

**Testimony of  
Daniel R. Pinello  
Professor of Political Science  
John Jay College of Criminal Justice  
and  
John Jay College Chapter Chair  
Professional Staff Congress of CUNY  
before  
the Budget Forum Hosted by  
the Manhattan Delegation of the New York State Senate on  
March 2, 2019**

I reside at 515 West 52nd Street, New York, New York 10019, am in my 25th year at John Jay, and share three examples, among many, of how top-down-imposed CUNY austerity has crippled public higher education at the College.

**I**

Five years since its creation, our Law & Society major is the largest undergraduate program of its kind in the United States in terms of enrollment, with around 600 students in the major. Yet the College has only four full-time Law & Society faculty members, resulting in a student-to-full-time-faculty ratio of 150 to 1. With so many students and so little faculty growth, full-time Law & Society faculty are now rarely able to teach any class besides the capstone senior seminar. That means nearly all 600 students never encounter in the classroom a full-time-faculty member in their major until their very last semester at John Jay. Hence, although our program is breaking ground in the Law & Society field, it is on the verge of breaking apart under the pressures of needless austerity.

More broadly, after years of fiscal retrenchment at the University, many academic and administrative departments have few full-time faculty and staff left. Thus, when someone resigns, retires, takes sick leave, annual leave, research leave, or sabbatical leave – all as contractually provided – programs at John Jay are hard pressed to continue supplying even the most basic level of services to students, colleagues, and the rest of the College.

**II**

The John Jay Writing Center has seriously diminished as a resource for faculty to help students succeed. Eight years ago, for instance, the facility was open to students for 50 hours each week. Today, it's open for only 36 hours – a 28-percent reduction. Four years ago, the Writing Center provided about 9,000 one-on-one tutoring sessions annually. Today, those sessions are down to 7,600 – a drop of 16 percent. Four years ago, the Writing Center boasted a staff of 49 tutors. Now they have 32, or 35 percent fewer. All of these cuts mean that students can no longer get walk-in help, limiting their ability to receive assistance when it's most needed.

Moreover, due to substantially reduced funding, the Writing Center loses experienced tutors to other institutions where they're paid better. In 2018, for example, the Center's director sought to hire a student who trained with her for a year. But she discovered he got a job elsewhere paying \$18 an hour, when John Jay's starting rate is \$13.50. The Center also lost two tutors who entered MA programs because they received work-study money at \$18 an hour –

again, a rate our Writing Center can't compete with. Thus, not only is the *frequency* of student-tutor contact diminishing, but the *quality* of tutoring is also declining. And all of this retrenchment has happened while the size of John Jay's student population has expanded.

### III

Despite New York City's booming economy, the John Jay Library, internationally renowned for its criminal justice collections, is being forced to grapple with austerity budgets. Fifty years old and badly in need of full renovation, the Library is struggling to secure the funds necessary to keep its collections up to date, including databases essential to undergraduate education, monographs, indexes, and journal collections for researchers. This fiscal year alone, the Library has received \$125,000 less for its materials budget than expected and planned for, foisting painful decisions on library faculty to purchase fewer books and cancel subscriptions (sometimes abruptly) to content in the institution's core mission areas.

A final observation on the deplorable fiscal circumstances at John Jay involves the desperate economic plight of the part-time instructional staff who teach more than 60 percent of course sections at the College. These adjuncts are paid less than poverty-level wages in a metropolitan area with one of the country's highest costs of living, forcing many of them to hold down two, three, or more jobs just to make ends meet. And in the process, they have little time to spare for helping students outside the classroom.

In sum, I beseech you to actively support substantially enhanced state funding for CUNY. One illustration of what you can do is to close the so-called TAP gap. Under current state law, CUNY must waive the difference between tuition (\$6,730 at senior colleges) and the maximum \$5,000 Tuition Assistance Program award eligible full-time students receive from the state. Thus, there's a \$1,730 tuition loss to John Jay College for each TAP recipient at the school. Its estimated TAP gap for the current academic year by itself is about \$8 million. And with the Legislature's recent passage of the Dream Act (which made more people eligible for TAP), the tuition loss at John Jay will only increase in upcoming years.

Please help!

Budget Forum Testimony  
March 2, 2019

I am writing to urge the NYS Legislature to address the unpardonable budget scenario that is destroying the vitality of one of NY State's most valuable economic and social assets – The City University of New York.

When I graduated from Stuyvesant High School in 1959, it was impossible for my family to afford the top-tier colleges to which I was accepted. The education that I received at Brooklyn College (class of '63) enabled me to earn Masters and PhD degrees at superb institutions (Indiana University and the University of Pennsylvania) and to have had a 50 year college teaching career – first at Smith College and, for the last 44 years, at Queens College.

Returning to CUNY, I felt that it was my responsibility to “pay back”, to help make it possible for younger generations of New York City children to have the same educational background and career opportunities that I enjoyed, and the rewarding career that I have enjoyed.

Those advantages and opportunities are being destroyed by what I can only describe as unconscionable fiscal policies that are strangling the entire City University of New York system. How is it possible for New York State to agree with PSC-CUNY on a contract that calls for (long-overdue and no longer competitive) raises **but then refuse to pay for those raises?** CUNY must fund those legally mandated raises from current operating funds, each year cutting back on critically needed support staff, infrastructure repairs, and basic materials and supplies without which it is increasingly difficult to carry out the Queens College and CUNY educational missions.

The effects on the quality of education are numerous – a few examples should make the point clearly enough:

1. Faculty salaries are no longer competitive nationally (have not been for some time). We work hard to hire talented young faculty members who embrace the CUNY mission of Access and Excellence, but they quickly learn that the cost of living in New York erodes their income. The best are soon “poached” by wealthier institutions and leave, creating a cycle of hire—replace—hire that is disruptive to pursuing a coherent curriculum and creates a poisonous atmosphere. In my decades at Queens College, I have seen far too many highly talented young faculty who could have worked anywhere in the nation come to Queens, become disillusioned by their teaching and living conditions, and regretfully leave.
2. The educational environment is deteriorating: College administrators try to maximize the number of classes needed to serve our students, but without sufficient funds are forced to use adjunct instructors instead of long-term faculty, and to cut academic support staff. Thus, departments which serve thousands of students each semester go for months without a secretary to help those students; or have only one laboratory technician to set up scores of labs for different introductory courses while at the same time maintaining instruments, serving as required staff for laboratory safety, purchasing, accounts payable, and liaison with a diminished Buildings and Ground staff. **It is the students who suffer the most from these shortages.**
3. We don't have the supplies needed to teach our classes: Using my own department as an example, we are allocated an annual supplies budget of \$6,000 to teach about 2500 students each year -- \$2.40 per student doesn't go very far.
4. The campus infrastructure is deteriorating: To save enough money to offer the classes our students need, Buildings and Grounds personnel are not replaced when they leave –

either by retirement or after being forced to do the work formerly done by two or three colleagues. Bathrooms can't be used because we don't have enough plumbers; it takes months to repair light fixtures; water fountains run dry; rats, roaches, and other vermin increase.

