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## Public Higher Education in Puerto Rico: Disaster, Austerity, and Resistance<sup>1</sup>

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### Abstract

*The University of Puerto Rico, the island's sole public university, faces what is probably the most critical juncture in its hundred-year history. The draconian budget cuts that have already almost tripled tuition and will slash the institution's budget in half by the fall of 2021 threaten to drastically shrink or even dismember the system in ways that could make its academic and social missions nearly impossible. This article argues that the damage to the university has serious implications for academic freedom and threatens Puerto Rico's recovery and well-being. We also describe resistance efforts, focusing on the work of a commission including student and faculty representatives that produced a bill currently under consideration by Puerto Rico's Senate.*

After Hurricane María devastated Puerto Rico in September 2017, educators in the United States reached out to Puerto Rican colleagues, like the authors, to ask about the impact of the storm on the University of Puerto Rico. The situation was dire. The cost of the direct damage to the UPR's eleven campuses surpassed \$133 million,<sup>2</sup> and the university was

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<sup>1</sup> The authors wish to thank members of the APPU, PROTESTAmos, and the CMRU for sharing information that contributed to the preparation of this article.

<sup>2</sup> Claire Cleveland, "Without Researchers or Funds, Puerto Rico Universities Grapple with Future after Hurricane Maria," *Cronkite News*, May 4, 2018, <https://cronkitenews.azpbs.org/2018/05/04/puerto-rico-universities-grapple-with-future-after-hurricane-maria/>.

left with practically no water, electricity, or internet access for months. Although the US Department of Education made \$41 million available to support students across colleges and universities affected by the hurricane, the UPR system ended up receiving only around 20 percent of these limited funds.<sup>3</sup> Then, in 2019, the island experienced a series of earthquake swarms, and, in 2020, the COVID-19 pandemic forced the system into remote mode.

This debacle had, however, started earlier. Two years prior to the hurricane, the Puerto Rican government had declared itself unable to pay its public debt, which led to the imposition of severe austerity measures designed by a group of unelected, federally appointed officials who took control of the island's finances. Amid these crises, the public university became a primary target for neoliberal policies, facing disproportionate yearly cuts as a result of these austerity measures that will triple tuition costs and slash the institution's budget in half by the 2021–22 academic year.

In this article, we argue that the cumulative damage to the UPR from disaster and disinvestment has threatened its ability to fulfill its mission, serve its students, protect academic freedom and shared governance practices, and ultimately contribute to Puerto Rico's economic recovery and well-being. We expose the pernicious effects of these strategies but also document how students and faculty have challenged the neoliberal vision of the university from within. Specifically, we focus on student and faculty efforts to support a university reform bill currently under consideration by Puerto Rico's Senate. In doing this, we hope not only to answer our colleagues' initial queries regarding the aftereffects of the disaster but also to contribute to the public discussion and debate over the future of the UPR as a key asset in Puerto Rico's sustainable development.

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<sup>3</sup> Rima Brusi, Yarimar Bonilla, and Isar Godreau, "When Disaster Capitalism Comes for the University of Puerto Rico," *The Nation*, September 20, 2018, <https://www.thenation.com/article/archive/when-disaster-capitalism-comes-for-the-university-of-puerto-rico/>.

## Debt, Austerity, and Disaster Profiteering

Puerto Rico has been a colony of the United States since 1898. While Puerto Ricans are US citizens by birth, island residents cannot vote in federal elections, and they have no voting representative in Congress. Formally and explicitly, Puerto Rico has been defined in the US courts as “belonging to,” without being “part of,” the United States and as “foreign . . . in a domestic sense.”<sup>4</sup> A recent and egregious expression of this colonial status is the Puerto Rico Oversight, Management, and Economic Stability Act (PROMESA).<sup>5</sup> This federal legislation, signed by President Barack Obama in 2016, created a seven-member Fiscal Oversight and Management Board (FOMB) to oversee the handling of Puerto Rico’s \$120 billion debt. The FOMB is composed exclusively of unelected members— all but one of whom are appointed by the US president— but its decisions in relation to Puerto Rico’s fiscal matters trump those of any elected official on the island.

Soon after the first official meeting of the FOMB on Wall Street in 2016, in a letter addressed to then-governor Alejandro García Padilla, the FOMB demanded that the university cut about a third of its overall budget.<sup>6</sup> Other fiscal plans were presented by faculty-led organizations, including “Plan SOS,” prepared by faculty experts and well-regarded economists, which made a thorough case against austerity and identified alternate sources of funding.<sup>7</sup> The FOMB did not take any of these recommendations into account. Besides doubling tuition (with further

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<sup>4</sup> Efren Rivera Ramos, *American Colonialism in Puerto Rico: The Judicial and Social Legacy* (Princeton, NJ: Markus Wiener, 2007); Ed Morales, “Puerto Rico: Belonging to but Not Part Of,” *NACLA*, September 29, 2017, <https://nacla.org/news/2017/09/29/puerto-rico-belonging-not-part>.

