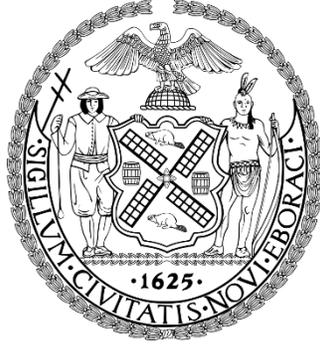


COMMITTEE ON HIGHER EDUCATION:

Emi Briggs, *Counsel*
Chloë Rivera, *Senior Policy Analyst*
Michele Peregrin, *Financial Analyst*



THE COUNCIL OF THE CITY OF NEW YORK

BRIEFING PAPER OF THE HUMAN SERVICES DIVISION

Jeffrey Baker, *Legislative Director*
Andrea Vazquez, *Deputy Director*

COMMITTEE ON HIGHER EDUCATION
Hon. Inez D. Barron, Chair

June 23, 2021

Oversight: Returning to CUNY Campuses in the Wake of COVID-19

INTRODUCTION

On June 23, 2021, the Committee on Higher Education, chaired by Council Member Inez D. Barron, will hold an oversight hearing on *Returning to CUNY Campuses in the Wake of COVID-19*. The Committee will seek information related to the preparations for students, faculty and staff to return to City University of New York (“CUNY” or “University”) campuses following more than a year of distance learning during the COVID-19 pandemic. Witnesses invited to testify include representatives from the CUNY administration, the Professional Staff Congress of CUNY, the University Faculty Senate, the University Student Senate, advocacy groups and organizations, and other interested stakeholders.

BACKGROUND

Overview and Legislative Intent of CUNY

CUNY was established in 1961 pursuant to New York State (“State”) legislation that united seven existing municipal colleges and a graduate school into a formally integrated citywide system of public higher education.¹ Today, CUNY is the largest urban public university in the United States (U.S.), providing accessible, high quality education to more than 275,000 undergraduate and graduate students² and 200,000 adult and continuing education students³ at 25 colleges across New York City (“NYC” or “City”).⁴ With more than 1,400 academic programs, 200 majors leading to associate and baccalaureate degrees, and 800 graduate degree programs, CUNY offers learning opportunities at every level, from certificate courses to Ph.D. programs, in a system that now

¹ CUNY, *Mission & History* (n.d.), available at <https://www.cuny.edu/about/history/>.

² CUNY, *About* (n.d.), available at <https://www.cuny.edu/about/>.

³ CUNY, *Academics: Continuing & Professional Education* (n.d.), available at <https://www.cuny.edu/academics/cpe/>.

⁴ CUNY, *About* (n.d.), available at <https://www.cuny.edu/about/>.

comprises seven community colleges, 11 senior colleges, the Macaulay Honors College, five graduate and professional schools, and an assortment of research centers, institutes and consortia.⁵

Pursuant to State Education Law, CUNY must be maintained as an “independent system of higher education” that is “responsive to the needs of its urban setting and maintain its close articulation between senior and community college units.”⁶ Additionally, CUNY is “supported as an independent and integrated system of higher education on the assumption that the [U]niversity will continue to maintain and expand its commitment to academic excellence and to the provision of equal access and opportunity for students, faculty and staff...”⁷ As such, and per State and City guidance, the Committee is seeking an overview of CUNY campuses’ preparations for a safe and gradual return to in-person instruction and support services for the fall 2021 semester while ensuring accessible quality education.⁸

The COVID-19 Pandemic and CUNY

Upon designating COVID-19 a pandemic, the World Health Organization issued guidance to help reduce its spread, including maintaining a distance of “at least one meter” from others and avoiding crowded places where it is more difficult to maintain the recommended distance.⁹ This guidance compelled institutions of higher education to close physical campuses, cancel intercollegiate sporting events and other activities, shutter dormitories, and move exclusively to remote instruction and learning.¹⁰ On March 11, 2020, Governor Andrew Cuomo announced that

⁵ CUNY, *Academics* (n.d.), available at <https://www.cuny.edu/academics/>.

⁶ NY Educ Law § 6201 (2015).