I trust that this abbreviated list of the negative impact of years of unpardonable fiscal practices makes the problem clear.

I understand that New York State is suffering from a budget shortfall. In my 44 years at Queens College, I think there were perhaps five in which we did not live under fiscal stringency. **WHAT IS MOST TROUBLING**, is that even at times when the State had a budget surplus, there was no attempt to make up the shortages. How can our Governor veto bills that would simply pay for the insufficient raises that he and his negotiators approved? Inflation may be low, but it is still inflation, and our budgets haven't increased proportionally. I am sure that the PSC-CUNY negotiating team will hear that because of the State's financial woes, we will be short-changed. Yet again. "Maintenance of Effort" appears to be entirely on our shoulders – maintain high-quality teaching with fewer faculty, maintain campus environments conducive to learning with fewer staff and less materials and replacement parts, provide safe and welcoming environments – oh yes, and set aside 2% of your budget each year to cover salary increases. For the Governor, Maintenance of Effort seems to mean keeping the budget the same, or allow miniscule increases that don't come close to what is needed now and has been needed for years.

Governor Cuomo has lost my vote for whatever office he may seek. I am disheartened by a legislature that refuses to overturn his veto of the basic funding needed to pay CUNY faculty and staff.

I hope that you and your colleagues will do something about this situation.

Thank you for listening

Dr. Allan Ludman  
Professor and Director, GLOBE NY Metro  
School of Earth and Environmental Sciences  
Queens College  
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Thank you, Senators Krueger, Benjamin, Hoylman, Jackson, Kavanaugh and Serrano, for your commitment to hearing from constituents.

My name is Elizabeth Hovey, PhD. I have lived in Manhattan for 34 years. I began teaching in CUNY in 1990 and have taught world and American history 18 straight years at John Jay College of Criminal Justice.

I urge you to grant the college students of this city faculty who can afford to continue teaching them, being paid fairly = \$7000 base pay for every course they teach.<sup>1</sup>

As an adjunct historian who cares about real justice, I spend much of my time advocating for a living wage for my colleagues. “The Greatest Urban University In the World”<sup>2</sup> pays adjuncts an average wage of \$28,000 to those faculty who can stitch together 4 courses a semester, 8 in all, at a minimum of two campuses.<sup>3</sup> Most of my colleagues live in poverty and have to work so constantly that they have no time or energy to advocate for themselves.

I have adjunct friends who are so thin that they look anorexic, but it is because they often have to choose between rent and food. A family I know, headed by two adjuncts, resorts to bad credit card debt, driving for Uber and using food stamps

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<sup>1</sup> This is a wage that two years ago was determined to be fair and appropriate by the Economic Policy Institute based upon full-time paper and New York living conditions.

<sup>2</sup> Advertisement, City University of New York, <http://www2.cuny.edu/learnmore/>.

<sup>3</sup> “The Facts about CUNY Adjuncts,” Fact-sheet, PSC-CUNY, Spring 2018.

because they have the audacity to have a baby. They are insightful and visionary, but soon, I fear they will be lost to their students. An adjunct friend borrowed the money to attend an academic conference and has not been able to pay off more than \$200 in the 15 months since, despite teaching the maximum number of courses. Last year a gifted and experienced Manhattanite friend started teaching digital journalism at a campus in another borough. He told me that once he figured out how little he was paid as an adjunct, the extra trip his college for required introductory paperwork basically meant that he was losing money to teach. He said, "I have to see this course as a donation to charity." He did not return the next semester.

Two-thirds of the classes at John Jay College of Criminal Justice are taught by adjuncts. We love our students, but those of us willing to stay know that the University as a whole exploits our passion for helping them and we are at our limit. The governor has thrice vetoed Maintenance of Effort bills that would simply keep the university budgets at a pace with inflation.<sup>4</sup> Think about that his cynicism, waiting until your session ends before doing so. Denying professors the chance to keep up with inflation did not start with him, but he has brought us to a crisis. Using the Consumer Price Index for the last 45 years shows that in real terms the starting wage per course today is 40c for every dollar paid to adjuncts in 1974.<sup>5</sup>

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<sup>4</sup> Tyler A. McNeil, Cuomo Rejects SUNY, CUNY 'Maintenance' Legislation, Dec. 19, 2017, <http://www.albanystudentpress.net/cuomo-rejects-suny-cuny-funding-legislation/>; PSC Clarion, "Insulting! CUNY's Austerity Budget," Clarion, February 2019, <https://www.psc-cuny.org/clarion/february-2019/insulting-cuny%E2%80%99s-austerity-budget>.

<sup>5</sup> Rita C. Tobin, "Why I am voting 'no' on the CUNY-PSC Proposed Contract, HuffPost, July 20, 2017.

In response to this situation, we collected signatures from over 1600 members of the John Jay Community in the fall. Each called on college president Karol Mason and the CUNY trustees to stand up for \$7K. Some colleagues we reached electronically. Although we did not ask for comments, 40 adjuncts gave comments about this situation that I attach here. They speak of pain and frustration, and show you that a once-great institution is soon going to dissolve, losing this talent, and they will take with them students' dreams. What will become of New York State, when the university that teaches 38% of its students falls apart?

You came to public service because you have a conscience. I have faith in you, and your ability to stand up to the Governor. I know you can fuel true New York economic growth by letting us continue to educate New Yorkers for their futures. We adjuncts cannot do it without a living wage, \$7K per course. Our students need that, and the wealthiest in our state can pay a bit more so that regular people can get the genuine education they need .<sup>6</sup>

Thank you.

