

# Faculty Welfare Committee/AAUP Excellence in Education

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## No on Issue 2



### From the FWC/AAUP President:

Colleagues,

As you know, Fairfield is in the midst of a substantial budget shortfall. Faculty will soon be asked to decide what changes, if any, we are willing to make to the salary and benefits package we agreed to for the current year. A number of years ago the FWC/AAUP was instrumental in achieving an institutional commitment to keep faculty compensation at the 95<sup>th</sup> percentile nationwide for institutions similar to Fairfield, and that commitment plays a central role in our compensation structure. As such, understanding that commitment is essential in understanding the effects of the changes we will be asked to make. What exactly the commitment to the 95<sup>th</sup> percentile is and the role it plays in our compensation structure are not at all transparent, and the article on page 4 of the current newsletter is designed to explain these and other aspects of that commitment. I encourage everyone to read carefully that article before the upcoming faculty meeting at which we will be asked to consider compensation changes.

I would also direct your attention to the document “You and Your Contract,” which can be found under the Publications link on the FWC/AAUP website ([www.faculty.fairfield.edu/fwc](http://www.faculty.fairfield.edu/fwc)). This document explains our key contract documents and how they are related.

Finally, if you have any questions about the 95<sup>th</sup> percentile, our contract documents, or any other matters, don’t hesitate to contact me at [rdewitt@fairfield.edu](mailto:rdewitt@fairfield.edu), 203.254.4000 x2853 (office), or 203.947.3409 (cell).

Rick DeWitt  
President  
Fairfield University FWC/AAUP

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*Academic Freedom for a Free Society*

## FWC AND AAUP NEWS AND EVENTS

### RECENT FWC/ AAUP EVENTS:

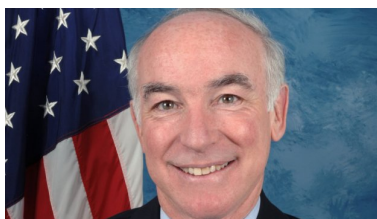
**Brown Bag Lunch  
Discussion #1 on the  
BUDGET  
9/29/2011**

**Brown Bag Lunch  
Discussion #2 on the  
BUDGET  
10/19/2011**

THANKS! to Julie Dolan, VP for Finance, and faculty members from the Faculty Salary Committee and the Budget Committee for providing information on the budget and the budget shortfall in two separate BBL discussions - one in advance of the trustees meeting in October and one immediately following this meeting. Attendance was excellent and the FWC is glad to provide this opportunity for information-sharing and discussion.



**Congressman Joe  
Courtney honored by  
National AAUP and  
the CT State  
Conference-AAUP  
10/21/2011**



Congressman Joe Courtney (D-2) was selected to receive the prestigious 2011 Henry T. Yost Congressional Recognition Award given annually by National AAUP to a member of Congress who has championed the cause of higher education. Courtney was nominated by the CT Conference for his work on the College Cost Reduction Act, the Higher Education Opportunity Act, the Post 9/11 G.I. Bill of Rights, the Student Aid and Fiscal Responsibility Act as well as a career dedicated to access to and affordability of higher education for all of Connecticut's citizens. A ceremony to present the award was held at the UCONN AAUP office and sponsored by UCONN AAUP. In attendance were Nsé Ufot,

Government Relations Officer from AAUP, and Brian Turner, Professor of Politics at Randolph-Macon College and Chair of AAUP's Government Relations Committee, as well as AAUP members from all over Connecticut.

**AAUP Shared  
Governance  
Conference and  
Workshops  
Washington, DC  
November 11-13, 2011**

Three days of presentations and the opportunity to network with governance leaders from across the country. Prof. Irene Mulvey participated in a panel on *Making Faculty Senates Effective*.

### UPCOMING FWC, AAUP AND OTHER FACULTY EVENTS:

**FWC/AAUP gala  
after GF meeting on  
11/18/2011**

Don't miss the next FWC/AAUP gala reception following the General Faculty meeting on November 18. There will be a lot to talk about and we hope faculty will take this opportunity to connect.

