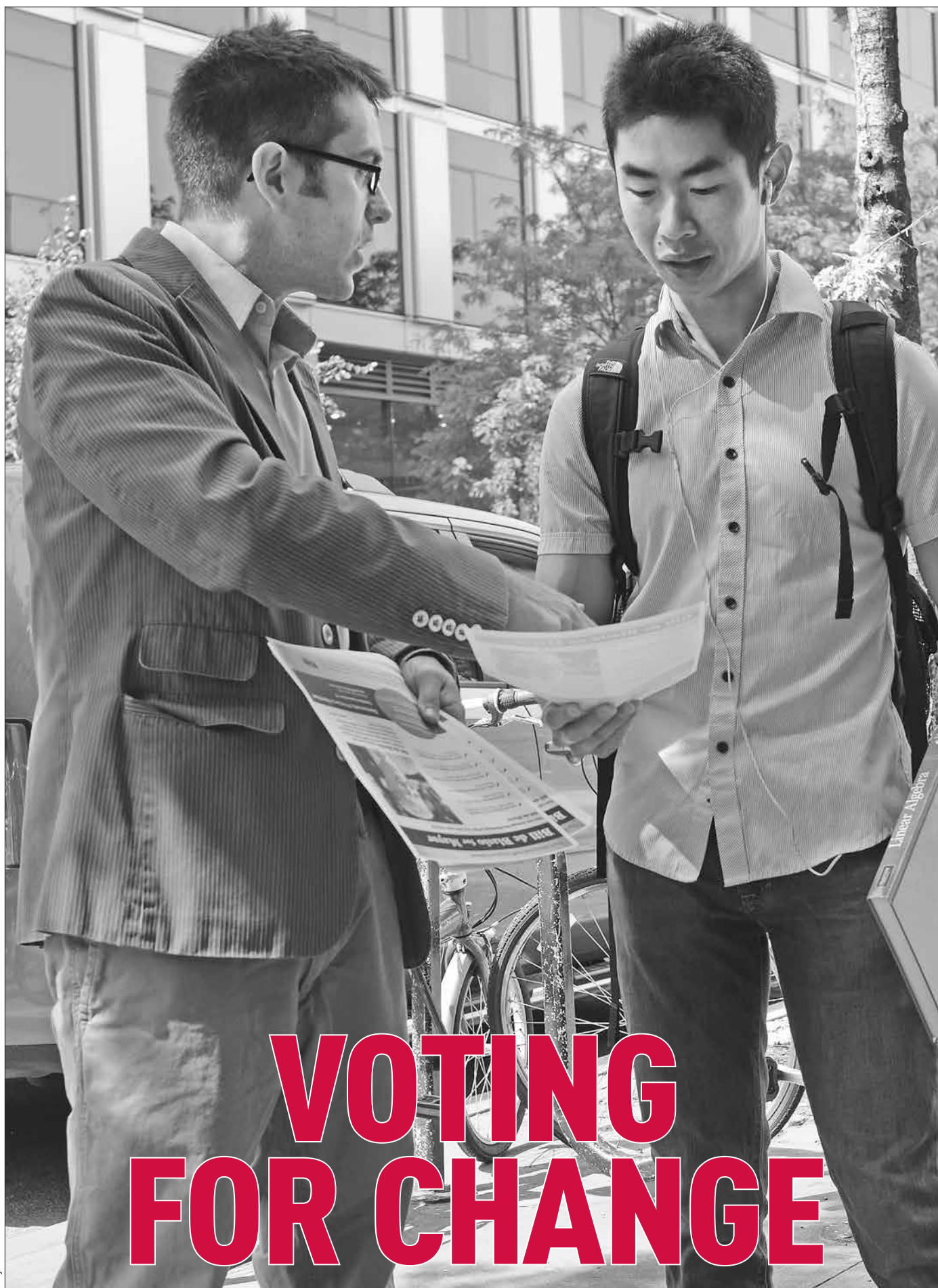


# Clarion

NEWSPAPER OF THE PROFESSIONAL STAFF CONGRESS / CITY UNIVERSITY OF NEW YORK



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Gary Schorichet

## VOTING FOR CHANGE

Mayoral candidate Bill de Blasio, who was at 10% in the polls when the PSC endorsed him in June, finished strong with 40% in the September 10 primary election. "New Yorkers want a change from the inequality and austerity of the Bloomberg years," said the union's president, Barbara Bowen. PSC members worked hard in the primary, mounting the biggest election effort in the union's history. Volunteers called thousands of fellow members and leafleted at campuses across the CUNY system, spreading the word about who the union was supporting and why. Above, Geoff Kurtz, assistant professor of political science, talks with a student at BMCC. **PAGE 7**



**THEN & NOW**

### Keep on marching for racial justice

PSC members & the March on Washington, 1963 to 2013

**PAGE 6**

### FOR NEW PRIORITIES

## Sept. 30 PSC protest at trustees' meeting

PSC members need a new contract and students need a quality curriculum. But from Pathways to golden parachutes, CUNY's priorities are upside down. Join the Sept. 30 protest. **PAGE 3**



### DEPENDENTS AUDIT

## Take heed: October 4 deadline for coverage

October 4 is the new deadline in the City audit of dependent health care coverage. Don't ignore it. If you do, your dependents could lose health insurance. **PAGE 8**



### FEDERAL POLICY

## Academics respond to Obama's college plan

President Obama has proposed a nationwide college ranking system that would shape allocation of financial aid. Most higher education advocates say it fails the test. **PAGE 4**





## LETTERS TO THE EDITOR |

WRITE TO: CLARION/PSC, 61 BROADWAY, 15TH FLOOR, NEW YORK, NY 10006. E-MAIL: PHOGNESS@PSCMAIL.ORG. FAX: (212) 302-7815.

# Our unity vs. their fear & division

● Mayoral candidate Bill de Blasio has built a broad multiracial coalition by doing two key things right: attacking economic inequality and taking some strong stands against racism.

The Republican counter-attack has already begun. Its strategy was summed up in a September 7 column by the *New York Post*'s Steve Cuozzo: "Memo to Joe Lhota: Bring the fear." The *Post* writer said that "Lhota has fear, legitimate fear, in his corner" and must "send the beast snorting into the ring" – focusing on "the threat of crime" and "the city's ominous fiscal plight."

Three days later, the *Post*'s front page featured a scowling Ray Kelly, and the headline, "NEVER FORGET: TERRORISTS ARE TRYING TO KILL US." The article was about a speech by Kelly that the paper dubbed a "Memo From Ray Kelly to Mayoral Wannabes."

Anthony Wiener, of all people, had a clear-headed response: "This is the same person [Kelly] that has told us we are at great risk if we don't stop hundreds of thousands of young men of color. So I'm not quite sure his risk assessments have been particularly on [the] mark."

As the November election gets

closer, we can expect a GOP campaign of fear and racial division. Let's respond with a campaign of unity among the 99%.

Ron Hayduk  
Queens College

## Italian Americans at CUNY

● In reference to Mario Caruso's letter in the June *Clarion*, I am obliged to point out that neither the Italian American Faculty and Staff Advisory Council nor the John D. Calandra Italian American Institute were invited to sponsor the conference to which he refers. It is also the case that since Mr. Caruso's resignation from the council in 2010, including several years as its chair, numerous presentations have been made at CUNY and beyond regarding the unfavorable status of Italian Americans in higher education. This has occurred thanks to the revitalized leadership of Dean Anthony Tamburri. Most recently, on March 8, Dean Tamburri and I presented on this critical issue at the inaugural CUNY Diversity and Inclusion Conference.

Finally, as the current chair of the council, I can state that no member of the CUNY faculty or staff apart from council members has con-

tacted me to discuss arranging a CUNY-wide conference sponsored by the institute, although we have discussed this internally.

The council welcomes representation from all CUNY campuses and is open to suggestions for events and to new members.

Donna Chirico  
Chair, Italian American Faculty Staff  
and Advisory Council  
Interim Dean, School of Arts and  
Sciences, York College

Editor's note: *Mario Caruso's original letter can be found at psc-cuny.org/clarion/june-2013/letters-editor.*

## A general question...

● Thanks for the excellent article by John Tarleton (*Clarion*, August 2013) on the appointment of Gen. David Petraeus at Macaulay Honors College. Aside from the money issue, may I respectfully inquire about the general's expertise in the fields of energy, advanced manufacturing and life sciences and their economic implications that constitute the topic of his proposed course? I thought he made his bones as a military leader whose counterinsurgency manual – with its failure to bring success in

the War in Afghanistan – was the key document of his career. Given the title of his seminar, I can think of any number of analysts with more expertise on the subject of North America's economic future.

Joan Gregg  
Retirees Chapter

## ...and an answer

● Drilling for natural gas via "fracking," or hydraulic fracturing, has met growing opposition due to its record of environmental destruction. In response, the oil and gas industry has tried to give its PR a veneer of scientific respectability by funding pro-industry "policy institutes" on university campuses. Last fall SUNY Buffalo closed its Shale Resources and Society Institute after months of controversy over its ties to the gas and oil industry (see *Clarion*, Feb. 2013).

Now "frackademia" has come to CUNY. The climate change website DeSmogBlog.com reports that the syllabus for Gen. David Petraeus's seminar at the Macaulay Honors College features "two of the most well-known 'frackademia' studies." One was funded by the Clean Skies Foundation, which DeSmogBlog describes as "a

front group for Chesapeake Energy." The reading list includes no independent studies of fracking's impact on water quality or climate change.

While Gen. Petraeus is free to design his own syllabus, students at Macaulay may want to know that the general has no apparent academic expertise in this area, and that his reading list is composed of only pro-industry documents.

But the oil and gas industry views Gen. Petraeus as an important teacher. As DeSmogBlog notes, at a 2011 industry conference in Houston, Matt Carmichael, External Affairs Manager at Anadarko Petroleum, urged participants to read Petraeus's work: "Download the US Army/Marine Corps *Counterinsurgency Manual* because we are dealing with an insurgency....There's a lot of good lessons in there, and...I found the insight in that extremely remarkable."

At the same conference, Matt Pit-zarella, a spokesperson for Range Resources, described how psychological operations tactics (PSYOPS) discussed in the manual were useful on the fracking front. "We have several former PSYOPS folks that work for us at Range because they're very comfortable in dealing with localized issues and local governments," he said. "Having that understanding of PSYOPS in the Army and in the Middle East has applied very helpfully here for us in Pennsylvania."

Alice Zinnes  
City Tech

# Hunter turmoil garners national press

By JOHN TARLETON

Criticism and controversy around Jennifer Raab's presidency at Hunter College spilled beyond the campus this summer, with media coverage in *The New York Times* and the *Chronicle of Higher Education*. The attention was sparked by the acrimonious departure of two more high-ranking Hunter officials.

Raab's 12 years at the helm of Hunter College has been marked by frequent turnover in the top ranks of her administration. There have been six official or temporary deans of the School of Arts and Sciences and five more at the School of Social Work, while the fund-raising office has seen 11 shifts of leadership.

## 'POLARIZING'

Campus criticism of what the *Chronicle* described as Raab's "polarizing" role flared up again in response to a resignation letter that circulated widely on campus at the end of last semester. Maria Doelger Anderson, an assistant dean in the School of Arts and Sciences, lamented that "the path that the leadership of the college has chosen to pursue – one that favors select individuals over the goals of the institution and metes out punishment and retribution instead of welcoming an open and honest exchange of ideas – has

## A dean's bitter departure

transformed Hunter into an institution with which I am no longer proud to be associated." President Raab, she wrote, was so intolerant of dissent that she had created an atmosphere of "fear and mistrust."

On July 2, Erec Koch, the dean of Arts and Sciences, announced his departure. Hunter's top lawyer and its chief operating officer have also recently resigned.

"Those issues really have to do with this kind of assumption and behavior that you can lead on the basis of fear, intimidation and humiliation, on the basis of threat [and] withdrawal of resources, particularly [with] those who have something at stake like department chairs," Mike Fabricant, professor of social work at Hunter and former executive officer of CUNY's doctoral program in social welfare, told the *Times*.

The *Times* noted that, according to PSC President Barbara Bowen, the number of complaints to the union about the repressive work environment at Hunter "far exceeded" the number from other CUNY campuses. The PSC and its Hunter chapter have raised the issue with President Raab and the chancellor's office, Bowen told *Clarion*, and have



Hunter College President Jennifer Raab

stressed that the interests of the college require a change.