Elizabeth Hovey, Ph.D., Columbia University, 1998

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<sup>6</sup> If my teaching career can be bankrolled by the well-to-do family I married into, cannot the truly wealthy pay more of the income that their privilege has helped them get?

## Comments Submitted by John Jay College Adjuncts Who Signed the PSC Petition to President Karol Mason

First name	Last name	Comments	Department
Shams	Alam	\$7k/ course is the minimum that would be considered close to being fair. I spent 3 hours in lecture and 7 hours involving lecture preparation, grading, homework, test preparation, and department compliance, etc. I put 10 hours every week for one course. Without, proper compensation, the good teachers will leave and as a result, students will suffer and not learn.	CET
Bidisha	Banerjee	Please fund the most underpaid educated class of the society.	Natural sciences
Larry	Bassi	I've taught in the PA system and I earned just under \$7,000 a course. I would like to say that we are better than them.	Security, Fire and Emergency Management
Jay	Borchert	Doing this work, teaching courses with a focus on justice is more important today than ever. Paying adjuncts a living wage for New York City is an issue of economic and social justice. If we don't support this raise to a livable wage, who can we expect to be the voice of justice?	Sociology
Barbara	Cassidy	We need this!	Interdisciplinary Studies, Anthropology
Eugenia	Cawley	As adjunct instructors, we need a pay increase. We work so much, in such demanding classes, where students are learning new skills that they can then develop through their college journey, but we receive very little in terms of pay. For us to meet the demands of instructing and supporting our students, we need more financial support from CUNY as well. When I have to tell students that I won't be able to support them because I have to run to my other teaching job, just to make ends meet, I hurt deeply. But, that's the reality of the adjunct life. We need more, so we can give our best.	ENG
Lynn	Cole-Walker	My husband's health is uncertain (cancer) and it would be such a relief to know that I could support our family if he is unable to work. I could not do so with the current pay scale. \$7000 per course would support the whole CUNY community and is the right thing to do.	COMD
Irving	Contreras	Please support the hardworking, passionate and dedicated adjunct staff at the John Jay College of Criminal Justice. We are dedicated to a worthy cause of preparing many first generation college students to be civic mind; to promote a fair, equitable and just world for all. Please take into consideration the request of the numerous adjunct faculty members that request livable wages to continue our noble profession of teaching at this outstanding institution.	LPS
Eliza Jane	Darling	I want my students to have a stellar educational experience at CUNY, but I also have a fiscal responsibility to support myself and my family. Working four jobs to earn a sufficient income means I cannot devote the time required to make my courses the best they can possibly be. By shortchanging CUNY adjuncts, you are inevitably shortchanging CUNY students.	Anthropology & Economics
Pedro	de la Torrè III	\$7000 or strike.	Anthropology
Julius	DoFiore	Adjuncts perform a valuable service sharing knowledge and experience with the students. We deserve to earn a wage commensurate with that knowledge and experience.	LPS
John	Driscoll	Professors need a liveable salary.	Law & Police Science
Norman	Eng	I support fair contract and a fair wage. A good start would be \$7k/Course.	Curriculum & Instruction, School of Education



First name	Last name	Comments	Department
Charles	Epstein	Please help us achieve our goals.	Psychology
Bernadette	Ford	I'm an adjunct. \$7000 per course is only fair and just compensation-and necessary!	LPS
Amy	Green	Please support adjunct equity by calling for \$7000 per class.	Master of Arts in Applied Theatre
Crystal	Jackson	Support our adjuncts!	Sociology
Dr. Ani	Kalayjian	We feel taken advantage of as adjuncts as we teach many of the core courses but we receive minimum wages! It must change immidiately! I've been an adjunct for over 20 years and my salary per course hasn't changed?? What's wrong with that??	Psychology
John	Massey	I routinely teach over 100 students per semester over three sections of a history course. I am not fairly compensated for the amount of time I need for preparation of class lectures and grading. This has been even more evident in teaching hybrid and online courses in recent semesters.	History
Noam	Mor	As the majority of teaching and professors are now adjunct, we deserve a fair wage. As many now live from this income for long periods, not just short stints, we need a fair wage.	SEEK
Joseph	Moretti	We all deserve wages that reflect living in this majorly expensive city that close to 50% of our pay goes to housing. How much longer can many of afford to work at John Jay College and continue to live in such an expensive city. WE DESERVE BETTER.	Institutional Advancement
Felipe	Rodriguez	We love to teach, but it is getting harder to make ends meet on our salaries. Please help us.	Law
Raymond	Ruggiero	Teaching Professors are worth at least \$7,000 per course for the work we do.	Anthropology & Sociology
Lee	Schreiber	As adjuncts, we work as hard, or even harder, than many full-time professors. A fair wage is the least we deserve.	English
Andrea	Siegel	I've worked at CUNY for 17 years and gotten top evaluations from students and faculty. It's time to pay me a living wage. Thank you.	Sociology
Shamus	Smith	7k per class would help my family tremendously. And would free me up financially to dedicate to curriculum and networking. It would help me also in professional development.	Law and police science
John	Stern	Past the time for a living wage.	History
Timothy	Stroup	Throughout my decades at CUNY, salaries have lagged behind those at comparable institutions and adjuncts have been grossly underpaid. Now, with a good economy for the well off, is the time to correct this injustice.	Philosophy
Veena	Thadani	Justice, economic justice for adjuncts!	Gender Studies
Mary	Ting	I teach core classes, mentor and meet with students and continue to do so years after they graduation. I deeply care about our students, and I am an adjunct. We are worth alot more than \$7k per class.	Art
Steven	Wasserman	Low wages are an affront to our students. I have worked as a CUNY adjunct for 30 years. My CUNY wages were a second income to supplement my employment as an attorney. It is impossible to support a family on what CUNY pays its adjuncts.	M.A. program in Criminal Justice
Estha	weiner	VITAL!	English
Tiffany	Wheatland-Disu	Your faculty need your support!	Africana Studies
Alan	Winson	I have worked for CUNY as an adjunct for several decades and have always lived hand to mouth. I would hope that those adjuncts who take over my classroom will not suffer the indignity of being paid below one's worth.	English

Prof. Vincent DiGirolamo, Ph.D.  
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*Testimony of Vincent DiGirolamo, Baruch College, Manhattan Senate Delegation Budget Forum, Mar. 2, 2019, 2–5 pm, NY Academy of Medicine, 1216 Fifth Ave. (enter 103<sup>rd</sup> St), 2nd fl. Rm 20. LIRR, SB to Penn: 10:22–12:16; Take 1-2-3 to 42nd St., 7 to Grand Central, 4 or 6 to 103<sup>rd</sup> St.*

Good afternoon. My name is Vincent DiGirolamo. I am a member of the History Department at Baruch College, where I've worked since 2003. I'm also the PSC Chapter Chair, and in that capacity, I have been arrested twice in acts of civil disobedience to pressure CUNY to bargain in good faith after making us work without a contract – for five years in one case and 15 months most recently. I have also taken part in union lobbying trips to Albany with colleagues and alumni to plea for adequate funding of CUNY. That is why I'm here today and I come with high expectations—not as a member of a special interest group, but as a devoted employee of an educational system that is the economic engine of this state and the prime generator of upward mobility.

