

# Higher Education and Employment Advancement Committee

## JOINT FAVORABLE REPORT

**Bill No.:** HB-6403

AN ACT REQUIRING LEGISLATIVE APPROVAL FOR THE MERGER OR CLOSING OF INSTITUTIONS WITHIN THE CONNECTICUT STATE COLLEGES

**Title:** AND UNIVERSITIES.

**Vote Date:** 3/11/2021

**Vote Action:** Joint Favorable

**PH Date:** 3/9/2021

**File No.:**

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### SPONSORS OF BILL:

The Higher Education and Employment Advancement Committee

### REASONS FOR BILL:

To require legislative approval for the closing or merger of Connecticut State Colleges and Universities.

### RESPONSE FROM ADMINISTRATION/AGENCY:

None submitted.

### NATURE AND SOURCES OF SUPPORT:

#### [Stephen Adair, Professor of Sociology, CCSU:](#)

Submitted written testimony in support. Prof. Adair believes that community colleges are public assets that belong to and are for the benefit of CT's citizens, and that they need to be held accountable. He says the Student First plan's promise to save \$24 million by cutting budgets already designed for austerity are "too good to be true." To Prof. Adair, it is clear that the plan does not fund students first, but administration first, and that the state's investment is obscured by the system office's funding structure. Were this a regular school in the state, it would have had to come before the Higher Education and Appropriations committees for approval. Since the announcement of the plan in 2017, costs have increased from \$30.3m to \$69.1m, with modest decreases in office expenditures.

#### [Lois Aimé, Director of Educational Technology, Adjunct Professor, Norwalk Community College:](#)

Submitted written testimony in support with substitute language. Prof. Aimé says, "the Board of Regents of the CSCU system approved the Students First Consolidation proposal in 2017 with no public notice and no public hearing ... [and] reports to no one." She says that taxpayers, and as a taxpayer she, should have a say in BOR, and did until the legislature gave up oversight in 2011. Since then the BOR and "the revolving door of CSCU presidents have lurched from one failed scheme after another at a cost of well over \$250M of taxpayer money." The Students First plan will "lead to the demise of quality public higher education in CT. CT already has pervasive equity issues, and this consolidation will not improve them. When the consolidation was proposed in 2017, CT Community College did not have the resources to maintain 12 independently accredited institutions, but by 2019, she says, "Pres. Ojakian told legislators that 'the primary focus of this is not to save money, saving money is an important component of it, but it is really about student success number one.' Shouldn't this abrupt change have raised some red flags and questions about what really was occurring in this system?" This committee and the legislature must take back control.

#### SUGGESTED SUBSTITUTE LANGUAGE:

- 32 fails to act, such recommended merger or closing shall NOT be deemed
- 33 approved and the BOR shall not seek regional accreditation for a merger that has not be approved by the general assembly

#### David Blitz, Professor of Philosophy, CCSU:

Submitted written testimony in support with substitute language. Prof. Blitz believes the proposed rules, "are inadequate to prevent precipitous actions by the Board in applying System Office proposals in Students First." He proposes a series of changes to address those rules, and an analysis of the language that has been used to justify the BOR's actions.

#### Maureen Chalmers, President, Congress of Connecticut Community Colleges (4Cs):

Submitted written testimony in support. "The General Assembly had this power, but it gave it away. We urge you to reclaim your right to approve any mergers or closings within the CSCU system. Stakeholders will expect to have a voice with their elected officials"

#### Francis Coan, Professor of History, Tunxis Community College:

Submitted written testimony in support with substitute language. Prof. Coan wants lines 32-33 to result in "not approved" if CGA takes no action and adding the clause "that the BOR shall not seek regional accreditation for a merger that has not been approved by the General Assembly." If enacted, these changes will restore oversight power to the CGA that was given away in 2011. "Over the past decade, the BOR has approved various initiatives aimed at reducing expenses, recruiting and retaining students, and streamlining academic programs and services ... the so-called 'Students First' plan ... is just the latest—albeit the most far-reaching—of these initiatives. None of the previous plans achieved its objectives, and mounting evidence suggests that "Students First" will be no more successful."