⁷ *Id.*

⁸ CUNY, *CUNY Guidelines for Safe Campus Reopening – Fall 2021* (Apr. 20, 2021), available at <https://www.cuny.edu/coronavirus/reopening-guidelines/guideline-safe-campus-reopening/#overview>.

⁹ World Health Organization, “What is a coronavirus?” Q&A on coronaviruses (COVID-19) (Apr. 17, 2020), available at <https://www.who.int/emergencies/diseases/novel-coronavirus-2019/question-and-answers-hub/q-a-detail/q-a-coronaviruses>; *See also* What can I do to protect myself and prevent the spread of disease?

¹⁰ Anemona Hartocollis, “After Coronavirus, Colleges Worry: Will Students Come Back?” THE NEW YORK TIMES (Apr. 15, 2020), available at <https://www.nytimes.com/2020/04/15/us/coronavirus-colleges-universities-admissions.html>; *see also* Andrew DePietro, “Here’s a Look at the Impact of Coronavirus (COVID-19) on Colleges

CUNY would similarly implement distance learning through the end of the spring 2020 semester to abide by social distancing rules.¹¹ Guidance from the New York State Education Department (NYSED) subsequently extended distance learning at CUNY through the summer 2020 semester.¹² Soon thereafter, CUNY Chancellor Félix V. Matos Rodríguez announced that fewer than two percent of courses across all CUNY campuses would be fully in-person during the fall 2020 semester, effectively extending distance learning through the end of the year.¹³

In January 2021, encouraged by vaccine distribution and the “solid foundation” CUNY built for online and hybrid teaching and the remote provision of student services, Chancellor Matos Rodríguez announced plans for a return to mostly in-person instruction and support services in fall 2021.¹⁴

REOPENING CAMPUSES SAFELY

State Guidance on Reopening

On June 26, 2020 Governor Cuomo issued Executive Order 202.45, which permitted institutions of higher education to gradually resume operation in accordance with State Department of Health (“DOH”) health and safety guidance.¹⁵ Pursuant to the order, the DOH issued The Interim Guidance for Higher Education during the COVID-19 Public Health Emergency¹⁶

and Universities in the U.S.” FORBES (Apr. 30, 2020), available at <https://www.forbes.com/sites/andrewdepietro/2020/04/30/impact-coronavirus-covid-19-colleges-universities/#69a4b76c61a6>.

¹¹ See May 11, 2020, Novel Coronavirus Briefing, available at <https://www.governor.ny.gov/news/during-novel-coronavirus-briefing-governor-cuomo-announces-new-york-state-will-contract-28>.

¹² See NYSED, *Guidance for Colleges and Universities on Addressing the Needs of Students Impacted by the Coronavirus*, (updated Apr. 2, 2020), available at http://www.nysed.gov/common/nysed/files/nysed-coronavirus-guidance-colleges-and-universities_0.pdf.

¹³ See CUNY, “Coronavirus Updates,” available at <https://www.cuny.edu/coronavirus/>.

¹⁴ CUNY, “Planning for an in-person Fall 2021,” available at <https://www.cuny.edu/coronavirus/university-updates/planning-for-an-in-person-fall-2021/>.

¹⁵ Executive Order No. 202.45, issued June 26, 2020, available at <https://www.governor.ny.gov/news/no-20245-continuing-temporary-suspension-and-modification-laws-relating-disaster-emergency>.

¹⁶ Governor Andrew M. Cuomo, “Interim Guidance for Higher Education During the COVID-19 Public Health Emergency” (Jun. 28, 2020), available at https://www.governor.ny.gov/sites/default/files/atoms/files/Higher_Education_Detailed_Guidelines.pdf

(“Interim COVID-19 Guidance) and Supplemental Guidance for COVID-19 Containment at Higher Education Institutions During the Public Health Emergency.¹⁷ These guidelines establish the minimum requirements higher education institutions must meet to operate safely during the pandemic.¹⁸

In addition to affirming to understand and meet State requirements, higher education institutions are also required to develop their own plan for reopening and operating in accordance with State guidance.¹⁹ Each institution must develop and submit a plan that, at a minimum, addresses: (1) reopening of the campus, (2) monitoring of health conditions, (3) containing the potential transmission of the virus, and (4) the shutdown of in-person operations on the campus, if necessitated by widespread COVID-19 transmission.²⁰ These campus-specific plans must reflect engagement with campus stakeholders including but not limited to administrators, faculty, staff, students and, where appropriate, affiliated organizations (e.g., union, alumni, and/or community-based groups).²¹