I traveled from Stony Brook, Long Island—a three-hour trip for this three-minute statement. My wife teaches at SUNY Stony Brook, where severe underfunding has forced the university to eliminate the theater and dance departments and consolidate and downgrade other programs in the Humanities. When we first got our jobs we knew we were among the lucky ones in academia, having secured tenure-track jobs in the same time zone. Both of us had worked as adjuncts, earning less than \$2,500 a class and grossing so little that our daughter qualified for free lunches at her elementary school. I'm here to tell you that many of my union brothers and sisters still make that wage—less than \$15 per hour when you calculate prep time, class time,

grading, and office hour. And adjuncts now teach 60 percent of the classes throughout CUNY. My assistant provost admitted to me that “Baruch is run on the backs of adjuncts.” — “Too bad we’re not NYU,” he added by way of excuse.” Such laments do not pay the rent. The PSC is demanding \$7,000 per class—it’s a big lift, but it will remedy a bigger shame and put CUNY adjunct pay on par with NYU, Columbia, and Fordham.

As chapter chair, I get calls all the time from distraught faculty members who have to deal with the consequences of underfunding—bigger classes, cancelled classes, all of which impact the students. Some have to wait a year to take a needed requisite. Library budgets have also been slashed with the burden shifted over to the students. Masters students must now pay an additional \$900 annually for extra fees, which are euphemistically called “excellence fees.” But let’s call them what they are: They are poor taxes levied on the students who can least afford them. They are “State Failure Fees.” One of big problems is the Tap Gap – under state law SUNY and CUNY cannot charge students more than TAP (Tuition Assistance Program) provides. For CUNY, this creates a budget gap of \$85 million that must be filled.

I’m also hear to tell you that I and many of my Baruch colleagues teach and work in Field Building at 17 Lexington Ave. It was neglected for years ahead of its long-delayed renovation, which is currently in its early stages. Working there is, in fact, working in a hard-hat zone, with chemical fumes and toxic dust, nonworking bathrooms and water fountains, unexpected power outages and elevator breakdowns. Some days there are literally lines around the block to get into the building. (Here’s pictorial proof in our union newspaper.) I’m collecting the adjectives that students and faculty use to describe working in 17 Lex. “Ridiculous” is one. “Nightmare” is another. Some of my colleagues have asthma and other health problems and cannot climb the

stairs like I can. Their lab work and research is disrupted. And there is no end in sight. There is no money budgeted to finish the job. So I'm also here to urge you to support Baruch College's capital request for \$25 million in the State Fiscal Year 2019–20 budget for Phase 2 funding to renovate that building. If my members and our students are have to continue working under those conditions, there will be more demonstrations and probably arrests, with students among the handcuffed.

Lastly, I want to leave you with the assurance that no one believes in the mission of the City University of New York more than its faculty and staff, over 90 percent of whom are members of the PSC. Our commitment to educating the children of the working-class in New York allows us to put up with delayed contracts, pay raises that fail to keep up with inflation, severe understaffing, crushing teaching loads, hiring freezes, and perennially inadequate facilities. I respectfully implore you to restore CUNY budget to make the CUNY the envy of all public universities and one that we can all be proud to work at and send our children to. Thank you.



# Institute of Culinary Education

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## Testimony of Richard Simpson, Vice President of Education at the Institute of Culinary Education - Given on March 2, 2019

As the Vice President of the Institute of Culinary Education, I am testifying because our school's survival has been placed in jeopardy by the Executive's proposed "For-Profit College Accountability Act," Part E of the *Education, Labor, Family Assistance Budget (A2006/S1506)*.

The crux of the bill is a requirement that all for-profit post-secondary schools devote 50% of their expenditures to instructor salaries and benefits. This is an impossible economic model, particularly for an institution that pays taxes and does not benefit from state funding. This would force the closure not only of our school, but as discussed in detail below, of more than 400 other schools across the state.

Since our founding in 1975, ICE has become the largest culinary school in New York City, offering training in Culinary and Pastry Arts and Restaurant and Hospitality Management. With over 200 employees, our school serves a diverse population with 53% of our students identifying as Latino, African American or Asian. In the last 10 years, we have had several thousand graduates from New York State alone. Our graduates have helped make New York City America's culinary and restaurant capital and are found in many of the finest restaurants from Gramercy Tavern to Restaurant Daniel.

As you may know, the restaurant and hospitality sector in NY State is already facing severe talent & labor shortages. The effects of the closure of ICE, and New York City's remaining culinary schools will be significant, and worsen an already challenging hiring climate.

We understand how important accountability is when a school accepts financial aid funding. ICE is nationally accredited and licensed by the New York State Department of Education and we are proud of our record:

- Our independently verified placement rate is 82%
- Our US Dept. of Education graduation rate is 81%
- Our US Dept. of Education default rate was last measured at 5.2%.

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[ice.edu](http://ice.edu)

By the US Department of Education's standards, these are extremely strong outcomes and metrics.

We have also worked to be a good "culinary citizen". We have provided space, support and fundraising for non-profits like City Harvest, Wellness in the Schools and C-CAP (Careers Thru Culinary Arts Program), as well as free training sessions for selected NYC School Food employees.

The foregoing information about the Institute of Culinary Education tells the story of our commitment to excellence in education, but we are not alone. Over 400 other schools are facing the same likelihood of destruction if the misguided For-Profit Accountability Act is passed. We believe approximately 180,000 students would be displaced, and 5,000 instructors and 20,000 administrators would become unemployed.

