

## **Testimony of Dr. Penelope Lewis, Secretary, Professional Staff Congress/CUNY**

**September 22, 2022**

### **New York City Council Committee on Higher Education: Oversight - Online Degree Programs: Past, Present, and Future**

Thank you, Chairman Dinowitz and committee members for the opportunity to testify before you today. I am Penny Lewis, Secretary of the Professional Staff Congress/CUNY and a faculty member at the School of Labor and Urban Studies. I have taught hybrid courses, including one for an MA certificate whose course offerings are entirely online (though there are in-person meetings as well).

We have heard from CUNY, and see that CUNY is committed to expanding its online degree programs and presence. We come to you to express our concerns about the possible directions this is already taking, and our sense of some best practices that should be in place as any expansion is considered. First and foremost, we would like CUNY to be completely transparent with their goals, and to actively and consistently consult with the union and faculty governance bodies, in recognition of the critical roles each group plays in creating high quality online degree programs. The expansion of "CUNY Online" in particular is something that the university should be regularly meeting with the union and governance bodies about. Specific questions about this program can be found at the end of this testimony.

Further, we are concerned that online is best only for certain students, and its expansion without adequate support for students, the vetting of students, and support for faculty teaching the courses will erode academic standards and decrease student learning and success at CUNY. We know that our colleagues provide many high quality online degree programs and classes at CUNY. But we have a double concern. Expansion without investment will strand our online students. And, on the other hand, prioritizing online degrees over the in-person needs of our students will hurt our in-person students.

For CUNY students, especially in their first year and those returning to their studies, in-person classes provide a continuum of support that is not available in remote classes. So many students were and continue to struggle with injustices that COVID magnified: not having regular internet access, a quiet place to attend class or study, dealing with family and friends' deaths and illnesses, not to mention unemployment. Online programs offer flexibility, but we hear from colleagues in faculty and union meetings that this is often a mirage. Students chime into classes, off-camera, from work, or during commutes, and are thus not able to meaningfully engage or learn. Students are frequently unable to engage the self-directed work that asynchronous online courses demand, and disengage or engage poorly. Again and again, we hear that students are too often not really learning. This should not be a surprise-K-12 has found clear evidence of the same. When building relationships is central to one's work as it is for

advisors and counselors, remote school adds a complication factor when historically face-to-face meetings allowed these connections to thrive.

For the faculty, prepping for online classes takes longer than in-person, and encouraging adequate engagement and providing meaningful assessment of students is often more time intensive than in person classes. At most campuses, CUNY faculty are often paid a small stipend for developing an online class, but across the campuses there's rarely additional support beyond that initial investment. A 2019 study found the recommended ratio of student to faculty in online classes should be 12 to 1: for the courses to be successful, more faculty are therefore required. Though they may exist, we know of no degree programs at CUNY that approaches this best practice class-size norm. Online courses across the university are frequently over enrolled—there are jumbo courses with hundreds on some campuses, with limited TA support, and frequently already too-high caps in other courses—25, 35 and 40 students are not uncommon. We are deeply concerned that CUNY will explore online education as a cost savings path, when in fact done well online education demands greater investment in faculty training and support, smaller class sizes, technical support, and student supports.

Finally, we are concerned that faculty expertise and rights, in addition to general concerns for student success, are being overridden by administrative pushes for wholly online, asynchronous degrees, as in CUNY Online. Last spring, CUNY's University Faculty Senate received a report prepared by the CUNY University Faculty Senate Committee on Libraries and Information Technology (April 2022) that raised central questions regarding the expansion of online degrees, especially those developed by the CUNY Online "online program manager," which I quote at length here:

*Integration of an "independent unit" [CUNY Online] with the principles of shared governance at CUNY*

- What representative bodies govern the development of CUNY Online?
- What committees will interact with the unit and what mechanisms will ensure faculty involvement in decision-making?
- What kind of ongoing support and training will the OPM instructional designers have, and what rights and responsibilities will they have to engage in decisions guiding the direction of online education at CUNY?

*Access to campus resources for fully online students*

- Will online students have full access to their campus libraries? Computer labs, campus wifi, and printing services? Will they pay the same student activity fee, and student technology fee to support such services?
- Will fully online students have access to advisors, counselors, food pantries, wellness centers, accessibility/disability offices, etc.?
- Will fully online students have the same opportunities and access afforded to students who are able to access their home campus or another CUNY campus?

*Quality of instruction and educational standards*

- What level of orientation to online learning will be provided to students (before and after enrollment) including minimum tech standards and self-identifying “characteristics of successful online learners”?
- Will the online course development adhere to principles of universal design for accessibility?
- What plans for continuing assessment will occur with the expansion in online programs and how will this be communicated to elected faculty representatives in the UFS?

The question of faculty rights to intellectual property is also critical, as their report raises. These are all questions that CUNY should have positive and substantial answers to before greater investment in more online degrees. The UFS report concluded,

CUNY Online must not become a sub-standard version of CUNY or “CUNY-lite.” Note: SUNY Online says: “you will earn the same diploma as our on-campus students,” and “the faculty that teach online classes are the same faculty that students learn from on-campus.” If the online degree programs do not uphold existing standards for academic excellence, if students are not adequately supported throughout their studies, how will CUNY protect its hard-earned reputation for providing high-quality, affordable education? We are concerned that this rapid expansion of CUNY’s fully online degree programs runs the risk of creating a two-tiered university experience that will ultimately diminish the perceived value of a CUNY degree.

We recognize that remote work allows students who need it the opportunity to better manage work-life issues. So many CUNY students are juggling jobs, child and elder care that remote degrees can be attractive. At PSC we believe tuition and the cost of attending college should not be a barrier, nor should not having access to affordable and convenient childcare. As you know, in last year’s budget we advocated for free tuition and expanding access to affordable childcare. In the state wide New Deal for CUNY legislation, supported by this body, we ask for more full time faculty and greater access to mental health counselors. We hope that you and CUNY will address these key issues that we believe are barriers to attending in-person classes in advance of efforts that minimize in-person teaching.

Thank you for your time.

## Report on CUNY Online

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Prepared by CUNY University Faculty Senate Committee on Libraries and Information Technology  
April 2022

### 1. Summary

On January 28, 2022, the University Faculty Senate learned of the project known as “CUNY Online,” when it was presented at a meeting of the Committee on Academic Technology. This is to be an independent unit, operating out of SPS, that will use a fee-for-services model to act as the primary provider of design, development, marketing, enrollment, and faculty training services to campuses across the CUNY system to aid in the development of fully online degree programs. CUNY Online is conceived of as an in-house Online Program Manager (OPM).

The project was presented to the Council of Presidents in December 2021 to great interest and enthusiasm and was implemented quickly to make use of time-sensitive federal stimulus funds. There is a Request for Proposals (RFP) application process through which campuses/programs will be selected to participate, with two initial phases each supporting 7-10 programs. Participation in CUNY Online is optional, though we understand that several, if not all, campuses are eager to do so. The proposed timeline for accepting new students to the newly designed fully online programs is Fall 2023.

### 2. Questions and Concerns about the OPM

We have several questions and concerns about the way that an in-house online program manager (OPM) will function across CUNY as an independent unit located at the CUNY School of Professional Studies (SPS).

*Integration of an “independent unit” with the principles of shared governance at CUNY*

- What representative bodies govern the development of CUNY Online?
- What committees will interact with the unit and what mechanisms will ensure faculty involvement in decision-making?
- What kind of ongoing support and training will the OPM instructional designers have, and what rights and responsibilities will they have to engage in decisions guiding the direction of online education at CUNY?

*Intellectual Property*

We would like clarity on the intellectual property rights retained by CUNY faculty who participate in the CUNY Online course development programs. The CUNY IP policy makes an exception for online course materials that are “the result of Sponsored Research or is Commissioned Work” (see B.4). The intellectual property for commissioned work is owned by the University, not the faculty member. Section B.5 also allows for individual “negotiated agreements” which may be implemented with such an “independent unit.”

We also refer faculty and the administration to the [2015 UFS Resolution on Intellectual Property Rights for Hybrid/Online Courses](#), unanimously adopted by UFS plenary, Sept. 29, 2015 (see Appendix A).

See CUNY's Intellectual Property policy [here](#) (reproduced in Appendix B).

#### *Financial structure*

As the proposed project continues to evolve, we seek clarity on the details of the financial arrangement between campuses and CUNY Central. CUNY Central may be matching funds for campuses who allocate their own funds to the creation of new programs through CUNY Online. The funding model is unclear, and perhaps undetermined. We know that federal stimulus funds are involved but have few details. There is likely to be an operating fund established for CUNY Online that benefits from some percentage of tuition receipts from these new programs.

### **3. Questions and Concerns about the Expansion of Fully Online Degree Programs**

Proper support for online students is key to their success and retention. Recent research on student retention in distance learning is clear about the importance of institutional support:

There are [...] several factors an institution can assist with that may positively influence student retention. Such factors involve attending to life factors (places to study, resources available, etc.), supporting diverse learning styles, developing student personal attributes (seeking help when needed, using time management skills, etc.), and developing technological competencies (Shaw et al., 2016).<sup>1</sup>

How will the expansion of online degree programs at CUNY maintain the same individualized support for student success that we know is so important for all CUNY students? What kind of student is the target market for these programs? Adult learners? Workforce development? Online courses are most successful for students who excel at self-directed learning. How will CUNY approach classes that require specialized software and technology access?

#### *Access to campus resources for fully online students*

- Will online students have full access to their campus libraries? Computer labs, campus wifi, and printing services? Will they pay the same student activity fee, and student technology fee to support such services?
- Will fully online students have access to advisors, counselors, food pantries, wellness centers, accessibility/disability offices, etc.?
- Will fully online students have the same opportunities and access afforded to students who are able to access their home campus or another CUNY campus?

#### *Quality of instruction and educational standards*

- What level of orientation to online learning will be provided to students (before and after enrollment) including minimum tech standards and self-identifying "characteristics of successful online learners"?

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<sup>1</sup> Seery, Katy, Albert A. Barrera, Stephanie G. Hein, and Jokima L. Hiller. 2021. "Retention Strategies for Online Students: A Systematic Literature Review." *Journal of Global Education and Research* 5(1): 72–84. <https://digitalcommons.usf.edu/cgi/viewcontent.cgi?article=1105&context=jger>

- Will the online course development adhere to principles of universal design for accessibility?
- What plans for continuing assessment will occur with the expansion in online programs and how will this be communicated to elected faculty representatives in the UFS?

#### 4. Concluding Thoughts

CUNY Online must not become a sub-standard version of CUNY or “CUNY-lite.” Note: SUNY Online says: “you will earn the same diploma as our on-campus students,” and “the faculty that teach online classes are the same faculty that students learn from on-campus.” If the online degree programs do not uphold existing standards for academic excellence, if students are not adequately supported throughout their studies, how will CUNY protect its hard-earned reputation for providing high-quality, affordable education? We are concerned that this rapid expansion of CUNY’s fully online degree programs runs the risk of creating a two-tiered university experience that will ultimately diminish the perceived value of a CUNY degree.

## RESOURCES

### Comparison In-house OPMs

- SUNY Online (analysis) - the in-house OPM was rebranded as SUNY Online Signature Programs to differentiate from other SUNY online courses. See SUNY Online 2019-20 Assessment Report
- Missouri Online (commentary)
- CalState Online (analysis)

### Articles and News

Mintz, Steven “Can CUNY Successfully Bring the ‘Wolves in Sheep’s Clothing’ Into the Fold?” Higher Ed Gamma (blog), *Inside Higher Ed*, March 31, 2022. Accessed April 6, 2022.

<https://www.insidehighered.com/blogs/higher-ed-gamma/can-cuny-successfully-bring-%E2%80%99wolves-sheep%E2%80%99s-clothing%E2%80%99-fold>.

Hill, Phil. “UNC System Bets \$97 Million on Creating an Internal OPM.” *PhilOnEdTech*, December 10, 2021. <https://philonedtech.com/unc-system-bets-97-million-on-creating-an-internal-opm/>.

Smalley, Suzanne. “UNC’s \$97 Million Plan to Reach Adult Online Learners.” *Inside Higher Ed*, December 9, 2021. <https://www.insidehighered.com/news/2021/12/09/unc-system-launch-ambitious-97-million-ed-tech-start>.

Straumsheim, Carl. “Shrinking Cal State Online.” *Inside Higher Ed*, July 22, 2014.

<https://www.insidehighered.com/news/2014/07/22/california-state-u-system-nixes-online-degree-arm-shared-services-model>.

Schwartz, Natalie. “CUNY pumps \$8M into ‘in-house OPM’” *Higher Ed Dive*, March 17, 2022. Accessed April 8, 2022. <https://www.highereddive.com/news/cuny-pumps-8m-into-in-house-opm/620596/>

**APPENDIX A: UFS Resolution on Intellectual Property Rights for Hybrid/Online Courses (2015)**

WHEREAS, CUNY is embarking on a major drive to encourage faculty to design, develop and deliver courses – fully or partially – online;

WHEREAS, the Intellectual Property Policy (B.4) of CUNY states “courses designed to be delivered over the internet, by computer or through similar technologies may involve both Copyrightable Works and other Intellectual Property. Consistent with its intent to recognize the Creator as the owner of Scholarly or Pedagogical works, the University claims no ownership rights in either the intellectual content of such courses, or the tools and technologies used to present them, unless the work was the result of Sponsored Research or is Commissioned Work, in which case B.1 or B.2 of this Part shall apply.”;

WHEREAS, the faculty need appropriate technology support suited to the online mode of teaching;

WHEREAS, the technology support currently offered by CUNY is still predominantly geared towards traditional teaching; and

WHEREAS, this necessitates provision of specific incentives (such as course releases) to the faculty from CUNY to compensate for the significant additional time expended by faculty in the design, development and delivery of online courses, THEREFORE BE IT

RESOLVED; that the University Faculty Senate Library and Information Technology Committee asserts that the faculty creating on-line and hybrid courses will continue to retain full intellectual property and ownership of their pedagogical works; and BE IT FURTHER

RESOLVED; that the support provided to the faculty by CUNY to create and deliver these courses online do not fall under B1 or B2 of the Intellectual Property Policy and hence do not give CUNY ownership or the right to reuse the course material without the consent of the faculty members, and BE IT FURTHER

RESOLVED; that the University Faculty Senate Library and Information Technology Committee recommends that the faculty do not sign away such ownership rights.