Joan Tronto, former chair of the Hunter Senate and now a professor at the University of Minnesota, told the *Times* that most academics view disagreement as normal, and that "after an argument's over, you can still work with the people. But Jennifer Raab, after someone has disagreed with her, can never work

with that person again."

The current chair of the Hunter Senate, Christa Davis Acampora, took a more mixed view. Criticisms of Raab are widespread on campus, Acampora acknowledged: "I don't dismiss them or take those concerns lightly," she told the *Chronicle*. "But is Hunter a better place than it was 12 years ago? Absolutely. We used to have to bring our toilet paper with us. It was that bad." Raab's supporters point particularly to her fundraising prowess, which recently netted a \$25 million gift, the largest in the college's history.

"Raab is not without talent," Fabricant, who is also treasurer of the PSC, told the *Chronicle*. "That's not really the point. When you're churning your administrators in this way, you're incinerating continuity and opportunity."

After interviewing more than 30 current and former Hunter employees, the *Times* noted that "it can often seem that her critics and her supporters are speaking about different presidents entirely." But those who had been at odds with Raab repeatedly spoke of being "punished for views that were not identical to hers," the *Times* reported.

Raab has adamantly defended her record. In a July letter to the *Chronicle*, she noted that the college

has raised more than \$200 million during her tenure and seen the construction of new facilities, such as the Silberman School of Social Work building in East Harlem and a new home for Hunter's MFA program in art in Tribeca. The *Chronicle* published 10 other letters that came to Raab's defense.

## 'CLIMATE OF FEAR'

Interim Chancellor Bill Kelly praised Raab's "sterling performance" to the *Times*. "Hunter is doing extremely well," Kelly said.

This is not the first time that concerns about the atmosphere at Hunter have gotten a public airing. In 2005, the report of a College Senate committee on academic freedom expressed concern about "perceptions of a climate of fear" on campus interfering with free expression – particularly in relation to disagreements over college policy.

The PSC's Academic Freedom Committee conducted a survey of Hunter faculty and staff at Hunter in 2006, using a survey instrument developed by the American Association of University Professors (AAUP). Fifty-eight percent of respondents said that Raab did not respect the decisions of faculty committees on educational matters, and a plurality of 46% to 34% said she did not respect faculty recommendations on promotion and tenure (see *Clarion*, Summer 2006).

## 'Incinerating continuity' as more top officials exit



# September 30: PSC protest

By PETER HOGNESS

On September 30, a PSC protest will deliver a message to CUNY's Board of Trustees at its first meeting of the academic year.

"We need to be at the first meeting of the CUNY Board of Trustees this year to demand a response to the no-confidence in Pathways vote and to show the urgency of our demand for a fair contract," said PSC President Barbara Bowen. "The board is taking CUNY in the wrong direction. CUNY faculty and staff need a new contract, and CUNY students need a first-rate education. The trustees should see and hear how serious we are about what we need: no austerity contract for us, and no austerity education for our students."

## 'MOMENT IS RIGHT'

The union demonstration will be on Monday, September 30, at 3:30 pm at Baruch's Vertical Campus building at Lexington Ave. and 25th Street. (To get updates by e-mail, sign up at [psc-cuny.org/ThisWeek](http://psc-cuny.org/ThisWeek).)

"With a new City administration on the horizon and a new interim chancellor at CUNY, the moment is right to demonstrate to the board the power of our demands," Bowen said. "Austerity politics have set the agenda for too long. When we turned out in force to demand action on adjunct health insurance, the board responded. We need to do the same – and more – again."

On Pathways, PSC leaders pointed to the 92% vote of no confidence in the new curriculum in the referendum among full-time faculty in May. "September 30 is an opportunity to *voice* that vote directly to the Board of Trustees," said PSC Treasurer Mike Fabricant. "We'll be there to tell them that we're not going away. We're going to be here, on the campuses, documenting the impact of Pathways in diluting the curriculum, and making sure those problems are not ignored as Pathways is reviewed."

## CONTRACT

In a message to members, Bowen noted that PSC presented its demands for a new contract to CUNY management nearly three years ago. "Even though the expired contract remains in place and salary step increases continue, three years is far too long to wait for across-the-board raises and other improvements," she wrote. "Why the delay at our expense? The short answer is austerity politics."

New York State and New York City control CUNY funding, and both have taken a hard-line in bargaining with public employees. "The City and State have demanded contracts with 0% salary 'increases' and with concessions on health care," Bowen said. "The PSC is demanding better for CUNY faculty and staff – and ultimately, for CUNY students." The

## At Board of Trustees meeting at Baruch

union is active in this year's City elections, she said, because it is an opportunity to shift New York City politics away from "policies that increase economic inequality and impose austerity on public employees" (see page 7).

But the PSC is not just waiting for a new mayor to be elected, Bowen noted. "While CUNY has not yet made an economic offer, we have been working quietly for the last three years with CUNY management to address several important contract demands." New contract provisions negotiated since the last agreement expired include a pilot program for phased retirement (see page 8); the establishment of paid parental leave (also originally a pilot program) as a permanent part of the contract; new programs for donating and receiving extra sick leave days; gaining additional funding for PSC-CUNY research awards; and a more competitive salary scale for part-time faculty in certain professional schools.

## PRIORITIES

"Most significant," said Bowen, "we pushed the chancellor's office to secure funding from New York State for adjunct health insurance, an effort that resulted in millions of dollars in dedicated funds." While work continues toward a permanent structure for adjunct health coverage, she said, the established funding addressed "a crisis that could have dominated our contract negotiations."

But while progress has been made on particular issues, the Board of Trustees has not prioritized reaching a fair contract with the faculty and staff whose work makes CUNY run. Instead, Bowen said, the trustees have focused both money and attention at the wrong end of the scale.

"Last year the CUNY Board of Trustees voted to raise pay ranges for college presidents, gave former chancellor Matthew Goldstein a \$300,000-a-year golden parachute, and authorized the hiring of General David Petraeus, who was offered \$150,000 for teaching one course a term. But they offered no advocacy for our salaries," Bowen said.

"That's why the union needs to deliver a message to the board" on September 30, she emphasized. "If you care about a raise or your teaching load or job security or better working conditions, you should be there."

## ABSOLUTE MAJORITY

The 3,996 people who voted no-confidence in Pathways represent an absolute majority of CUNY's full-time faculty, Bowen empha-

sized. "For any university worthy of the name," she said, "that vote demands a response." Yet management's response was dismissive, characterizing the vote (conducted by the American Arbitration Association) as a "poll."

"The trustees should understand that we are serious about our position on Pathways, and that we will not quietly stand by while CUNY disregards the expertise on curriculum of elected faculty representatives," she added. "If you refuse to be silenced, if you want to deliver the message that Pathways in its present form is not good enough for our students, you should be there on September 30."

"Pathways is wrong because of its impact on the quality of the curriculum," said the PSC's Fabricant. "It's wrong because it's a violation of faculty role in formulating curriculum policy – and those two things are related."

The message to CUNY management on September 30, Fabricant said, is that both are unacceptable: "What they've done is cheapen the CUNY curriculum by undermining the professional authority of the faculty," he told *Clarion*. "CUNY's bylaws put faculty at the center of decisions on curriculum because that is the best guarantee of academic quality."

General education rules that reduce foreign language study and cut back laboratory sessions in science classes may speed up graduation, he added, but only by giving students less of an education.

The two lawsuits against Pathways brought by the PSC and the University Faculty Senate are moving forward, with oral arguments scheduled for mid-September. Meanwhile, as the first Pathways classes take effect this fall, the PSC has called for guarantees that the CUNY-wide review of Pathways, required by the trustees' original Pathways resolution, will be the result of an unbiased and transparent process. "The first-year review will play a big role in determining the future of Pathways," commented Bowen in her message to members. "It is critical that the review panel not be stacked with Pathways advocates and that the process not be a whitewash." (See page 12 for a letter from Bowen to CUNY Trustees' Chair Benno Schmidt.)

## SPEAKING OUT

"The protest at the trustees' first meeting could set the tone for the rest of the year," said Bowen. "This is our chance to raise our concerns directly to the board – and we need your voice there. We have seen over and over again at CUNY that nothing works as well as collective action."

## LABOR IN BRIEF

### Fast-food strikes expand

Thousands of fast-food workers in 60 cities across the country went out on strike Aug. 29, marking the most extensive one-day walkouts to date since the nine-month campaign began in New York City last November.

Worker demands include a pay increase to \$15 per hour and the right to unionize. (See photo, p. 7.) The strikes were timed to coincide with the 50th anniversary of the 1963 March on Washington, which fell on the previous day. For the first time, fast-food workers received backing from a prominent congressional Democrat, when George Miller (D-Calif.) issued a statement saying higher pay for fast-food workers would help stimulate the economy.

"Fast-food workers are taking democratic engagement into the street and the workplace," observed Ned Resnikoff of *msnbc.com*. "What's more, national media, corporations and political institutions are paying attention." (For more info, see [fastfoodforward.org](http://fastfoodforward.org).)

### Bus union wins court case

A Brooklyn judge ordered 28 private bus companies to restore wage and benefit cuts after ruling the companies had illegally imposed the cuts on 8,800 school bus drivers and matrons earlier this year. Judge Kiyo Matsumoto also ordered the companies to resume "good-faith bargaining" with Amalgamated Transit Union Local 1181, which went on strike for a month last winter seeking to protect the job security of its members from changes enacted by the Bloomberg administration.

## Clearing the air at John Jay College



John Pittman, executive committee member in the John Jay PSC chapter and an associate professor of philosophy (standing, far left), facilitates a discussion about indoor air quality at North Hall at a September 9 chapter meeting. Faculty and staff have complained about black dust coating surfaces in their offices and some have experienced eye, skin and respiratory irritation. Panelists included Jean Grassman of the PSC Environmental Health & Safety Watchdogs (seated, at left), Sociology Professor Andrew Karmen (seated, second from right) and two reps from the campus administration. For more about the Watchdogs, see [psc-cuny.org/about-us/committees/watchdogs](http://psc-cuny.org/about-us/committees/watchdogs).

Gary Schoicht



# Obama on higher ed: academics react

By JOHN TARLETON

With tuition on the rise and student loan debt surpassing \$1 trillion, President Barack Obama unveiled his plan to make college more affordable in an August 22 speech at SUNY-Buffalo.

The President's three-part plan emphasizes "pay-for-performance" measures to shape who gets federal funds; promoting "new competition between colleges" to encourage innovation; and assistance to manage student debt.

Higher education advocates say the Obama plan has some potential upsides, such as expanding programs that limit a student's loan repayments to 10% of discretionary income. But they are concerned that the centerpiece of the plan – a nationwide rankings system for colleges that would determine allocation of financial aid – is deeply flawed.

## RANKING SYSTEM

The point of the ranking system, Obama said, would be to rate colleges "on who's offering the best value, so students and taxpayers get a bigger bang for their buck." It would rate colleges in three areas – affordability, graduation rates and earnings of graduates – and would tie some of the \$150 billion in annual federal student aid to institutional performance based on these rankings. Students that choose "good" colleges as defined by the White House rating system, would receive increased Pell grants and larger subsidized loans, and "bad" schools would see financial aid money reduced or perhaps eliminated.

"It is time to stop subsidizing schools that are not producing good results, and reward schools that deliver for American students and our future," the president said in Buffalo.

In its coverage of Obama's speech, *The New York Times* noted that evaluating graduates' earnings marks "a new data point, and one that experts say is especially tricky to make meaningful."

## A COMMODITY?

"The president's plan is a 'market'-based solution based on the premise that if people understand what they are buying, they will shop around," said Rudy Fichtenbaum, president of the American Association of University Professors (AAUP) and a professor of economics at Ohio's Wright State University. "That sounds fine if you believe education is a commodity." But in reality, he wrote, it is easier to set up a rating system than to make sure it is accurate or useful. "Not everything that can be counted counts, and not everything that counts can be counted," Fichtenbaum cautioned.