In a development that might be comical if it weren't so predictable - and didn't concern such important matters - officials at an institution that voted to unionize just last year helped draft the anti-union legislation which was repealed overwhelmingly in a referendum in Ohio on November 8. Our story is by Tom Troy, Politics Writer for The Blade and was published earlier this fall. It is reprinted here with permission of The Blade.

## **BGSU officials linked to role in S.B. 5 draft**

**by Tom Troy**

### **Politics Write for The Blade**

Officials of Bowling Green State University played a leading part in writing the section of Senate Bill 5 that bars university professors from collective bargaining, letters and emails exchanged between officials earlier this year and obtained by The Blade appear to show.

The university's zeal to exclude professors from collective-bargaining eligibility in Ohio came about half a year after the faculty at BGSU voted to be represented in bargaining by the American Association of University Professors union, over the opposition of the college administration.

"It appears that the BGSU administration, scorned by the faculty's success in forming a union, decided that it would get rid of its 'problem' by eliminating collective bargaining rights for all

professors across the state of Ohio," Sara Kilpatrick, executive director of the AAUP of Ohio, said.

The correspondence covers the period from January through March, when S.B. 5 was being drafted behind closed doors to when it was enacted by the Republican-controlled General Assembly.

The bill, which curtails public employees' rights to bargain in Ohio, is on hold pending a referendum set for Nov. 8. If enacted it would abolish the right to bargain for professors who participate in policy decision-making such as in recommending colleagues for promotion, selecting textbooks, and approving course content. Professors in state universities typically take part in faculty senates and in department committees that shape academic policy.

Former BGSU President Carol Cartwright wrote to newly installed Gov. John Kasich on Jan. 19 urging, among other things, that the university be exempted from the 1983 collective-bargaining law.

An email appears to show that Sean FitzGerald, BGSU's general counsel, came up with the language for the section of S.B. 5 that identifies professors as management employees. A Feb. 25 email from the Inter-University council's vice president of government relations, Mike Suver, attributes the amendment to Mr. FitzGerald.

"Here's what we submitted to [state Sen. Kevin] Bacon's

office," Mr. Suver wrote, referring to the Columbus Republican who headed the committee that approved the bill. "We used Sean's language."

Mr. FitzGerald acknowledged that he suggested adopting the standard based on a 1980 U.S. Supreme Court case known as \*NLRB vs. Yeshiva,\* but he said the exemption was widely known.

"The way it came about is there were discussions on a broad range of issues about university regulation and rules that apply to universities. I guess I would really describe it more as a brainstorming thing and I put that out there as an idea that the Yeshiva University case ought to be considered as applying in Ohio, and from there others ran with it," Mr. FitzGerald said. He said others would have made the same suggestion if he hadn't.

He said to suggest that the university's aggressive effort to repeal collective bargaining was retaliation for the BGSU's vote in October for union representation was a "harsh" accusation.

"I don't agree with that," Mr. FitzGerald said.

Bruce Johnson, president and chief executive officer of the Inter-University Council, which represents 14 public university presidents, disagreed that Mr. FitzGerald was the first or the only one to think of applying the Yeshiva policy -- which exempts private college and university faculty from collective bargaining -- to the Ohio law. He said it was "common sense" to university officials, who are well aware that  
**(continued on page 6)**

## The 95th percentile and what it means to Fairfield faculty

During these economic hard times, you may hear references to Fairfield's commitment to the 95<sup>th</sup> percentile. It will surely come up when the Faculty Salary Committee reports to the General Faculty on compensation matters and our Memo of Understanding (contract) this year. There are a lot of new faculty on campus and this commitment to the 95<sup>th</sup> percentile was made by our administration and trustees over 20 years ago. It is a commitment on which they have never wavered. It is essential that we all understand Fairfield's commitment to the 95<sup>th</sup> percentile and what it means to faculty.