CUNY Campus Plans

Within the first month of the pandemic, Chancellor Matos Rodríguez convened a Coronavirus Task Force to serve as a strategic “command center” to work with CUNY’s 25 schools and provide systematic guidance based on the latest information from federal, State and City health officials.²² To assist campuses in developing their State-mandated plans, CUNY has developed

¹⁷ *Id.*

¹⁸ *Id.*

¹⁹ *Id.*

²⁰ *Id.*

²¹ *Id.*

²² *Id.*

and published its own set of guidelines for safe campus reopening, based on the work of the Coronavirus Task Force and the University’s Academic and Student Support Task Force.²³

The CUNY guidelines embody State guidance and provide detailed requirements, recommendations, and best practices for: “(1) people, including physical distancing, gatherings in enclosed places, operational activity and movement of goods; (2) places, including protective equipment, hygiene, staged reopening and communications; (3) processes, including screening, testing, tracing and tracking; and (4) institutional plans.”²⁴ Using CUNY’s guidelines, each campus will customize and develop its own reopening plan.

According to the Coronavirus Task Force recommendations, each campus department, including academic, administrative, and facility departments, would first develop their own specific written reopening plans.²⁵ The departmental plans would be internally coordinated and reviewed by the campus President or Dean.²⁶ Alternatively, each campus could establish a Campus Reopening Committee, comprised of “individuals with authority over facilities, public safety, the academic program, faculty governance, unions, human resources and environmental health and safety,” to coordinate and review the individual plans.²⁷ After internal review, the campus reopening plans are submitted to the Chancellery or COO’s office to be approved.²⁸ The Central Administration and each campus are accountable for staying current with, and implementing, the relevant local, State, and federal requirements.²⁹ Each campus has also designated Coronavirus

²³ CUNY, “Fall 2020/ Spring 2021 Reopening Plans, available at <https://www.cuny.edu/coronavirus/fall2020-reopeningplans/>

²⁴ CUNY, “CUNY Guidelines for Safe Campus Reopening—Fall 2021, Introduction” available at <https://www.cuny.edu/coronavirus/reopening-guidelines/guideline-safe-campus-reopening/-introduction>.

²⁵ CUNY, “CUNY Guidelines for Safe Campus Reopening—Fall 2021, Governance” available at <https://www.cuny.edu/coronavirus/reopening-guidelines/guideline-safe-campus-reopening/-governance>.

²⁶ *Id.*

²⁷ *Id.*

²⁸ *Id.*

²⁹ *Id.*

Campus Liaisons to monitor on campus activities for COVID-19 exposure and provide data to CUNY campus and Central decision makers.³⁰

This methodology appears to have been successfully employed for the 2020-2021 academic year. CUNY's 25 campuses each developed individual reopening and operating plans for Fall 2020 and Spring 2021.³¹ CUNY is preparing for the return to mostly in-person operation by rigorously updating the CUNY guidelines prepared for the previous year.³² It does not appear as though the individual reopening and operating plans for Fall 2021 have been finalized.. This hearing would provide an opportunity to assess the identify and review CUNY's plans for the upcoming year.

STUDENT SERVICES AND RESOURCES

CUNY also established a "Coronavirus Updates" webpage on its central website, which continues to be regularly updated with information relevant to students.³³ Each CUNY school also created their own "Coronavirus Updates" webpages, which are updated with information specific to their individual campuses.³⁴ CUNY has implemented several policy and operational changes as part of its overall strategy to respond to the COVID-19 pandemic, including:

- Providing access to 30,000 laptops and tablets for full student participation in distance learning;
- Instituting a new grading policy under which students may convert letter grades earned in the spring 2020 semester to Credit or No Credit;
- Refunding dormitory fees on a prorated basis from a student's move-out date; and

³⁰ *Id.*; see also CUNY, "Coronavirus Campus Liaisons (Spring 2021)," available at https://www.cuny.edu/coronavirus/reopening-guidelines/sup-guideline-safe-campus-reopening/#_Toc4518895

³¹ CUNY, "Returning to in-person work" (May 13, 2021), available at <https://www.cuny.edu/coronavirus/#reopening>; see also "Fall 2020/Spring 2021 Reopening Plans (Sept. 14, 2020), available at <https://www.cuny.edu/coronavirus/fall2020-reopeningplans/>.