"The fundamental problem with the president's proposal," Fichtenbaum continued, "is that it does not get at the root cause of skyrocketing tuition" – the slashing of state funding for public higher education. "A

## Wary of 'market-based' plan



AAUP President Rudy Fichtenbaum warned that the Obama administration's "pay-for-performance" plan for federal aid, which would reward and punish colleges based on student earnings and graduation rates, will lead to more testing and dumbing down of curriculum.

report card based on poorly defined metrics" will not reverse that trend, he said.

Obama's pay-for-performance scheme was also criticized by the American Federation of Teachers (AFT). "We fear," wrote the AFT's

Nicole Hochsprung, "that a ratings system will create perverse incentives that will devalue community colleges and non-degree-seeking learning, disincentivize colleges from admitting students with disadvantaged backgrounds, and devalue

teaching and learning in favor of what is easy to measure."

Fichtenbaum warned that rewards and punishments based on graduation rates, without new resources to reverse decades of disinvestment in public universities, "will lead to more testing and dumbing down of the curriculum," resulting in "a decline in the quality of higher education in the name of increasing graduation rates."

Obama's plan comes at a time when State aid for public higher education has plummeted 28% per student since the 2007-2008 fiscal year, after adjusting for inflation, according to the Center for Budget and Policy Priorities (see August 2013 *Clarion*). During that time, CBPP says annual tuition at four-year annual colleges grew 27%.

## PUBLIC FUNDING

"If we were truly interested in controlling or reducing tuition," Fichtenbaum said, "we would increase public funding of higher education both at the state and federal level by taxing the rich, particularly the top 1% who have...been the recipients of the lion's share of income growth since the 1970s."

Obama's plan also calls on colleges to experiment with novel approaches to reduce the cost of obtaining a degree, such as massive open online courses (MOOCs); competency-based degrees that aim to calculate college credits based on students showing what they

know, not on contact hours spent in the classroom; three-year degree programs; or dual-enrollment programs for high school students who want to earn college credits.

## INCENTIVE GRANTS

The president is seeking \$1.25 billion in incentive grants to disburse to states and colleges that "innovate" in line with his favored reforms. The AFT panned the initiative as "Race to the

## "Race To The Top goes to college" is description from AFT.

Top Goes to College" – referring to the \$4 billion competitive grant program launched in Obama's first term that aimed to coax cash-strapped states toward educational policy

changes prescribed by backers of corporate-style "school reforms." Among the latter is the Bill and Melinda Gates Foundation, which also helped shape Obama's higher education proposals.

"We want a plan that encourages investment in all states," the AFT's Hochsprung explained. "A plan with winners and losers will mean that some students are left with a more expensive college education through no fault of their own."

The Obama administration can move forward on its own to establish a ratings system. However, most of its other proposals will have to be translated into legislation and approved by Congress, which many experts think will prove difficult.

# Response from coalition for higher ed

*Below is a response to President Obama's August 22 higher education speech from the Campaign for the Future of Higher Education, a coalition of more than 60 academic unions, faculty organizations, public-education advocates and labor associations (futureofhighered.org).*

We urge President Obama to discuss his plan for higher education with faculty, staff, students and parents.

A White House fact sheet released in support of President Obama's plan notes that "declining state funding has been the biggest reason for rising tuition at public institutions." Any plan to rescue college affordability simply must begin by addressing such harsh facts as these:

- Between 2008 and 2013, state funding for higher education as a percentage of state personal income declined by 22.6%;

- States have cut their annual investment in higher education by nearly half since 1980 (February 2013 report from Postsecondary Education Opportunity);

- As a result, institutions have both increased tuition and diverted funding from instruction, so that 75% of the faculty now work on tem-

porary, low-wage contracts without benefits, which undermine their ability to properly serve students, especially the most underprepared and underprivileged;

- Unless current trends change, many states are in a "Race to Zero" in funding higher education.

Unfortunately, beyond exhorting states to spend more, the president's plan offers no direct solution to this problem.

As three reports by the Campaign for the Future of Higher Education detail, however, reasonable alternatives exist. As our reports demonstrate, it would take only a relatively small commitment of resources to restore higher education funding levels to previous norms.

## CONSEQUENCES

Instead, President Obama's plan endorses proposals that, at best, tinker around the edges of the problem and could have hugely negative consequences for students and for the future of higher education. In the absence of a mandate for increased investment, the president's proposal to reduce time to graduation is likely to promote a cheapened cur-

riculum. This is hardly a formula for increasing American competitiveness during an era of intensified global competition.

The president's comments on massive open online courses (MOOCs) and online technology seem uninformed about the dismal completion rates for MOOCs or research suggesting the serious problems online classes present for many students – particularly community college students and less well-prepared students.

In the coming weeks, the Campaign for the Future of Higher Education will release papers on these and other topics related to MOOCs and the rush to online learning in higher education.

Tying funding to graduation rates also has the potential for negative unintended consequences – to protect their "ratings," colleges could simply decrease standards or screen out less prepared applicants, as we have seen some K-12 schools do when faced with similar incentives. While matriculating and graduating more of our college-age population is certainly a worthy goal, quantitative

measurements of success are likely to benefit mainly those institutions already serving the best-prepared and most-privileged students and which are already among the most well-funded. Establishment of a federal rating system, such as that proposed by the president, could also endanger the very diversity and freedom that have made the American higher education system the envy of the world.

## DEVILISH DETAILS

Fortunately, these and other devilish details in the president's plan are already being discussed. (For example, see [tinyurl.com/IHE-Obama-ratings](http://tinyurl.com/IHE-Obama-ratings).)

We urge President Obama to discuss his plan for higher education with faculty, staff, students and their parents.

While it is clear that outside groups like the Bill and Melinda Gates and Lumina foundations have had enormous influence in shaping these proposals, to craft a successful plan, the president and the secretary of education would also do well to consider the ideas of those with actual experiences "in the trenches" of higher education.

**Disinvestment remains the key problem.**



# Unions: City must negotiate RFP

By PETER HOGNESS

The Municipal Labor Committee (MLC) has filed a lawsuit to prevent Mayor Michael Bloomberg from unilaterally issuing a request for proposals (RFP) from insurance providers that would revamp the NYC Health Benefits Plan (HBP).

"This isn't Wisconsin," said MLC Chair Harry Nespoli in announcing the suit. "In New York, we don't unilaterally abolish the negotiating rights of unions."

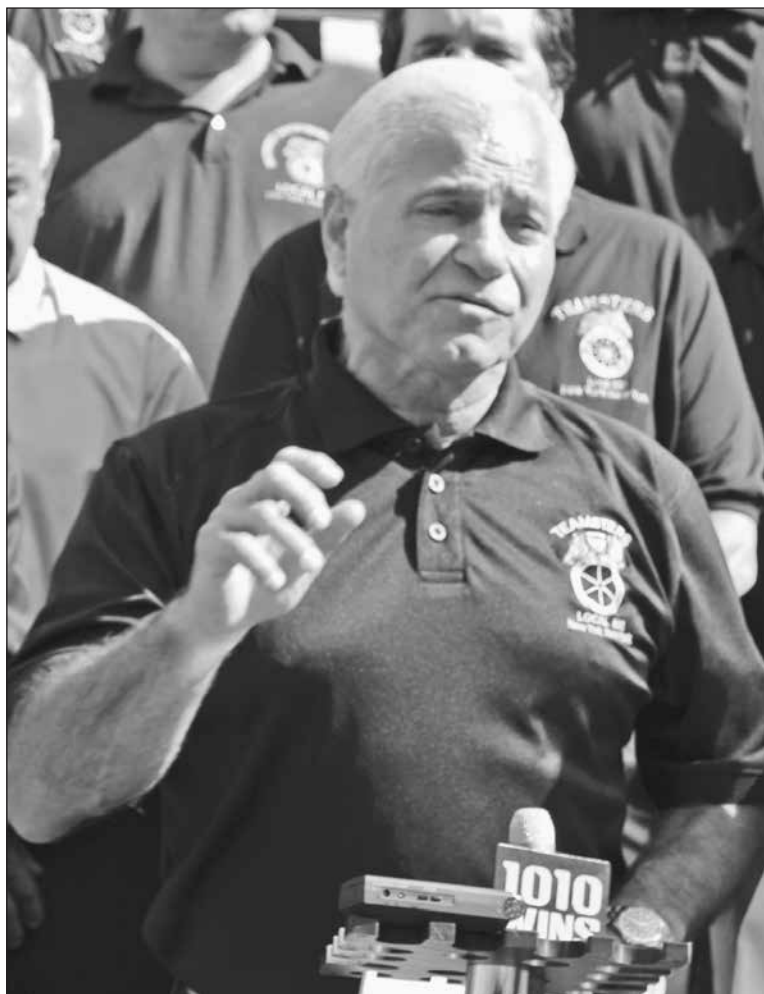
The Bloomberg administration has argued aggressively for making employees pay some of the cost of insurance premiums for their coverage under the City health plan, instead of the current system where the premiums are largely or totally paid by employers. That change, strongly opposed by the MLC, was implicit in the terms of the RFP.

## MUST BARGAIN

"The City's rush to judgment on the RFP results in two mistakes," said the MLC's Nespoli. "First, taking action by itself, and not including in the decision-making the views of the recipients of the service – the City's workers." The second error, he said, was "making a \$7 billion spending decision" for services that would not begin until six months after the mayor's last day in office."

Municipal union leaders say they are not against modernization of the employee health care plan. "We support the City's efforts to reduce health care costs, but there is a right and wrong way to go about it," Nespoli said. "As recently as 2009, the MLC came forward and helped the City realize \$400 million in health care savings. Now, instead of sit-

## Health plan terms at issue



"This isn't Wisconsin," said Municipal Labor Committee Chair Harry Nespoli (above), who also heads NYC's sanitation union.

ting down and listening to us in good faith, the City is going it alone and pretending we are standing in the way."

For CUNY employees who are covered by the NYC Health Ben-

efits Plan, the terms of the coverage are collectively bargained for between the City and the Municipal Labor Committee. (At present, only full-time faculty and staff are covered by the HBP; eligible ad-

juncts continue to receive health coverage through the PSC-CUNY Welfare Fund. See *Clarion*, June 2013.)

The MLC is a coalition of about 100 unions, and the City employees' health plan covers about one million people in all. PSC President Barbara Bowen is a member of the MLC's Steering Committee. In that role, she has worked to protect the plan's benefits against concessions – for example, in pressing to maintain full coverage for psychotropic medication.

"The fact that we bargain over health care together with other unions gives us all more power," Bowen told *Clarion*. "Altogether, there are a million covered lives in the City health plan – and the power in those numbers is a big reason that we've been able to keep affordable health care coverage, with good options, and the employer covering the cost of most subscribers' premiums."

In an August 6 speech, Mayor Bloomberg insisted that if the City remained responsible for full payment of health insurance premiums, it would help put NYC on a "road to ruin" that could leave NYC in the same economic condition as Detroit. James Parrott, chief economist at the Fiscal Policy Institute, called this "a naked scare tactic" that was not based on the facts of New York's fiscal situation, according to the civil service weekly *The Chief*.

## BLINDSIDED

City unions say they are not against putting the contracts for coverage out for bid, and the two sides had been in discussion over what should be the terms of an RFP.

But the MLC says it was blindsided by the administration's unilateral action. "The truth is that for months the City and outside consultants secretly crafted an RFP without our knowledge," said MLC Chair Nespoli, who also heads the sanitation workers' union. "Then in June, with little warning, they dropped a 1,000-page highly technical RFP on us and demanded we sign off without giving us sufficient time to review."

The MLC asserts that issuing an RFP without negotiating its terms

## MLC lawsuit seeks halt to unilateral move by Bloomberg.

first is "in direct violation" of agreements on municipal health care benefits that date back decades – particularly one from 1992, which states that the City and the MLC "shall jointly continue to participate in all aspects of the procurement process by which the choice of vendors of collectively-bargained health benefits shall be made." Jointly designed RFPs have been issued four times since 1992, most recently in 2003.

On August 20, a state judge granted the MLC's request for a temporary restraining order, barring the City from proceeding with the RFP until at least September 16, when the court will hear arguments from both sides.

## NEXT MAYOR?

In the current mayoral election, Republican nominee Joe Lhota has said that health care costs for City employees must be increased by making them pay part of the insurance premium. Democratic contestant Bill de Blasio, has not endorsed Bloomberg's demand, saying he will not negotiate in the newspapers.