**APPENDIX B: CUNY Intellectual Property Policy**

**THE CITY UNIVERSITY OF NEW YORK**  
**INTELLECTUAL PROPERTY POLICY**

**I. Purpose**

- To serve the public good by promoting and facilitating the dissemination of the products of research, authorship and invention by the University<sup>1</sup> community
- To recognize and encourage research, authorship and invention by the University community by providing for the sharing of tangible rewards resulting from the commercialization of such research, authorship and invention
- To define the ownership, distribution and commercialization rights associated with the products of research, authorship and invention by the University community, and to define the policies and procedures for managing such products

**II. Applicability**

A. This policy shall apply to all forms of Intellectual Property created or developed, in whole or in part, by Members of the University (1) making Substantial Use of University Resources, (2) as a direct result of University duties, (3) pursuant to the terms of an agreement to which the University is a party, or (4) in the course of or related to activities on grants or contracts administered by the Research Foundation on behalf of the University.

B. For the avoidance of doubt, this policy does not apply to Intellectual Property created or developed by the University's undergraduate students, unless a student is a Member of the University as defined in Section XIII of this policy. Students who are not Members of the University own their Intellectual Property subject to the applicable copyright, patent and other laws regarding intellectual property. This includes, without limitation, Intellectual Property created in conjunction with University course work and created jointly with faculty members and others.

**III. Ownership Of Intellectual Property**

A. General Rule:

1. The Creator shall own all rights in Copyrightable Works.
2. The University shall own all rights in all other Intellectual Property.

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<sup>1</sup> This and other capitalized terms are defined in Section XIII.

B. Exceptions and Clarifications to the General Rule:

1. Sponsored Research. Ownership of any Intellectual Property resulting from Sponsored Research shall be determined pursuant to the terms of the agreement between the University or the Research Foundation, as the case may be, and the Sponsor, or as otherwise required by applicable law. If ownership is not defined in the agreement, Intellectual Property shall be owned pursuant to the General Rule.

2. Commissioned Work. The University shall normally own Intellectual Property resulting from Commissioned Work. In all cases of Commissioned Work, ownership and royalty rights shall be specified in a written agreement, a copy of which shall be submitted to the Vice Chancellor for Research and the Office of the General Counsel (OGC) for review and approval as to form. Any such agreement which provides for ownership by other than the University shall also provide the University with a royalty-free, non-exclusive license to use the Intellectual Property for internal educational and research purposes.

3. Copyrightable Work Created Within the Scope of Employment. Copyrightable Work, other than Scholarly or Pedagogical Work, prepared by an employee of the University or the Research Foundation within the scope of his or her employment shall be owned by the University or the Research Foundation, as the case may be. Examples of Copyrightable Work subject to this provision include, without limitation, personnel manuals, written policies, administrative handbooks, public relations materials, archival audio and video recordings of College events, and official College and University web pages.

4. Electronically Published Course Materials. Courses designed to be delivered over the internet, by computer or through similar technologies may involve both Copyrightable Works and other Intellectual Property. Consistent with its intent to recognize the Creator as the owner of Scholarly or Pedagogical works, the University claims no ownership rights in either the intellectual content of such courses, or the tools and technologies used to present them, unless the work was the result of Sponsored Research or is Commissioned Work, in which case B.1 or B.2 of this Part shall apply.

5. Negotiated Agreements. A Member of the University who wishes to conduct work making Substantial Use of University Resources under terms different from those set forth in the General Rule above may enter into an agreement for the use of such resources with the College(s) where such work shall be conducted. Such agreement shall be negotiated by the President(s) of the College(s) with the advice of the OGC, and must be approved by the Vice Chancellor for Research. The agreement shall specify who shall own any Intellectual Property resulting from such work, any arrangement as to equity sharing, royalty-sharing, and/or the amount of the fee, if any, to be paid for use of the University Resources.

6. University Media. Copyrightable Work prepared for publication in official University and College media, such as television and radio stations, newspapers, magazines and journals, shall be owned pursuant to the individual policies of such media or as defined in their contracts with Creators. In the absence of a policy or contract, copyright shall be

owned by the University.

C. Creator's Non-Commercial Use. Where the University owns the Intellectual Property under this policy, the Creator is permitted to continue to use the work for his or her own non-commercial purposes. Any distribution by the Creator to academic colleagues outside the University beyond the limits of "fair use", as defined in Section 107 of the Copyright Act of 1976, shall be permitted pursuant to written agreement from the University through the OGC.

#### IV. Administration of this Policy

A. Authority. Authority and responsibility for administration of this policy resides with the Chancellor through the Vice Chancellor for Research. The Vice Chancellor for Research shall establish and maintain a Technology Commercialization Office (TCO) to take such actions as may be necessary to carry out the purposes of this policy across the University.

B. Campus Liaison. Cooperation between the TCO and the various campuses is essential to efficient administration of this policy. Each campus may designate an individual to serve as a liaison with the TCO to assist in execution of this policy at the campus level.

C. Limitation on College Rules. No rules, practices, procedures, or forms shall be implemented on any campus under this policy except by express prior written authorization of the Vice Chancellor for Research. All research agreements relating to University-owned Intellectual Property, such as material transfer, non-disclosure, confidentiality, option, license, Sponsored Research, or the like, shall be on forms approved by OGC or the Research Foundation and signed pursuant to OGC or Research Foundation policy regarding contract signature authority, as the case may be.

#### V. Management of Intellectual Property

A. Disclosure of Intellectual Property.

1. Disclosure Required. Creators shall disclose to the Vice Chancellor for Research, through the Director of the TCO, any Intellectual Property that is or may be owned by the University under this policy, including improvements and reductions to practice, whether done alone or in collaboration, with or without Sponsored Research support. Such disclosure shall be made by filing a signed and completed New Technology Disclosure form (available on the TCO website) with the TCO. Where more than one Member of the University has participated in the creation of Intellectual Property, all such participants must sign a copy of the completed New Technology Disclosure form.

2. Timing. Disclosure shall be made prior to submission of the Intellectual Property for publication or other release to the public domain, or attempt to license, distribute or manufacture applications of the Intellectual Property commercially.

3. Review. The TCO shall review and process in a timely manner every New Technology Disclosure form that it receives, provided, however, that action upon an incomplete (including unsigned) submission may be suspended by the Director of the TCO until such time as such incomplete submission is completed by the submitter(s).

B. Determination of Ownership Rights.

1. Determination of Rights. The Vice Chancellor for Research, through the Director of the TCO, shall determine whether the University has reason to exercise ownership rights over Intellectual Property disclosed to it, and, if the University has such rights, whether it desires to obtain protection for or pursue licensing of such Intellectual Property.

2. Notice to Creator. The Director of the TCO shall promptly notify the Creator of any determination to disclaim or assert ownership of the Intellectual Property.

3. Time Limit. The University shall make every reasonable effort to act expeditiously under the circumstances in arriving at all decisions and taking all actions under Sections B, C and D of this Part.<sup>2</sup>

C. Legal Protection and Commercialization.

1. Forms of Protection. Intellectual Property determined to be owned by the University under this policy may be patented, registered with the U.S. Copyright Office or otherwise legally protected by the University.

2. Assignments. The Creator of University-owned Intellectual Property shall cooperate with the University in the application for legal protection of the Intellectual Property, including executing in a timely manner all assignments, declarations and/or other documents required to effectively set forth such ownership rights to the Intellectual Property pursuant to this policy. In the event of any dispute between the Creator and the University, the Creator's meeting of obligations under this provision shall be without prejudice to the Creator's rights under Part IX.

3. Costs of Protection. All costs involved in obtaining and maintaining legal protection of University-owned Intellectual Property shall be borne by the University, unless the University disclaims, releases or waives its ownership rights or unless a licensee accepted by the Creator agrees to bear such costs pursuant to the terms of a written license agreement.

4. Commercialization. The Creator has shared responsibility with the University for identifying parties having an interest in using, developing or commercializing University-owned Intellectual Property. However, the University retains the right to determine with which parties it will enter into agreements.

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<sup>2</sup> For specific time limits following the Creator's request for an assignment of the University's rights in Intellectual Property, see Section V.D.

5. Progress Reports. The Director of the TCO shall periodically inform the Creator of the progress of the University's protection efforts and licensing of University-owned Intellectual Property disclosed by such Creator.

D. Creator's Additional Rights.

1. Request for Release. The Creator may request assignment to the Creator of some or all of the University's rights in Intellectual Property (a "Release") under the following circumstances:

a. if the University notifies Creator that it elects not to protect or commercialize University-owned Intellectual Property, or that it has decided to abandon protection or commercialization; or

b. if, within 90 calendar days of disclosure of University-owned Intellectual Property to the TCO, the Creator has not received notice that the University: (i) disclaims ownership of the Intellectual Property or (ii) has taken steps to protect or commercialize University-owned Intellectual Property.

Such request shall disclose the date of any publication of the Intellectual Property.

2. Release or Proof of Continuing Effort. Within 30 calendar days of the date of a request from a Creator for a Release, the University shall either (a) disclaim ownership of the Intellectual Property, (b) execute a Release, or (c) document that the University has exercised and continues to exercise due diligence in attempting to protect or commercialize the Intellectual Property. However, any such action to be taken shall be subject to any governing Sponsored Research agreement and reporting or other obligations of the University thereunder. Under applicable federal Sponsored Research agreements, where the University is willing to waive its interest, it shall be responsible for expeditiously releasing such Intellectual Property to the sponsoring agency and for reporting of the Creator's interest in obtaining a release therefor from the Sponsor.

3. Form of Release. The University may condition the granting of a Release on the assignment to the University of a share, not to exceed 10%, of net proceeds. For purposes of this section, "net proceeds" shall mean earnings to the Creator from the Intellectual Property over and beyond reasonable costs incurred in the process of legal protection and management. The University shall retain a royalty-free, non-exclusive license to use any Intellectual Property released to the Creator under this Section D for internal educational and research purposes. Pursuant to 37 C.F.R. Part 401, as amended (regulations implementing the Bayh-Dole Act), the U.S. government shall also retain certain rights.

4. University Waiver. The University shall be deemed to have waived its rights in the Intellectual Property if: (a) it fails to meet the deadline specified in Section D.2, or a mutually agreeable extended time period; or (b) in the case of a patentable Invention, it fails to

file a patent application within 90 calendar days of the date of disclosure as set forth in the Creator's request for a Release under Section D.1.

5. Creator's Right to Protect. If the University disclaims, releases or waives ownership of Intellectual Property, the Creator shall have the right to obtain protection for or pursue licensing of such Intellectual Property in his or her own name and at his or her own cost.

E. Sponsored Research Requirements. The Research Foundation shall monitor and be responsible for financial and performance reporting requirements and other related obligations to Sponsors regarding University-owned Intellectual Property developed under a Sponsored Research agreement or grant, including but not limited to obligations to the U.S. government under 37 C.F.R. Part 401, as amended (regulations implementing the Bayh-Dole Act). This monitoring activity shall be coordinated with the TCO, which shall monitor disclosures of University-owned Intellectual Property and other non-financial reporting requirements to Sponsors.

F. Management Organization. The University may make an agreement with one or more intellectual property management organizations to undertake the legal protection and/or, with the permission of the Creator, commercialization activities, described in this Part V. Any such management organization shall be required to abide by the time limits set forth in Section V.D.

G. Not Applicable. This Part does not apply to University-owned Intellectual Property described in Sections III.B.2 and III.B.3, or in Section III.B.5 to the extent this Part conflicts with the terms of the negotiated agreement.

## **VI. Distribution of Income from Intellectual Property**

A. Policy. Except as may be otherwise agreed pursuant to this policy, a Creator of University-owned Intellectual Property is entitled to share in the income, including royalties and dividends from University equity interests (subject to any University conflict of interest policy), earned from the commercialization of that Intellectual Property .

B. Distribution. Subject to the terms of any Sponsored Research agreement and unless otherwise agreed by the University and the Creator, gross income created from commercialization of University-owned Intellectual Property shall be distributed as follows:

1. First, to pay for any out-of-pocket expenses incurred by the University or the Research Foundation in connection with the administration, protection and commercialization of such Intellectual Property, including, but not limited to, fees paid to outside legal, consulting, marketing and licensing organizations and any other out-of-pocket costs incurred by the University or the Research Foundation.

2. Then, 10% applied to a fund at the University for payment of costs related to patent filing, prosecution and maintenance fees incurred by the TCO.

3. The resulting "Net Proceeds" shall be distributed as follows:
  - 50 % to the Creator(s);
  - 25 % to the University for the support of research and scholarly activity, as administered by the Vice Chancellor for Research; and
  - 25 % to the Creator's College(s), with 50% of such amount going to the Creator's academic or research unit(s) for the support of research and scholarly activity.

C. Multiple Creators. Where two or more Members of the University contributed to the creation of Intellectual Property, the Creator's share of revenues shall be divided among them equally, unless the Members of the University agree upon a different distribution among themselves and notify the University in writing of their agreement.

## VII. Issues Relating to Ownership of Equity and Conflict of Interest

A. University's Equity Interest. Subject to the review and approval of the Vice Chancellor for Research, and after a diligent effort to identify prospective sponsors or licensees, the University is permitted to take an equity interest in sponsors or licensee companies under the following terms and conditions:

1. Sponsors and licensees shall demonstrate management and technical capability, and have the financial resources necessary to meet their development objectives and their obligations to the University.
2. License agreements shall include measures of performance that must be met in order to maintain the license granted by the University.
3. Equity shall not be held in sufficient amount to confer management power, which generally would limit ownership to less than 20% of equity.
4. Equity shall represent a fair valuation for the Intellectual Property.
5. The University shall not accept a position on the board of directors of a licensee, but may accept and exercise observer rights on such boards. Exceptions to this policy require the approval of the OGC and the Vice Chancellor for Research.
6. Licensees shall pay for out-of-pocket patenting and related expenses.

B. Member's Significant Interest.

1. Conflicts of interest may arise when a Member of the University has a

Significant Interest in an entity:

- a. to which the University has granted a license of Intellectual Property created by the Member;
- b. with whom the University has entered into a Sponsored Research agreement;
- c. which has contracted with the University for use of the Member's University office or laboratory or other University Resources; or
- d. which employs or otherwise involves the Member's student advisees.

2. A Member of the University with a Significant Interest in an entity described in B.1, above:

- a. shall disclose the Significant Interest to the University prior to the execution of any agreement between the entity and the University;
- b. shall not represent the University in negotiating the agreement; and
- c. shall not employ or otherwise involve such Member's student advisees at the entity unless they are paid at market rate.

3. A Member's Significant Interest in a licensee shall not prohibit the Member from receiving Creator's royalties pursuant to Section VI.B.3 of this policy. Notwithstanding the foregoing, if the University receives equity from a licensee in lieu of or partial lieu of royalties, a Member who holds a Significant Interest in such licensee shall not share in the University's equity, but shall receive any equity directly from the licensee.