Every year at the American Association of University Professors (AAUP), the Committee on the Economic Status of the Profession, in collaboration with the AAUP's research office, collects data on faculty salaries and compensation from institutions all over the country (over 1300 in 5 categories; 3 categories of four-year institutions). They publish comprehensive compensation data in a report that includes articles analyzing trends, breakdowns by region of the country, and overall economic context, in the March-April issue of *Academe*. Each member of the FWC, as a member of national AAUP, receives this issue (as well as a full subscription to *Academe*). In fact, a portion of your FWC dues goes directly to National AAUP and funds this and all their other important activities, so

each and every member of the FWC, our AAUP chapter, can take partial credit for helping to produce this report. Last year's information is here: <http://www.aaup.org/AAUP/pubsres/research/compensation.htm>. One table in the report provides percentiles for distribution of average faculty salary and average faculty compensation by rank. The administration and Board of Trustees made a commitment to maintain the average of total compensation (salary plus benefits) for Assistant, Associate, and Professor ranks at the 95<sup>th</sup> percentile for Class IIA institutions (our category: four-year, Master's-granting institutions) in the National AAUP ratings. When did this happen? How did this come about? Of course, it's a long story. Briefly, in the mid to late 1980s, our Faculty Salary Committee and other faculty leaders did some investigating and turned up two things: Fairfield University was the "bargain" among Jesuit schools – Jesuit quality at bargain basement prices - *and* Fairfield faculty salaries were *significantly* lower than salaries at comparable institutions. There were meetings, discussions, newsletters (not coincidentally, this was about the time the Faculty Welfare Committee was founded) and the administration at the time, in the face of a unified faculty and under threat of faculty action, agreed to a two-year contract with salary increases of 12% the first year and 9% the second year. Of course, that salary increase could be (and has been) eroded

by lower than CPI increases going forward, so another part of the agreement – an essential part of the agreement – was that the administration and Board of Trustees made a commitment to keep Fairfield's average faculty compensation at or above the 95<sup>th</sup> percentile, by rank, in the AAUP ratings.

Faculty need to know this story, and especially how hard your faculty colleagues – past and present – worked to get this commitment (especially Kevin Cassidy, Don Greenberg, the late George Lang from MACS, Marty Lang, retired from Religious Studies, Dee Lippmann, and Mariann Regan, retired from English). It's also important for faculty to know and appreciate that, in the years since we reached this agreement, our administration and Board have *never* wavered on this commitment.

People will tell you it's not perfect, and that's true. For one thing, the commitment is to have the *average* of faculty compensation, by rank, at the 95<sup>th</sup> percentile. As with any data set in which there are so-called "outliers," the average is skewed. Most faculty do not make the 95<sup>th</sup> percentile, but the *average* compensation is at or above the 95<sup>th</sup> percentile. We would argue that to meet this commitment in a meaningful way, all faculty should reach the 95<sup>th</sup> percentile after a reasonable number of years in rank, but those are discussions for another day.

**(continued page 5)**

**(95th continued from page 4)**

Our point here is to explain what the commitment means and how it came about.

The commitment to the 95<sup>th</sup> percentile took on much greater significance in 2009. At that time, faculty agreed to begin cost-sharing for health benefits. Why would faculty agree to cost-share on health benefits? Especially when health benefits at no cost to the faculty member were guaranteed in the *Faculty Handbook*? Faculty agreed to this Handbook change, in large part, because of the commitment to the 95<sup>th</sup> percentile. We were told that the trustees wanted to “shift” compensation from benefits to salary but that we needn’t worry because any reduction in benefits would be made up in salary because of the commitment to the 95<sup>th</sup> percentile in total compensation. Back in 2009, the proposal from the administration for faculty to pay a portion of their health benefit premiums was always followed by a reminder - from the administration - of their commitment to the 95<sup>th</sup> percentile. The fact is that the commitment to the 95<sup>th</sup> percentile does protect total

compensation when money is shifted from benefits to salary. While benefit costs to the administration were high, they could meet their commitment with small increases to salary. Now that benefit costs have shifted to the individual faculty member via health care cost-sharing, higher salary increases may be needed to meet the commitment. Faculty need to understand what it all means if we are to make informed decisions. Essentially, faculty agreed to give up something very valuable (no cost health insurance) only because the administration and trustees insisted that the commitment to the 95<sup>th</sup> percentile would be kept.