# Clarion recognized in labor journalism awards

By CLARION STAFF

*Clarion* garnered several national and local journalism awards this year for excellence in reporting, commentary, design, illustration and overall performance.

"*Clarion* always strives to be the best paper it can be for PSC members," said the paper's editor, Peter Hogness. "It's good to see that work recognized by our peers."

## AMONG ALL LOCALS

In awards from the International Labor Communications Association (ILCA), which encompasses both national and local union publications across the US, *Clarion* won first place for Best News Story and Best Design among all local union newspapers. The paper received other honors from ILCA as well, including for three categories in which the paper placed second.

First place for Best News Story was

shared by Associate Editor John Tarleton and Editor Peter Hogness for coverage of faculty concerns about management retaliation against faculty members at CUNY's New Community College, now named Guttman Community College. (See [tinyurl.com/Clarion-NCC-report](http://tinyurl.com/Clarion-NCC-report).)

## DESIGN & ANALYSIS

First place for Best Design went to *Clarion* designer Margarita Aguilar. ILCA also selected Hogness and writer Jake Blumgart for second place in the category of Best Analysis for their coverage of the relationship between Reed Elsevier, one of the world's largest academic publishers, and the American Legislative Exchange Council (ALEC) – a corporate-funded group that promotes right-wing legislation in the states, including bills that restrict teaching about climate change. (See [tinyurl.com/Clarion-Elsevier-ALEC](http://tinyurl.com/Clarion-Elsevier-ALEC).)

PSC President Barbara Bowen

took ILCA's second place for Best Editorial or Column in a local union paper for her article explaining the connection between Pathways and the politics of austerity in education. (See [tinyurl.com/Bowen-Pathways-austerity](http://tinyurl.com/Bowen-Pathways-austerity).) Artist Gregory Nemec also won a second-place award for an illustration on corporate raiding of private-sector pension funds. (See [tinyurl.com/Looting-Pensions-Clarion](http://tinyurl.com/Looting-Pensions-Clarion).)

*Clarion's* design was also recognized by the Metro NY Labor Communications Council, or Metro, which presented its awards at its annual convention in June, held at CUNY's Murphy Institute for Labor Studies. Aguilar won first place for Best Graphic Design, with contest judges describing the paper as "clean, crisp, and sophisticated in design."

A *Clarion* photo won Metro's first place for Best Photograph, with a picture by photographer Dave Sanders of Brooklyn College professor Samir

Chopra (at right). Chopra is author of a recent book on the legal status of robots and how it may evolve in the 21st century. In the photo (at right), he holds his iPad in front of his face while the screen is filled with a live image of him via the back camera.

## Cited for news coverage, analysis & design

It's an "eye-catching and playful" image, commented the judges. "The portrait is warm and very human, which forces the viewer to think about that relationship" between man and machine.

Hogness and Blumgart's article on Elsevier and ALEC took Metro's second-place award for Best Reporting while Jud Guitteau received second prize for Best Artwork, with an illustration about the continuing importance of affirmative action. "This illustration takes the complex and controversial idea of affirmative action and explains it with a simple but effective graphic concept," the



Dave Sanders's photo of Samir Chopra as seen by his iPad.

judges wrote. "That is the essence of good editorial illustration."

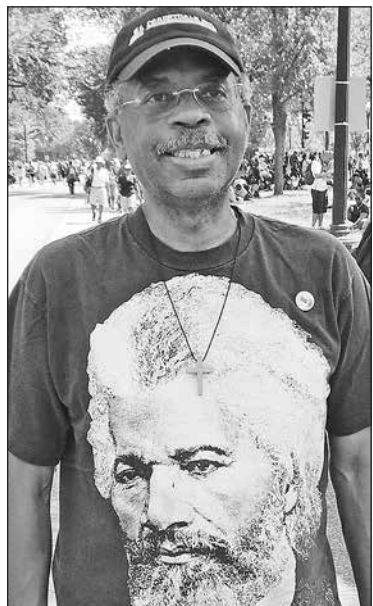
Noting *Clarion's* "extensive cover[age]" of the Pathways battle "from a wide variety of different angles," the judges praised the overall quality of the PSC paper's work. "Substantive articles," they wrote, "distinguish this newspaper, which communicates a seriousness of purpose and a conservative use of member dollars with its simple production values."



# 50 years and still marching

By JOHN TARLETON

*Those who participated in the March on Washington for Jobs and Freedom in 1963 include more than two dozen current members of the PSC. Two-thirds of them returned to Washington on August 24, 2013, to mark the 50th anniversary of the March on Washington by joining another massive demonstration for racial justice. Some traveled to DC on their own, others on one of four buses sponsored by the PSC. Clarion spoke with PSCers about the two historic events and the changes they've experienced in between. Some comments reflect the bitter civil rights conflicts they've been part of; though it may be difficult to hear, we've left the words unchanged.*



Tony Young

**TONY YOUNG**  
Adjunct Assistant Professor  
Hunter School of Social Work

Tony Young grew up in Panama in the 1950s in a sharply segregated society that emulated the racial caste system of the American South. His family moved to Brooklyn in 1958 when Tony was ten, where he once again found himself living in a neighborhood segregated by race and class. When Young traveled with an uncle to the 1963 March on Washington, he caught a glimpse of a different kind of society.

"I had never seen such true multiculturalism," Young recalled. "What this nation should be about was present that day."

Despite the heat and the discomfort of standing for hours, Young was present for the final speech of the day by Dr. Martin Luther King, Jr.

"He fed off the energy of the crowd and delivered a great speech," Young said. "He was telling us to go home and do the work that needs to be done." While King's soaring call for interracial harmony is what is most remembered about the speech, Young noted that the civil rights leader also focused on concrete objectives such as jobs and voting rights. "He was not just pie-in-the-sky, 'I Am a Dreamer.' It was

## March on DC, 1963 & 2013

a political speech that spoke about politics and legislation."

King's later outspoken opposition to the US war in Vietnam helped inspire Young to become a conscientious objector while he was a student at Queens College. For his alternative service, he did employment counseling for youth and worked with heroin users being treated for addiction. That was the beginning of his career in social work.

Young currently heads a management consulting firm that assists non-profits. He has also taught as an adjunct at the Hunter School of Social Work for 20 years. "When I teach my students, I tell them you have to understand context, that everything is connected," said Young.

Looking back on the 2013 March, Young said he was disappointed that more of the attendees couldn't get on the National Mall or hear the speakers. But the strong turnout was important, he added. "We have to keep talking and sharing the legacy so we can pass the torch."

**ALAN FEIGENBERG**  
Professor of Architecture  
City College of New York

When Alan Feigenberg arrived in Washington, DC, on August 28, 1963, he was a junior at the University of Pennsylvania who had been peripherally involved in civil rights activism on his campus. For Feigenberg, who was 19 at the time, the size of the crowd and the marchers' combination of generosity and determination were deeply moving.

"There was hope and optimism for the future," he told *Clarion*. "It had a major impact on me."

Back at Penn, Feigenberg deepened his involvement in a local campaign to require that construction jobs for a campus expansion be open to both white and African-American workers. Where before he had been content to sign a petition, he was now a regular presence on picket lines organized by the Philadelphia NAACP outside construction sites and he joined a sit-in in the university president's office.



Alan Feigenberg

**PSC members  
on the  
continuing  
struggle for  
equal rights**

"It was the first time I really felt like I was committing myself to something," said Feigenberg, who recalled being heckled by other white students as a "nigger-lover" and a "sellout."

Feigenberg's commitment to social justice has continued over the decades. As a graduate student in architecture at Columbia University, he played a leading role in the 1968 student takeover of the campus that was triggered in part by the school's discriminatory treatment of the residents of the adjacent Morningside Heights neighborhood. He subsequently worked for the city designing community centers and health clinics in low-income communities before joining the CCNY faculty in 1981.

"I have found my place where my professional work, my academic work and my political life are fully integrated," said Feigenberg, who serves as PSC chapter chair at City College.

Feigenberg said he was "re-inspired" by the 2013 March on Washington. "This wasn't a trip down memory lane. This was a new commitment," he added. "Now that I have three grandchildren, I feel like I have even more of a vested interest in change."

**ANGELINE BUTLER**  
Adjunct Lecturer in Africana Studies  
John Jay College

The civil rights movement had a profound impact on the 1960s. But at the onset of the decade, Southern segregationists were refusing to budge and winning Congressional approval of meaningful civil rights legislation seemed impossible.

Then small groups of young people, including Angeline Butler, began to take action that changed everyone's sense of what could be done – defying segregation by sitting in at lunch counters across the South.

The first lunch counter sit-in to get widespread media attention was in Greensboro, North Carolina, on February 1, 1960. Organizing for similar actions in Nashville, where Butler lived, was already underway, and Butler was among those training in the techniques of Gandhian nonviolence.

Nashville college students led their first major lunch counter sit-ins on February 13, 1960, and a wave of others followed. After being attacked by white thugs, Butler and more than 80 other young people were arrested and hauled off to jail.

"I could not *not* join in this work, because I cared about my future," Butler tells *Clarion* today.

The sit-in movement spread rapidly across the South, and by April of that year, Butler and other young activists from the region formed the Student Nonviolent Coordinating Committee (SNCC). Butler later



Angeline Butler

played a key role in coordinating the 1961 Freedom Rides from Nashville.

Upon receiving a scholarship to the Juilliard School of Music, Butler moved to New York where she cut an album of folk songs inspired by the civil rights movement and helped canvass people to attend the March on Washington. On the big day, Butler stood on the platform off to the side of the podium, next to baseball star Jackie Robinson, whom she had befriended several years earlier after she was arrested at a sit-in in Miami.

"I have been on so many marches in my life. It was one more march," Butler said looking back on her trip to DC in 1963. Fifty years later, Butler returned to Washington for the commemoration with a sense of unfinished business. "We don't have enough jobs," said Butler. "We don't have enough justice."

Butler's wide-ranging career as a singer, actress and teacher has included various television roles, stage performances from NYC's Public Theater to Ireland, singing with the Duke Ellington and Count Basie bands, appearances on *The Tonight Show* and *The Dick Cavett Show*, earning a master's in ethnomusicology at Columbia, and teaching at BMCC, in the California State University system and in the NYC public schools with the Lincoln Center Artist in Residence program. She began teaching Africana Studies at John Jay in 2005.

To this day, Butler says, she remains in touch with old SNCC comrades including Rep. John Lewis and former Georgia State Senator Julian Bond.

"We never left each other. We are still in touch," Butler told *Clarion*. "It's a life journey."

**WALLY ROSENTHAL**  
Continuing Education Teacher  
Queensborough Community College

Wally Rosenthal's mother was an anti-nuclear peace activist and his older brothers joined early civil rights protests in New York in support of the lunch counter sit-in movement that swept through the South in 1960. Such activism was expected in his postwar Jewish household in Queens, where the rise of Nazism in Germany and the Holocaust that followed were seen as a

lesson in what happens when good people fail to stand up against evil.

When the call for the March on Washington went out, Rosenthal, then 16, responded and was present at the demonstration, along with 250,000 other people.

"The numbers, the energy, the sense of power in those numbers. That's the lasting memory," Rosenthal told *Clarion*. "It infused in me a sense of wanting to do something and feeling the potential that we could do something."

Rosenthal joined a student chapter of the Congress on Racial Equality (CORE) and the following spring participated in sit-ins the group held on the opening day of the 1964 World's Fair to protest the misuse of public funds that could have been spent on housing, health care and education.

Since then, Rosenthal's activism has taken a variety of forms: first as a member of Students for a Democratic Society (SDS) at Queens College and later at the US Postal Service where he worked for 31 years and was active in the American Postal Workers Union and its New York Area chapter. In 2003, Rosenthal began teaching literacy classes to GED students at Brooklyn College. Since 2011, he has taught remedial math in the College Start program at QCC.

"I like the dynamic of working with young people and helping them break the academic chains that surround them," Rosenthal said.



Wally Rosenthal

Rosenthal joined the PSC contingent at the 2013 march. Racism is not a relic of the past, he says, and coming out to protest on the 50th anniversary was one way to make his voice heard.

"This cancer of racism is alive and well in our society. There's a humongous need for anything we can do to stop it," he said.