4. Nothing in this Section shall lessen the obligation of a Member to comply with the requirements of state and federal law, the Research Foundation and any other University policy, regarding the disclosure of conflicts of interest.

C. Consulting Agreements. Conflicts involving Intellectual Property may arise when a Member of the University enters into a personal consulting or other agreement with a third party. Such agreements may include provisions as to the licensing or assignment of Intellectual Property and may come into conflict with this policy. Prior to signing any consulting or other agreement that deals with Intellectual Property owned by the University pursuant to this policy, a Member of the University shall have the agreement reviewed by the Vice Chancellor for Research as advised by the OGC to be certain such agreement does not inappropriately assign University rights to third parties. If the agreement is in conflict with this policy, the Member must either obtain from the Vice Chancellor for Research a waiver of any University rights, or otherwise modify the consulting agreement to conform with this policy. This

requirement is in addition to, and does not eliminate the necessity for, any approval required by any University conflict of interest policy.

### **VIII. Exceptions to and Waiver of Policy**

A. Any Member of the University is entitled to apply to the General Counsel for an exception or waiver from one or more of the provisions of this policy, including in the event that a publisher or other outside organization proposes terms which are exceptions to this policy. To the extent possible, any application for a waiver should be made prior to public disclosure of the Intellectual Property involved.

B. The written waiver application must state the policy provision or provisions for which the Member of the University is seeking a waiver.

C. The General Counsel shall consult with the Vice Chancellor for Research and the president of the applicant's college (or, if the applicant is a Central Office employee, the Chancellor) or their designees, prior to making a determination regarding the application.

D. Members of the University should be aware that the University cannot waive federal, state or local law, or the terms of Sponsored Research agreements.

E. Parties to the waiver process described in this Part VIII (including without limitation the General Counsel, the Vice Chancellor for Research, and the college presidents) shall maintain the confidentiality of any Intellectual Property contained in documents submitted as part of this process.

### **IX. Resolution of Disputes**

This policy constitutes an understanding which is binding on the University and Members of the University for the use of University Resources and for participating in research programs at the University. Any questions of interpretation or claims arising out of or relating to this policy, or dispute as to ownership rights of Intellectual Property under this policy, shall be settled by the following procedure: The issue must first be submitted, in the form of a letter setting forth the grievance or issue to be resolved, to a review panel of five members, including a representative of the Creator, and designees of the Executive Vice Chancellor for Academic Affairs, the President of the Research Foundation, the Chair of the Faculty Advisory Council of the Research Foundation, and the Provost of the Creator's College. The panel shall review the matter and then advise the parties of its decision within 30 calendar days of submission of the letter. The decision of the panel may be appealed by either side to the Chancellor. The decision of the Chancellor shall be final.

### **X. Trademarks**

The University owns all right, title and interest in Trademarks related to an item of Intellectual Property owned by the University, or to a program of education, service, public relations,

research or training program of the University.

#### **XI. Role of the Research Foundation**

The University hereby assigns its ownership rights in Inventions resulting from Sponsored Research to the Research Foundation. The Research Foundation may file patent applications, as named assignee, for such Inventions, subject to the terms of this policy, including the distribution provisions set forth in Section VI, with respect to income earned from the commercialization of such Inventions. Furthermore, nothing in this policy shall prevent the Chancellor from appointing the Research Foundation as the Chancellor's designee for performance of the functions assigned to the University in general or the Chancellor in particular, or to retain distribution of income from commercialization of Intellectual Property.

#### **XII. Effective Date**

This policy is effective from the date of approval by the University Board of Trustees with respect to Intellectual Property created after that date and shall remain in effect until modified or revoked.

#### **XIII. Definitions**

**"Chancellor"** shall mean the Chancellor of the University or his or her designee.

**"College"** shall mean a "senior college" or "community college" of the University or a component thereof, as such terms are defined in Section 6202 of the New York Education Law.

**"Commissioned Work"** shall mean work commissioned by the University in writing from a Member of the University, outside the scope of his or her employment.

**"Copyrightable Work"** shall mean an original work of authorship, including any Scholarly or Pedagogical Work, which has been fixed in any tangible medium of expression from which it can be perceived, reproduced, or otherwise communicated, either directly or with the aid of a machine or device, and may include, but is not limited to, books, journals, musical works, dramatic works, multimedia products, computer programs or codes, videos, films, sound recordings, pictorial and graphical works and sculpture.

**"Creator"** shall mean a Member of the University whose creative activity results in the development of Intellectual Property. As used in this policy, the term "Creator" also includes groups of researchers, authors or inventors whose joint efforts produce Intellectual Property.

**"Intellectual Property"** shall mean all forms of intellectual property, including but not limited to Inventions, Copyrightable Works, Trade Secrets and Know-How, and Tangible Research Property, but excluding Trademarks.

**"Invention"** shall mean a process, method, machine, manufacture, discovery, device, plant,

composition of matter or other invention that reasonably appears to qualify for protection under the United States patent law, whether or not actually patentable. "Invention" shall also include computer programs and codes, but only to the extent they are patentable.

The term "**Member of the University**" shall include full-time and part-time faculty, staff, and graduate students engaged in faculty-directed research, whether paid or unpaid, as well as individuals compensated by grant funds made available to the University by or through the Research Foundation. Any other person who develops Intellectual Property while making extraordinary use of University Resources shall also be deemed a Member of the University, unless there is an agreement providing that such person shall not be subject to this policy.

"**OGC**" shall mean the Office of the General Counsel and Senior Vice Chancellor for Legal Affairs.

"**Research Foundation**" shall mean The Research Foundation of the City University of New York.

"**Scholarly or Pedagogical Works**" shall mean Copyrightable Works created for traditional academic purposes. Examples include scholarly books (including text books), instructional materials including lecture notes, classroom presentations, research articles, research monographs, student theses and dissertations, novels, poems, films, videos, musical compositions and performances, dramatic works and performances, visual works of art including paintings, drawings, sculpture, installations and performance art, and other scholarly publications or works of artistic imagination, whether such works are disseminated in print, electronically or through some other tangible medium.

"**Significant Interest**" shall mean the following:

(1) the position of director, officer, partner, employee, or agent, or other managerial position; or

(2) anything of monetary value, including but not limited to, salary or other payments for services (e.g., consulting fees or honoraria), equity interest (e.g., stock, stock options or other ownership interests), and Intellectual Property rights and royalties from such rights.

The term does not include: (1) income from seminars, lectures or teaching engagements sponsored by public or nonprofit entities; (2) income from service on advisory committees or review panels for public or nonprofit entities; (3) financial interests in business enterprises or entities that, when aggregated for the Member and the Member's spouse and dependent children, meet both of the following tests: (a) do not exceed \$10,000 per year in value, as determined through reference to public prices or other reasonable measures of fair market value and (b) do not represent more than a 5% percent ownership interest in any single enterprise or entity; or (4), salary, royalties or other continuing payments that, when aggregated for the Member and the Member's spouse and dependent children, are not expected to exceed \$10,000 per year in value.

“**Sponsor**” shall mean an organization, agency or individual which or who provides funding, equipment, or other support for the University, directly or through the Research Foundation, to carry out a specified project in research, training, or public service pursuant to a written agreement (“**Sponsored Research**”). Sponsors include Federal, State, local and other governmental entities, as well as private industry, individuals, educational institutions and private foundations.

“**Substantial Use of University Resources**” shall mean unreimbursed use of University Resources at a level not ordinarily used by or available to, all or virtually all, faculty, staff or graduate students, as the case may be. Ordinarily available University Resources include assigned office, laboratory and studio space and standard office, laboratory and studio equipment, office computer workstations, library and other general use information resources and the means of network access to such resources. The University does not construe the payment of salary in the form of release time or sabbatical as constituting substantial use of University Resources, except in those situations where the release time or sabbatical is granted specifically to support the development of Commissioned Work. Use of ordinarily available University Resources for private, commercial purposes is considered substantial use.

“**Tangible Research Property**” shall mean tangible items produced in the course of research including, but not limited to, biological materials, research notes and reports, laboratory notebooks, computer databases and software, circuit chips, equipment and engineering drawings.

“**TCO**” shall mean the Technology Commercialization Office.

“**Trade Secrets and Know-How**” shall mean facts, information, data, designs, business plans, customer lists and other secret knowledge which give the owner a competitive edge.

“**Trademark**” shall mean a distinctive word, design or graphic symbol, or combination of the same, that distinguishes and identifies the goods and services of one party from those of another. The term “**Trademark**” shall include service marks.

“**University**” shall mean The City University of New York.

“**University Resources**” shall mean any resources available to a Member of the University as a direct result of his or her affiliation with the University and which would not otherwise be available to a non-University- affiliated individual, including but not limited to, funds and financial support, facilities, equipment, supplies, services, non-faculty University personnel, students, release time and sabbaticals.

Approved by the Board of Trustees on November 18, 2002, Cal. No. 5.B. and amended on December 8, 2008, Cal. No. 4 and November 25, 2013, Cal. No. 4.

**Testimony of  
Associate Vice Chancellor for Academic Strategy and Operations  
Kim L. Siegenthaler**

**New York City Council Committee on Higher Education  
The City University of New York**

**September 22, 2022**

Good morning.

Chairperson Eric Dinowitz and members of the Committee on Higher Education, thank you for the opportunity to provide testimony before you regarding online education at the City University of New York (CUNY).

My name is Kim Siegenthaler and I have the privilege of serving as the Associate Vice Chancellor for Academic Strategy and Operations for The City University of New York. In that role, my top priority is the development of the online education infrastructure to support all CUNY campuses in their efforts to sustain and expand CUNY's online course and program portfolios.

I am joined today by Dr. Judith Cahn, Director of the Department of Online Education and Support at John Jay College of Criminal Justice, and Ms. Tracy Meade, Senior Associate Dean for Strategy and Innovation at the School of Professional Studies. Each will share information about the successful online programs offered by their campuses.

When we talk about online education in higher education, we must acknowledge the effect of the pandemic in reshaping the landscape nationally as well as at CUNY. In short, we have experienced two years of anomalous online course offerings and student enrollments that make comparative analyses of online and in-person experiences and outcomes particularly challenging. For example, the U.S. Department of Education extended temporary flexibility to institutions to implement distance learning solutions to continue educating students during COVID. Because of this flexibility, and out of necessity to enable students to continue progress toward degree, many programs have functioned as online programs and students have been online learners without preparation or intent to do so. Faculty and students unaccustomed to teaching and learning in an online environment struggled to adapt quickly during a highly stressful and unprecedented crisis. The CUNY SPS course Online Teaching Essentials was launched during the COVID shutdown, to help campuses pivot quickly to online instruction. The workshop has been offered 11 times since May 2020 and has trained over 3400 CUNY faculty.

Due to anomalies associated with the pandemic, variations in IPEDS and NYSED online program identification and reporting criteria, and individual campus decisions regarding whether to identify and track students in online programs separately from students in on-ground programs, we are unable at this time to provide university-wide comparative data for enrollment in, graduation from, or revenue generated from online vs on-campus degree programs. We are putting structures in place that will enable us to do so going forward.

Eighty-nine online programs from 16 campuses are registered with NYSED. Of the campuses with registered online programs, SPS leads the way with 36 and John Jay follows with 11. Kingsborough

Community College offers 10 online programs. These three campuses account for 64% of CUNY's registered online programs.

### **Enrollment trends by modality and level**

I share a snapshot of enrollment trends by modality and level with the caveat that these are semester specific data and not necessarily indicative of a student's enrollment trend semester over semester. Some of the students would have been enrolled in online degree programs, whereas others would have been in campus programs.

In Fall 2017, less than 1% of associate students enrolled exclusively in online classes; 6% enrolled in a mixture of online and in-person classes; over 93% enrolled in in-person classes only. Two percent of baccalaureate students enrolled exclusively in online classes; 10% enrolled in a mixture of online and in-person classes; 88% enrolled in in-person classes only. The notable exception to this trend was SPS where nearly 93% of students enrolled exclusively in online classes. At the graduate level, 5.5% of master's students enrolled exclusively in online classes; no doctoral students did so; 8.5% of master's students enrolled in a mixture of online and in-person classes with a double handful of doctoral students doing the same.

In Fall 2020, enrollments at all levels by modality were reversed with 96% of associate and baccalaureate enrollments exclusively online and 87% of graduate enrollments exclusively online. Preliminary data for Fall 2022 show a trend toward more in-person enrollments (63% overall), but with exclusively online remaining substantively higher than pre-pandemic. The Graduate Center (68%), the School of Professional Studies (97%) and the Graduate School of Public Health & Health Policy (88%) have majority fully online enrollments.

### **Demographic comparison pre/post pandemic**

There were no significant differences in student demographics for Fall 2019 and Fall 2021. Overall, women were more likely to enroll exclusively in online courses at the undergraduate level. This is true at both the senior and community sector. Black and Hispanic students were more likely to enroll in exclusively online or some online courses compared to white and Asian students. Older students tended to enroll in exclusively online courses at the graduate level and to a lesser extent at the senior colleges.

### **Student and Faculty Access and Issues**

All students regardless of modality have access to the online mental health resources provided by CUNY. Some campuses provide additional online counseling services via Tele counseling. Online students with disabilities access and secure accommodation through the offices of disability/accessibility by the same online format as on-campus students.

With respect to issues faced by students and faculty participating in online degree programs, it is important to note that some were experienced more widely by faculty and students due to the pivot to remote instruction during the pandemic and may not be specific to faculty and students intentionally participating in online degree programs. Identified issues mirror those experienced nationwide during the pandemic. Faculty identified issues such as lack of access to necessary equipment and technology, lack of timely IT support, lack of access to instructional designers with online expertise, and inadequate preparation to teach effectively in the online environment. Students faced issues such as lack of high-

speed internet and adequate technology at home, lack of a quiet or private place to do coursework, and uneven access to non-instructional support services such as financial assistance, advisement, registration, counseling & career services, and tutoring.

### **Plans for Expanding Online Degree Programs**

As we emerge from the pandemic, there is increased focus on the role of online education across CUNY. The University has identified quality online learning as a foundational strategy upon which it can broaden its scale, maximize its impact, and assist adult learners and historically under-served populations of New York City realize their full potential. As I mentioned previously, my role is to develop and implement a CUNY-wide strategy for online education.