<sup>5</sup> The acronym is rather ironic: *promesa* means “promise” in Spanish.

<sup>6</sup> Brusi, Bonilla, and Godreau, “When Disaster Capitalism Comes.” The letter is available at <http://rec-end.gfrcdn.net/docs/editor/Carta%20y%20anejos%20enviados%20al%20Gobernador%20de%20Puerto%20Rico.pdf>.

<sup>7</sup> For a policy brief summarizing this plan, see PROTESTAamos, “Funding the University of Puerto Rico Is a Must for Puerto Rico’s Recovery,” March 2019, [https://protestamos.files.wordpress.com/2019/03/funding\\_the\\_upr\\_is\\_a\\_must.pdf](https://protestamos.files.wordpress.com/2019/03/funding_the_upr_is_a_must.pdf).

increases scheduled for subsequent years), the fiscal plan presented by the FOMB explicitly called for reductions in personnel and changes to the employee health care plan and retirement system.

### **The Costs of Defunding Public Higher Education**

Defunding the UPR seems particularly wrong considering the contributions the university system makes to Puerto Rico's economy and the overall welfare of its people. Founded in 1903, the UPR currently has fifty-five thousand students enrolled on its eleven campuses. It offers master's and doctoral programs in a number of disciplines; degree programs, such as those in marine sciences, that are unique in the region; and a comprehensive medical sciences campus. In addition to educating students, the system owns and manages museums, a free legal aid clinic, a seismic activity research center (which was particularly important during the recent earthquake swarm), and three major teaching hospitals (along with a number of smaller clinics), including the hospital that cares for the largest number of indigent patients and the recently inaugurated, state-of-the-art Cancer Research Center and Hospital. The UPR is also a sea grant and a land grant institution and, as such, runs a number of programs to support agriculture and to protect, and educate the public about, marine resources. Its outreach programs increase the number of low-income students who go to college, support community struggles for environmental justice, and help victims and survivors of domestic violence.<sup>8</sup>

The UPR community generates over \$100 million a year in individual income taxes alone, and economists have calculated that for every dollar the public invests in the UPR, the island's economy receives \$1.56 in

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<sup>8</sup> These and more features of the UPR system are described in Plan SOS, an alternative fiscal plan presented by faculty at the Mayagüez campus in 2017. See PROTESTA Mos, "Funding the University of Puerto Rico." For an example of press coverage in English, see María S. Dávila and Rosario Fajardo, "The Nuts and Bolts of 'Plan SOS UPR,'" *Caribbean Business*, June 18, 2017, <https://caribbeanbusiness.com/the-nuts-and-bolts-of-plan-sos-upr/>.

return.<sup>9</sup> UPR campuses also have a positive economic impact in the municipalities in which they are located, generating economic activity and creating indirect jobs. The UPR generates over [70 percent of the island's scientific research](#) output and has award-winning humanities and science members on its faculty. While many universities in the United States struggle to increase the number of STEM graduates they produce, [particularly among Latinx students](#), before the budget cuts began to cripple its infrastructure the UPR figured as one of the [top schools in the country for producing STEM](#) graduates at the baccalaureate and graduate levels.<sup>10</sup>

Considering the above, the consensus among experts, both in Puerto Rico and abroad,<sup>11</sup> is that, given the island's historical juncture, deep cuts to its public higher education system will greatly hinder economic and social recovery. Joseph Stiglitz, for example, described the cuts to the UPR as being of "a magnitude greater than any university I've seen go through."<sup>12</sup> Continuous reductions to the university's budget have

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<sup>9</sup> José Alameda-Lozada and Alfredo González-Martínez, "El impacto socioeconómico del Sistema de la Universidad de Puerto Rico," *Estudios Técnicos*, April 2017, <http://www.estudiotecnicos.com/pdf/occasionalpapers/2017/OP-No-7-2017.pdf>.

<sup>10</sup> Deborah A. Santiago, Morgan Taylor, and Emily Calderón Galdeano, "Finding Your Workforce: Latinos in Science, Technology, Engineering, and Math (STEM)," ¡Excelencia in Education!, 2015, <https://www.luminafoundation.org/files/resources/finding-your-workforce.pdf>.