**CECILIA MCCALL**  
Professor of English,  
SEEK Program Director  
Baruch College

When the media today looks back at the civil rights movement in the 1960s, it tends to focus, sometimes narrowly, on the South. But the North was also a site of struggle, including New York City. In the spring of 1969, the old Board of Higher Education acceded to demands for open admissions at CUNY, opening the doors to a university system that had to that moment a disproportionately white student body.

Six years earlier, Cecilia McCall had moved to New York after completing college. She soon became involved in local civil rights



# PSC candidates win big

By PETER HOGNESS

Bill de Blasio, who was at 10% in the polls when the PSC endorsed him in June, finished strong with 40% in the September 10 primary election to choose the Democratic candidate for mayor. PSC-endorsed candidates also placed first in the other two citywide races, and four-fifths of the union's candidates for City Council were victorious.

"This is an important step for shifting New York City politics in a more progressive direction," said PSC President Barbara Bowen. "New Yorkers want a change from the inequality and austerity of the Bloomberg years, and the PSC will work hard for the same result this November."

## NEW PRIORITIES

"In a city this rich," added Bowen, "there is no reason why CUNY should be poor. De Blasio's plan to end tax breaks for well-connected corporations like Fresh Direct and to increase City funding of CUNY by 50%, is a prime example of the change in priorities we need."

As *Clarion* went to press, it was not yet clear if de Blasio would face a runoff in the contest for the Democratic nomination. He had captured 40.3% of the vote reported the day after the primary, far above his nearest rival but just above the runoff threshold. Either way, de Blasio's surging support was the main story of the September 10 election.

"People are responding to Bill de Blasio's campaign because of his clear and consistent message – that New York is increasingly a 'tale of two



PSC-endorsed candidates Bill de Blasio (running for mayor) and Tish James (for public advocate) at a rally in Union Square in support of the August 29 fast-food workers' strike. Strikers are demanding an end to poverty wages (see page 3).

cities,' and that the city is at-risk if we allow that to continue," said PSC First Vice President Steve London. "Last year, the richest 1% of New Yorkers received 39% of the city's income, while close to half the city lives at or near the poverty line. De Blasio's message – taxing the rich to fund education, ending the racial profiling of stop-and-frisk – resonates with voters who want New York to move in a new direction."

PSC members worked hard in the primary, mounting the biggest election effort in the union's history.

Calling thousands of fellow PSC members, and leafleting at campuses CUNY-wide, volunteers spread the word about who the union was supporting, and why. "We heard a lot of encouraging remarks from other faculty," said Nivedita Majumdar, co-chair of the PSC chapter at John Jay college. "It felt good to be supporting someone who both has a good program and is a winner!"

Candidates backed by the PSC also came in first in the other citywide races. Public advocate candidate Le-

titia James, currently a City Council member from Brooklyn, drew 36%, and is campaigning to win the nomination in an October 1 runoff. In its endorsement of James, the PSC cited her strong support for CUNY, her role on the City Council in demanding an investigation of the disastrous CityTime payroll project, and her clear-sighted criticism of the NYPD's discriminatory practice of stop-and-frisk.

Scott Stringer, currently borough president of Manhattan, clinched the comptroller nomination with 52%. A

trustee of the NYC Employee Retirement System, Stringer has emphasized the importance of protecting public employees' retirement security and is a longtime advocate for CUNY.

Several insurgent candidates won primary races for City Council, with PSC support as part of a broad progressive coalition. In Brooklyn, community activist Carlos Menchaca defeated incumbent Sara González in Council District 38, despite a massive infusion of money from the real estate industry's political action committee in support of his opponent.

Ben Kallos, a reformer who has worked for more transparency in government, also beat the real estate lobby to overcome Assemblymember Micah Kellner in Manhattan's CD 5. At press time, another candidate fiercely opposed by real estate interests, Daneek Miller, was in the lead in CD 27 in Queens. Miller is president of ATU Local 1056, the union for drivers and mechanics in NYC Transit's Queens Bus Division.

Other notable council victories include Antonio Reynoso in Brooklyn's CD 34, who defeated political boss Vito Lopez's attempt to move to the council from the State Assembly, where he had resigned his seat after a sexual harassment scandal. In CD 15, Ritchie Torres, a dynamic young organizer who has worked closely with tenants in his Bronx district, won the primary with backing from a wide range of progressive organizations.

## STRONGEST EFFORT

"This year PSC members have organized the union's strongest-ever election effort," Bowen told *Clarion*. "We can secure the progressive victories in this year's primary if we continue our efforts through the general election November 5."

(For updates on PSC election action, go to [psc-cuny.org](http://psc-cuny.org) and click on "Endorsements for 2013 Elections.")

activism through a church-based group in Brooklyn. McCall traveled to the March on Washington with the group and found the mood of the day to be "uplifting."

"I had a sense that something could be done," she said. "People felt that things really could change."

McCall taught for a year at a public school in Fort Greene, Brooklyn, and then worked with youth through government sponsored anti-poverty programs. Upon learning of the changes afoot at CUNY, McCall joined the faculty at Baruch in 1969 as an instructor in the SEEK Program, which was

created to provide assistance to students who are working-class, black and Latino, coming into CUNY as a result of open admissions.

CUNY tuition was free at the time, and SEEK students received additional stipends so they could focus on their studies and not have to work. They also received extensive academic counseling and remedial instruction. "All of us in the program wanted to be there," McCall said. "These were the students we wanted to serve."

McCall said the number of SEEK students began declining after tuition was imposed for the first time in 1976 in the wake of City's fiscal crisis. In the following years, more austerity led to additional funding cuts for stipends and the support services offered to SEEK students.

After Matthew Goldstein became Chancellor in 1999, she said, SEEK was largely dismantled, leaving only the academic counseling part of it intact.

As a faculty member and an activist within the CUNY system, McCall has been involved in countless struggles to defend and expand CUNY's funding, to press the administration on affirmative action in hiring, and to fight for students' interests in struggles over remedial instruc-

tion and tuition. Serving as PSC secretary and its legislative director from 2000 until she retired in 2006, she brought a new level of organization and impact to the PSC's political work and its grassroots lobbying.

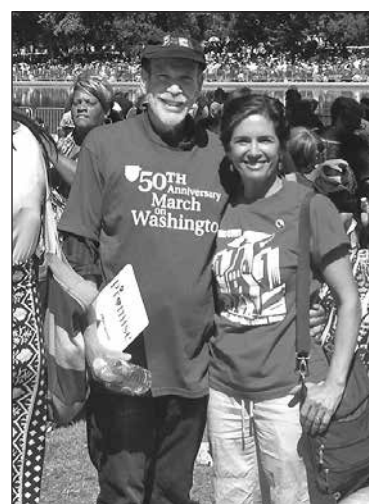
McCall took part in this year's March on Washington demonstration as a part of the PSC contingent, and has been actively involved in the union's work on the 2013 City elections. Looking back over five decades, she says the main lesson she's learned is that the struggle must continue. "If you give up, there's no hope," McCall said. "As long as you keep on struggling, there's a possibility of change."

**GERALD MARKOWITZ**  
Distinguished Professor of History  
John Jay College

Gerald Markowitz and four of his friends drove through the night to attend the 1963 March on Washington. Passing through Maryland, the racially mixed group realized they would have to continue on to Washington without stopping.

"There was no place to get out and eat," Markowitz recalled. "Most restaurants were still segregated in that state."

Arriving at the Washington Monument shortly after sunrise,



Gerald Markowitz (left) with Andrea Vásquez of the PSC's HEO chapter.

Markowitz and his friends napped on nearby benches. They awoke to watch the crowd swell throughout the morning to epic proportions.

"We had a feeling this was something extraordinary," said Markowitz, a native New Yorker who was then an undergraduate at Earlham College. "It was a beautiful, integrated crowd. It was the physical embodiment of what the civil rights movement was trying to achieve."

Looking back 50 years later, Markowitz sees the '63 march in many

ways as being a high point for the civil rights movement. The gains of those years ushered in "fundamental changes" in American life, he said, but left economic underpinnings of racism unresolved.

"Issues of race and poverty were not going to be so easily solved as desegregated lunch counters in the South," said Markowitz, who has co-authored a number of books and reports on the politics of occupational safety and health, including racial inequalities in safety on the job.

Markowitz traveled to the 2013 march with the PSC. He said he was impressed by the presence of speakers like Congressperson John Lewis (D-Ga.) – an early leader of the Student Nonviolent Coordinating Committee – and Myrlie Evers-Williams, widow of slain civil rights leader Medgar Evers, after whom CUNY's Medgar Evers College is named. The size and the determination of the crowd to fight for equality for all Americans was inspiring this year, Markowitz said, but he missed the singing and music that was a hallmark of the civil rights movement in the 1960s.

"The expectation in 1963 was that things were going to get better," Markowitz said. "Today, people are trying to preserve gains that we thought were permanent."



Cecilia McCall



## For phased retirement, file by Oct. 1

By CLARION STAFF

CUNY faculty and professional staff who wish to take phased retirement in Fall 2014 must provide notification of intent by October 1 of this year.

To be eligible for phased retirement, faculty and staff must be enrolled in TIAA-CREF (or the in the Optional Retirement Plan's alternate funding vehicles with MetLife or Guardian); must be at least 65 years of age; must have tenure, a CCE, or 13.3b status; and must have at least 15 years of continuous, pensionable service. (Unfortunately, current New York law does not allow a phased retirement option for participants in TRS, which is the only retirement plan open to CUNY adjuncts.)

### PILOT PROGRAM

Under a three-year pilot program recently negotiated by the PSC and CUNY, eligible full-time faculty may take a voluntary phased retirement of one, two or three years in which they carry 50% of workload and receive 50% of pay. Eligible HEO-series employees and full-time CLTs can take a phased retirement for either six months or one year, at 80% of workload and 80% of pay. Health insurance continues during phased retirement. So do pension contributions, based on the reduced pay.

The decision to retire completely after the phased retirement period is irrevocable.

Notice of intent to take phased retirement must be submitted in writing to an employee's department chair or supervisor by October 1, 2013, in order to take phased retirement in Fall 2014. (Forms are available from college HR offices.) Final arrangements, including an agreed-on schedule of work, must be in place by February 1.

(Professional staff also have a second option: they can begin phased retirement at the start of the Spring semester. To start "phasing" in the Fall, they must file by the prior October 1; to start in the Spring, they must file by the prior May 1.)

### FINANCIAL PLANNING

Further information on phased retirement, from the June 2013 *Clarion*, is online at [tinyurl.com/Ph-Ret-Clarion-6-13](http://tinyurl.com/Ph-Ret-Clarion-6-13).

Financial planning is an important part of making this decision. PSC Coordinator for Pension and Benefits Jared Herst encourages members to meet with their TIAA-CREF consultant or financial planner before making a final decision. Members can also meet with Herst to review details of the program; to contact the PSC Pension and Benefits Office, call 212-354-1252.

# City health coverage audit

By PETER HOGNESS

In June, the City of New York initiated an audit of dependents covered by the NYC Health Benefits Program, asking for documentation to verify the eligibility of dependents covered under the plan. The PSC and other City unions, which did not approve the audit, sought some guarantees of fair procedure, and have now won some changes.

**October 4** is the new deadline for submitting documentation. *No one should ignore this audit.* The PSC is strongly urging all affected bargaining unit members to submit the requested documents; if you do not, you risk losing health coverage for your dependents.

### CONSULTING FIRM

The current audit began in June, when a private consulting firm contracted by the City sent out more than 300,000 letters to municipal employees (including full-time CUNY employees) and retirees under the age 80 who have dependents currently covered on the City's health insurance plan. The letters described the audit, what documents are being requested and what actions employees must take.

While the unions in the Municipal Labor Committee (MLC) made clear that there was no opposition to the idea that only eligible dependents can be covered, they objected to the City that the process was seriously flawed and

## Don't ignore Oct. 4 deadline

are seeking guarantees of fairness and due process. After weeks of trying to push the City to negotiate aspects of the audit process that are mandatory subjects of collective bargaining, the MLC went to court and succeeded in convincing the judge to issue a temporary restraining order.

Since then, the MLC has successfully negotiated terms with the City to protect the rights of employees and retirees with dependents on City health insurance. These include: 1) a written, comprehensive appeal process; 2) protection from financial penalties if employees take "good faith" steps to correct problems; and 3) satisfactory safeguards regarding security and confidentiality. The restraining order has subsequently been lifted, and the City is free to continue its audit.

