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August 4, 2010

SUNY Chancellor Shows Her Mettle, Even as Universities Lose a Key Legislative Battle

By Eric Kelderman

One year into her tenure as chancellor of the State University of New York, the State Legislature handed Nancy L. Zimpher her first major political defeat, rejecting a package of regulatory changes meant to allow public universities to earn more money outside of state appropriations and operate more efficiently.

The changes Ms. Zimpher championed would have allowed both SUNY and the City University of New York to increase tuition without the Legislature's approval and to charge higher rates to students in some programs and at some campuses. Known as the Public Higher Education Empowerment and Innovation Act, it also would have allowed the university systems to lease property and enter into public-private partnerships without lawmakers' approval and loosened regulations on buying goods and services.

On top of excluding the empowerment act from the budget it passed late Tuesday, the Legislature cut \$210-million from the state university budget without approving a tuition increase that could have helped the system offset those cuts. Over the past three budget years, the state system has lost nearly 30 percent of its state appropriations. The city university system took an \$84-million cut in the 2011 budget.

While the Legislature's recent actions are a setback for SUNY and the system's chancellor, debate on the empowerment act is far from over. The process also has shown that Ms. Zimpher is a force to be reckoned with, even at the Statehouse, where the political climate has devolved in recent years to a state of near chaos.

"This reflects on her first year in a positive sense, because she has made SUNY part of the conversation," said John B. Simpson, president of the State University of New York at Buffalo.

Ms. Zimpher had succeeded in persuading Gov. David A. Paterson, a Democrat, to introduce the empowerment measures as part of his budget proposal at the beginning of the year. While the governor's political clout has been undermined by scandal and his status as a lame duck, his inclusion of the proposal in the executive budget put it on a statewide stage and helped broaden the base of support.

A year ago a similar bill that died in the Legislature would have provided the same set of regulatory freedoms only for the State University of New York at Buffalo, one of SUNY's two members of the Association of American Universities, generally considered the nation's top 60 research institutions.

Many in the state university system did not support last year's measure, said Kenneth P. O'Brien, president of the University Faculty Senate, because it would have created a split in the system by only granting freedoms to one campus. Ms. Zimpher's approach this year, he said, "was different than anything we've seen in the past."

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SUNY Chancellor Shows Her Mettle, Even as Universities Lose a Key Legislative Battle

Legislation Held Up Passage of Budget

Mr. Simpson, president of SUNY at Buffalo, said final passage of this year's budget was delayed for more than four months, in part, because some lawmakers refused to vote on the legislation unless the empowerment act was included in the bill. Mr. Simpson said this was a sign that the system had gained significantly more influence with the Legislature than it has had in the past. "This piece of legislation literally held up the budget until the very end," he said.

But the faculty and staff unions that opposed the measures were also influential. United University Professions, which represents 56 percent of the nearly 57,000 employees on SUNY's four-year campuses, was primarily concerned that the public-private partnerships allowed under the measure would result in the system supplanting union jobs with nonunion positions. The organization also warned that proposed changes in tuition policy could make the system unaffordable for some students.

"Let's hope it never passes," Phillip H. Smith, president of the union, said about the empowerment act.

Ms. Zimpher said, in principle, the union wants the same thing that the act's supporters want: "high-quality programs that are accessible and affordable."

But the union's opposition was an outlier to the broad coalition of groups that supported the measure, Ms. Zimpher said.

"We have engendered the broadest possible endorsement in SUNY's history," she said. Supporters included the system's campus presidents as well as the University Faculty Senate, the Student Assembly, and economic-development groups across the state.

A majority of the public appeared to support the empowerment act, too. Fifty-four percent of New York residents surveyed by the Siena Research Institute at Siena College in Loudonville, N.Y., supported the empowerment act, compared with 36 percent who opposed it, according to poll results released in mid-July.

System Will Continue to Pursue Changes

Despite being left out of the budget for the 2011 fiscal year, it's not the end of the debate over the act. There is discussion among legislators, the governor, and the university systems about a possible agreement on moving a separate bill that would include some parts of the empowerment act.

The political winds may also bode well for the empowerment act. Andrew M. Cuomo, the state's attorney general and the Democratic nominee for governor, has voiced his support for much of the empowerment act.

"I think this is just round one," said Raymond W. Cross, president of the SUNY campus at Morrisville. "My sources tell me that there will be major pieces of this bill adopted before elections. We may not get it in its entirety, but I think we'll get a lot of it."

"The word of the day is persistence," Ms. Zimpher said, adding that the system will continue to pursue the regulatory changes. "We are coming back and coming back and coming back."

By Eric Kelderman

New York's State Legislature rejected regulatory changes meant to allow public institutions to earn more money outside of state appropriations and operate more efficiently.

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By Jennifer Gonzalez

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Hopefully, this rare act of sanity on the part of the otherwise craven legislators in Albany will send Ms. Zimpher packing.

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