³² See CUNY, "Returning to in-person work" (May 13, 2021), available at <https://www.cuny.edu/coronavirus/#reopening>

³³ See CUNY, "Coronavirus Updates," available at <https://www.cuny.edu/coronavirus/>.

³⁴ See for example, Baruch College's Coronavirus Updates webpage, available at <https://www.baruch.cuny.edu/coronavirus/>.

- Waiving 25 percent of the spring 2020 Student Activity Fee, based on enrollment in a 15-week academic calendar, or 50 percent for those enrolled in a 12- or six-week calendar.³⁵

CUNY also provides general guidance and information to students on such matters as stemming the spread of COVID-19 and responding to symptoms, tips for successful academic continuity, on- and off-campus wellness and mental health resources, information for CUNY employees, support for food, unemployment, housing, and cash assistance, and Coronavirus Aid, Relief, and Economic Security (“CARES”) Act Emergency Student grants.³⁶

CUNY’s planned phased re-opening includes continued distance learning through the summer while the fall semester will be mostly in-person.³⁷ Even with the resumption of in-person learning, CUNY expects to maintain a digital footprint that is larger than it was pre-pandemic in those areas where distance learning can enrich the traditional in-person instructional modality.³⁸ The University is working collaboratively with each campus to identify such opportunities, and to improve upon best practices that have come out of the pandemic.³⁹

As campuses formulate their reopening plans, CUNY “content experts both at the central office and at the colleges” developed extra considerations for the reopening of various facilities and services,⁴⁰ including:

- **Campus Child Care Centers.** In addition to COVID-19 health and safety considerations, there are considerations for stages of reopening that gradually increases capacity, starting at 25 percent and targeting families that are struggling and may be considering suspending their college aspirations. Stage 2 builds to 50 percent capacity, provided that there is no traceable illness for children and staff, who are all tested weekly or with guidance from the NYC Department of Health and Mental Hygiene (DOHMH). Stage 3 increases to 75 percent, and Stage 4 allows for full operation. Reclosing considerations depend on the incidence of illness.

³⁵ See CUNY, “Coronavirus Updates,” available at <https://www.cuny.edu/coronavirus/>.

³⁶ *Id.*

³⁷ CUNY, “Student Supports” (2021), available at <https://www.cuny.edu/coronavirus/continuity-for-students/>.

³⁸ *Id.*

³⁹ *Id.*

⁴⁰ CUNY, “Considerations for Reopening Facilities & Services in Stages” (2021), available at <https://www.cuny.edu/coronavirus/reopening-guidelines/considerationsforreopening-facilities-services/>.

- **Food pantries.** Considerations are specific to staff and volunteers following all State and City guidance for safe food handling and health screenings of visitors.
- **Health & Wellness Services.** In addition to COVID-19 health and safety considerations, there are considerations for stages of reopening, starting at 25 percent of normal campus occupancy, in which all activities that can be done remotely from home are, including all seminars, group meetings, etc... and limited faculty and staff on campus, with Health and Wellness Services open remotely for students on and off campus. Stage 2 builds to 50 percent capacity, with a gradual expansion of the number of activities on campus and in the field, while ensuring compliance with DOHMH guidance. Stage 3 increases to 75 percent, in which successful telecommuters should continue to work remotely, and Stage 4 allows for full operation with Health and Wellness Services open on campus for all students.
- **Libraries.** In addition to COVID-19 health and safety considerations, there are considerations for stages of reopening that gradually increases capacity. Libraries remain closed during Stage 1, with existing loans extended and overdue fines waived. Minimal staff will be maintained onsite, with online-only services. Stage 2 includes continued online services with limited onsite campus access, and allows for adequate and open Wi-Fi access, with appropriate study space. While there will be increased staff, reference and instruction services remain online. Stage 3 would coincide with an increase in onsite class instruction, with libraries open for physical access to study spaces, potentially with the use of scheduling software. Staff may access physical collections to support online reserve and course instruction, while patrons can request physical materials though stacks remain closed. Lastly, Stage 4 maintains online services with some on-site restrictions, including occupancy limits.
- **Mental Health Services.** The mental health crisis in the U.S. escalated to an unprecedented scale during the pandemic. Telecounseling allowed CUNY Counseling Centers to continue providing services to students as they participated in distance learning. While returning to in-person mental health services will depend on a variety of factors, it is likely to occur in four stages increasing capacity in 25 percent increments, with the continuation of effective telecounseling programs created during the pandemic.
- **Student Life / Inclusion.**
 - *Student Activities.* Campus events, student clubs and organizations, and student governments are to maintain and continue their current online spaces for student engagement, as well as prepare for full or partial in-person scenarios. Returning to in-person student activities is likely to occur in four stages increasing capacity in 25 percent increments.
 - *Student Orientation.* While some schools already provide online or virtual orientation, other campuses need to rethink how they deliver orientation. CUNY is aiming for all campuses to provide orientation programming online by the end of the spring 2021 semester. Otherwise, normal operations may resume once City and State guidance allows.
 - *Accommodating Students with Disabilities.* Two-thirds of CUNY students with disabilities have conditions that make them particularly vulnerable to COVID-19.