Some of these newly won protections will largely apply to those who make good-faith efforts to comply by the new deadline of October 4, 2013. Again, *no one should ignore this audit.* The PSC is strongly urging all affected members of the bargaining unit to submit the requested documents by October 4. If you ignore the deadline, you leave yourself at risk for losing health coverage for your dependents.

### NEW DEADLINE

Everyone under age 80 with dependents on their policy should have received notice. If you have not, please contact the Employee Benefits Program, 40 Rector Street, 4th floor, New York, NY 10006. The telephone number is 212-306-7200; the fax number is 212-306-7378; the e-mail address is [ehbmail@olr.nyc.gov](mailto:ehbmail@olr.nyc.gov).

**RESPOND BY OCTOBER 4**

You can submit materials by mail, fax or e-mail. Do not mail original documents. Even if you are still seeking needed materials, which may not arrive by the October 4, 2013, deadline, be sure to *file your response by October 4 anyway*, along with a note specifying the documentation you are waiting for and when you expect to receive it.

If you discover that a dependent or former dependent of yours has been covered by City health insurance and should not have been, contact the Employee Benefits Program (at 212-306-7200 or [ehbmail@olr.nyc.gov](mailto:ehbmail@olr.nyc.gov)) before October 4, 2013, and remove him/her/them from coverage. If you are not sure, call and inquire. Then submit the requested material by October 4, 2013. Employees who self-report mistaken coverage by that date will not be subject to recoupment of monies incorrectly paid or disciplinary charges.

*Above all, respond by October 4, 2013.*

## Retirees Chapter ready for a new year



The PSC Retirees Chapter held its first meeting of the new academic year on Sept. 9 at the Union Hall. More than 50 members attended. (Pictured in foreground, left to right: Jean Weisman, Linda Mantel, Tom Gerson and John Hyland.) The chapter's next meeting is Monday, October 7 (see Calendar at right). For more about the Retirees Chapter, see [psc-cuny.org/retirees](http://psc-cuny.org/retirees).

## CALENDAR

**FRIDAY, SEPTEMBER 20 / 6:00-9:00 pm:** Labor Goes to the Movies will be screening *Ikiru* (1952), Akira Kurosawa's masterpiece about a cancer-stricken municipal worker's search for meaning in his final days. Discussion and light refreshments to follow. PSC-CUNY Union Hall, 61 Broadway, 16th floor.

**MONDAY, SEPTEMBER 30 / 3:30 pm:** PSC protest at the CUNY Board of Trustees meeting, at the Vertical Campus building at Baruch. See page 3 for details. For more information, e-mail Deirdre Brill at [dbrill@psccmail.org](mailto:dbrill@psccmail.org).

**TUESDAY, OCTOBER 1 / 6:00 am to 9:00 pm:** Runoff election for the Democratic nominee for public advocate (and possibly for mayor; see page 7). The PSC is supporting Letitia James for public advocate and Bill de Blasio for mayor. Polls will be open 6:00 am to 9:00 pm. To find your poll site, visit [www.nyc.pollsitelocator.com](http://www.nyc.pollsitelocator.com).

**TUESDAY, OCTOBER 1 / 5:00 pm:** HEO-CLT Professional Development Fund application deadline for activities during or after Nov. 2013. Approximately \$500,000 per annum is available University-wide to support professional development activities for eligible HEOs and CLTs. For more information, visit [psc-cuny.org/our-benefits/heo-clt](http://psc-cuny.org/our-benefits/heo-clt).

**MONDAY, OCTOBER 7 / 1:00-3:00 pm:** Retirees Chapter Meeting. Join in a discussion of how charter schools and austerity politics are shaping K-16 education, with PSC Treasurer Michael Fabricant. PSC Union Hall, 61 Broadway, 16th floor.

**FRIDAY, OCTOBER 11:** Last day to register to vote in the 2013 general election. More information on election dates, registration forms and deadlines available at [www.psc-cuny.org/register-vote](http://www.psc-cuny.org/register-vote).

**FRIDAY, OCTOBER 18 / 6:00-9:00 pm:** Labor Goes to the Movies will be screening *Pickpocket* (1955), a French precursor of New Wave cinema from director Robert Bresson. Adapted from Dostoyevsky's *Crime and Punishment*, *Pickpocket* transforms the meticulous criminal craft into visual ballet – while also providing a close-up study of crime as skilled work. PSC-CUNY Union Hall, 61 Broadway, 16th floor.

**MONDAY, OCTOBER 21 / 5:00-8:00 pm:** PSC-CUNY Environmental Health and Safety Watchdogs meeting. PSC, 61 Broadway, Justice Room, 15th floor.

**TUESDAY, NOVEMBER 5 / 6:00 am-9:00 pm:** Vote in the general election for mayor and other New York City offices. For more info on PSC endorsements visit [psc-cuny.org/endorsements2013](http://psc-cuny.org/endorsements2013). To check where you vote, visit [www.nyc.pollsitelocator.com](http://www.nyc.pollsitelocator.com).



# New rules for ed schools criticized by PSC

The trend in US public schools toward heavy reliance on standardized tests and restrictive top-down management of teachers has come under increasing criticism. Less attention has been given to the effects of these changes on the nation's schools of education. The following resolution, adopted by the PSC Delegate Assembly in June, analyzes those effects and how they are damaging teacher education – at CUNY and across the United States. Titled “Teacher Educators’ Professional Autonomy and Academic Freedom Must Be Safeguarded,” the resolution came out of a February 1 meeting of more than 60 faculty members from CUNY’s schools of education, organized by a PSC committee of education faculty ([tinyurl.com/Clarion-Feb-1-meet](http://tinyurl.com/Clarion-Feb-1-meet)). The resolution was presented to union delegates at the union’s May Delegate Assembly, and discussed and adopted in June.

More information is available in an article on the PSC website, “Q&A on edTPA,” which features questions and answers on the new Teacher Performance Assessment (TPA) protocols and exams now being imposed on schools of education (see [psc-cuny.org/Q-and-A-on-edTPA](http://psc-cuny.org/Q-and-A-on-edTPA)).

For more than two decades P-12 public schools, teachers and teacher education programs have been blamed for the purported<sup>1</sup> crisis in public education. No Child Left Behind (NCLB) and Race to the Top (RTTP) legislation have responded to the assumed failures of teachers, public schools and teacher preparation programs by instituting value-added accountability systems that rely on high-stakes testing measures to track the impact teachers and those who prepare them have on student learning.

The current use of these standardized tests narrows the curriculum, fails to accurately assess student learning and deprofessionalizes teachers. Accordingly, teachers and parents, as well as some of their unions and organizations, have called for more authentic assessments, greater autonomy for teachers, more resources, smaller class sizes and the withdrawal of for-profit corporate intrusion into public education.

Requirements placed on teacher education programs by RTTP and the Council on Accreditation of Educator Preparation (CAEP) have received less critical attention. Teacher Performance Assessment protocols and exams are now being imposed by state governments (called “edTPA” in New York State), on schools of education and teacher education faculty. Originating from Stanford and designed by teacher educators, much of the content of edTPA contains important components of good teaching and some of the component evaluative methods represent good practice; such as the use of portfolios and multidimensional assessments. However, edTPA “is designed to be educative

## Bad for teacher education, CUNY faculty say

and predictive of effective teaching and student learning” (Stanford Center for Assessment, Learning and Equity, 2012).

The central, “predictive” claim of edTPA must be placed within the dominant historical context of the testing regime that pervades federal and state assessment policies. As an assessment measure, edTPA is linked to existent student success measures (high-stakes testing), which are, in turn, used to evaluate teachers. In these circumstances, what edTPA will predict are successful outcomes valued by federal and state policy makers, and not necessarily successful teachers.

The requirements imposed by edTPA policies suffer from many of the same flaws evident in P-12 reforms:

- They fail to take into account the specific communities and populations teacher education programs serve. For example, the regulations imposed by RTTP and CAEP measure teacher education programs by the rates of employment of their graduates and by the default rate on loans taken out by their students, all of which are dependent on economic forces beyond the control of the programs.
- They focus on high-stakes test scores, utilizing them to assess performance of graduates and their students. For example, they establish cut scores on standardized exams for graduates and hold teacher education programs responsible for these, and for how well the students of their graduates do on high-stakes exams.
- Without adequate research to affirm the connection, they assume the validity of value-added measures based on test scores, and use the model to evaluate teacher education programs by the impact their graduates have on their students’ scores on testing over time.
- They ignore or marginalize the expertise of the faculty in these programs. The regulations force professors to teach a curriculum that is driven by standardized assessments, rubrics and quantifiable outcomes developed by individuals and corporations not directly connected to those programs, resulting in violation

of academic freedom and deprofessionalization. Professors are required to hand evaluations over to outside scorers. In particular, edTPA – the performance-based assessment tool that will be required for all NYS teacher candidates as of May 1, 2014 – turns evaluation over to individuals trained by Pearson, Inc., and even prohibits valuable professor-student collaborative reflection on assessment videotapes.

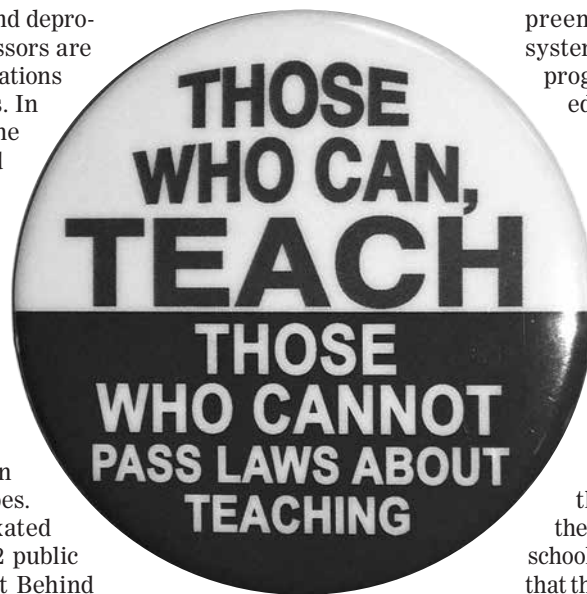
Similar to the test-fixated reforms imposed on P-12 public schools by No Child Left Behind and Race To The Top, RTTP’s and the Council on Accreditation of Educator Preparation’s requirements for teacher education programs are being implemented without pilot studies, without a solid research base

and without professional consensus in the field about their value. To make their case, RTTP and CAEP rely on the Measure of Effective Teaching (MET) studies, on the assumed reliability and validity of value-added

measures based on test scores, on what constitute best practices and on analogies between medicine and teaching. All of these have been convincingly challenged.<sup>2</sup>

As professional teacher educators and scholars in our field, we believe that teacher education programs must be responsible for developing their own local criteria

for evaluating their graduates. These criteria should be developed in collaboration with the schools and communities that the programs serve and be informed by the knowledge and professional experiences educators in those programs bring to their work. The mission of teacher education also consists of helping students become critical participants and agents for change in the schools where they work. We believe that assessments of programs should give equal weight to the resources available to the programs to carry out their mission. Given the increasing responsibilities placed on teachers and the programs that educate them, such as the need to prepare graduates to teach growing English Language Learners (ELL), special-needs and immigrant student populations, as



well as the increasing numbers of students who live in poverty, resource standards should be given preeminence in any evaluative system, so that teacher education programs can provide a quality education to future teachers.

As experienced, professional educators, and because we are vitally concerned about the education of our future teachers, we cannot in good conscience support assessment systems that narrowly define the preparation of our teacher candidates and encroach on our academic freedom. We, therefore, object to the implementation of the CAEP’s requirements in their current form and to RTTP’s school profiles and edTPA, and urge that there be further discussions before these are implemented.

CAEP requirements and edTPA reduce the practice of teaching to a series of quantifiable behaviors that do not capture the complexity and nuance of teaching. There has been no trial period established for evaluating the effects of edTPA on teacher candidates or teacher education programs. Finally, the cost of edTPA, which is \$300 per candidate, puts an undue burden on our students.

We, the Professional Staff Congress of the City University of New York (PSC-CUNY), therefore reject the notion that CAEP in its current form and edTPA constitute appropriate assessments of teacher education programs and teacher candidate performance, and we believe that their rushed implementation will undermine the preparation of teacher candidates in New York State.