While demographic data regarding protected classes is not collected from our schools for statistical analysis, informal surveys indicate that our schools are often the last chance for success for many of our students. Many are Black, Hispanic, Asian, and of countless nationalities and origins. Many are women returning to the workforce or seeking a first career. Others are dislocated or unemployed workers pursuing a new and different path. Still others are returning Veterans or those with disabilities, including many recovering from alcohol or substance abuse. Others were formerly incarcerated who are seeking a new shot at life. Large numbers of our students tried their hand at community colleges and despaired. Some are not high school graduates.

The Governor's proposal uses arbitrary metrics that have no basis in guaranteeing quality education or outcomes. The 80/20 formula and the 50% teacher salary provisions miss the point that tuition revenue from students is the ONLY source of revenue for most career schools. Unlike public institutions, non-degree for-profit career schools do not receive taxpayer-funded subsidies, operating assistance or capital construction help. Students at non-degree for-profit schools do not receive any TAP funding, so no state assistance supports our schools or programs. Large, private, not-for-profit institutions often have substantial endowments, grants and funding sources for research and other activities. In addition, our schools pay federal, state and local corporate income taxes.

It is easy for public institutions and large, private, not-for-profit colleges to allocate their revenue and expenses so that larger amounts of tuition revenue appear dedicated to teacher salaries. Notwithstanding that, it should be noted that statistics released by the National Center for Education Statistics<sup>1</sup> for 2015-16 (the most recent year available) show that the percentage of TOTAL expenses for Instruction at Public Institutions is 30%, Private nonprofit 32% and Private for-Profit 27%.<sup>2</sup> Likewise, as relates to certificate-granting programs at schools which are Title IV eligible, even the Century Foundation's recent study showed that the amounts spent on instruction in such programs did NOT vary widely, with public institutions at \$6,811, private non-profit at \$6,428, and for-profit at \$6,101.<sup>3</sup>

This proposal completely ignores the important impact of certificate-granting programs on providing a skilled workforce in New York State. Table I suggests the unfilled job demand for several occupations and the percentage of for-profit private career schools completers. The table reveals the

critical role that for-profit career school capacity plays in fulfilling outstanding job demands. Where is the capacity to provide this training otherwise?

**TABLE I - 2017 New York Job Demand and Completion Data in Selected Fields<sup>4</sup>**

**Program Name: Culinary Arts**

**Total Completions:** 1,744 (38% of completions from our sector)  
**Job Openings:** 20,350  
**Unfilled Jobs:** 18,606

**Program Name: Information Technology**

**Total Completions:** 884 (9% of completions from our sector)  
**Job Openings:** 13,470  
**Unfilled Jobs:** 12,586

**Program Name: Cosmetology and Related Personal Grooming Services**

**Total Completions:** 4,465 (95% of completions from our sector)  
**Job Openings:** 9,000  
**Unfilled Jobs:** 4,535\*

*\*Note that this includes multiple programs including hair stylists, nail technicians, makeup artists and skincare specialists.*

**Program Name: Graphic Design**

**Total Completions:** 936 (36% of completions from our sector)  
**Job Openings:** 4,880  
**Unfilled Jobs:** 3,944

**Program Name: Automotive Mechanics Technician**

**Total Completions:** 992 (57% of completions from our sector)  
**Job Openings:** 3,890  
**Unfilled Jobs:** 2,898

Non-degree granting for-profit schools are governed by the New York State Education Department's ("SED") Bureau of Proprietary School Supervision ("BPSS") pursuant to comprehensive legislation that was enacted in 1990.<sup>5</sup> The legislative framework and enabling regulations have provided a robust and effective regulatory structure for New York's non-degree granting for-profit career schools. Student protection is at the heart of the framework and the oversight of BPSS is rigorous. The New York model is the most comprehensive and detailed system in the United States.

To receive a BPSS career school license, every aspect of a school's proposed operation is vetted. Curriculums and enrollment agreements must be approved. All teachers must satisfy special work-experience criteria and teaching methodology courses. Financial viability is judged by SED accountants. BPSS inspects all proposed classroom and administrative space, and it even specifies the number of students that can be in each class for a particular program. Admissions representatives are licensed,

incentive compensation is prohibited, and schools have well-defined student service and job placement procedures. Annual certified financial audits must be filed before July 1 for the preceding fiscal year. Periodic license renewals are required for curriculums, teachers, admissions counselors, and directors, along with school relicensing as well.

The budget for BPSS oversight and monitoring of the schools is provided by the schools themselves. The statute requires that one-half percent of all GROSS ANNUAL TUITION RECEIPTS ("GAT") be remitted to the BPSS Supervisory Account, a special revenue account.

In addition all schools have remitted substantial funds into a Tuition Reimbursement Account designed to make a student whole if it is demonstrated that the school violated any standard or operating procedure. The TRA assessment is as much as an additional one-half percent of GAT for a newly licensed school and, depending on the amount in the fund, all other schools might be required to pay three-tenths of a percent. Usually, a viable school will reimburse the student directly after a BPSS determination, rather than drawing down the TRA. The TRA is a special protection in case a school closes. BPSS can pursue collection of any amount that might be paid from the TRA.

As the preceding recitation of BPSS oversight reveals, many parts of the revenue stream for New York's non-degree granting for-profit institutions are determined by the state. The number of students per class, the number of classrooms, the nature and format of curriculum, and the quarters requirements ... all of these are set by the state. Even the cost of a program and the method of payment must all be spelled out in a state-approved enrollment agreement. Specific refund policies keyed to dates of withdrawal are required to be expressly stated on the enrollment agreement. This comprehensive regulatory system means that a school has limited ability in how it shoulders its operational expenses. Unlike public or not-for profit private institutions, It cannot expand class size or add more classrooms to try to mitigate fixed costs. There are no "survey" lecture classes at our school with 200 students and one instructor! How do the faculty ratios compare for the public and private, not-for-profit institutions and us, especially if TA's and graduate assistants were excluded? This would make for some interesting research that suggests a major flaw with the reasoning of the Governor's proposal.

The salaries paid to teachers in non-degree granting for-profit institutions are determined by market forces. Licenses are held individually by each teacher. Teachers seek opportunities to fit their personal career goals and expectations. They are not being exploited by the salary structures in place, but, on the contrary, those structures must be competitive in the marketplace.