<sup>11</sup> Melissa Korn, "University of Puerto Rico Struggles to Slash Budget by \$300 million," *Wall Street Journal*, March 1, 2017. <https://www.wsj.com/articles/university-of-puerto-rico-struggles-to-slash-budget-by-300-million-1488401121>; Chuck Jordan, "Hurricane Relief in Times of Austerity," *The Hill*, September 21, 2017, <https://thehill.com/blogs/congress-blog/politics/351544-hurricane-relief-in-times-of-austerity>; José Caraballo-Cueto, "Desigualdad en la reconstrucción," *Nuevo Día*, August 20, 2018, <https://www.elnuevodia.com/opinion/columnas/desigualdad-en-la-reconstruccion-columna-2441934/>; Joseph Stiglitz, "Opinion: Joseph Stiglitz, the Nobel Laureate, on Saving Puerto Rico," *New York Times*, February 27, 2017, <https://www.nytimes.com/2017/02/27/opinion/joseph-stiglitz-the-nobel-laureate-on-saving-puerto-rico.html>.

<sup>12</sup> Molly Hensley-Clancy, "Puerto Rico's Universities Are Facing an Unprecedented Crisis," *BuzzFeed News*, May 31, 2017,

already resulted in the Neurosurgery Residency Program of the medical sciences campus losing its accreditation. Other programs and campuses are expected to face a similar fate once the FOMB plan for the academic year 2021–22 is implemented. The plan stipulates that \$94 million out of the UPR budget cannot be used for regular academic operations, leaving the institution with less than half of the funding allocation it had in 2016. Some campus leaders have already indicated that this reduction would make their campuses inoperable. The question thus arises of why, if the UPR is so crucial to Puerto Ricans' social well-being and economic stability, it has been so severely targeted by the FOMB.

### **The Neoliberal Rationale: Why Was the UPR Targeted So Early and So Aggressively?**

The members of the FOMB are notoriously elusive. They tend to meet behind closed doors, in “open” sessions that are heavily guarded, difficult to attend, and often away from the island. When one of the authors (Rima) heard that an FOMB member was going to be part of a panel about the PROMESA law in New York City,<sup>13</sup> she decided to go and ask him why the UPR was being targeted so aggressively. During the question-and-answer session, he responded, “UPR is 70 percent funded by the government. That’s one thing. Also, the tuition is . . . substantially lower than the States. . . . Even with the cuts, in [20]23 the tuition will still be substantially lower than universities on the mainland. . . . We are looking at something that is too costly to maintain. . . . And so that’s the analysis we did, based on those statistics we have.”<sup>14</sup>

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<https://www.buzzfeednews.com/article/mollyhensleyclancy/puerto-rico-university-system-budget-cuts>.

<sup>13</sup> “PROMESA Two Years Out: Are We Closer to a Solution?,” February 12, 2019; description at <https://services.nycbar.org/EventDetail?EventKey=PRTF021219>.

<sup>14</sup> We are quoting the FOMB member verbatim. The missing segments of his response were either inaudible or a repetition of what he had already said. The 70 percent figure he cited is probably inaccurate. In the 2016–17 budget, government funding accounted for 57 percent of the UPR’s total budget, not 70 percent. See Juan Giusti, “El misterio de las \$450 millones y la UPR,” *80 Grados*, June 23, 2017, <https://www.80grados.net/el-misterio-de-los-450-millones-y-la-upr/>.

Sadly, these ideas are neither new nor imported. They are often deployed by local pundits in op-ed pieces, social media posts, and even in the hallways of the UPR itself. People often describe this reasoning as “commonsense.” Other “commonsense” ideas voiced<sup>15</sup>—sometimes even by people otherwise against the cuts, and even, perplexingly, by the UPR’s executive leadership—include (1) in Puerto Rico too many people go to college, (2) projections indicate that new jobs will not require a college degree, (3) there are too many campuses for such a small island, and (4) the UPR is “too politicized,” too dominated by local partisan politics.

These “commonsense” understandings are highly disputable. It is true that, at \$134 per credit, the UPR’s undergraduate tuition is, in absolute terms, less expensive than comparable institutions in the United States, but when considered in relation to the median income of Puerto Rican households, the cost of studying in Puerto Rico (the poorest jurisdiction in the United States) is dramatically *higher* than the average cost in a US institutions: 66 percent versus 30–40 percent.<sup>16</sup> Meanwhile, 44 percent of the Puerto Rican population lives below the poverty level,<sup>17</sup> and the proportion of low-income students who currently attend the UPR at its flagship campus is 65 percent; at campuses located in especially poor municipalities the figure is as high as 83 percent.<sup>18</sup>

The idea that “not everybody has to go to college” is problematic as well, particularly in places with high levels of socioeconomic inequality (Puerto Rico’s Gini coefficient, an international measure of social inequality, is 0.55—the highest in the United States). In this economy, higher education is the main route out of poverty for low-income young

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<sup>15</sup> Orlando Sotomayor, “Si la NBA funcionara como la UPR,” *Nuevo Dia*, June 1, 2017, <https://www.elnuevodia.com/opinion/columnas/silanbafuncionaracomolaupr-columna-2326637/>; Emilio Pantojas, “Once recintos, una UPR: Mito y realidad,” *80grados* (blog), March 24, 2017, <https://www.80grados.net/once-recintos-una-upr-mito-y-realidad/>.