1 See David Berliner et al. for discussion of how this crisis was manufactured.

2 Berliner, D. (2014). “Effects of inequality and poverty vs. teachers and schooling on America’s youth,” *Teachers College Record*, Vol. 116, No. 1, 2014. ([www.tcrecord.org/content.asp?contentid=16889](http://www.tcrecord.org/content.asp?contentid=16889)).

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## Clarion SEPTEMBER 2013

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## TARGETING OUR STUDENTS

## The militarization of CUNY?

By GLENN PETERSEN

One of the hallmarks of life at CUNY in the 21st century has been the relentless proliferation of strategic plans. Most of us, however, are unaware of how CUNY fits into the designs of the mother of all strategic planning, the Pentagon. Our university has been chosen as a strategic target, and I am not using that term metaphorically.

In 2011 the American Enterprise Institute (AEI), a conservative Washington, DC, think tank, produced a report, “Underserved: A Case Study of ROTC in New York City” ([tinyurl.com/AEI-ROTC](http://tinyurl.com/AEI-ROTC)). Its title is a bit deceptive, in that it is not simply about the military’s Reserve Officer Training Corps in New York City. Rather, the AEI report lays out a blueprint for re-instituting ROTC at CUNY – an idea AEI then promoted in an op-ed for the *New York Post*.

ROTC’s reappearance at CUNY began a year later. With much fanfare this spring, including a visit from General Colin Powell, City College reopened the ROTC unit it had closed for lack of interest in 1972; ROTC is also now in place at York College and Medgar Evers College. CUNY Central administration has also announced that an ROTC program will be established at the College of Staten Island, but CSI faculty are insisting that there must be a college-wide discussion before any decision is made.

**‘WARRIOR-SCHOLAR’?**

The notion of re-establishing ROTC units on our campuses is an idea that requires careful thought and discussion, discussion that we have not thus far had. There are arguments to be made for developing closer ties between our citizens and the military, to be sure. On the other hand, in this time of an ascendant national security state, with the Guantánamo gulag still open and missile-launching drones hovering overhead in more places than we know, we have every reason to be wary.

It is not CUNY that is asking to open its own program within the Pentagon, but the other way around. So let’s start by looking at the reasons CUNY has been explicitly targeted for the revival of ROTC in the Northeast. As the AEI report explains, the US military is concerned that its officer corps is drawn “disproportionately” from the South and “inordinately” from among the children of its officer corps. To remedy this, the blueprint singles out CUNY’s student body as the population the US military desperately wants to attract: “The absence of ROTC units on urban campuses, especially in the Northeast, prevents the military from taking full advantage of their large, ethnically diverse populations. This is particularly true in the case of the City University of New York.” Continuing its explicit focus on our university, the report adds, “By overlooking institutions like CUNY – among the top producers of African-American baccalaureates – the military is not accessing minority officers fully reflective of the population.”

Of equal relevance is the AEI report’s leadership model. Today’s national security environment requires “a new breed of officer: the warrior-scholar,” the AEI contends. Where should we look for this man on horse-

back? “In many respects, General David Petraeus, commander of the International Security Assistance Force and commander of US Forces in Afghanistan, is the model of a warrior-scholar,” said the AEI. Gen. Petraeus, of course, is widely hailed as a key architect of the Army’s counterinsurgency manual, with its “Human Terrain System” (HTS) teams that aim to put anthropologists to work directly beside combat units in Afghanistan and Iraq.

The author of the AEI report, Cheryl Miller, clearly admires this part of Petraeus’s doctrine. Miller published an opinion piece in the *Weekly Standard* at about the same time the report was released, urging New York City university faculties to “work with the military to enhance the ROTC curriculum and develop rigorous offerings in such



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relevant fields as political science, anthropology, or economics” ([tinyurl.com/AEI-ROTC-Weekly](http://tinyurl.com/AEI-ROTC-Weekly)).

But this warrior-scholar vision of militarized anthropology has been sharply opposed by anthropologists themselves. The American Anthropological Association (AAA) maintains that anthropologists are, for a host of reasons, ethically proscribed from this sort of work. Petraeus’s arrival at CUNY, with no discussion of such professional and ethical concerns, suggests that CUNY Central administration does not believe that anthropologists themselves have anything of value to say about the values and norms that should guide their own field.

The AAA’s concerns are elaborated in a 2007 statement by its executive committee ([tinyurl.com/AAA-HTS](http://tinyurl.com/AAA-HTS)), which explains that service in the military’s HTS teams can be expected to “conflict with [anthropologists’] obligations to the persons they study or consult, specifically the obligation, stipulated in the AAA Code of Ethics, to do no harm to those they study.” In conditions of war, it adds, it is often not possible for local residents (or soldiers) to give “voluntary informed consent,” as required by the AAA’s ethical code. Finally, “Because HTS identifies anthropology and anthropologists with US military operations, this identification...may create serious difficulties for, including grave risks to the personal safety of, many non-HTS anthropologists and the people they study.”

The AAA statement concludes that for all these reasons, service in Petraeus’s Human Terrain System Project is “unacceptable.”

Similar issues have been raised by the American Psychological Association regarding the participation of psychologists in military interrogation and whether this is consistent with psychologists’ ethical obligations and professional norms.

As ROTC is reintroduced at CUNY, it is presented as an educational program – military science – and thus falls within the faculty’s purview. But we have an obligation, to our students and to ourselves as scholars, to examine this concept of “military science” and whether the way the Pentagon defines it is consistent with our university’s mission.

**CRITICAL THINKING**

If we are going to create a CUNY program devoted to study of the military and of war, what should it look like? Should its goal in fact be to train future US military officers – or is that too narrow and prescriptive? Can the faculty of a military science program include critics of the military as an institution? If not, what does that imply for academic freedom?

The military and academia have historically had somewhat different views on the value of argument and critical thinking. If a student enters a CUNY ROTC program as part of their enlistment in the military, and then through the development of their critical thinking skills and study of history decides that their enlistment was a mistake, will the military allow them to drop out? If not, what is our obligation to that student? What are the student’s financial obligations to the military? What is a counseling faculty member supposed to tell them?

There has been little discussion among CUNY faculty about whether ROTC will serve the educational and scholarly goals of our university. This parallels the lack of advance discussion of the Petraeus hire, where a high-paying job offer was made before a single faculty body had considered, much less approved, the idea.

But from the vantage point of the AEI report, the results to date could hardly be better. The general who wants to meld anthropology with combat operations is now teaching at the university whose student body is coveted by the military. And the growth of ROTC at CUNY is intended to fill the pipeline with recruits that the Pentagon views as a priority.

**CULTURAL DIVERSITY**

As the AEI report explains, the military thinks CUNY’s students, with their extraordinary cultural diversity, lend themselves to the creation of a new kind of soldier: “As winning wars now involves winning ‘hearts and minds,’ military officers must be able to overcome cultural divides to interact effectively with indigenous leaders, security forces, and members of the local population.”

Whatever role the AEI report did or did not play in CUNY’s decision-making, it’s

clear that the military wishes to mine our student population, and thus reap the benefits of its celebrated diversity. But how will our students actually fare once they join?

The AEI report notes specifically that “New York City is home to one of the fastest-growing Muslim-American communities.” But one of our graduates enlisted in the US Army to serve as an Arabic translator, only to be denied entry to the translation program after completing basic training. This student was told that their rejection was due to having studied with the Muslim Student Association at Baruch. It is difficult to have much faith in the military’s claims about pursuing diversity under such circumstances.

There are multiple economic, cultural and educational issues that the return of ROTC raises, but I will point briefly to just a couple more.

For many people, perhaps particularly among immigrant families, establishing ROTC at CUNY may be understood as CUNY approval of US military policy – or, at a minimum, an endorsement of the military as a good career option. This is problematic. Some of our students who join CUNY will go to war and die, some of them will kill innocent people abroad. Are we prepared to accept this responsibility?

At a very pragmatic level, if the US continues spending the vast amounts it does on its military, and CUNY is viewed as an important resource, then CUNY needs to understand what it’s a part of and how to negotiate for compensation. ROTC pays its students’ tuition and fees. At some schools, that’s well over \$50,000 a year; at CUNY it’s about \$5,000 – one-tenth of what the military pays elsewhere. If the CUNY community should ultimately decide that reinstating ROTC is the appropriate thing to do, then the University should not, in effect, be subsidizing the military in a time when our own budget is cut to the bone.

**VIETNAM MEMORIES**

I fought as a volunteer in Vietnam while I was still a teenager. I know that some of the things I learned then have helped make me a successful professional. Never a day goes by, though, that I am not deeply conscious of the part I played in a war that caused the deaths of millions of people, most of them noncombatants. A decision about ROTC, like life itself, is complicated, but the stakes for the University, for the faculty, and especially for our students are high and the repercussions will last for a long, long time. This is not something to be done by administrative fiat, but only by searching and respectful dialogue within the academic community.

Because all CUNY students are eligible to become involved in ROTC on any CUNY campus, the return of ROTC is a matter that concerns all of CUNY and decisions about it should not be made piecemeal. This calls for university-wide deliberations. All of us at CUNY need to stop and reflect on where this seeming alliance between the military and CUNY is headed, *before* we move any further on this path that someone else has set us on.

*Glenn Petersen is chair of the department of sociology and anthropology at Baruch College.*

## ROTC revival requires discussion.



## RACIAL INJUSTICE

## Fruits of color blindness

By FRANK DEALE  
CUNY School of Law

Recent developments in the law suggest a triumph of “color-blind” ideology, a success that, counter-intuitively, has proven highly detrimental to the interests of people of color. The ideology of color blindness proclaims that it is opposed to racism, yet it is used to justify the most blatant forms of race discrimination.

In *Shelby County v. Holder*, a 5-4 majority of the US Supreme Court overturned a key provision of the Voting Rights Act (VRA) that had determined which geographical territories were required to obtain pre-approval of voting changes before they went into effect. The court held that the preclearance requirement was no longer necessary for these territories because the type of race discrimination that had inspired the provision was a thing of the past. In the oral argument before the Supreme Court, Justice Antonin Scalia, one of the Justices voting with the majority, referred to the VRA as a form of “racial entitlement.”

In another case, *Fisher v. University of Texas*, the Supreme Court overturned a decision upholding a University of Texas affirmative action plan that, consistent with Supreme Court precedent, allowed race to be one factor in the selection of the entering class. In the *Fisher* ruling, the court said that race could not be used as a factor unless there was absolutely no other way of ensuring racial diversity.

## TRAYVON MARTIN

In the *State of Florida v. Zimmerman*, (the Trayvon Martin case) a Florida jury acquitted an armed private security guard of all criminal charges after he gunned down an African-American youth he had followed and accosted, as the boy was returning to his house from a store. The boy was “profiled” by the guard because he was African American and was wearing a “hoodie,” popular attire associated with urban black youth. The case was prosecuted by an all-white prosecution team before an all-white jury under court instructions from a white judge that precluded any discussion of racial profiling – the exact reason why George Zimmerman had singled out Martin to follow and ultimately kill him.

The results in these cases reflect the culmination of a long-term right-wing campaign to convince Americans that the United States has reached a stage in its development where racial considerations that benefit African Americans have no role to play in large spaces of public life. Notwithstanding the brutal and extensive history of race as a direct means of subordinating Africans Americans throughout US history, this campaign has continuously argued, even in the immediate aftermath of the Civil War, that African Americans were in no need of special assistance to overcome the “badges and incidents” of over 300 years of slavery.

As early as 1875, only ten years after the conclusion of the Civil War, the US Supreme Court declared one of the nation’s important early civil rights statutes to be unconstitutional, stating: “When a man has emerged from slavery, and by the aid of beneficent legislation has shaken off the inseparable concomitants of that state, there must be some stage in the progress of his elevation when he takes the rank of a mere citizen, and ceases to be the special favorite of the laws....”



Peter Kuper

This language signaled to the violent reactionary forces led by the Ku Klux Klan that it was time to seize the offensive after northern armies were removed from defeated Southern states following the Hayes-Tilden compromise of 1876. Vigilante groups, as well as those exercising state power, unleashed a reign of terror on black people to extinguish their newly acquired civil rights, especially the right to vote.

