepresented in SUNY. This demographic shift and a need to train a competitive New York workforce present public higher education policy makers with a challenge. It is 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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and low-income students from historically marginalized groups while simultaneously maintaining the highest of educational standards. This huge demographic change must be addressed by policy makers as the state university of New York is not prepared to increase the academic achievement and educational attainment of historically marginalized groups.

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

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

For example, the Hispanic population of New York grew by 33.1 percent between 1990 and 2000, and made up 15.1 percent of the state's population. By 2006, Hispanics made up 16.1 percent of the state's population. Yet, Hispanics accounted for only five percent of the student population in the state-operated/funded campuses of SUNY. African-Americans are also underrepresented in SUNY, although their percentages are better than those for Hispanics. In 2006, 14,737 African-Americans attended SUNY state-operated/funded campuses, and accounted for seven percent of the student population. African-Americans comprised 17.4 percent of the state's population in 2006. As is the case with Hispanics, Blacks are also seriously underrepresented in the SUNY campuses.

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

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

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

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

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

B. (1) THERE IS HEREBY ESTABLISHED AN OFFICE FOR DIVERSITY AND EDUCATIONAL EQUITY IN THE ADMINISTRATION OF THE STATE UNIVERSITY. SUCH OFFICE SHALL BE ESTABLISHED BY THE STATE UNIVERSITY TRUSTEES AND SHALL ADVISE THE TRUSTEES AND THE CHANCELLOR ON ISSUES RELATED TO INCREASING FACULTY, STAFF AND STUDENT DIVERSITY IN THE STATE UNIVERSITY SYSTEM AND ENSURING EDUCATIONAL EQUITY IN THE STATE UNIVERSITY SYSTEM. THE HEAD OF THE OFFICE FOR DIVERSITY AND EDUCATIONAL EQUITY SHALL BE A VICE CHANCELLOR WHO SHALL REPORT DIRECTLY TO THE CHANCELLOR OF THE STATE UNIVERSITY. FURTHERMORE, THERE SHALL BE INCLUDED IN THE STATE UNIVERSITY OF NEW YORK BUDGET PROPOSAL TO THE GOVERNOR AND TO THE DIVISION OF THE BUDGET AN APPROPRIATION FOR EACH STATE FISCAL YEAR TO FUND AND SUPPORT THE OPERATION OF THE OFFICE FOR DIVERSITY AND EDUCATIONAL EQUITY.

(2) THE VICE CHANCELLOR OF THE OFFICE FOR DIVERSITY AND EDUCATIONAL EQUITY SHALL ANNUALLY, ON OR BEFORE JANUARY FIRST, SUBMIT A REPORT TO THE GOVERNOR AND THE LEGISLATURE DETAILING THE CURRENT EFFORTS TO INCREASE DIVERSITY AS THEY RELATE TO THE HIRING AND EMPLOYMENT OF FACULTY AND STUDENT ENROLLMENT AT ALL CAMPUSES OF THE COLLEGES AND UNIVERSITIES OF THE STATE UNIVERSITY OF NEW YORK. SUCH REPORT SHALL INCLUDE, BUT NOT BE LIMITED TO:

(I) MINORITY ENROLLMENT AT EACH CAMPUS;

(II) MINORITY WITHDRAWALS AND DISMISSALS AT EACH CAMPUS;

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

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

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

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

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

S 4. This act shall take effect immediately.