<sup>16</sup> Jaime Calderón, “Estudiar en Puerto Rico es más barato: Mito o realidad?,” *Sinopsis* (Consejo de Educación Superior), March 17, 2017.

<sup>17</sup> US Census Bureau data for 2018, available at <https://www.census.gov/quickfacts/pr>.

<sup>18</sup> National Center for Education Statistics, <https://nces.ed.gov>; College Results Online, <http://www.collegeresults.org>.

people.<sup>19</sup> Likewise, the idea that more people in Puerto Rico go to college is not supported by the facts: census figures for educational attainment in Puerto Rico indicate that 29.4 percent of the population has a bachelor's degree or higher, while the average for the United States is 30.9 percent. The oft-repeated notion that the UPR has more campuses than comparable institutions in the United States, or "too many campuses" for "such a small island" is again problematic. New York State, for example, has two public university systems with 88 public campuses, which means one campus per 0.23 million people. California's three systems provide one public campus per 0.27 million people. Puerto Rico, with eleven public campuses, has one per 0.30 million. Given the island's size (100 x 35 miles), distances between campuses may be relatively short, but finding transportation is not trivial: most of the island has no public transportation to speak of, and poverty makes it hard for many students to own a vehicle.

Budget cuts are expected to have the heaviest impact on undergraduate units of the UPR system that are located outside San Juan, given the greater reliance of these units on the UPR central administration and their lower potential to attract external funding. If these units are left without funding to sustain their academic programs or are unable to meet accreditation standards, place-bound students who cannot afford to travel or to move will be forced to look for more expensive private institutions closer to home. Already, undergraduate units that provide key access to students in rural areas, such as the UPR Cayey campus, risk being noncompliant with the Middle States Commission on Higher Education (MSCHE) accreditation standard VI for "Planning, Resources, and Institutional Improvement" until the institution provides evidence of fiscal viability.

This direction the UPR is taking, complying with the demands of the FOMB, threatens to intensify the trend, critiqued by Hugh Gusterson and others, of higher education institutions being turned into a mechanism to

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<sup>19</sup> College Board, "Education Pays Resource Library: Research—College Board," June 11, 2019, <https://research.collegeboard.org/trends/education-pays/resource-library>.



increase intergenerational socioeconomic stratification.<sup>20</sup> Because of the impact of the interaction between economic inequality, educational achievement, and the UPR's admissions formula (based on standardized test scores and high school GPA), a smaller university would disproportionately exclude low-income students.<sup>21</sup> Combined with campus closures and tuition increases, the austerity measures imposed on Puerto Rico's public university will have a disproportionate impact on poor, place-bound students. Some of these students will stay out of college altogether; some will go to private, nonprofit institutions; but many will be absorbed by the same kind of for-profit college industry that markets heavily to low-income and nontraditional students in the United States and that tends to have lower graduation rates and higher debt and loan default rates.<sup>22</sup> In essence, the lowest-income students would be driven to more expensive schools with lower success rates. Because of the strong correlation between race and class,<sup>23</sup> with lighter-skinned Puerto Ricans being overrepresented in the highest income brackets, we expect black students and Afro-Puerto Rican families to be disproportionately affected by these trends.

### Disaster Profiteering in Higher Education

Who stands to benefit from the purposeful erosion of the UPR? Since Hurricane María, the UPR administration has actively courted the private

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<sup>20</sup> Hugh Gusterson, "Homework: Toward a Critical Ethnography of the University," *American Ethnologist* 44, no. 3 (2017): 435–50, <https://doi.org/10.1111/amet.12520>.

<sup>21</sup> Rima Brusi, "The University of Puerto Rico: A Testing Ground for the Neoliberal State," *NACLA* (March/April 2017), </article/university-puerto-rico-testing-ground-neoliberal-state>.

<sup>22</sup> Mamie Lynch, Jennifer Engle, and José Luis Cruz, "Subprime Opportunity: The Unfulfilled Promise of For-Profit Colleges and Universities," Education Trust, <https://edtrust.org/resource/subprime-opportunity-the-unfulfilled-promise-of-for-profit-colleges-and-universities/>, accessed March 26, 2019.