Fixed costs dominate most non-degree granting career schools – rent, insurance, build-out and maintenance of physical space, equipment, information technology, accounting, administration, compliance, licensing costs, and the surcharges paid BPSS for monitoring and the TRA. The vast majority of all these schools will be shuttered by the 50% teacher salary proposal.

The Governor's proposal runs 180 degrees counter to the renewed emphasis on career education espoused by the New York Board of Regents and extant in the entire United States. More



pathways to career success should be encouraged. The “one-size, fits all” college degree is no longer regarded as society’s standard of achievement. The State Education Department has been expanding its emphasis on Career and Technical Education (“CTE”) and has even pioneered a high school graduation pathway that allows substitution of a Career Development and Occupational Studies (“CDOS”) credential for a Regents exam.

Non-degree granting for-profit schools have been sought after by public schools to provide training to public school students while still in high school. Our schools are saving public school districts the expense of capital outlay and operational costs. This proposal threatens the existence of those schools.

A number of schools in our sector have successfully dedicated much of their mission to serving students with disabilities who are recommended for placement by vocational rehabilitation counselors through SED’s ACCES-VR (Adult Career and Continuing Education Services- Vocational Rehabilitation) services. This proposal threatens the existence of those schools.

Other schools in our sector provide unique training that is indispensable in the New York metropolitan area -- welding, high pressure boiler maintenance, HVAC, and stationary engineer schools – this proposal threatens the existence of those schools.

The need for entry-level support staff at hospitals, doctor’s offices, dental offices, nursing homes, hospices, and home care is staggering. This proposal threatens the very existence of the schools that train for those careers.

Our schools have long provided the vast majority of trained and licensed cosmetologists, estheticians, and barbers throughout New York State. This proposal threatens the existence of those schools.

New York City, home to so much of the performing arts, depends on several non-degree granting for-profit career schools. This proposal threatens the existence of those schools.

The 180,000 men and women who choose to attend New York’s licensed career schools are receiving an education that has been crafted to meet exacting state standards and fulfill occupational goals. Our schools only exist to the extent that they succeed at getting students to complete their training, graduate and be launched onto a chosen career path. Most of the programs of study at our career schools are less than one year. There is real value in the certificate or diploma that the student receives.

The Governor’s “For-Profit College Accountability Act” does nothing for accountability of our schools. That is already being provided by the BPSS licensing, monitoring and enforcement mechanisms. They work. BPSS has already addressed the issue of arbitration agreements as well. The only impact of this wrong-headed proposal would be the complete and utter destruction of our schools. The hundreds of thousands that might otherwise benefit from career opportunity will be denied their chance. Neither

the Assembly nor Senate could countenance this result. This proposal must be discarded in its entirety. No portion of it should be approved.

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<sup>1</sup> The National Center for Education Statistics (NCES) is the primary federal entity for collecting and analyzing data related to education in the U.S. and other nations. NCES is located within the U.S. Department of Education and the Institute of Education Sciences. NCES fulfills a Congressional mandate to collect, collate, analyze, and report complete statistics on the condition of American education; conduct and publish reports; and review and report on education activities internationally.

<sup>2</sup> <https://nces.ed.gov/fastfacts/display.asp?id=75>

<sup>3</sup> "Grading New York Colleges," The Century Foundation, Table 4 (2018)

<sup>4</sup> Total Completions pulled from Department of Education IPEDS using 2017-18 provisional release data. Job Demand found using Projection Central Short Term Occupational Projections (2017-2019) Average Annual Openings.

<sup>5</sup> Chapter 887 of the Laws of 1990, Proprietary School Reform Act, (A.7517-D(Brodsky)), subsequently designated as Article 101 of the Education Law, Sections 5001-5010.

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**TESTIMONY OF LIM COLLEGE**

**AT A PUBLIC STATE BUDGET FORUM  
OF THE MANHATTAN DELEGATION OF THE NY STATE SENATE  
SFY 2019 – 2020  
March 2, 2019**

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**LIM COLLEGE**

**WHERE BUSINESS MEETS FASHION**



Association of  
Proprietary Colleges

**Excellence. Access. Affordability.**

## Testimony Provided by LIM College

Senator Krueger and other esteemed Senators of the Manhattan delegation, thank you for giving LIM College the opportunity to present testimony today regarding this year's budget and its impact on our institution as well as the proprietary sector in New York State as a whole. My name is Christopher E. Barto and I am the Vice President of Government Relations & Community Affairs for LIM College as well as a long-time financial aid professional at several NYS colleges & universities and it is my honor to be here today. I also come before you on behalf of the Association of Proprietary Colleges (APC), of which LIM College is a member institution.

## About LIM College

Founded in 1939, LIM College educates students for success in the global business of fashion and its many related industries. As a pioneer in experiential education, LIM fosters a unique connection between real-world experience and academic study in business principles, offering master's, bachelor's and associate degree programs in a variety of fashion-focused majors. Located in the heart of New York City — the nation's fashion and business capital — LIM provides students with innumerable opportunities for firsthand experience and professional development.

The College has been accredited for over 40 years by the Middle States Commission on Higher Education and that accreditation was reaffirmed with commendation in 2017. The strength of our curriculum and academic programs has also been further affirmed via specialized accreditation of our business degree programs by the Accreditation Council for Business Schools and Programs.

LIM College is committed to ensuring that our students receive a highly valuable education that will serve as a strong foundation for professional success, within the most supportive environment possible. This focus and dedication has resulted in many external accolades. For the past three years, Phi Theta Kappa, the oldest, largest and most prestigious honor society recognizing students pursuing two-year degrees, named LIM College to its "Transfer Honor Roll" as one of the 40 top colleges nationwide creating dynamic pathways to support students transferring from community colleges. The Princeton Review also named LIM College to their "Best in the Northeast" list of colleges for 2019 – the 14th consecutive year we have been recognized in this manner. In addition, in 2017, *The Business of Fashion's* Global Fashion School Rankings placed LIM College among the Top 10 institutions in the world for graduate business education in fashion.

LIM College alumni have gone on to excel at top companies, including, but not limited to: Barney's, Bloomingdale's, Calvin Klein, Coach, *Harper's Bazaar*, Kenneth Cole Productions, Lord & Taylor, Macy's, Michael Kors, Neiman Marcus, Nordstrom, Ralph Lauren, and Tommy Hilfiger. And despite the tumultuous economic conditions of the last 10 years and tremendous changes transforming the fashion industry, the employment rate of LIM College graduates has remained consistently high.

**LIM College is widely recognized in the fashion industry as being a leader in fashion business education for 8 decades – providing top talent and supporting the economic development of one of New York State's most important industries – with more than 900 fashion company corporate headquarters located in the NY Metro Area.**

## ***Introduction and History of Proprietary Education in New York:***

The Association of Proprietary Colleges (APC) represents 12 fully accredited, degree granting colleges operating on 23 college campuses in New York State offering associate, bachelor's, master's and doctoral level programs. Our colleges are located across the state from Buffalo to Long Island, Jamestown to Rochester, Syracuse, Albany and the NYC metropolitan area.

The history of proprietary education in New York began in the middle 1800's and is rooted in the tradition of providing access to a quality education. Six of our twelve member colleges were founded more than 100 years ago and our oldest members, Bryant & Stratton College, founded in 1854 and Jamestown Business College, founded in 1886 are still operating successfully today. Many other proprietary institutions were established in the first half of the 20<sup>th</sup> century; The College of Westchester was founded in 1915, Plaza College was founded in 1916, Monroe College was founded in 1933 and LIM College was founded in 1939.

In 1971, the New York State Board of Regents created a pathway for select proprietary schools to obtain degree-granting authority. In order to obtain degree granting authority, proprietary colleges are required to meet all of the same stringent requirements for program registration and approval as SUNY, CUNY, and private not-for-profit institutions. LIM College and Monroe College were among the first proprietary institutions to receive degree granting authority in 1972 and today continue to successfully educate thousands of students each year.

## ***Educational Excellence, Access and Affordability***

College access, affordability and educational excellence has been and continues to be a priority for all APC member colleges and our students.

These colleges receive no direct state or federal aid yet they provide quality programs with strong academics, exceptional on-time graduation rates, and enviable job placement outcomes all with the best interest of their students in mind. This makes them the best value for the students they serve and New York State taxpayers.

APC member colleges are New York focused, educating local students for lifelong careers that are in demand in New York. Ninety percent of students attending APC member colleges are from New York and more than **90 percent** of those students stay in New York after graduation to live and work. Our colleges educate over 26,000 students and employ more than 6,000 people making them strong economic drivers in their local communities.

**In short, APC member colleges are committed to keeping college affordable, student loan debt low; academic achievement high; and the pathway to employment a priority.**

## ***Thank you for your support!***

LIM College and all APC member institutions appreciate the continued support from the Legislature for their students and the commitment to providing access for all students, especially those who are under-represented, minority students, or the first in their family to attend college. For over forty years, the Legislature has been a true champion for TAP, state-supported financial aid and other opportunity programs. Thousands of our alumni have benefitted from

these programs and we hope that commitment continues. While new state investments have been made into the Excelsior Scholarship and the Enhanced Tuition Award (ETA) programs, programs such as TAP, STEP, CSTEP, HEOP, are fundamental and have created a pipeline and access to higher education that New York should be proud of.

Last year, the Legislature expanded the ETA to ensure students attending ALL private colleges and universities had access to similar state assistance being offered to students attending SUNY and CUNY through the Excelsior Scholarship Program. The Association truly appreciates this expansion that allowed our students to participate and we estimate that approximately 750 students will benefit from an ETA award this academic year.

### ***Governor Cuomo's Proposed For-Profit College Accountability Act:***

In many ways, the goals of APC align with Governor Cuomo's goal of expanding access to higher education and combatting student debt and "practices that increase student debt." However, we believe that the Governor's proposed For-Profit College Accountability Act is flawed, not only because it targets just the proprietary sector but also because it ignores the long history of strong student outcomes and success demonstrated by this sector.

If implemented as the proposal currently stands, it will decimate the for-profit sector (both degree granting and non-degree) entirely. This is not a proposal that measures accountability as suggested, but a proposal that will eliminate an entire sector of higher education in New York. A sector that educates thousands of students with strong graduation and job placement outcomes and provides a direct pipeline to employers across the state in critical industries such as healthcare, fashion, the arts, and education.

For over 40 years the Legislature, through their support of TAP, have ensured New York residents have access and opportunity for higher education. New York State should require all colleges and universities to provide a quality education and ensure that all New Yorkers have an opportunity to choose their own education and career path. The Governor should not be limiting student choice at a time when the Legislature is seeking support for the Dreamers and creating opportunities for low-income and minority residents. Students should be empowered to find their best path and all colleges and universities should be required to uphold the highest standards.

APC member colleges offer their students exceptional academic support throughout their college experience. Common themes include individual attention, small class room sizes (average student-to-faculty ratio of 17 to 1), counseling and financial literacy training and career development. **This attention and support translates into more students successfully graduating on time with lower student debt overall.** According to recently released College Scorecard data, students graduating from APC member colleges accumulate an average of \$22,357 in student loan debt. This is significantly lower than the average student loan debt of New York residents of \$30,931 and the national average of \$28,650.

**The Governor's proposal has several problematic components, however today I am going to focus on the two metrics that are the especially concerning and that will have a negative impact on students:**

**The 80/20 Rule: Require for-profit schools to report their funding sources and demonstrate that they are not receiving more than 80 percent of their tuition revenue**

**from public sources, including need-based student financial aid programs such as TAP and Pell as well as student loans that are backed by the federal government.**

For the first time ever, New York is trying to restrict student choice and opportunity by limiting the amount of tuition revenue a college can receive from public sources. While on the face of the proposal it may seem logical to require for-profit colleges to have revenue from non-public sources, the reality is the proposal is targeting low-income and minority students that depend on federal and state grant and loan programs to attend college.

Since 1992, the federal government has regulated the amount of federal funds a for-profit college can receive from tuition revenue. The federal rule is referred to as "90/10" meaning that 10 percent of tuition revenue must come from a private source other than Pell or federally backed student loans. The federal rule does not look at financial supports provided to veterans through the GI bill or any state or local grant or loan programs. All APC member colleges meet the federal measure without difficulty. On average the colleges receive 60% of their tuition revenue from Pell and federally backed student loans.

The Governor's 80/20 proposal would not only increase the amount of revenue that must come from private sources, it also significantly expands what is a public source. Under the proposal, a public source includes:

- TAP;
- ETA;
- All federal student loan and grant programs; and
- ANY Other local, state, or federal government loan, grant or scholarship program utilized to pay tuition, institutional fees, room and board, or other costs of attendance on behalf of a student.