As a critical initial step, we have commissioned a Gap and Occupational Mapping Analysis that will identify where additional online programs are needed to meet the educational needs of New York City. The analysis will examine all levels and disciplines across all CUNY colleges and will inform strategic development of dozens of new online programs at the certificate, associate, baccalaureate and graduate levels to enable students to progress smoothly, online, on their educational journeys. Ensuring that faculty are well-prepared and supported to teach effectively in the online environment is a high priority. We have initiated a university-wide assessment of faculty professional development needs specific to online instruction and will develop resources and learning opportunities to meet those needs.

CUNY is committed to ensuring that online students at all campuses have access to wrap-around support services. To that end, we are undertaking a CUNY-wide scan to identify and address technology and resource challenges for students and faculty. Several CUNY offices are working on this including Enrollment Management, CIS, Student Success, Student Affairs, and Academic Programs & Policy.

Achieving the identified goals of rapid online program expansion, high-quality online instruction and comprehensive student support services is, as with most strategic initiatives, dependent on funding. That said, I am confident that CUNY is well positioned to make substantial strides in expanding its online degree program portfolio. Evidence of this commitment is the work of individual campuses to increase their online program offerings. One notable example is Lehman College now in the process of developing 14 new online programs.

Now you will hear from my colleague, Dr. Judith Cahn, Director of Online Education and Support at John Jay College of Criminal Justice.

**NEW YORK CITY COUNCIL COMMITTEE ON HIGHER EDUCATION**  
**Hearing on CUNY Online Degree Programs**  
September 22, 2022

Testimony of  
**CUNY SPS Senior Associate Dean  
for Strategy & Innovation**  
City University of New York  
Tracy Meade

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Good morning.

Chairperson Dinowitz, and members of the Higher Education Committee, thank you for the opportunity to testify before you on the important—and exciting— topic of CUNY’s online programs.

My name is Tracy Meade and I am the Senior Associate Dean for Strategy and Innovation at the CUNY School of Professional Studies (<https://sps.cuny.edu/>). CUNY SPS for short. My testimony will focus on CUNY SPS, which, in 2003, was established by the Board of Trustees of The City University of New York to meet the educational needs of working adults. This morning I am joined by CUNY SPS student Jamie Lerner-Brecher, a graduate student in our online Master’s in Disabilities Studies program.

In 2006, CUNY SPS offered the first fully online degree program at CUNY. Today we offer 25 fully online degrees: 13 undergraduate and 12 graduate programs.

As I noted earlier, CUNY SPS was established to serve working adults. Our online undergraduate degree programs are designed to serve a transfer-only student population—that is, our bachelor’s degree programs enroll students with some college credits—but no degree. This is a significantly under-enrolled population in New York City. According to 2020 US Census data, there were 1,190,000 people over the age of 25 in New York City with some college but no degree (365,000 in Queens, 341,000 in Brooklyn, 236,000 in the Bronx, 168,000 in Manhattan, and 80,000 in Staten Island).

The population with some college but no degree speaks to our School's steady enrollment growth. In the 2017/18 academic year, we enrolled 1,554 bachelor's degree students and 596 master's degree students. In 2021/22 we enrolled 2,441 bachelor's degree students and 1,119 master's degree students, for a 66% increase in enrollment in our online degree programs over this 5-year period. (Please note that I have provided year-over-year enrollment numbers, and other data, broken out by degree program, on the final pages of my testimony.)

As the Census numbers show, the need for the University to expand its online programming to reach even more working adults with some college and no degree, as well as high school grads without a college degree, is an enrollment imperative.

Our alumni base has grown too. In academic year 2016/17, 249 students graduated with Bachelor's degrees and 100 with Master's degrees. Five years later, 625 students graduated with Bachelor's degrees and 309 with Master's degrees. Over 3,000 online degree students graduated from CUNY SPS in this five-year period.

A snapshot of student demographics in CUNY SPS online undergraduate degree programs follows:

- 33% are Black, 28% White, 22% Hispanic, 16% Asian or Pacific Islander, and 0.3% American Indian or Native Alaskan
- 2% of our online undergraduate students are 20 and younger, 45% between 21-30, 34% between 31-40, and 19% are over 41 years old
- 72% are women
- 66% are enrolled part-time—the highest % of part-time undergraduate students in the University
- 75% reside in New York City, 11% in New York State, and 14% reside outside of New York
- The majority of our undergraduates work full-or-part time or serve in the military

A snapshot of student demographics in our online Master's programs follows:

- 45% are White, 27% Black, 18% Asian or Pacific Islander, 11% Hispanic, and 0.2% American Indian or Native Alaskan
- 40% are between the ages of 21-30, 32% between 31-40, and 29% are over 41 years old
- 68% are women
- 95% are enrolled part-time
- 60% reside in New York City, 16% in New York State, and 24% reside outside of New York

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I'll now turn to our students, their needs, and the innovations and departures from traditional undergraduate programming that characterize CUNY SPS's commitment to access and success for adult online learners. I will focus my time on our undergraduate students.

## ONLINE ACCESS AND SUCCESS

### **Jump Start** (<https://sps.cuny.edu/jump-start>)

In addition to our traditional admissions application process, we took note of the number of applicants denied admission because they did not meet the School's cumulative GPA requirement of 2.5 or better. Many of our students have been out of college for years, their transcripts a relic of a former self, and many dipped in and out of college, attending multiple colleges with mixed academic success and no sense of their cumulative GPA. To be responsive to working adults who believe their prior GPA does not reflect their present academic potential, we developed an alternative performance-based application program called Jump Start. Instead of focusing on traditional academic requirements and a threshold GPA, our alternative admissions approach allows applicants to create a portfolio to demonstrate the college-level skills and knowledge they have developed in college and, *importantly for working adults, in the workplace*, in areas such as leadership, research, technical skills, professional writing, and languages.

### **Disability Services** (<https://sps.cuny.edu/student-services/disability-services>)

CUNY SPS is committed to providing a safe and equitable environment for all our students, including disabled students. Our electronic case management system allows students a seamless online interface to register with the Office of Student Disability Services (OSDS), securely upload disability documentation, make appointments to meet with staff, and request accommodation letters. As a fully remote operation, OSDS engages students in determining individual accommodation plans, provides students with assistive software, alternate format textbooks, one-on-one support services, and distributes hundreds of accommodation letters to faculty each semester.

Relatedly, CUNY SPS has three online degree programs focused on Disability Studies, the first such programs in the nation: Disability Studies BA, Disability Studies MA, and Disability

Services in Higher Education MS. In addition to bringing to our School a heightened awareness of the importance of designing accessible courses, events, and community spaces, these programs have drawn and recruited students, faculty, and staff who themselves have disabilities. As the home of CUNY's disability studies academic programs, disability culture and accessibility are woven into the fabric of CUNY SPS.

**Counseling Services** (<https://sps.cuny.edu/student-services/counseling-services>)

At CUNY SPS, online students have full access to all of the Office of Counseling Service's free and confidential mental health support services via telephone and video telehealth platforms. The licensed clinical psychologists at CUNY SPS offer the direct clinical services that typically form the core of campus-based mental health care--consultation, crisis assessment and intervention, short-term psychotherapy, and, when needed, customized and supported referrals. The provision of mental health services via telehealth removes barriers, like transportation time and costs, that prevent so many from accessing mental health care.

**Credit for Prior Learning (CPL)** (<https://sps.cuny.edu/academics/credit-prior-learning>)

CUNY SPS understands that knowledge gained outside the classroom is extremely valuable. As a result, we offer a number of Credit for Prior Learning opportunities that make it possible for students to earn up to 45 college credits from portfolio evaluation, examination, non-collegiate learning, and corporate and military training. CPL is one reason CUNY SPS received the prestigious Adult Learner Impact Award from the [Council for Adult and Experiential Learning](#) for 2019. This annual honor recognizes member institutions that have shown an outstanding commitment to the expansion, access, and quality of lifelong learning opportunities and academic programs for adult learners.

**Information Technology**

The CUNY SPS Office of Information Technology provides live technical support for students, faculty, and staff. Students can request technical assistance via telephone or email. To meet the needs of students engaged in online degree programs, there are direct links from every course to support services. Courses are built on a standardized design, so that students have a consistent interface for quick access to services of all kinds, including tech support services.

Another critical component of student success at CUNY SPS is access to live online 24/7 tutoring. Students engaged in online degree programs at CUNY SPS have access to tutoring services through Tutor.com.

### **CUNY SPS Black Male Initiative and SEEK**

In academic year 2021/22, CUNY SPS was awarded its first Black Male Initiative grant, marking the inclusion of working adults who study part-time and online into the CUNY BMI portfolio. Another breakthrough this year is the launch of our online SEEK program. As with the Black Male Initiative, we intend to demonstrate that these important University programs can support the success of online adult learners as well as traditional freshman at CUNY's baccalaureate colleges that have long been the beneficiaries of these programs.

### **Food Access Initiative**

We launched the first fully remote program in CUNY to address food insecurity: the CUNY SPS Food Access Initiative. Since its inception in Spring 2021, we've granted 1,499 awards to 691 students. We know from the student's USDA Adult Food Security Survey that these \$50 microgrants are critical to the well-being of our students.

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This is but a slice of what we do—and I should mention that for the second year in a row, CUNY SPS has been named in the top ten of *U.S. News & World Report's* list of [Best Online Bachelor's Programs](#) nationwide. CUNY SPS is an innovative and continually evolving School, meeting the needs of working adults who want to finish what they started—and come to us for the flexibility offered by online programs. I invite you to visit our School. Councilwoman Brewer did a few years back in her role as Manhattan Borough President.

Thank you to the Higher Education Committee for the opportunity to share with you an overview of the University's commitment to serving adult learners through CUNY SPS's online programs. Now you will hear from CUNY SPS student Jamie Lerner-Brecher.

## ENROLLMENT IN ONLINE DEGREE PROGRAMS

<b>New and Continuing Students</b>					
	<b>2017- 2018</b>	<b>2018- 2019</b>	<b>2019- 2020</b>	<b>2020- 2021</b>	<b>2021- 2022</b>
<b>Bachelor's</b>	<b>1,554</b>	<b>1,823</b>	<b>1,990</b>	<b>2,393</b>	<b>2,441</b>
Business - BS	293	311	302	372	337
Communication and Media - BA	119	128	124	166	133
Disability Studies - BA	54	70	71	90	97
Health Information Management - BS	225	212	190	179	141
Health Services Administration - BS		109	184	298	360
Human Relations - BA					71
Information Systems - BS	153	174	215	270	272
Liberal Studies - BA		18	48	77	86
Nursing - BS	434	517	567	574	530
Psychology - BA	199	215	225	282	314
Sociology - BA	77	69	64	85	100
<b>Master's</b>	<b>596</b>	<b>794</b>	<b>957</b>	<b>1,089</b>	<b>1,119</b>
Business Management and Leadership - MS	174	233	232	237	199
Data Science - MS	155	188	216	207	162
Disability Services in Higher Education - MS	53	59	60	66	58
Disability Studies - MA	79	74	80	97	128
Health Information Management - MS					52
Museum Studies - MA			51	99	129
Nursing - MS	34	59	105	152	170
Psychology - MA	101	153	164	171	160
Research Administration and Compliance - MS		28	49	60	61
<b>GRAND TOTAL</b>	<b>2,150</b>	<b>2,617</b>	<b>2,947</b>	<b>3,482</b>	<b>3,560</b>

<b>AY</b>	<b>Bachelor's</b>
2016-2017	249
2017-2018	379
2018-2019	421
2019-2020	478
2020-2021	625
<b>TOTAL</b>	<b>2152</b>

	<b>N</b>
<b>BACHELOR'S</b>	<b>2,152</b>
Business - BS	374
Communication and Media - BA	190
Disability Studies - BS	72
Health Information Management - BS	232
Health Services Administration - BS	55
Information Systems - BS	164
Liberal Studies - BA	21
Nursing - BS	702
Psychology - BA	255
Sociology - BA	87
<b>MASTER'S</b>	<b>917</b>
Business Management and Leadership - MS	316
Data Science - MS	275
Disability Services in Higher Education - MS	59
Disability Studies - MS	117
Museum Studies - MA	10
Nursing - MS	24
Psychology - MS	95
Research Administration and Compliance - MS	21

DEMOGRAPHICS OF NEW STUDENTS  
2017/18 TO 2021/22

BACHELOR'S N=3,119 | MASTER'S N=1,331

<b>RACE/ETHNICITY</b>	<b>Bachelor's</b>	<b>Master's</b>
American Indian or Native Alaskan	0.3%	0.2%
Asian or Pacific Islander	16.4%	17.6%
Black, Non-Hispanic	32.8%	26.6%
Hispanic, Other	22.1%	11.1%
White, Non-Hispanic	28.4%	44.5%
<b>AGE</b>		
0-20	2.0%	0.0%
21-30	44.5%	39.6%
31-40	34.1%	31.5%
41-50	14.7%	19.5%
51-60	4.2%	8.2%
61-70	0.4%	0.9%
71 & Above		0.2%
<b>SEX</b>		
Men	27.8%	31.8%
Women	72.2%	68.2%
<b>STATUS</b>		
Full-Time	33.6%	4.6%
Part-Time	66.5%	95.4%
<b>RESIDENCY</b>		
NY City	75.1%	60.0%
Bronx	16.8%	14.3%
Brooklyn	29.7%	34.3%
Manhattan	13.1%	15.0%
Queens	37.5%	32.5%
Staten Island	2.9%	3.9%
NY State	11.4%	16.2%
Other	13.6%	23.8%

## **Joseph Scuralli to NYC Council Committee on Higher Education Statement for 9/22/22**

Good Morning Chair Dinowitz and esteemed New York City Council Committee on Higher Education members. It is a great honor to be here. I want to thank you for the kind invitation to appear before you today in my capacity as Dean for Online Education at Berkeley College.

Berkeley College has a tradition of excellence in online education that spans 24 years. Berkeley College first began offering accredited online degrees in 2003. The College first began offering an accredited online M.B.A. program in 2016.

As of the fall 2021 semester, 37% of undergraduates were pursuing their degrees entirely online. These include a cohort of online students participating in our Honors Program, an interdisciplinary, seminar-based educational opportunity available to high-achieving students.

Berkeley College Online attracts a diverse student body comprised of working parents, grandparents, young adults managing work and studies, and those actively serving in the military.

Berkeley College's online classes are fully vetted and designed to meet specific learning objectives. There is a high level of investment in quality online course preparation, resources, and technology. Online classes are as vigorous as on-site classes – and in some cases more so, as they require good time management to be successful.

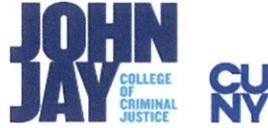
While academics are essential, support services are also vital to the student experience and success, especially for at-risk student populations.