<sup>23</sup> Caraballo-Cueto, Jose and Isar Godreau, "Colorism and Health Disparities in Home Countries: The Case of Puerto Rico," *Journal of Immigrant and Minority Health*, June 7 (2021), doi: 10.1007/s10903-021-01222-7.

sector, either by outsourcing university operations to private corporations or by shrinking university services in ways that push its students into private universities. For example, in the midst of the COVID-19 pandemic lockdown, the administration decided to switch email communications and educational platforms to Microsoft for no justifiable reason. The former service, provided by Google, was a low-cost option that had general support from faculty, staff, and students.<sup>24</sup> The new platform, in contrast, requires substantial investment from the UPR's already fragile budget and has been the focus of resistance and protest from the UPR community, whose members often criticize the switch on social media using hashtags such as #DesastreMicrosoftUPR (#UPRMicrosoftDisaster). The current administration has also announced changes in the faculty retirement system and the sale or rental of a number of university buildings and other properties.<sup>25</sup>

As UPR services are reduced and outsourced, private, for-profit universities capitalize. Some for-profit universities in Puerto Rico are owned by private firms headquartered in the United States. National University College (NUC), for example, the largest for-profit institution in Puerto Rico, has six campuses and is part of the investment portfolio of Leeds Equity,<sup>26</sup> a private equity firm based in New York City. EDIC College and Columbia Central University, two for-profit colleges that many think are local enterprises, are actually owned by Renovus Capital Partners.<sup>27</sup> A new for-profit medical school in Ponce is run by a stateside

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<sup>24</sup> The UPR was an early adopter of Google Apps for Education in 2008, and this meant the platform itself was free of cost. The only costs associated with it were those for local implementation.

<sup>25</sup> University of Puerto Rico, "UPR estrena portal electrónico para la venta y alquiler de propiedades institucionales," December 20, 2020, [https://www.upr.edu/upr-estrena-portal-electronico-para-la-venta-y-alquiler-de-propiedades-institucionales/?utm\\_source=rss&utm\\_medium=rss&utm\\_campaign=upr-estrena-portal-electronico-para-la-venta-y-alquiler-de-propiedades-institucionales](https://www.upr.edu/upr-estrena-portal-electronico-para-la-venta-y-alquiler-de-propiedades-institucionales/?utm_source=rss&utm_medium=rss&utm_campaign=upr-estrena-portal-electronico-para-la-venta-y-alquiler-de-propiedades-institucionales).

<sup>26</sup> "Leeds Equity Partners Acquires EduK Group: Mergr," <https://mergr.com/leeds-equity-partners-acquires-eduk-group>, accessed March 26, 2019.

<sup>27</sup> Renovus Capital Partners, "EDIC College, a Renovus Company, Merges with Columbia Central University," <https://www.prnewswire.com/news-releases/edic-college-a>

investment firm called University Ventures.<sup>28</sup> Apollo Education Group, the corporation behind the [University of Phoenix, which has a campus in Puerto Rico and also recruits Puerto Rican students for its online degree programs, is owned](#) by Apollo Global Management, who is also a holder of Puerto Rico's [debt](#).<sup>29</sup> Notwithstanding the claims of reductions in college enrollment used by the FOMB to justify disinvesting from public higher education,<sup>30</sup> these private firms and corporations clearly seem confident enough to buy and expand for-profit institutions. Moreover, both Phoenix and NUC offer their students private loans and have higher loan default rates than the UPR.

The predatory financial practices and wanton accumulation of debt that characterized the creation of the Puerto Rican economic crisis are thus paralleled by the predation and debt targeting the island's poorest and most vulnerable students. The institutions discussed above and other for-profit institutions stand to benefit from the shrinking of the UPR. Ironically, most of the money allocated by the Coronavirus Aid, Recovery, and Economic Security (CARES) Act to help institutions deal with the COVID-19 crisis is set to go to private and for-profit institutions on the

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renovus-company-merges-with-columbia-central-university-301088339.html, accessed January 31, 2021.

<sup>28</sup> Robert Shireman, "For-Profit Medical Schools, Once Banished, Are Sneaking Back," Century Foundation, March 12, 2020, <https://tcf.org/content/commentary/for-profit-medical-schools-once-banished-are-sneaking-back-onto-public-university-campuses/>.

<sup>29</sup> "Hedge Funds Active around Puerto Rico Debt: LittleSis," <https://littlesis.org/lists/733-hedge-funds-active-around-puerto-rico-debt/members>, accessed March 26, 2019; Seth Brumby, Jon Burke, and Maryellen Tighe, "Puerto Rico Bondholders Mobilize; Some Hedge Funds Tap Morrison & Foerster," *Debtwire*, July 15, 2014, <https://web.archive.org/web/20160804233157/http://www.debtwire.com/info/2014/07/15/puerto-rico-bondholders-mobilize-hedge-funds-tap-morrison-foerster/>.