The consolidation effort, says Prof. Coan, has resulted in multiple failures in HR, IT, and payroll, at the regional and system level, resulting in disruptions for students, dropped contracts, and missing pay, as well as doubt from regional accreditor NECHE. Prof. Coan explains that there is far more work to be completed and the goal of completing it before fall 2023 is unlikely.

**Sally L. Coan, Adjunct Instructor of Biology, Tunxis Community College:**

Submitted written testimony in support with substitute language. Prof. Coan wants lines 32-33 to result in "not approved" if CGA takes no action and adding the clause "that the BOR shall not seek regional accreditation for a merger that has not been approved by the General Assembly." Over the last several years, Prof. Coan has watched her local college change as it is run by a bureaucracy in Hartford, consisting of people that have never taught in a classroom and view school as a business. This corporate culture is reflected even in position titles like CEO instead of College President. She is "appalled" that the BOR has no oversight when taxpayers, students, and college communities are significantly impacted. She compares this process to a corporate buyout and dismantling for profit and fears the colleges will lose the aspects that made them desirable.

**Dr. Lauren Doninger, LPC, LADC, Professor of Psychology, Faculty Chair of Faculty/Staff Council, GCC:**

Submitted written testimony in support with substitute language. Prof. Doninger asks that the bill's language be changed to not approve mergers or closures if CGA does not act, as well as adding the clause, "that the BOR shall not seek regional accreditation for a merger that has not been approved by the general assembly." Students, "who are already the most vulnerable, more than half of whom identify as non-white, are seeing services eroded." These students are likely to stay in CT and participate in its workforce, but "are being sacrificed in service of a scheme costing millions and that is overseen by an unelected body." Prof. Doninger challenges you to point to even one success of the BOR.

Prof. Doninger describes the failures of TAP, HR and IT consolidation (providing complaint tickets), and the Alignment for Completion of Math & English (ACME). Providing a 40+ page feedback document from Gateway faculty regarding ACME, Prof. Doninger says "the scale of disaster ... for just one policy ... is foreshadowing." She argues the BOR budgeted "NOTHING for the work to consolidate 12 colleges" until it received pushback from NECHE, and that since these are tax dollars being spent, they should not go unchecked.

"Excellent and responsible leadership does not alienate the workforce. These votes of no-confidence and endless letters to the editor are warning signs that must be heeded. This tension did not exist when there was a Board of Trustees that had relationships with the Colleges. A leadership structure that has cultivated such opposition should not continue without your scrutiny."

You were promised cost savings and avoiding school closures, have received neither, and students are suffering as a result.

**Seth Freeman, Professor of Computer Information Systems, Capital Community College:**

Submitted written testimony in support with substitute language. Prof. Freeman believes that his college is being destroyed by the consolidation process. Its culture will be removed, and all decisions of importance will be made elsewhere. All teachers will teach the curriculum chosen by and follow the orders of management at One College. The same will be true for the other state community colleges. Further, he believes the BOR and CSCU Leadership are misleading you and the public in a long-term plan to disinvest CT's community colleges, and that you need to stop them. Contrary to what has been promised, schools have lost their

uniqueness and authority, and savings have come at the price of faculty, staff, and educational quality. The result is a system that is easier to shut down. Prof. Freeman recommends that the bill's language be changed to not approve mergers or closures if CGA does not act, as well as adding the clause, "that the BOR shall not seek regional accreditation for a merger that has not been approved by the general assembly."

**Kathleen Herron, Professor of Mathematics Capital Community College:**

Submitted written testimony in support. Prof. Herron is concerned about the Students First plan. She says that elimination of developmental Math and English courses will not increase recently criticized success rates, but decrease them, since students will be automatically placed in college level courses for which they are not prepared. Also, consolidation will impact students who depend on the close proximity and low cost of community college and will eliminate the colleges' uniqueness. This comes with "incredibly" rising costs and collective opposition.

