



**SENATE EDUCATION COMMITTEE MEETING – PASSHE MANDATE RELIEF
OCTOBER 13, 2011**

Hello, Chairman Piccola, Chairman Dinniman, and members of the Senate Education Committee. My name is Steve Hicks, and I am the president of APSCUF, the Association of Pennsylvania State College and University Faculties. Thank you for the opportunity to offer testimony about a package of bills that affect the Pennsylvania State System of Higher Education.

APSCUF represents the 6,000 faculty and coaches at Pennsylvania's fourteen public universities. We are committed to PASSHE's mission to provide a comprehensive, high quality education to our students at a reasonable cost.

The Senate PASSHE mandate relief package is one of the most substantive pieces of legislation focusing on the state system since it was formed in 1983. The package of bills is intended to provide new opportunities for our campuses, administrators and faculty to raise new monies, offer additional programs, and engage in research. These sound like sensible, even exciting, endeavors for the state system, but they do not come without potential costs. APSCUF is generally in support of the package, but, as you will hear in my statement, we have some reservations, some serious ones, about some details in some of the pieces.

Public higher education is a public good, and our fourteen institutions provide Pennsylvania's students access to a quality college education. Of our 120,000 students, 90 percent are residents of the state and almost 80 percent stay after they graduate. These students deserve the same quality education that you and I received. Our faculty do not take the tenets of the system - access, affordability and quality - lightly, and we believe any legislation considered by the General Assembly must support this mission. So we support the general intent of several of these bills, i.e., to improve the universities' fundraising capacity, to remove some unnecessary obstacles to innovative research, and to fill a need for additional graduate programs, but with some concerns.

One aspect that defines our system is the fact that currently only Indiana University of Pennsylvania is permitted to grant PhDs. One of the bills currently before the committee would allow the other thirteen institutions to offer new professional or "applied" doctorates. The system office and local administrators tout these new doctoral programs as expanding opportunities for students, but I'm sure they also see the prospective of increased revenue from increased graduate tuition.

I am wary of this "build it and they will come" attitude. In an August story, [Inside Higher Ed](#) revealed the pitfalls of new graduate programs, indicating that they are not the cash cows that university administrators believe them to be. New graduate programs are expensive to implement and graduate recruitment is challenging because it is a burden largely assumed by individual faculty members and departments. To create the type of quality programs that would

attract students, universities must invest significant resources upfront. In order to create strong graduate programs, our universities will have to invest in highly qualified faculty, pursue accreditation, upgrade their libraries and/or labs, and engage in new public outreach to attract students. Such risky ventures are troubling, especially at a time when several of our universities are in the process of eliminating programs and potentially reducing the size of their faculties. In fact, I would hope that no university that is laying off faculty would be allowed to pursue these new programs.

I do understand that PASSHE is advocating for many of these changes because the system is looking for new revenue sources that would enable them to keep tuition rates down. One of the pieces of Mandate Relief Package clarifies the role of external agencies and PASSHE employees in fund-raising; given the recent decline in the state appropriation, it's logical for PASSHE and university administrators to look to the legislature to allow them to raise funds for the affiliated foundations and remove some of the burden on the educational and general fund. Although in agreement with this concept in principle, APSCUF is concerned about transparency when it comes to the relationship between the private foundations and the public institutions when the Foundations are performing activities on behalf of the universities. We would like to see language inserted in the bill that ensures that governmental or public functions of the foundations are subject to the Right-to-Know law. We think the citizens of the Commonwealth and our students will be better served if that transparency is in place.

That piece of legislation, the Foundation-centered bill, repeals Act 182: APSCUF cannot support this portion of the bill. Act 182 provides the framework for the collective bargaining arrangement between PASSHE and APSCUF. One of our lawyers has called it the equivalent to our Bill of Rights. While many components of Act 182 seem outdated, the law provided the foundation for collective bargaining and arbitration decisions prior to the formation of system. Act 182 is embedded in the fabric of our system and the relationship between PASSHE and APSCUF: it is the only statutory source, for example, of the length of our academic year. The law may be outdated in spots, but given its key role in the formation and definition of the system and the union, we believe it can be altered but must remain in place or it changes our very definition as a system.

As a last item, one piece of potential legislation is to provide for the economic development of intellectual property and is connected to the Adverse Interest Act. We understand that the Senate is still working on this particular bill, and that it may not ultimately be a part of the PASSHE Mandate Relief package, but I feel obligated to my colleagues to discuss the implications of the legislation. The potential legislation would ensure that our faculty members and universities could pursue the development of intellectual property for economic gain by partnering with corporations and businesses for research opportunities. The collective bargaining agreement has an article that defines the intellectual property relationship between faculty and PASSHE and is a long-standing part of the agreement. We have heard no concerns about this article and we wonder if this legislation might infringe on that currently mutually acceptable relationship.

This potential legislation touches on research, a key component of academia, and certainly our faculty members appreciate having the ability to pursue research opportunities, but intellectual property is a complicated issue and any overarching changes and regulations for intellectual property are dangerous. One concern has to be the focus of our institutions on chasing research dollars to the detriment of serving our students – we are, first and foremost, undergraduate teaching institutions. Legislation that changes that mission and causes faculty to

be dunned for not generating research dollars at the expense of our students is clearly not in their best interest.

We want to make sure that legislation expands opportunities without treading down a slippery slope that reduces the quality of education at our campuses. Our students are seeking a more personal educational experience than large research institutions provide, and they deserve to have professors who are engaged in the classroom. Many of our students are the first in their families to go to college, and we want to make sure that we do not sacrifice the quality of their education because we want to engage in research or develop a new doctoral program.

The package before you would bring sweeping changes to the State System. As you ponder them, we must ensure that our students continue to be the focus of our institutions, not bottom-line dollars and cents. This hearing is a good first step in evaluating the strengths and weaknesses of these bills. I hope that we can continue the dialogue so that legislation intended to aid the state system and its students truly achieves that goal.