<sup>30</sup> Christian G. Ramos Segarra, "Se ajustan las universidades por el éxodo estudiantil," *Vocero de Puerto Rico*, January 14, 2019, [https://www.elvocero.com/economia/se-ajustan-las-universidades-por-el-xodo-estudiantil/article\\_10143d14-15ee-11e9-aa4e-3f1d70f3f7cb.html](https://www.elvocero.com/economia/se-ajustan-las-universidades-por-el-xodo-estudiantil/article_10143d14-15ee-11e9-aa4e-3f1d70f3f7cb.html).

island.<sup>31</sup> Moreover, in a blatant example of the Puerto Rican government's complicity with disaster profiteers, Puerto Rico's lone (nonvoting) representative in the US Congress has submitted only one bill related to higher education. Ironically titled the Puerto Rico Higher Education Disaster Relief Act,<sup>32</sup> the bill does not seek to protect the public university that provides many benefits for Puerto Rico's society and economy but rather looks to decrease regulation for for-profit companies operating on the island. Lastly, as if all of the above were not enough, the operational plan of the UPR features an objective of "attracting foreign investment in university properties."<sup>33</sup>

### **Austerity and Antidemocratic Governance**

Those who criticize the pernicious effects of this neoliberal trend often encounter the popular argument that increasing public investment in the UPR is ill-advised because the institution is too dominated by local partisan politics. In fact, this is not an inherent characteristic of the UPR but a precondition to its erosion. The loss of a fixed amount of government funding for public higher education, the increasing politicization of management positions, and the concomitant weakening of democratic forms of governance have facilitated the imposition of austerity measures and the resulting benefits to private investors. These transformations have also eroded academic freedom. Since 2017, the university press has been gutted and its director fired. Furthermore, in a move that many have described as being against protocol, an interim system president fired all the campus chancellors shortly after his appointment;<sup>34</sup> the chancellors, in

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<sup>31</sup> Open Campus, "Explore Where the Money for Higher Ed in the CARES Act Might Go," <https://www.opencampusmedia.org/explore-where-the-money-for-higher-ed-in-the-cares-act-might-go/>, accessed January 31, 2021.

<sup>32</sup> Jenniffer Gonzalez-Colon, "H.R.5850—115th Congress (2017–2018): Puerto Rico Higher Education Disaster Relief Act," May 16, 2018, <https://www.congress.gov/bill/115th-congress/house-bill/5850>.

<sup>33</sup> Plan de Trabajo del Presidente, January 2019, 54.

<sup>34</sup> Adriana de Jesús Salamán, "Presidente interino de la UPR descabeza rectorías (galería)," *NotiCel*, July 18, 2017, <https://www.noticel.com/ahora/presidente-interino-de-la-upr-descabeza-rectoras-galera-1/621078626>.

turn, fired the deans, and many deans fired the department chairs. Most of these positions were then filled by people regarded as political party loyalists and denounced as such by student representatives.<sup>35</sup>

Traditional practice at the UPR included campus consultations as part of the search process leading to the appointment of new president and campus chancellors, but faculty organizations in many campuses denounced the “consultation” meetings as a farce, with candidates supported by the university community ignored in favor of candidates with strong ties to political parties but energetically rejected by community members.<sup>36</sup>

Overall, to carry out its agenda of disaster profiteering, the FOMB and its allies in Puerto Rico have ignored and actively repressed the student movement, attacked shared governance structures or rendered them moot, and openly bullied faculty and threatened their academic freedom. The governing board has repeatedly ignored the requests and decisions of the Junta Universitaria, a board with faculty and student representation that traditionally advises the system president; and approved the creation of new, well-paid, cabinet positions for the office of the president, including an office in charge of “institutional transformation” that reports directly to his office. During the pandemic, the president also pushed through costly changes, such as the switch to Microsoft, while imposing austerity measures on campus budgets.

This upending of democracy in university processes has been accompanied by both formal and informal attempts to curtail dissent in the university community. In interviews with Rima, faculty members often spoke of censorship, especially in light of the increasing precariousness of their positions, with a larger proportion of them having contingent contracts that are always subject to nonrenewal. Faculty in

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<sup>35</sup> Consejo General de Estudiantes, UPR Cayey, “Comunicado en contra de los nombramientos políticos: #UPRCayey #CGEpic.twitter.com/Z8gSlrKf3s.” Tweet, @CGE\_Cayey (blog), August 30, 2017.