**Diba Khan-Bureau, Ph.D., Professor of Environmental Engineering Technology, Three Rivers Community College:**

Submitted written testimony in support with substitute language. Prof. Khan-Bureau say the community college system was created with legislative oversight and that these legislators are accountable to voters. The legislature gave up their authority, and therefore system accountability, in 2011 when creating the BOR and CSCU system. As a result, students suffer from bloated bureaucracy, costs grow unchecked, and non-experts are making curriculum and governance decisions, as well as "haphazardly" using resources that would be better spent on students. She says, "CSCU leaders have misrepresented faculty and staff support for Students First and consolidation while dismantling our educational system. This is not a corporation! ... The Community Colleges were once considered the gems of our communities." By providing affordable opportunities to students that might not otherwise be accepted by more expensive institutions, we will see more former community college students, like herself, succeed. Prof. Khan-Bureau recommends that the bill's language be changed to not approve mergers or closures if CGA does not act, as well as adding the clause, "that the BOR shall not seek regional accreditation for a merger that has not been approved by the general assembly."

**Sal Luciano, President Connecticut AFL-CIO:**

Submitted written testimony in support.

While the Board of Regents has operational and managerial control of Connecticut's publicly funded colleges and state universities, it is an appointed body. Proposals to close or merge campuses or whole institutions will greatly affect students, employees, workforce development efforts and state and local economies. Decisions like these should not be made exclusively by politically appointed officials who operate in a myopic bubble with little or no accountability to taxpayers.

The General Assembly used to have oversight of mergers and closures of higher education institutions. HB 6403 restores that control. Elected members of the legislature are in tune with the needs of their constituents and also have a broader view of the state's needs, long-term vision, planning and budgeting. Legislators have the context to understand how a proposed merger or closure will impact the state overall, not just the Board of Regents' balance sheet.

Connecticut state colleges and universities are public assets that belong to Connecticut's residents. They should be accountable to the public interest. We urge the Committee to support this bill.

**Lillian Maisfehl, MLIS Reference & Instruction Librarian, Information Literacy Coordinator, and Staff Chair of Faculty/Staff Council GCC:**

Submitted written testimony in support with substitute language. Ms. Maisfehl says, "I have been at Gateway for nearly seventeen years, and fortune willing, I intend to remain there until I retire." This is due to the unique community found at Gateway. The consolidation plan, she says, "runs counter to the spirit in which I and my colleagues approach our work. The BOR presents a highly centralized, top-down, management-heavy model in which faculty, staff, and student voices are distant and muted, if they reach the Regents' ear at all.

Community colleges are the institutions of higher learning that do the most for those who have the least, and they are slowly but inexorably being eroded in Connecticut as the BOR operates with no oversight or accountability." Ms. Maisfehl recommends that the bill's language be changed to not approve mergers or closures if CGA does not act, as well as adding the clause, "that the BOR shall not seek regional accreditation for a merger that has not been approved by the general assembly."

**Nikki McGary, Ph.D., Associate Professor of Sociology and Anthropology, NVCC:**

Submitted written testimony in support. Prof. McGary says, "only those who have been democratically elected ... should have the power to make such important decisions regarding our state's system of higher education," regardless of support for Student First.

**Thomas J. Peters, Ph.D. Professor of Mathematics and Computer Science, UCONN:**

Submitted written testimony in support with substitute language. Prof. Peters considers legislative oversight "crucial" to maintaining system integrity. He requests that you extend this accountability to UCONN in general, and specifically to the UCONN Health Center, with a 2-year moratorium on any consideration of privatization. Both have been at the center of Pandemic response, and now is not the time to risk public confidence by entertaining risks of privatization.