Additionally, some students rely on third parties to provide in-person services. Accordingly, the Office of Student Inclusion Initiatives offers considerations on accommodating such students. This includes the extension of the ability to participate in distance learning; ensuring students have devices, assistive technologies (AT), and AT services they need to access curricula; and the development of protocol for the priority use of elevators.

- *Interfaith Programs & Campus Ministries*. Online programs and worship are to continue, while the resumption of in-person interfaith and campus ministry programs is likely to occur in four stages increasing capacity in 25 percent increments.⁴¹

PANDEMIC RELIEF FUNDING

The COVID-19 pandemic has also placed considerable financial strain on CUNY students as well as the institution in general. Over the course of the 2020-2021 academic year, enrollment in the community colleges declined by 10,495 students from the fall to spring semester, resulting in additional tuition revenue lost. The University is offsetting this loss with federal stimulus aid received by the institutions for this purpose in Fiscal 2021.

The Federal government has provided substantial federal funding to CUNY through its three economic stimulus bills, the CARES Act, The Coronavirus Response and Relief Supplemental Appropriations Act (“CRRSSAA”), and the American Recover Plan Act (“ARPA”). The CARES Act and CRSSAA each allocated \$118 million to be disbursed directly to students in the form of financial grants of about \$750 per eligible student.⁴²

CUNY received approximately \$328 million in total federal funding for its community colleges.⁴³ Of this total, CUNY has confirmed roughly \$86 million in CARES Act and CRRSSA funding for its community colleges will be spent down in fiscal year 2021.⁴⁴ According to CUNY’s

⁴¹ *Id.*

⁴² CUNY, “CUNY Distributes \$118 Million in Federal Pandemic Emergency Grants to 150,000 Students” (May 6, 2021), available at <https://www1.cuny.edu/mu/forum/2021/05/06/cuny-distributes-118-million-in-federal-pandemic-emergency-grants-to-150000-students/>.

⁴³ Per Committee discussions with CUNY.

⁴⁴ *Id.*

Chief Financial Officer, the Board of Trustees will review community college plans to spend down the remaining \$285 million in federal funding across fiscal years 2022 and 2023 later this summer, and these will likely be included in subsequent budget plans.⁴⁵

CONCLUSION

At today's hearing, the Committee on Higher Education will seek information related to the preparations for students, faculty and staff to return to CUNY campuses following more than a year of distance learning during the COVID-19 pandemic. This includes an overview of the CUNY's plan for compliance with federal, State and City guidance; University guidance issued to the schools; and each CUNY college's plan for a safe reopening for students, faculty and staff. The Committee is particularly interested in how the University will engage students, faculty and staff in creating the transition plan. This includes an understanding of any changes in student services and resources, as well as anything else of consequence, from before the COVID-19 pandemic. Lastly, the Committee will seek clarity around the financial impact of the COVID-19 pandemic, including reductions in staff, whether through layoffs, attrition, or the nonrenewal of contracts.

⁴⁵ *Id.*