<sup>36</sup> Patrick André Mather, “Los retos cotidianos de los docentes en la UPR,” *Nuevo Dia*, April 20, 2019, <https://www.elnuevodia.com/opinion/columnas/losretoscotidianosdelosdocentesenlaupr-columna-2488705/>.

contingent positions said they felt they need to self-censor the content of their courses or their pedagogical strategies and methodologies. Professors participating in resistance initiatives reported being approached by “friendly” or “concerned” administrators who advised them to stay “out of politics.” Some avoided having their pictures taken at events out of fear the pictures will be used against them. They are right to be afraid: in 2020, it was revealed that Puerto Rico’s Department of Justice, while investigating “potential criminal activity” during the 2017 student strike, had kept dossiers of the online activity, including private messages, of some three thousand people.<sup>37</sup>

### Defending Public Higher Education

The FOMB’s demands for budget cuts and its attack on shared governance structures, and the sequence of events that followed,<sup>38</sup> were not passively accepted by the academic community. The situation triggered intense and well-organized resistance that represented a vision of the university explicitly at odds with the neoliberal turn of the FOMB. Students organized study groups, assemblies, demonstrations, and stoppages on several campuses, and eventually led a system-wide strike. After the FOMB increased the cuts to \$450 million in March 2017, the students expanded the focus of the strike to include not only the cuts to the institution but also the need to cancel or audit Puerto Rico’s debt, widely suspected to be partially or completely illegal. The strike lasted from April

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<sup>37</sup> Alex Figueroa Cancel and Laura M. Quintero, “Wanda Vázquez defiende la orden de registro a organizaciones de prensa,” *Nuevo Día*, October 10, 2019, <https://www.elnuevodia.com/noticias/locales/notas/wanda-vazquez-defiende-la-orden-de-registro-a-organizaciones-de-prensa/>; Rafael R. Díaz Torres, “Carpeteo y criminalización de la protesta, legado de Wanda Vázquez Garced,” Centro de Periodismo Investigativo, August 29, 2020, <https://periodismoinvestigativo.com/2020/08/carpeteo-y-criminalizacion-de-la-protesta-legado-de-wanda-vazquez-garced/>.

<sup>38</sup> “Todo lo que necesitas saber sobre el escenario en la UPR,” *NotiCel*, April 8, 2017, <https://www.noticel.com/ahora/todo-lo-que-necesitas-saber-sobre-el-escenario-en-la-upr/609170278>; Giusti, 2017; Lyanne Meléndez García, “Cronología de la huelga en la UPR,” *Metro*, June 5, 2017, <https://www.metro.pr/pr/noticias/2017/06/05/cronologia-la-huelga-la-upr.html>.

until the end of May 2017 at most campuses. Several students were arrested as a result of their participation in these and other events, and some have active cases in court to this day.

During the student strike, faculty also supported efforts to resist the cuts and formed autonomous horizontal self-convening organizations (with no dues or hierarchical governing structures) to denounce the impact of the austerity measures imposed on the UPR and the island as a whole. Faculty developed campus-based organizations such as PARES at UPR Río Piedras, PROTESTAmos at UPR Mayagüez, and DEMOS at UPR Cayey. They also organized multicampus meetings and assemblies during the strike not only to raise public awareness about the threat these neoliberal measures posed to high-quality public higher education but also to suggest alternative solutions to the fiscal crisis. Faculty from UPR Mayagüez PROTESTAmos, for example, in collaboration with the formal, dues-paying faculty organization on campus (University Faculty Association-Mayagüez, [APRUM]), developed the Plan SOS with experts and economists.

After the strike, some faculty who participated in some of these efforts joined more established faculty organizations. For example, UPR Cayey faculty joined the Asociación Puertorriqueña de Profesores Universitarios (APPU), a dues-paying, multicampus organization. The APPU launched important campaigns to restore the university's budget and public retirement plan (including an action suit in the federal courts), and against a corrupt university leadership who obediently complied with FOMB austerity plans at the same time as they authorized high salaries for their trusted administrators and outlandish expenditures such as the \$3 million Microsoft contract. Other APPU campaigns condemned the precarious working conditions of adjunct faculty, who were most vulnerable to the budget cuts. In the context of the 2020 election campaign, the APPU also organized a "university vote" campaign to get candidates to express their position on the UPR's sustainability in a public debate. Moreover, the APPU strongly supported the effort to pass a comprehensive law for UPR reform.<sup>39</sup>

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<sup>39</sup> One of us (Isar) is a member of the APPU at the Cayey campus.

This project for university reform was a particularly promising consequence of the student-led strike and its aftermath. Inspired by efforts from previous decades, the project sought to depoliticize the university by guaranteeing more democratic and autonomous governance structures. It also sought to restore the original allocation, from the time before the cuts, of public government revenues to the UPR as a necessary mechanism to insure its autonomy and the attainment of its mission. During the 2017 strike, student leaders met with legislators and managed to secure their support for a resolution to begin drafting this proposal with ample participation from the academic community. The efforts were spearheaded by the Comisión Multisectoral de Reforma Universitaria (CMRU, Multisectoral Commission for University Reform), a group composed of between 30 and 50 representatives elected by the student, teaching, nonteaching, and community sectors charged with drafting a new law for the UPR. One of the authors (Isar) is a member of this commission as her campus faculty representative. The proposed law (now being considered by the Senate under bill PS #172) seeks to protect the UPR from political intervention, provide a more democratic governance structure, and strengthen the institution's fiscal capacity to fulfill its public mission.