**Ron Picard, Professor of English, Faculty Senate President, Naugatuck Valley Community College:**

Submitted written testimony in support. Prof. Picard served the last two years on the System Office's General Education Consolidation Committee and the Academic and Student Affairs Students First Consolidation Committee. His purpose in serving, "was to mitigate as much as possible the disaster that I saw unfolding through this plan." He resigned January 2020 in frustration as curriculum was rushed through "artificial deadlines without respect to quality or faculty expertise." "I should not have been surprised," he says, as one model for this merger was Indiana's IVY Tech system and elaborates on his bad experience teaching under it. He shares stories of success at NVCC by his father, children, and dozens of community members. He believes, "The merger plan being sold to you today will put an end to this kind of local, deeply personal educational experience for current and future students. It is this highly personal, neighborhood-like approach that allows our students to feel confident and supported enough to succeed. An impersonal, monolithic corporate institution that would be one of the largest in the US in one of the smallest states does not serve anyone's interests, and so far it has cost NVCC a president who was a transformative figure not just in education

and not just in Waterbury, but in every community in our region between Waterbury and Danbury." Replacing this with corporate bureaucrats is not cheaper, not more efficient, and does not foster the kind of culture the community deserves.

Prof. Picard recommends that the bill's language be changed to not approve mergers or closures if CGA does not act, as well as adding the clause, "that the BOR shall not seek regional accreditation for a merger that has not been approved by the general assembly."

**Colena Sesanker, PhD Assistant Professor of Philosophy, Gateway CC:**

Submitted written testimony in support. Prof. Sesanker says that the assumption of expertise is implicit in higher education. Overwhelmingly, she says, our college and university experts have found "the projects of the BOR-- the most recent and most destructive of which is the Students First Consolidation—to be ill-conceived and poorly led." The plan is a non-sensical "investment in the reduction of quality" and "a departure from our mission" to aid students and our communities. This investment was never explicitly approved, she says, as costs have been obscured while immediate savings were promised; until the 2021 SF Finance report forced a concession that savings would not appear until 2023. The accreditor NECHE also questions the plan, she says, citing its August 2020 response. The flexibility that has been granted to this system, could have been a benefit, but it has been abused, and any savings claimed are through attrition alone.

**Carmen Yiamouyiannis Ph.D., Professor of Biology, Capital Community College:**

Submitted written testimony in support. Prof. Yiamouyiannis says, "Over 1400 faculty, staff, students, and even the past presidents and chancellors signed a petition to stop the misguided "Students First" community college consolidation plan." In the 10 years since the merger of the state colleges and universities, "well over \$400 million has been spent for the system office administration. Those millions have not put teachers in classrooms, have not provided direct student services, and have not lowered the cost of tuition for students ... Over the many years, we have been denied permission to replace faculty who have retired due to lack of funding." While 72% of her school's students come from some of the poorest neighborhoods in the country, Student First plans to eliminate developmental courses for students who need them the most. "A onesize fits all model developed by non-academic, political appointees doesn't help our students."

**NATURE AND SOURCES OF OPPOSITION:**

**Henry Stoever, President and CEO, Association of Governing Boards of Universities and Colleges (AGB):**

Submitted written testimony in opposition. CEO Stoever says the BOR is responsible for everything that happens or fails to happen under its purview. He asserts that experts predict declining enrollments nation-wide, and this will lead boards to consider challenging discussions about affiliations, mergers, consolidations, and closures. He says that by governors and management considering "the most viable path to support state, system, and institutional priorities," this act of consideration will "[minimize] any potential negative side effects on students, faculty, staff, and other constituents." Regarding HB 6403 specifically, he says "effective boards" receive input from a variety of stakeholders, especially on serious matters. AGB, he continues, "encourages boards and policymakers to 'gauge the popular and political support for change' if they are considering a merger or any other kind of restructuring." However, states have an obligation to set a master plan for partnership, and

he encourages "broad and inclusive dialogues" when building them. HB 6403, he says, strips away Regents' authority, which can lead to "legislative politicking, ... and this practice should be avoided whenever possible." Collectively, HB 6403 compromises governance and fiduciary responsibility.

**Reported by: Jeremy Salyer**

**Date: 03/23/2021**