The violent suppression in those years, targeting African Americans through acts of color consciousness, but disguised with the rhetoric of color blindness and ending “special privileges,” kept African Americans out of the political process until they fought their way back in during the civil rights years of the mid-20th century. But barely a generation after Martin Luther King’s famously misunderstood admonition that one should be judged by the content of one’s character rather than the color of one’s skin, right-wing forces used his very language to roll back not just affirmative action, but more general antidiscrimination laws under the ahistorical idea that the Constitution was “colorblind” and made no room for racial distinction – even to remedy racial injustice.

In 1980, Ronald Reagan brought with him to Washington an army of right-wing groups and individuals who had been percolating in conservative think tanks across the nation. Fueled by a 1971 memo by future Supreme Court Justice Lewis Powell attacking 1960s as a massive assault on business and free enterprise, these groups came to power intent on rolling back the gains of the 1960s, particularly the gains of African Americans.

William French Smith as Attorney General, and William Bradford Reynolds, as the head of the Civil Rights Division of the Department of Justice, argued for a “color-blind Constitution” as part of a significant attack on affirmative action and the gains of people of color. Reagan brought in younger voices, such as future Chief Justice John Roberts, to write memos as White House Counsel, arguing that the Voting Rights Act was unconstitutional.

The effects of color-blind ideology are clear in this year’s decisions on the Voting Rights Act, the Texas affirmative action plan and the killing of Trayvon Martin. In the voting rights case, states had been identified for the preclearance requirement

because of their extensive histories of racial discrimination, which carried over from the late 19th century into the 1960s and beyond. It was because of their race-conscious activity that these states were kept under close oversight for racial discrimination. The Supreme Court had upheld this statutory framework numerous times, most recently in 2006, when a Congressional review concluded that it was still necessary. The main thing that changed between 2006 and 2012 was the election of an African-American male as President, in part due to record-high turnout among black voters.

The novel theory propounded by the court to justify the decision and underscore the ideology of color blindness – the idea of “equal sovereignty” among the states – has no root in United States law. Indeed the “three-fifths compromise,” which allowed Southern states to count slaves as three-fifths of a person for purposes of bolstering their representation in the federal government, belies such a doctrine.

## GREEN LIGHT

If the court had been candid in its analysis, it would have said what Justice Scalia suggested at oral argument, that the VRA was an unconstitutional “racial entitlement” that violated the ideology of color blindness. That states such as Texas and North Carolina have been so quick to enact voting rules with an obvious discriminatory purpose and effect suggests that again, as in 1875, they understood the green light from the Supreme Court. A literacy test in 1963 and a requirement for photo ID in 2013 are both race-neutral on the surface – and racially unequal in their impact.

While new to the areas of voting rights, “color blindness” has long been used in the conservative critique of affirmative action. Echoing the language of the Supreme Court from 1875, a 2007 opinion by Chief Justice John Roberts stated: “The way to stop discriminating on the basis of race is to stop discriminating on the basis of race.” This choice of words brings to mind the famous observation of Anatole France: “In its majestic equality, the law forbids rich and poor alike to sleep under bridges, beg in the streets and steal loaves of bread.”

The Supreme Court did not entirely wipe out affirmative action in the *University of*

*Texas* case, but it sent a warning, very similar to that issued about the VRA in 2009: universities were told that they could not utilize race as a factor to diversify academic admissions decisions unless there was no racially-neutral alternative available. But since 1973, when the court decided its first college admissions affirmative action case, university administrators have been unsuccessful in finding a race-neutral way to obtain racial diversity.

In the Trayvon Martin case, the consequences of color blindness were tragic. Jurors never discussed whether George Zimmerman stalked Trayvon Martin and ultimately killed him because of racial animus toward young black men wearing hoodies, even though Zimmerman’s language at the time strongly suggested that this was what prompted his actions. Even operating under the shadow of the Stand Your Ground Law, it is inconceivable that a fair jury could have acquitted, had it been allowed to ask itself whether Zimmerman would have tracked and accosted a white person under identical circumstances. Under federal law, crimes stemming from racial animus are crimes against civil rights. Yet the jury was never allowed to consider the most likely explanation of the cause of the crime, because the judge ruled race out of the matrix, and the all-white prosecutorial team didn’t make a fight over it. The entire proceeding was tainted and corrupted by the ideology of color blindness.

## STOP-AND-FRISK

That color consciousness is not just a more accurate way of understanding 21st century US reality, but also a more effective means for obtaining justice in court, is demonstrated by the decision in the *Floyd v. City of New York* stop-and-frisk case. Mayor Michael Bloomberg and his police commissioner assert that stop-and-frisk is a legitimate way of decreasing crime. From their perspective, street crimes affect black and white communities and are disproportionately caused by members of an identifiable population demographic consisting of young black males. To Bloomberg, a tactic that targets that demographic segment is not racial profiling: it is a color-blind, race-neutral result of normal police work.

The problem Bloomberg ignores is that the data showed, and the court concluded, that the overwhelming majority of those black males stopped and frisked were stopped without any basis besides their membership in the target demographic. In other words, their actions did not provide a probable cause for the stop, and they would not have been stopped if not for the color of their skin. In effect, the NYPD’s practice treats young black men as guilty until proven innocent. This was exactly the case with Trayvon Martin, and has long been deemed to violate the Constitution. It is disturbing to see a mayor of a major metropolitan area use race as part of a calculated profiling strategy and simultaneously assert that the policy is a race-neutral color-blind attack on crime.

Color-consciousness exists in anti-discrimination law because of the historic use of race to subordinate, and color-conscious remedies are needed to end that subordination. This is exactly what the ideology of color blindness fails to acknowledge.

“By their fruits ye shall know them” – and the fruits of color-blind ideology include the acquittal of the killer of Trayvon Martin, the evisceration of affirmative action and a wave of new attempts to suppress the African-American vote. It will take a prolonged and persistent effort, outside the courtroom and inside it, to reassert the use of the law as a tool for attacking, rather than excusing, racial inequality. But the popular reaction against color-blind jurisprudence suggests that many people are willing to take that on.

Past civil rights gains rolled back.





## 15-MINUTE ACTIVIST

### Help your students register to vote

Take a moment in class to let your students know they can help choose our city's next mayor in the November 5 election – but to do so, they must be registered to vote by October 11. Every CUNY campus has a voter registration coordinator who should have registration forms available.

Libraries, post offices and

most New York City government agencies also have forms. Voter registration forms can also be downloaded in multiple languages from [psc-cuny.org/register-vote](http://psc-cuny.org/register-vote). Forms must be hand-delivered or mailed to the New York City Board of Elections. For more resources and information, see [psc-cuny.org/register-vote](http://psc-cuny.org/register-vote).

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## UNION VIEWS

Clarion | September 2013

# Demanding an unbiased review of Pathways

*The June 2011 CUNY Board of Trustees resolution that established Pathways mandates annual reviews of all Pathways policies and processes, beginning in 2013. The resolution is silent on who will conduct the review and how it will be conducted. In an August 15 open letter to Trustees Chair Benno Schmidt on the first annual review of Pathways, PSC President Barbara Bowen demanded an unbiased, faculty-driven review of the curriculum.*

August 15, 2013

Benno C. Schmidt, Jr., Chairperson  
CUNY Board of Trustees  
The City University of New York

Dear Chairperson Schmidt:

I write on behalf of the 25,000 faculty and staff at CUNY whom I represent as president of the Professional Staff Congress/CUNY. Our position on Pathways has not changed: the Board's resolution on "Creating an Efficient Transfer System," passed in June 2011 in violation of the law, should be rescinded. Further, the Board should act on the 92% vote of No Confidence in Pathways conducted among full-time faculty this spring. The necessary steps should be taken to repeal the June 2011 resolution and replace Pathways with a curriculum developed by the elected faculty representatives.

Your June 26 reply to my letter on the No Confidence vote mischaracterizes the referendum as a "poll" and fails to provide any substantive response to the demand represented by the No Confidence vote. The thousands of full-time faculty who participated in the referendum will understand your reply as a refusal to listen to and respect the faculty of CUNY.

Your letter suggests that the Board intends to move forward with Pathways until the legal case is decided, even though you have lost the confidence of the faculty on the essential issue of curriculum. Should the Board continue the implementation of Pathways, the June 2011 resolution mandates that



PSC President Barbara Bowen at a community-labor forum on Pathways held earlier this year.

"all of these pathways policies and processes, including the Common Core, be reviewed and evaluated... to modify them as necessary to improve them or to meet changing needs." The first review is to be in 2013. The resolution is silent on who will conduct the review and how it will be conducted.

### INDEPENDENT

As I am sure you will agree, it is in the best interest of the University that the review be unbiased and that it have absolute integrity. An unbiased review is especially important in the context of a vote of No Confidence. The CUNY community and the broader public will not accept as legitimate a review process controlled by those who have an interest in maintaining Pathways over the objections of elected faculty bodies. The reviewers must be independent and the process transparent.

To ensure independence, the PSC leadership strongly recommends that you consider including

reviewers from institutions outside of CUNY, provided that they meet the necessary qualifications and have shown an ability to make honest professional judgments. Regardless of whether inside or outside reviewers are selected, more than half of the reviewers must be named by CUNY faculty governance, given the faculty's academic expertise and the special responsibility of faculty governance for curriculum. Reviewers must have strong academic credentials and demonstrated expertise in university curriculum, academic quality and student transfer. Of signal importance is that reviewers have a proven commitment to public higher education, and to CUNY's mission in particular. The review panel must not be chaired by a CUNY administrator.

In order further to ensure independence, the review panel should be staffed by personnel who do not report to CUNY managers directly responsible for the development of Pathways. To the extent that quanti-

tative data about transfer of student courses is available at this stage, it should be collected and analyzed by an independent research firm.

### OPEN DISCUSSION

The legitimacy of the review also depends on the process the reviewers employ. The interests of both the University and the community are served if the panel conducts a comprehensive review, one that reports honestly on both dissent and support. Faculty, staff, students and administrators must be free to speak openly; there can be no repetition of the use of threats and coercion by CUNY administrators that we witnessed last year. At the center of the review process should be public hearings, held on multiple CUNY campuses. Every member of the University community must be welcome to testify without fear of retribution, and all testimony must be made public.

A thorough review will also include interviews of those with relevant experience and knowledge. Elected faculty leaders should be prominent among those interviewed, as should professional staff with responsibility for registration and advising. The views of students affected by Pathways are also, of course, essential.

### GOVERNANCE

Faculty governance and PSC chapter leaders at each college must also be invited to comment, as should the University Faculty Senate and PSC leadership. The public also has an interest in knowing the cost and staffing implications of Pathways, including whether CUNY colleges have systematically non-reappointed part-time faculty as the curriculum is reshaped.

Finally, the review panel must be asked to recognize in their framing of questions and their final assessment that an unprecedented vote of No Confidence in Pathways has already been taken. (Despite former Chancellor Matthew Goldstein's attempt to discredit the vote in the letter you attach to your June 26 response, the facts are clear. The

referendum was conducted by an independent third party willing to stand by its methods; the 92% vote was decisive, representing an absolute majority of CUNY's full-time faculty.) The panel's review of Pathways must evaluate the initiative in the context of the overwhelming opposition it has generated.

I have shared this letter with the CUNY community and the broader public because of the importance of ensuring that this first, pivotal review of Pathways be legitimate. The future of undergraduate education at CUNY is at stake; the initial assessment of a sweeping curricular change must be independent, transparent and fair.

Yours sincerely,  
Barbara Bowen, PSC President

## Oct. 3 deadline for a 9/11 health fund

By CLARION STAFF

The clock is ticking to register claims with the September 11 Victim Compensation Fund (VCF) for economic losses due to injuries from the 9/11 attack and its aftermath. Most injured responders or survivors must complete online registration by October 3, 2013. ("Survivors" include residents, students and area workers whose health was harmed by the WTC disaster.)

The New York Committee for Occupational Safety and Health (NYCOSH) is working to spread the word about the VCF. You can get more information, including on how to register, at [nycosh.org/wtc/](http://nycosh.org/wtc/).

The NYCOSH website also has information about the separate WTC Health Program, which does not have the same deadline and offers free monitoring and treatment for covered conditions to those who may have been exposed to toxins at Ground Zero. Tens of thousands of people are eligible for free medical exams and treatment under the program created by the Zadroga Act.

## Must not be a rubber stamp.