Berkeley College students pursuing a degree online have access to the same support services as students who attend on-site, including Academic Advisement, the Library, the Center for Academic Success (which helps with skills like time management and public speaking), Career Services, Personal Counseling, and the Office of Military and Veterans Affairs.

Online campus life experiences include online clubs, virtual volunteerism, wellness, and personal development programs, and workshops focusing on student success.

In 2020, the Berkeley College Office of Career Services offered more than 150 free programs and events online, including hybrid and virtual career fairs, internship workshops and webinars with employers and students, interview and resume preparation sessions, networking events, LinkedIn workshops, and seminars on how to work in a remote environment. The continuity of these supports has enabled students and alums to progress along their chosen career paths through placement opportunities in virtual internships and professional employment.

I want to again thank the Committee on Higher Education for the opportunity to appear today and remain at the Committee's disposal for any further assistance that may be required.



**Testimony of  
Judith Cahn, EdD  
John Jay College of Criminal Justice  
The City University of New York**

**New York City Council Higher Education Committee  
Hearing on Online Learning  
Thursday, September 22, 2022**

Thank you, Committee Chair Dinowitz and Members of the City Council Higher Education Committee, for the opportunity to provide testimony about online education. My name is Judith Cahn and I am the Director of Online Education and Support at John Jay College of Criminal Justice.

Online education has been considered a method for democratizing education, providing access to education for everyone, anywhere, anytime. For those working full-time or managing childcare, for our students who lead complex lives juggling home life, work, and health issues, we can offer opportunity that previously had been unavailable to them – an education that mirrors our on-campus programs in its quality and rigor. Providing such options supports our very mission at John Jay College - to ensure education is just, equitable and inclusive.

John Jay offers several fully online graduate programs -- asynchronous online courses that lead to a master's degree through John Jay Online. This differs from the online courses offered at the undergraduate level.

The John Jay Online graduate programs leverage the well-known branding and unique niche of John Jay College in all areas of criminal and social justice. Since its inception in 2014, John Jay Online has developed 6 fully online graduate programs. In the past 5 years, we have attracted over 1500 new students, enrolling in our master's programs in Criminal Justice, International Crime and Justice, Human Rights, Security Management, Emergency Management, and Public Administration. Total enrollments for the past 5 years are over 3,000 students. Forty percent of new graduate students in Fall 2022 are in online programs and the withdrawal rates remain under four percent.

The courses in these programs are taught primarily by faculty who teach on campus.

The graduate admissions online enrollment advisor and the John Jay Online student services manager advise the applicants, and our students with understanding and sensitivity *specific* to online learning. They ensure our students remain connected with the College throughout their online studies, through various communication methods. Our Blackboard learning management team supports our faculty and students with technical issues. New students in online programs complete an orientation to learn about the system so the technology is not an obstacle to their educational experience.

For the year 2021, over two million dollars in revenue was realized from the online graduate programs, which may also be attributed to COVID pandemic issues and the fact that we offer studies that attract first responders and others who were and continue to be on the front lines. It is additional revenue for the College that we would have not had if we were only a brick-and-mortar institution.

In addition to our graduate initiatives, we have seen tremendous growth in the number of students who register for online courses on the undergraduate level. Before the COVID pandemic in 2019, 22% of all undergraduate and graduate courses were online. This Fall 2022, 35% of our courses are fully online.

As we built and continue to build the infrastructure to support rapid growth in these programs and online course offerings, our focus has been to ensure our efforts are student-centered. The online program development team includes experienced instructional designers and multimedia specialists who collaborate with faculty to bring best practices in online teaching, guided by the online course quality rubric developed at SUNY and adopted by the Online Learning Consortium to ensure students are engaged in their online learning experiences. This includes being sensitive to ADA compliance in the online design to ensure education is truly accessible. Our Office of Accessibility Services works to support students with disabilities with assistive technology needs. Our Department of Information Technology provides laptops and hot spots for students in need.

We have implemented an Online Excellence Project – Instructional designers collaborate with academic departments and faculty to develop quality model courses for undergraduate online courses with high enrollments that can be used each semester for multiple sections of the course. The courses designed incorporate activities and assignments to promote student engagement and to differentiate instruction for all types of learners. The Online Excellence Project will impact over 85 courses by the end of this academic year, and this, in turn, will translate to improving the online learning experience for thousands of students.

In addition to the credit-bearing online courses, the John Jay Department of Professional Studies with the Department of Online Education developed and have offered non-credit, professional studies online courses, including Investigative Psychology; The Department of Corrections Captains' Exam prep; an ADA Advocacy program; Introduction to Grant Writing; and Foundations in Professional Writing.

All successes are accomplished through partnerships at the College, and we continue to collaborate CUNY-wide to make "online" courses work, addressing online student needs as well as professional development needs for faculty. We focus on how the student interacts with the content, the instructor, and other students, and the Student Support teams work to keep students connected with the College. Policies and protocols are addressed on an on-going basis at the College level and throughout CUNY, collaborating with university peers through the CUNY Committee on Academic Technology and other committees. We work through issues of governance, intellectual property, compliance, security and FERPA, new learning technologies, quality assurance, and assessment.

As we expand our online initiatives, we keep in mind the variables for a successful online course or program:

1. The course must be a well-designed online course, according to quality standards.
2. Students need to feel adept in the learning management system and understand expectations for success in the online environment, which we accomplish through orientation, workshops, and advisors. Students complete orientations to acclimate them to the learning environment and to introduce common online instructional methods.
3. The self-efficacy and confidence of instructors in the online environment are important variables for faculty to facilitate online student learning effectively. We have offered numerous workshops for faculty, and in 2021, we were named winners of the Blackboard Catalyst Award for Training and Professional Development, which honors those who use Blackboard to support and enhance their faculty and staff's professional development. Our Effective Practices in Online Teaching workshop certified over 340 faculty during 2020 and that is in addition to the many faculty who completed the Online Teaching Essentials workshop run by the School of Professional Studies -- also an award-winning initiative. We support faculty through course design consultations, webinars, instructional video design and production, a monthly newsletter replete with resources, an online education website, and the "All Things Online" podcast.

For some, the online teaching environment has been a complete paradigm shift. The instructor is no longer a sage on a stage, but more of a guide on the side. While many acquired new skills during the pandemic, we need to distinguish between zoom remote teaching and asynchronous fully online courses and programs. More development opportunities are needed to help faculty make the shift.

4. It is critical to ensure that students feel a sense of community and connected with the College. Support opportunities are available online through the library, the writing center, mental health center, and other student service centers. Students can request appointments online, email or a virtual front desk. John Jay College recognizes that the online student is an integral member of the community.

We are addressing some administrative challenges about online learning, as well.

### Defining the term “Online Education” and Assessing Outcomes

The term “online education” is a large umbrella and includes various forms of technology-enhanced education. During the pandemic, for example, faculty were trying to replicate their on-campus courses online through web conferencing tools such as Zoom, to conduct remote classes. Others tried hybrid forms using Blackboard plus synchronous zoom sessions. Others worked on developing asynchronous courses on Blackboard, which we encouraged in the workshops. And when CUNY introduced a partial return to campus, we were focusing on hybrid models and some CUNY colleges piloted hyflex.

While we plan to examine comparison data between online and on-campus to inform our future planning, we hesitate to do so just yet. It is premature to draw conclusions based on pandemic-times data with CUNY students who were disproportionately effected in terms of family health and employment factors – many of whom are frontline workers. However, some pre-pandemic data may enlighten.

Examining data from the years 2014-2019 revealed that:

- Demographics of students who take courses online closely resembles our total campus demographics
- 63% of undergraduate students who take online courses are between the ages of 20-24
- Male use of online courses is growing slightly faster than female use
- Online course-taking has contributed to a larger number of credits taken, not to a different distribution of credits taken
- Out of over 3000 students to graduate with a Bachelors in 2018, 41% had taken 4 or more courses online toward their degree.
- There were differences in outcomes between online and on-campus students, but the gap between in-person and online drop/fail/withdraw/incomplete rates is shrinking at both the graduate and undergraduate level.

I have attached charts to provide you with more detail.

Recognizing the outcomes discrepancy in 2019, the original mission of the Department of Online Education to support graduate studies expanded to support undergraduate online education and improve the quality of the undergraduate online courses. Faculty development programs began just prior to the COVID campus closure when we worked to support the campus effort to shift online. It was

the impetus to develop the award-winning workshop and pursue the Online Excellence Project, as described.

### Coding Data

Related to the issue of analytics, establishing definitions about various modalities of courses and the appropriate coding of them within CUNYFirst to extract accurate data is in progress.

Our ongoing emphasis, though, is on offering quality education regardless of the method of delivery.

As more students enroll in online courses, we are mindful that we need to maintain and add support systems. I want to clarify, though, that more students enrolling in online courses does not mean that more students are added to the same section of an online course. Rather, we adhere to the enrollment caps for online courses, therefore, additional course sections would be open and faculty would be added.

### Next Steps

Looking forward, John Jay College plans to create an undergraduate completion degree in Criminal Justice (B.S.) so that students in CUNY's Justice Academy who begin their Criminal Justice degrees at BMCC or Queensborough Community College online, can complete their degrees online at John Jay. It will be our first undergraduate degree completion program.

There is little doubt that there has been a seismic shift in the higher education landscape nationwide that began before the pandemic and has now been accelerated by it. But quality education is quality education regardless of the method of delivery. With a greater understanding of the benefits of offering options for accessing education through various modalities of learning, supporting online learning at the College and the University helps us to meet the needs of all New Yorkers by providing them with opportunities to connect to our college and to higher education.

Thank you for your continued support.



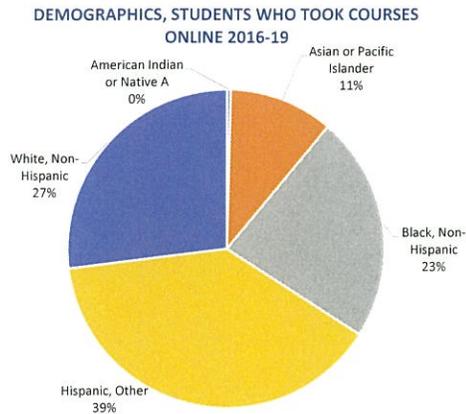
# STUDENT ONLINE COURSE-TAKING BEHAVIOR 2014-2019

**JOHN  
JAY** COLLEGE  
OF  
CRIMINAL  
JUSTICE

Office of Institutional Effectiveness  
October 2019

## Demographics of students who take courses online closely resembles our total campus demographics (2016-2019)

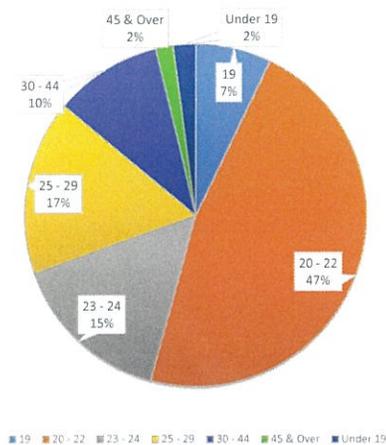
**Note:** whites and blacks take online courses in slightly greater proportion to their population at the college



**Total credits taken online 2016-2019 by each group**

American Indian or Native A	717
Asian or Pacific Islander	18966
Black, Non-Hispanic	40927
Hispanic, Other	69431
White, Non-Hispanic	47942
<b>GRAND TOTAL</b>	<b>177983</b>

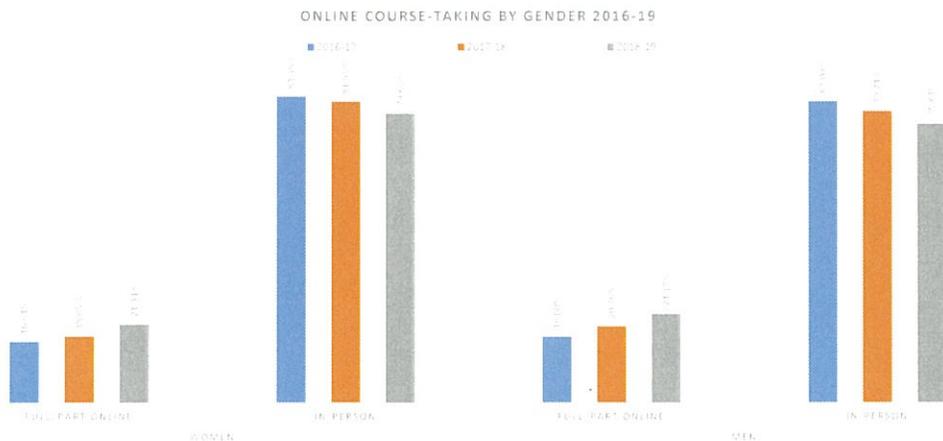
## 63% of UNDERGRADUATE students who take online courses are between the ages of 20-24 (2016-2019)



**Note:** as a percentage of credits taken, those over 25 take about 1/4 of all their classes online

Class_Level	Undergraduate					Grand Total
Academic_Year	(All)					
Row Labels	Column Labels					
	Fully online	Hybrid 20%-80%	In-person	Online 80%+	Web-enhanced	
Sum of Total_Credits						
19	10405	4342	113898	60	859	129564
20 - 22	68299	17118	327532	297	1434	414680
23 - 24	22231	5045	87178	99	409	114962
25 - 29	23961	5401	76664.5	126	309	106461.5
30 - 44	14782	3435	39198	102	150	57667
45 & Over	2373	561	6964	9	23	9930
Under 19	3114	2013	152606	6	2433	160172
(blank)			12			12
Sum of Total_Credits (%)						
19	8.03%	3.35%	87.91%	0.05%	0.66%	100.00%
20 - 22	16.47%	4.13%	78.98%	0.07%	0.35%	100.00%
23 - 24	19.34%	4.39%	75.83%	0.09%	0.36%	100.00%
25 - 29	22.51%	5.07%	72.01%	0.12%	0.29%	100.00%
30 - 44	25.63%	5.96%	67.97%	0.18%	0.26%	100.00%
45 & Over	23.90%	5.65%	70.13%	0.09%	0.23%	100.00%
Under 19	1.94%	1.26%	95.28%	0.00%	1.52%	100.00%
(blank)	0.00%	0.00%	100.00%	0.00%	0.00%	100.00%
Total Sum of Total_Credits	145165	37915	804052.5	699	5617	993448.5
Total Sum of Total_Credits (%)	14.61%	3.82%	80.94%	0.07%	0.57%	100.00%