These are extremely difficult and uncertain economic times. Faculty understand that shared sacrifice is called for. But, shared sacrifice must take into account the larger financial picture, both short term and long term. What caused Fairfield’s current budget shortfall? What is the likelihood of similar budget shortfalls in the future? What concrete steps are being taken to avoid another shortfall in the near-term future and long term? In a close

community like Fairfield - with our truly dedicated and accomplished staff - shared sacrifice will be best accomplished if our leadership leads by example. Shared sacrifice should not mean that the entire burden falls on a few unfortunate employees, and shared sacrifice need not mean equal sacrifice. Faculty do stand ready to participate - through our elected faculty representatives - in a process of comprehensive, collegial discussions that lead to closing the budget gap in ways that are humane and just.

Important and complicated issues will be discussed at upcoming meetings of the General Faculty. The FWC urges you to get educated on these matters now. If you have questions, ask any member of the Faculty Salary Committee, the FWC Executive Committee (see page 6) or our faculty representatives to the Budget Committee.

The FWC is prepared to work with the Faculty Salary Committee, the faculty, the administration, and the Board as we move forward, committed to the institution and to our core academic mission.

TABLE F  
Change in Retirement Contribution, Institutions Reporting Data for Both 2007–08 and 2010–11

	Institutional Category									
	Doctoral		Master's		Baccalaureate		Associate's		All Institutions	
Change (Percentage Points)	No.	%	No.	%	No.	%	No.	%	No.	%
Decrease of 2 points and more	16	7.5	29	7.8	61	15.1	28	14.2	134	11.3
Decrease of 1 to 1.99 points	6	2.8	21	5.6	27	6.7	5	2.5	59	5.0
Decrease of 0.5 to 0.99 points	7	3.3	21	5.6	20	4.9	5	2.5	53	4.5
Within +/- 0.5 points	128	60.1	199	53.4	245	60.5	62	31.5	634	53.4
Increase of 0.5 to 0.99 points	32	15.0	53	14.2	17	4.2	38	19.3	140	11.8
Increase of 1 to 1.99 points	17	8.0	26	7.0	28	6.9	45	22.8	116	9.8
Increase of 2 points and more	7	3.3	24	6.4	7	1.7	14	7.1	52	4.4
	213	100.0	373	100.0	405	100.0	197	99.9	1,188	100.2

Note: Retirement contribution is calculated as the average institutional expenditure on retirement per eligible faculty member, as a percentage of the institution's average salary. Percentages add to more or less than 100 percent due to rounding.

**ABOUT THE AAUP:**

The AAUP's purpose is to advance academic freedom and shared governance, to define fundamental professional values and standards for higher education, and to ensure higher education's contribution to the common good.

**ABOUT THE FWC/AAUP:**

The Faculty Welfare Committee/AAUP at Fairfield University is an ad hoc committee of the General Faculty and an affiliate of the national AAUP. We promote the professional and economic interests, broadly defined, of the Fairfield University Faculty. All our activities are open to all members of the faculty but we are funded entirely by our dues-paying members.

**Bowling Green State University (continued from page 3)** private colleges and universities are exempted under federal law from collective bargaining under the Yeshiva ruling.

Adopted earlier this year by the Republican-controlled General Assembly and signed by Gov. John Kasich, the law restricts the collective-bargaining rights of public employee unions, including police officers, firefighters, and teachers. The law also defines professors who have a role in policy-making as "management-level employees," and not eligible to bargain collectively. David Jackson, an associate professor of political science and president of the AAUP chapter at BGSU, said the revelation of BGSU's leading role was "disappointing."

He said the chapter rejects the idea that participating in decisions such as selecting textbooks and deciding on the content of courses makes them administrators.

"We're not setting our salary, we're not deciding our health-care package, the big things unions negotiate for," Mr. Jackson said. He said if the new president truly wants a better relationship with the faculty, as President Mary Ellen Mazey has said, she should voluntarily recognize the AAUP as the employees' representative in collective bargaining. Whether that would be allowed under the law is not yet known.

President Mazey said in a statement provided to The Blade that she could not comment on the university's past position. "What I can tell you is that I came to Bowling Green with the understanding that our faculty had formed a union. My experience at unionized institutions and with faculty negotiations was one of the reasons the BGSU Board of Trustees selected me," Ms. