

New York State Education Department Issues Guidance on New Eligibility Requirements for Colleges and Universities to Receive Bundy Aid

July 21, 2022

On July 18, 2022, the New York State Education Department (NYSED) issued [guidance](#) on new requirements for New York independent colleges and universities to be eligible to receive a Bundy Aid payment in the 2022-2023 academic year. Pursuant to the New York State Fiscal Year 2023 State Budget, independent colleges and universities must submit a plan to improve faculty diversity (“faculty diversity plan”) to NYSED in order to be eligible for a Bundy Aid payment in the 2022-2023 academic year.^[1]

Institutions that participate the Bundy Aid program must submit their faculty diversity plans to the IRS Data Exchange (IDEx) by **September 20, 2022**. Institutions that do not submit a plan by such due date will not receive 2022-2023 Bundy payments.

The submission must include academic year 2021-2022 gender and race/ethnicity data on the institution’s faculty and must set forth three measurable goals addressing categories related to diversity, such as gender and/or race/ethnicity, which are designed to improve faculty diversity throughout the institution. One strategy suggested by NYSED to improve diversity in institutions is “to recruit and retain a diverse workforce in all areas and at all levels, thereby reducing stereotypes and preparing students for an increasingly global society.”^[2]

Institutions will be required to submit progress on the goals laid out in their faculty diversity plans to IDEx in Summer 2024 and Summer 2026 by deadlines to be determined.

[Instructions](#) for completing the faculty diversity plan are available in IDEx.

If you have questions regarding steps your higher education institution must take to comply with this requirement please feel free to contact Dina L. Vespia at (516) 357-3726 or dvespia@cullenllp.com, Kevin P. McDonough at (516) 357-3787 or kmcdonough@cullenllp.com, James G. Ryan at (516) 357-3750 or jryan@cullenllp.com, or Jennifer A. McLaughlin at (516) 357-3889 or jmclaughlin@cullenllp.com.

Please note that this is a general overview of developments in the law and does not constitute legal advice. Nothing herein creates an attorney-client relationship between the sender and recipient.

We thank Samantha Giuglianotti, a 2022 Summer Associate with Cullen and Dykman LLP, for her assistance in the preparation of this alert.

Footnotes

[1] Unrestricted Aid to Independent Colleges and Universities, known as “Bundy Aid,” provides unrestricted financial support to independent colleges and universities in New York State. The program is designed to maximize the total postsecondary educational resources in the State, promote diversity in educational options, and provide and increase access to the programs by assisting institutions to minimize tuition increases.

[2] New York State Education Department, *Faculty Diversity Plan Required for NYS Independent Colleges and Universities to Receive a Bundy Aid Payment in the 2022-2023 Academic Year* (2022)

<http://www.nysed.gov/common/nysed/files/memo-bundy-aid-faculty-diversity-plan.pdf?bcs-agent-scanner=e13d9ab8-d774-804f-8e90-a44d3fd6dddf>.

Practices

- Higher Education

Attorneys

- Dina L. Vespia
- Kevin P. McDonough
- Jennifer A. McLaughlin