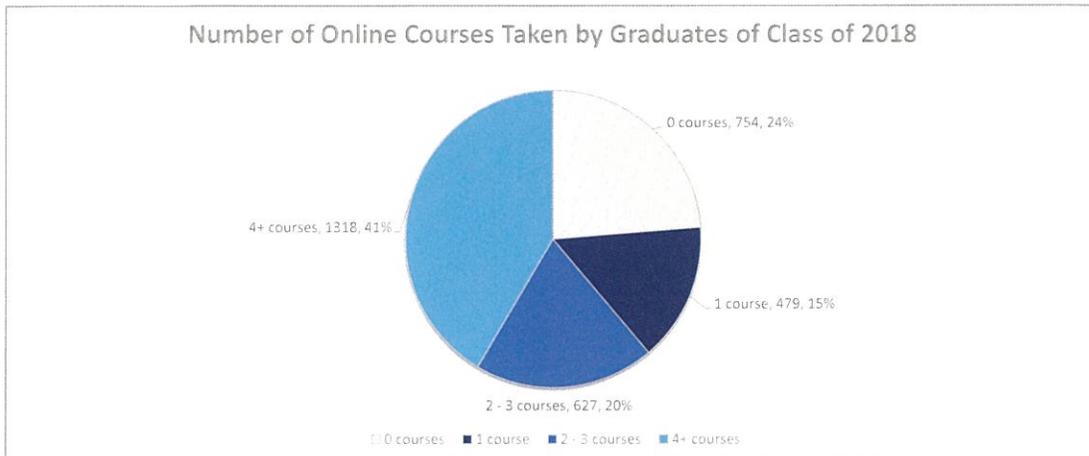
### Male use of online courses is growing slightly faster than female use (2016-2019)



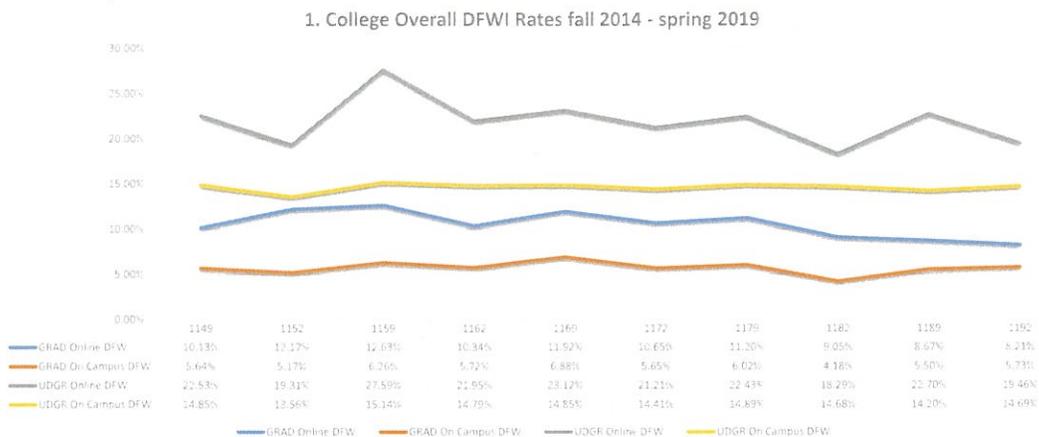
### Online course-taking has contributed to a larger number of credits taken, not to a different distribution of credits taken (2016-2019)



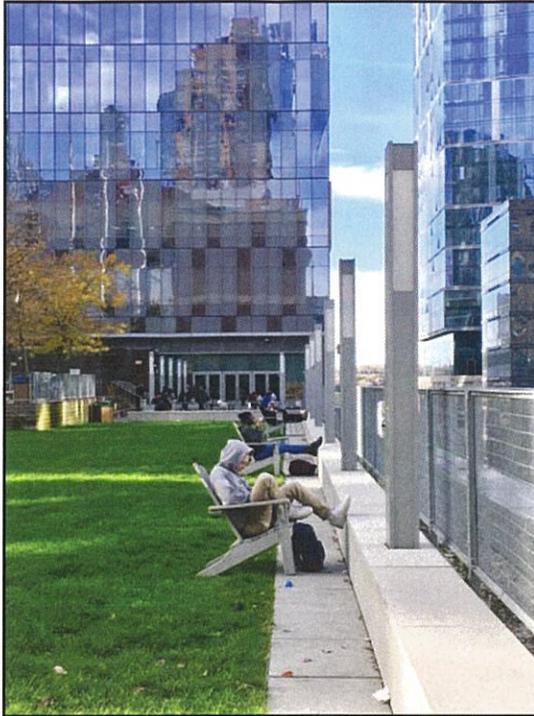
**Out of 3178 students to graduate with a BA or BS in 2018, 41% had taken 4 or more courses online, only 24% had taken no courses online**



**The gap between in-person and online course DFWI rates is shrinking at both graduate and undergraduate levels, though undergraduate levels are less stable (fall 2014 – spring 2019)**

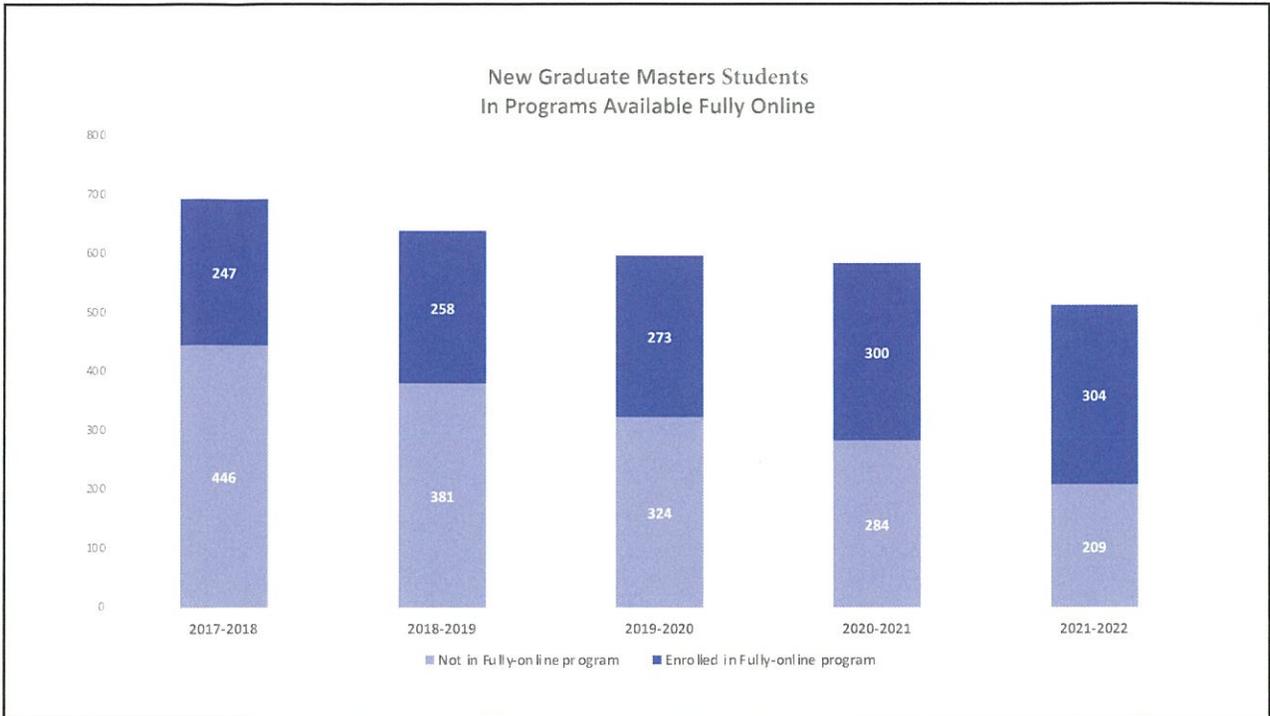


**KEY:** the middle number of 1149 – 14 – indicates the year. A number ending in 9 indicates fall semester, 2 indicates spring semester. Eg, 1152 = spring semester of 2015

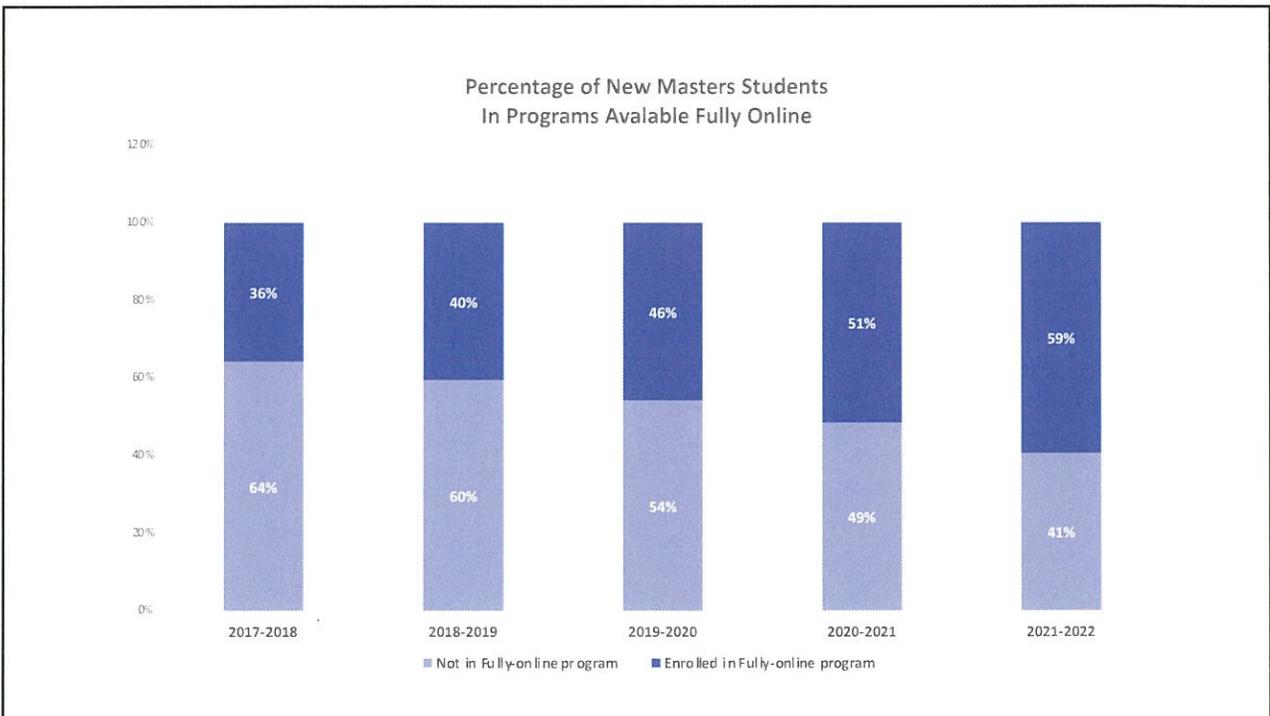


**ONLINE PROGRAMS  
AND STUDENT DATA  
2018-2022**

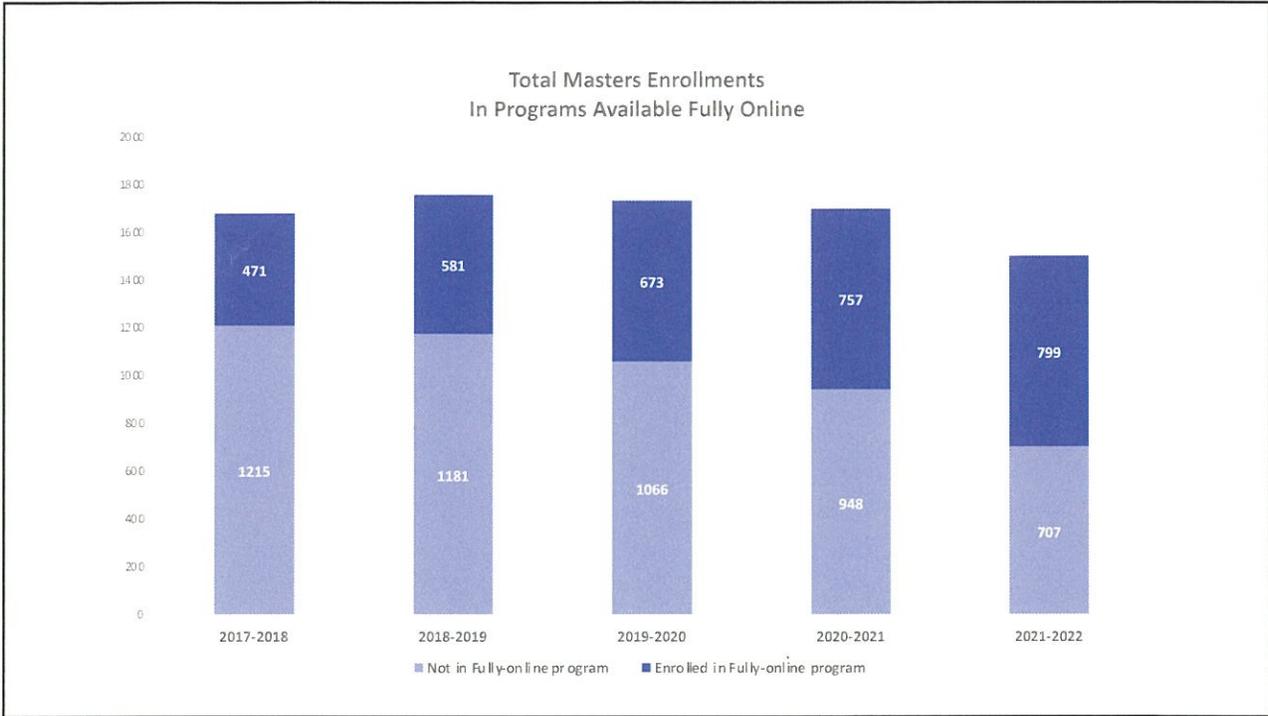
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OF  
CRIMINAL  
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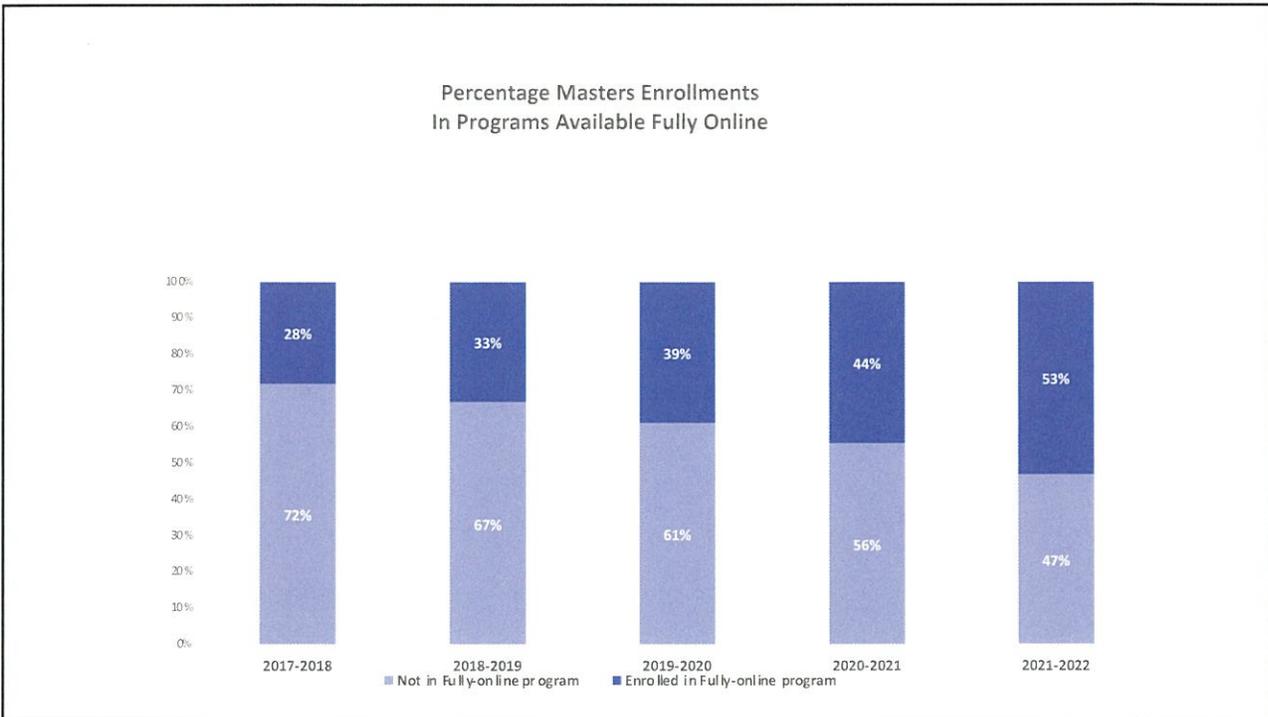
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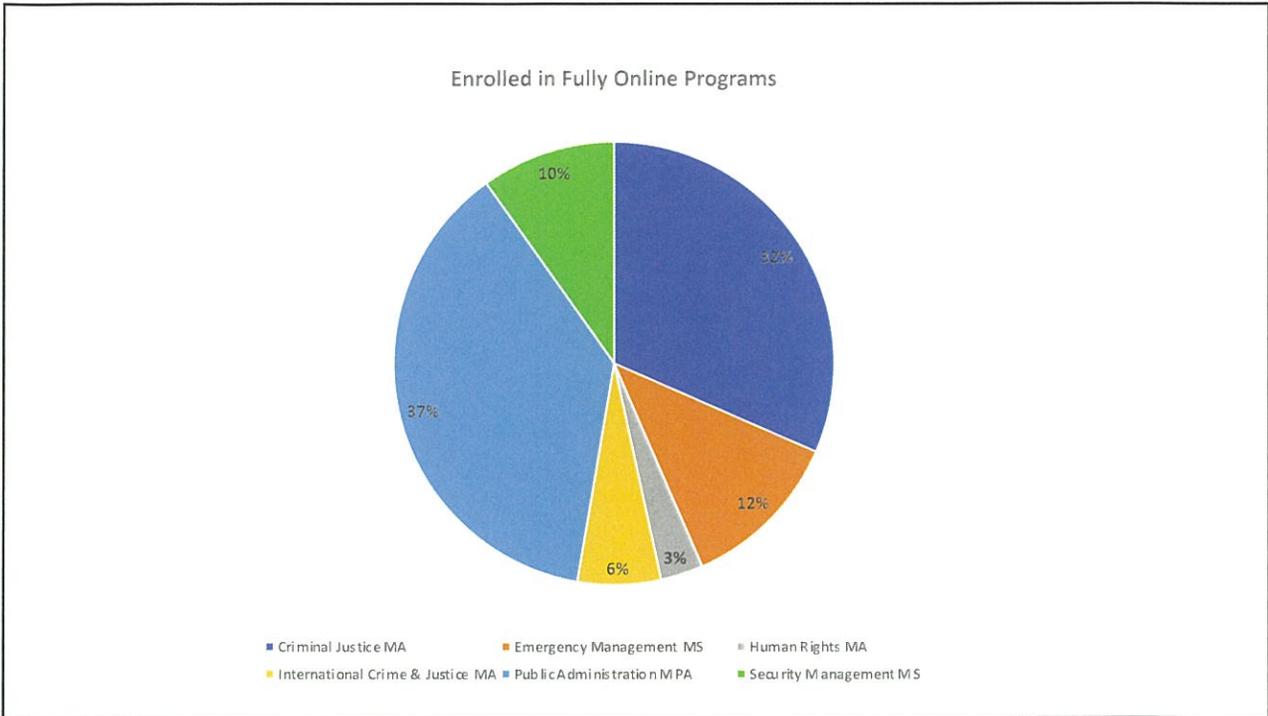
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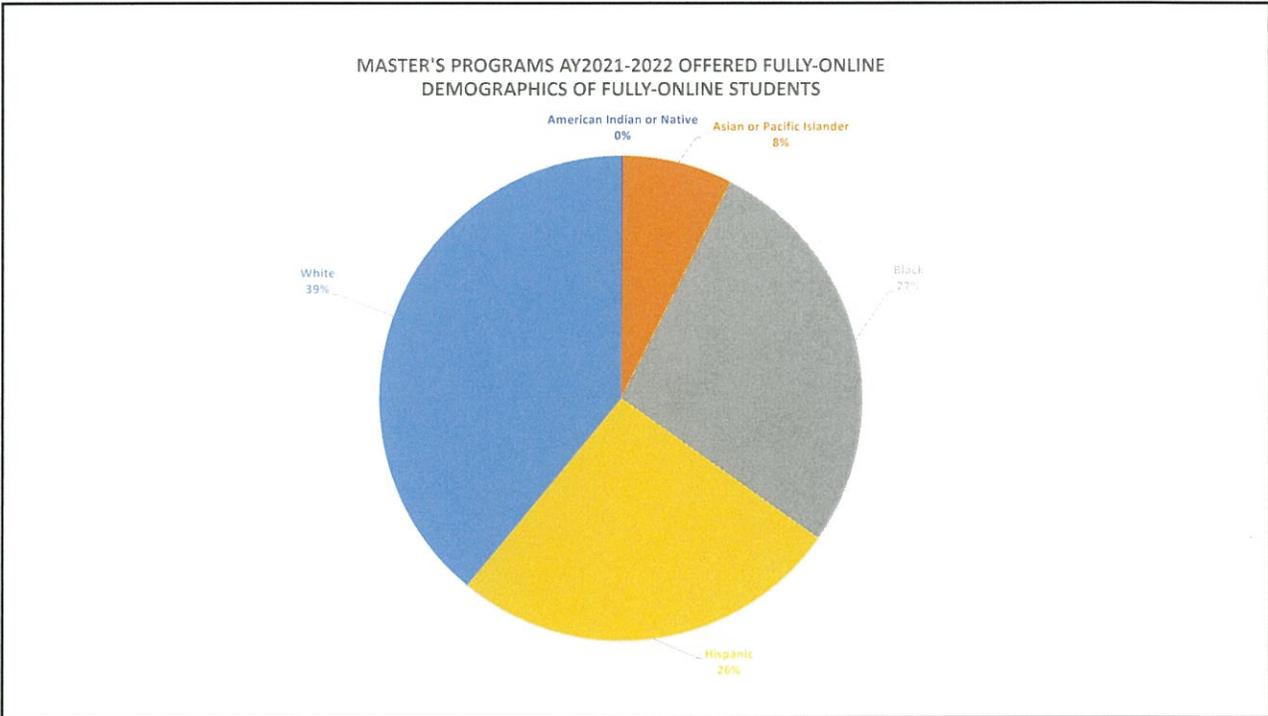
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Remarks to the New York City Council – Committee on Higher Education

By Shawn O’Riley, EdD

Vice President, Professional Education, Interdisciplinary, and Special Programs  
Pace University

September 22, 2022

Good morning council members and thank you to the committee for giving me the opportunity to speak to you today. My name is Shawn O’Riley and I am the Vice President for Professional Education, Interdisciplinary, and Special Programs at Pace University (just across the street from City Hall). One of my primary roles at Pace is to oversee strategy, planning, operations, and assessment of online learning across the university and our campus locations. As you may know, Pace University is a private, non-profit, comprehensive university with campus locations in Manhattan, Pleasantville, and White Plains. Pace has served the citizens of New York City since its founding in 1906, and helped generations of New York City residents achieve their dream of a college degree. Pace’s motto is “*Opportunitas*” and promises that we will be at the forefront of creating opportunities for our students and community. A 2017 study by Opportunity Insights at Harvard University ranked Pace University first in the nation among four-year private institutions for upward economic mobility based on students who enter college at the bottom fifth of the income distribution and end up in the top fifth, providing evidence that we deliver on our *Opportunitas* promises consistently.

At Pace, we believe that delivering relevant, high-quality educational experiences via a variety of modalities and formats fits our opportunity-focused mission. Pace has a significant history with distance education in New York. In its early years Pace offered correspondence courses for students who could not attend in person. Pace was a pioneer in online learning in New York, offering one of the first fully online programs and assisting in writing some early regulation and policy for the department of education. In recent years, Pace has significantly expanded its online programs, enrollment, and support for students and faculty. Pace now enrolls nearly 700 students in fully online degree and certificate programs in over 20 individual online programs across the university. Five of our online programs are currently ranked in the top 50 nationally by US News and World Report. Our success rate (the percentage of students who start a

program that are still enrolled or have graduated) for online students typically ranges above 75%. The average online student is in their early thirties, has some previous higher education experience, typically working full time, and likely paying for the full degree program themselves.

## Challenges and Opportunities for Online Higher Education in NYC

### Challenges:

- **Flexibility of Schedule and Modality:** NYC residents have the same needs for flexible, remote learning opportunities as any other part of the country. Just because we live in a dense, urban community doesn't mean students do not have the same work/life challenges that other students around the country have. Commuting to campus two to three nights a week from one part of the city to the other can still take an hour plus time each way. So having opportunities to study on schedules and in locations that are most convenient is still very important to these working adults.
- **Financing:** Online students are mostly part time, working adults and mostly study at a part time pace. This limits the kinds and amounts of aid they can qualify for. TAP and Pell grants are significantly less for students studying less than 12 credits (typically four courses) each semester. And other forms of aid like the GI Bill for veterans and many types of merit aid require full time study to achieve the maximum benefit.
- **Digital divide:** Access to the internet, hardware and software are still a challenge for many NYC residents. All the latest ed tech innovations are meaningless without an ability to access the course remotely. Students' ability to have consistent access to technology and the internet is important for online students.
- **Quality Control:** Online learning has advanced significantly in the past few years. Emerging technology and improved online pedagogy allow for increasingly sophisticated experiences that can replicate, or even improve upon, traditional classroom experiences. But the quality of those experiences can vary greatly between courses, programs, and colleges. Colleges need to commit to continually refining their quality measures for online learning and increasing support for faculty delivering online experiences to ensure students have an excellent experience studying remotely.

### Opportunities:

- Delivering high quality online education for NYC residents helps them save time and money while earning their degree. Not spending time on the train or in traffic commuting to class. Ability to complete work on their own schedule each week.
- Pandemic effects:

- More and more working adults are seeking online graduate and professional development opportunities after working and learning from home during the pandemic. Sometime in the near future it may be that the vast majority of those programs, nationwide, will be offered fully online.
- Traditional aged students have gotten more accustomed to online learning through the pandemic. While not their first choice, traditional aged college students do see the utility in using occasional online courses to complete their degree. Many full time, undergrad students work significant hours and have caregiver responsibilities at home that make online helpful to fill out their schedule
- Digital Microcredentials: Pace now offers credit bearing and non-credit microcredential badges for smaller, more tailored professional development experiences. Many of these badge programs are offered online and the earned credential can be shared and distributed online through social media. Online badges allow students to have just-in-time credentials that can be earned in a more affordable efficient manner than full degree programs.
- Faculty Support for Online Learning: Nearly every week, new technology development emerges to help improve online teaching pedagogy, best practices, and uses of emerging technologies. Many of these technologies can provide significantly enhanced experiences for online students and faculty. However, they can be expensive to purchase and time consuming to implement. More funding and support for colleges that want to produce high end digital materials for online programs would be useful.

In summary, the pandemic has certainly accelerated an already fast evolution for online learning in higher education. We are seeing significantly more interest in online learning modalities from students, faculty, and the general community.

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## Testimony for the New York City Council Committee on Higher Education, Chair Eric Dinowitz

**Robert H. McDonald, Senior Vice Provost of Online and Extended Education and Dean of University Libraries**

**September 22, 2022**

Good morning from Boulder, Colorado. My name is Robert McDonald and I am the Senior Vice Provost for Online and Extended Education and Dean of University Libraries at the University of Colorado Boulder.

First off, I would like to thank Chair Dinowitz and the committee members for inviting me here today to provide a first-hand account of some of the online education innovations that we are delivering from CU Boulder, the flagship campus of the University of Colorado System.

Because of our limitation in time today, I will jump right into the main online innovations that I want to describe for you. First, I will describe the difference between a traditional master's program and the performance-based admissions process we use in some of our online education programs.

In a traditional master's program, students go through a rigorous application process that usually requires transcripts, TOEFL or GRE exam, an application essay, and letters of reference. Those who are accepted can wait up to 3-6 months to be notified that they are accepted and up to a year for classes to begin, and fees are paid up front and may not always be fully recoverable if things do not go well for the student in the program.

Such a system favors those with money and time and discourages those who do not fit into the traditional profile of a master's degree candidate. That includes those who take our online master's programs who are working professionals, caregivers, those who need to jump-start their careers immediately, and those from financially disadvantaged backgrounds. Our performance-based pathways for our master's programs seek to include more students who can qualify for admissions and aim to eliminate the fear of rejection and the typical single annual admissions point for those who need our master's-level degree programs.

Our current three programs that are delivering performance-based admissions – MS Electrical Engineering, MS Data Science, and our ME in Engineering Management – all take advantage of this performance-based admissions process. In addition to this innovation, these three programs all are built to be certificate-stackable programs. This means that each program is built of 3-4 graduate certificates that, when combined, equal the master's degree in this discipline.

What does this mean for the student? It means that a student can start with our performance-based admissions gateway courses, usually three courses, starting with a single course and can understand what is needed for success in the program. This way, the student only pays for one or two courses at a time and knows by the end of the third course whether they have been admitted to the master's program. Additionally, at each step of 3-4 courses, the student earns a graduate certificate in a segment of the course of study (an example of this is in power electronics, which is a graduate certificate that makes up our MS in Electrical Engineering).

The point here is that the student can start a course at any point, determine once they are finished with the course whether they want to try to take the course for credit, and then determine what their next steps are in the program, based on their performance and achievement.

Our performance-based degree programs are all taught by our faculty from the University of Colorado Boulder, but they are highly automated and supported by our course facilitators, who are often teaching assistants in those programs. This has enabled us to create all three of these programs at a lower cost to the student: \$20K for the entire degree program. This was accomplished through faculty pushing hard for innovation in these degree programs, as well as a partnership with the scaled MOOC platform Coursera.

Since we first launched performance-based pathways in 2019, we have learned – and continue to learn – so much about making graduate degree programs available to a broader range of students. Our performance pathways open opportunities for more people to benefit from our degree offerings. We offer our courses six times a year in eight-week terms, so students can begin when their schedules permit. This means that the student can get started at any point within an eight-week period and the degree they receive is the same as any of our master’s degrees offered in traditional residential programs.

This emphasis on building out the best online master’s level credentials is based on our transformative, faculty-led initiative called Academic Futures, and in other projects and inputs in which our faculty clearly stated that they wanted to build online degree programs that would expand the reach of our residential campus, and that would emphasize the credentials and areas of excellence that our campus is most known for providing..

In my written documentation for this testimony, I will provide the committee a link to our Academic Futures plan, as well as to a recent article in *Inside Higher Ed* that describes our advances and progress on our current programs. Our University of Colorado System has recently invested funds for the next 5 years that will enable our Boulder campus to create a pipeline of master’s level degree programs – many of which will work like the ones I have described today – and that will enrich the lives of a broad range of students who want to study with our world-renowned faculty at CU-Boulder in an asynchronous, online setting.

Thank you for this opportunity to speak with your committee today, and I look forward to answering any questions that you may have concerning our online programs at the University of Colorado.

## References

- University of Colorado Boulder Academic Futures Strategic Planning Document: Online Strategy Working Group. <https://www.colorado.edu/academicfutures/online-and-distance-ed>
- 3 Questions for CU Boulder on Growing Application-Free, Performance-Based Degrees, *Inside Higher Ed* Interview with Robert McDonald, August 30, 2022. <https://www.insidehighered.com/blogs/learning-innovation/3-questions-cu-boulder-growing-application-free-performance-based-degrees>

**TESTIMONY BEFORE THE  
NEW YORK CITY COUNCIL COMMITTEE ON HIGHER EDUCATION  
THURSDAY, SEPTEMBER 22, 2022**

**SUBMITTED BY:  
REBECCA L. WATTS, WESTERN GOVERNORS UNIVERSITY**

Chair Dinowitz and members of the Committee on Higher Education, my name is Rebecca Watts. I serve as a vice president for Western Governors University, a nonprofit, nonpublic, competency-based online university founded in 1997 by a group of bipartisan governors who came together to create a new model of learning to remove the barriers of time and space that negatively impacted adult working learners.

Just as importantly, our founders were committed to creating relevant learning experiences aligned to the skills and expertise needed for the nation's most in-demand careers—Health Professions, Education, Information Technology, and Business—ensuring excellent quality while keeping costs as low as possible.

At WGU we are honored to serve 1,024 students across the five boroughs who are among the 3,034 WGU current students enrolled statewide, with representation from every county, and we are extremely proud of our 1,638 alums in New York City, who are part of our network of 6,016 alumni statewide. We currently serve 131,490 students across the 50 states and territories and on U.S. military bases across the world. WGU's alumni network includes 288,045 graduates, a number that grows each month.

To meet these goals, WGU's founders knew they had to develop an innovative model, leveraging online technology while delivering learning in a unique competency-based model that offers each student the ability to accelerate learning at her or his individual pace.

Essential to the WGU model is the ability for students to access faculty and learning resources virtually in an online experience. As is the case for any college or university providing online learning, there are key elements that must be in place to make the learning experience effective. Online learning must be intentionally and carefully designed to leverage the learning modality for optimal student learning. It will not be effective if it is delivered as a recorded or broadcast version of a traditional classroom lecture.

Highly effective practices include: providing technical support information at the outset and reinforcing it through the learning journey; engaging students in the learning environments, including interaction with peers through discussions and group work; breaking learning into smaller segments to establish a pattern of activity and due dates; establishing expectations for online participation, communication and "netiquette"; demonstrating to students how their learning will apply in real-world settings; and providing prompt, detailed feedback to reinforce key concepts and skill development.

While most degree program requirements at WGU are achieved exclusively in the online environment, there are program-specific site-based requirements for education, nursing, and health professions majors. WGU is grateful to its many partners in New York for supporting our students as they move through those required field and clinical experiences.

I want to call out some highly innovative work we are doing to help address key talent needs across several sectors.

WGU has partnered with the United States Department of Education on a pilot program using Federal Work Study funds to support educator paraprofessionals on the pathway to degree attainment and educator licensure. This pilot holds special promise for the urgent needs in hard-to-staff schools and to strengthen the talent pipeline of special educators.

To address our community's urgent need for nurses, WGU offers a baccalaureate degree in nursing, and master's degree programs to prepare Family Nurse Practitioners, Mental Health Nurse Practitioners, and Nurse Educators, the latter of which can support faculty staffing needs for nursing education programs at community colleges across the state, including CUNY and SUNY institutions.

As part of our work to strengthen the talent pipeline in tech fields, WGU partners with Per Scholas, a national Information Technology training provider based in the Bronx. Committed to equitable access to education, Per Scholas has a mission to advance economic equity through rigorous training for tech careers and to connected skilled talent to leading businesses. WGU has an articulation agreement in place with Per Scholas that articulates credit toward a baccalaureate degree to learners completing Per Scholas programs and enrolling at WGU.

And in another exciting partnership related to tech talent, WGU is honored to have received grant funding from Reboot Representation, a national organization committed to doubling the number of Black, Latina, and Native American women holding baccalaureate degrees in tech fields by 2025. Reboot Representation's CEO, Dwana Franklin-Davis is based in NYC. Through Reboot's generous grant funding, WGU has launched a new initiative, Building Bridges and Breaking Barriers for Women in Tech, providing scholarships, mentorships, and holistic support to students participating in the initiative.

These examples of partnerships and collaboration focused on the needs of learners and the needs of employers underscore the power of online learning delivered with intentionality, purpose, and forethought. I thank you for your time, for your commitment, and for your vision for New York City's future. I welcome the opportunity to answer any questions you may have.

Testimony to the NYC Council Committee on Higher Education  
Oversight: Online Degree Programs: Past, Present, and Future

I have been a member of the professoriate since 1982, the CUNY faculty (first at Baruch College) since 1986, and the doctoral faculty at the CUNY Graduate Center since 1995. In 2001, I was named Director of Instructional Technology in CUNY; in 2008, I became University Director of Academic Technology. That same year, I was made chief academic officer of the CUNY School of Professional Studies (SPS), home of CUNY's first fully online degree – and now home to 24 fully online degrees, 12 at the bachelor's and 12 at the master's level. These are highly ranked: currently, for instance, [our online bachelor's degrees are ranked # 10 in the nation by U.S. News & World Report](#), the highest ranked in New York (both the state and the city).

As I step away from my 40-year career, the last half devoted to online instruction, I want to counter two widespread misconceptions about it: 1) that it is not as good as classroom-based education; 2) that it is “distance education,” designed for those students who are not local.

The first, held by many unfamiliar with online learning, is the easier to dispel. It has been exploded by research, including [a vast meta-analysis of scores of comparative studies](#) finding online learning has better outcomes than classroom-based learning. This DOE-sponsored analysis turns on outcomes, not perceptions. But those too are important, so consider that [online MBA programs now outnumber those in-person](#), and this is a reflection not just of student choice but of employer acceptance of credentials earned online.

The harder myth to dispel is that of “distance education.” Online instruction in higher ed did begin with correspondence programs for students at a distance. But the wide acceptance and the increasing sophistication of web-based instruction soon meant it was a powerful way of reaching mostly local students. ([About 80% of online students live close to the campus providing their instruction.](#)) What distinguishes them is not their distance from campus but their busy lives, too full of work and family obligations to commit to campus-based learning.

Students, especially working students, need the flexibility online instruction affords. This is the great lesson higher education needs to learn, [one re-enforced by the pandemic](#). CUNY SPS is devoted to giving access to working adults, the population most in need of college credentials now. This is an important principle for higher education generally: to extend the opportunity for higher education further, particularly to the under-served, and to do it by online means.

Thank you for your consideration.

**George Otte**

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**New York City Council Committee on Higher Education  
Hearing on CUNY Online Degree Programs  
September 22, 2022**

**Testimony of Jamie Lerner-Brecher  
MA Student, Disability Studies, CUNY School of Professional Studies  
BA, American Studies, Columbia University**

First of all, thank you so much for allowing me to speak today—it's an honor to be here. Councilmember Brewer, it's lovely to see you again. I'm sure you don't remember me, but I remember your staunch support for the arts and education from my days as a member of the Young People's Chorus of New York City.

Like millions of other people in this country, I am disabled and considered "high risk" during this COVID-19 pandemic. With complete confidence, I can say that I am only in school because of CUNY SPS's online degree program. The classroom just is not a safe place for me right now. My experiences of accessibility, opportunity, and staff that goes above-and-beyond for their students at SPS might only be the tale of one person, but I know I speak on behalf of the many disabled and non-disabled students I have interacted with in my various student-leadership positions, as well as the myriad of high-risk people who have felt excluded from traditional higher education.

Throughout the pandemic, I have felt extreme isolation—increasingly so as most people have dropped the precautions that keep me safe. Yet CUNY SPS's online MA program has provided me with a lifeline into the world—both socially and academically—and has given me a sense of purpose and community. Because the program is online, I have enmeshed myself in both student life and academic opportunities I physically could not do as an in-person student. For example, I participated in multiple 8-hour meetings on the search committee to help find a new dean of SPS. Due to my disability, I physically cannot sit up or concentrate for 8 hours at a time. But on a zoom meeting? Other people didn't know I was lying down with my feet on the wall! Back-to-back meetings with the CUNY board of trustees and SPS's ADA-504 Committee? No problem! No inaccessible subway stations to slog through or running from building-to-building. I simply clicked a link. I could fully utilize every resource at my disposal because I had the time, energy, and access thanks to the online nature of the program.

Which leads me to my next point. I cannot understate how helpful the close and consistent communication from both student services and the office of disability services has been. As a student with a learning disability, I require quite a few academic accommodations. However, many of those needs become obsolete in an online environment that already utilizes universal design. At Columbia University, where I got my BA, the head of disability services once told me that she spent nearly 50% of her job coordinating classrooms and physical exams for students with extra time. Without this task, the office of disability services in an online program can spend significantly more time meeting students' unique and individual needs. Disability services manages to respond to requests with a speed I have not witnessed elsewhere—and I've attended 4 universities.

The same is true of student services. Because they don't have to constantly track down classrooms to hold events in—something that takes an unbelievable amount of time and money in a city with a shortage of space—they have more time to help students and get to know them personally. When I off-handedly mentioned an idea I had to provide disability training to staff and faculty, staff from student services, disability services, and the 504-ADA committee all reached out to me independently to try to help turn that idea into a reality. They had the resources to assign me someone in student services to help write a grant to fund the project, which I ultimately won. This type of individualized service is simply unmatched.

Right now, disabled people—who have historically been excluded from university education and drop out at an unbelievably high rate—face additional barriers to higher education. Many cannot take public transportation or sit in a classroom without fearing for their health and safety. Now, more than ever, online degree programs have the capacity to create unprecedented access and opportunities for millions of people, disabled and nondisabled alike. CUNY exemplifies accessible, affordable, and high-level online degree programs and I truly hope the city continues to invest in these programs.

**Robert Ubell Testimony  
New York City Council  
Committee on Higher Education  
September 22, 2022**

Online learning has emerged as a major force in higher education. The latest data reveals that almost half of all college faculty have taught online and more than half of college students have taken at least one online course. The adoption of digital instruction in higher education no longer occupies the side streets, but now runs on the main road. Much of the reason for the recent penetration of remote learning derives from its enormous benefits for working students, giving them the opportunity to earn college degrees while continuing to work, an unprecedented asset for poor and working-class students. Since the introduction of online education a quarter of a century ago, millions of underrepresented students have earned degrees online, allowing them to participate more fully in the nation's productive business, rather than being sidelined in marginal labor, moving from fast-food counters to more rewarding roles in our post-industrial economy. While 40 percent of on-campus students work full-time--double that--80 percent of online students are in full-time jobs.

Colleges with a long and effective history of delivering remote programs understand that student access to all the services available to on-campus students must also be equally available to online students. College is just not possible unless it is made convenient enough to fit into the limited time and space students have to devote to studies. That's especially true for students working full-time jobs, for parents caring for children and for others who cannot just hop into their cars and drive off to a campus. Student services on campus--study centers, career services, healthcare, clubs and support for learning and students with disabilities--are widely available on many campuses. But few colleges offer the same expansive attention to remote learners. On campus, students are coddled with high-end services, with 20 percent of higher ed budgets going to student services and related costs at state and city schools and 30 percent at private schools.

In contrast, virtual student support is often an afterthought. In a literature search, I found just a handful of references covering online student services, with none quoting how much institutions spend on them--a sure sign that very little attention is paid and, distressingly, little is invested. It's as if online students don't need anything but digital classrooms taught by virtual instructors. Most schools act as if remote learners can get along entirely on their own, like teenagers playing video games.

Online must be as essential to the university as on campus. In the minds of senior faculty, presidents and provosts, online must be equal to on-campus services and infrastructure. Resources that are devoted to on-campus education must be devoted equally to remote learning--faculty and student services and training, quality education, tuition discounts--all of it. The same effort, the same thought, the same intensity and the same financial backing that's given on campus must be given to online students and faculty. Everything that is delivered on campus must be delivered equally to online students. On-campus lectures and other activities available on campus must be delivered equally to online students. We must provide remote students with exactly the same services, exactly the same resources, exactly the same financial support and training that we give our on-campus students.

THE COUNCIL *CUNY Panel*  
THE CITY OF NEW YORK

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