Essentially, any federal, state, or local loan or grant program would be included in the 80% calculation. Many APC member colleges serve a high number of low income, minority or first generation students who utilize need-based programs such as TAP and Pell to gain access to higher education. Students attending public, private, and for-profit colleges rely on federally backed loans to finance their education. Very few students can afford to pay 100% of their tuition, fees, room and board without some type of public assistance.

APC supports accountability for public funding but believes this proposal completely misses the mark. At public and independent, non-profit institutions tuition revenue accounts for just 20% and 30% of their total revenue respectively. However, because proprietary colleges receive no direct state or federal aid, tuition accounts for over 90% of their revenue. As such, these institutions will have difficulty meeting this metric which amounts to little more than a reflection of the demographic of students they serve.

Monroe College, having amongst the highest graduation rates in the country for low-income students coupled with low student loan default also currently offers one of the most generous full scholarship programs for undocumented students, funding 80 students over the last two years. This proposal would require colleges like Monroe College to abandon their mission of educating low income students and require them to pursue wealthier students who would pay tuition privately.

Moreover, many students enrolled at APC member colleges are in programs that are in demand. Healthcare, education, fashion, arts, and technology are sectors fueling the state's

economy. As demonstrated by our excellent job placement rates, students not only graduate from APC member colleges they enter the workforce and help fulfill the pipeline. The Governor's proposal would essentially limit low-income and minority students' ability to attend an APC member college and improve their future. Clearly this measure does not support access and opportunity as the Governor intended.

The State of New York should be concerned about its return on investment not some absolute public funding metric. In fact, if an institution receives 100% of its funding from public sources and graduates the highest percentage of students with the lowest problems with student debt, the state should applaud rather than punish the institution.

**50% on Instruction: Require that for-profit schools spend at least 50% of their revenues on student instruction**

Under the Governor's proposal, for-profit colleges would be required to spend at least 50% of their revenue on salaries, benefits, and professional development of classroom instructors. This definition completely disregards the substantial investment many of New York's proprietary institutions make in student academic support programs and personnel, wrap around services and other capital improvements made to ensure our students successfully graduate on time and find jobs in their field of study.

None of our colleges will meet this metric and in fact, based on the narrow definition of instructional expenses in the Governor's budget language, well over 90% of all four-year colleges in all sectors of higher education in New York do not meet this measure. For instance, highly respected institutions such as NYU (15.2%), Cornell University (18.5%) and The Julliard School (20%) would not meet this metric. The statewide average, based on publicly available data from the FY 2016 IPEDS financial reports, is actually 22.4%. One of the keys to our students' success is the use of adjunct and part time faculty that often provides access to student internships. APC member colleges are proud of the investments they make in student instruction and academic support: For every \$1.00 in revenue received by an APC member college, approximately 93 cents are spent on the instruction and support of students.

APC member colleges are committed to helping their students succeed. Many of the 26,000 students enrolling at an APC member college are coming directly from our urban public schools that have high school graduation rates of approximately 50%. Students often enter college needing remediation but also supports to stay on track. Strong academics require talented faculty and instructors. However, students cannot learn or take advantage of the opportunity if they cannot afford tuition, day care, transportation, food and the necessities of life. Students enroll, graduate on-time, and find jobs in their field of study because of the personalized attention and supports they receive which include everything from help with their resume, finding internships and job opportunities, counseling and mentoring, financial literacy, and development of soft skills that set them apart when entering the job market. All of these supports come directly from the college and are funded through tuition revenues, since the college must manage all costs with tuition received.

APC member colleges are fully committed to ensuring students have the best faculty and instruction possible. However, the Governor's proposal does nothing to ensure or accomplish this, especially when you look at total percentage invested by some of the most elite colleges and universities in New York.



## **The Impact of the For-Profit Accountability Act:**

If a for-profit college does not meet the 80/20 rule or spend at least 50% of their revenue on instruction, the college will be prevented from enrolling ANY new students. In addition, the proposal gives the President of the Higher Education Services Corporation the discretion to terminate a for-profit college's ability to participate in TAP or ETA. The penalty for non-compliance is drastic and demonstrates the proposal is not meant to ensure public dollars are being spent on quality programs or even ensuring students are receiving a quality education. Rather the proposal is a means to destroy the for-profit sector by eliminating their student pipeline and/or cutting off state sponsored financial aid.

As devastating as this proposal is to APC member colleges, the true impact would be especially difficult for the students they serve. Students attending impacted institutions could lose access to their state financial aid (TAP and ETA), would be required to transfer to another institution to finish their degree and might not be able to take all of their credits with them or even find a similar program that has space for them to complete their degree. Last year, APC member colleges provided students with over \$95 million in institutional aid. This aid will not transfer to another institution. This means students will have to figure out how to transfer, finance their education, and for many who struggle, this will result in them not finishing their degree or returning to college. Students who do not complete their degrees also have a higher rate of defaulting on their college loans.

Governor Cuomo is to be commended for his work to improve higher education in New York, and resoundingly applauded for his efforts to improve college access and affordability. It would be a disservice to students, taxpayers, and institutions alike, however, to assume the country's issues with for-profit education are New York's – and that's because of the strength of our regulatory framework that promotes parity.

Any proposal on higher education accountability in New York should continue to protect all students and apply to all institutions, not just for-profit institutions.

**We ask for your support and reject the For-Profit Accountability Act entirely by not including this proposal in your one-house budgets.**

## ***In Conclusion***

New York State has a long-standing history of working together with institutions of higher education in all four sectors (SUNY, CUNY, independent non-profit and proprietary) to benefit all New Yorkers. This commitment to equality and parity across all sectors has created a robust and diverse education system that has resulted in innovative and novel ideas, a consistent pipeline of employees for local businesses and has had a strong, positive economic impact across the state.

We appreciate your consideration and respectfully request your support in the future.

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**Berkeley College - Est. 1931**

**Bryant & Stratton College - Est. 1854**

**The College of Westchester - Est. 1915**

**Elmira Business Institute - Est. 1858**

**Five Towns College - Est. 1972**

**Island Drafting & Technical Institute - Est. 1957**

**Jamestown Business College - Est. 1886**

**LIM College - Est. 1939**

**Monroe College - Est. 1933**

**Plaza College - Est. 1916**

**School of Visual Arts - Est. 1947**

**The Swedish Institute - Est. 1916**