The CMRU proposal for university reform is to change the current politicized governing board to a university council whose external members are recommended by the university community, delegating more power to a governance body in which sectors from all campuses are represented. The proposal is also to broaden the university community participation in the selection process for managerial positions, and to provide a legal framework that recognizes the strategic nature of the UPR for Puerto Rico's socioeconomic and cultural well-being. To ensure that this mission can be adequately funded, the project advocates a revenue allocation of 9.6 percent to the UPR. This allocation was established in law #2 of 1966, but the FOMB disregarded and countermanded this tenet in its fiscal plan.

Before submitting their proposal to Puerto Rico's Senate, the CMRU convened the university community in more than forty forums and meetings of faculty and students at the different campuses of the public



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university system over more than two years. It also held meetings with the Junta Universitaria, which endorsed the project on December 9, 2020. The project has received endorsements from student councils, faculty and nonfaculty associations, and the academic senates of all campuses in the system. An online petition obtained over thirty-four thousand supporting signatures from the community at large.

When the time came to introduce the bill in the Puerto Rican legislature, the CMRU obtained the endorsement of fourteen senators, who cosponsored and presented the legislation. As expected, the proposal faced stiff resistance from the UPR president and campus chancellors. Shortly after the bill was introduced in the legislature, they penned a public statement declaring that the university reform project would jeopardize the university's future and endanger its accreditation—and therefore its ability to provide financial aid for students. The press release was endorsed by all the chancellors, who acted against the recommendations of their own academic senates. It also misinformed the public, containing inaccuracies about the project's content and the accreditation standards, and stating that the proposed governance structures would make the university inoperative and that the project did not provide the clearly delineated governance hierarchy required by the accreditation agency (the MSCHE). In a press conference, representatives from the CMRU challenged this misinformation, noting that the MSCHE does not require a particular form of governance structure for the institutions it evaluates but instead checks that, once institutions legally establish their governance structures with clear roles and functions, they abide by their own bylaws. The CMRU representatives also reminded the public that the MSCHE had, in fact, expressed concern about the politicization of the UPR governance structures and about the FOMB's cuts to the university's budget.<sup>40</sup> Rather than putting the UPR in danger, the CMRU argued, the proposed reform strengthened the UPR's capacity to comply with the MSCHE standards and recommendations.

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<sup>40</sup> Lyanne Meléndez García, "Middle States advierte a la UPR sobre los recortes fiscales," *Metro*, September 2, 2018, <https://www.metro.pr/pr/noticias/2018/09/02/middle-states-advierete-la-upr-los-recortes-fiscales.html>.

In the midst of the controversy, three events put into ironic context the attack by the president and his chancellors on the proposed university reform and their defense of the current UPR status quo: the UPR Law School learned it is in danger of losing its accreditation if the administration does not grant the school the tenure-track lines required to comply with American Bar Association standards; the governing board granted President Jorge Haddock a tenured position with the rank of full professor at UPR's flagship campus, even though the board is not empowered, either in law or in the UPR's general bylaws, to grant tenured positions in academic departments at the university; and the neurosurgery program at the medical school lost its accreditation from the Accreditation Council for Graduate Medical Education due to a personnel deficit triggered by the budget cuts.<sup>41</sup>

### Concluding Remarks

The University of Puerto Rico was the first target of the FOMB, and, as we have shown, it is experiencing the harmful effects of disaster capitalism and colonialism on a daily basis. From the alternative fiscal plans generated by students and faculty when the FOMB first announced the cuts to the CMRU's current efforts to have bill #172 passed, faculty and students have continuously produced creative proposals to address the crisis and present the public with a different vision for the public university. The UPR is under siege and, like much of the rest of the island, in a state of trauma and shock, but we believe it is also one of the spaces in which the resistance to neoliberal attacks on public higher education, and the defense of public investment, can be the most intense—and the most effective.

At the time of this writing, we await the votes of Puerto Rico's House of Representatives and Senate on the university reform bill.

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<sup>41</sup> Coralys Simpson Álvarez, "Programa de Neurocirugía del RCM pierde su acreditación," *Pulso Estudiantil* (blog), <https://pulsoestudiantil.com/programa-de-neurocirugia-del-rcm-pierde-su-acreditacion/>, accessed April 25, 2021.

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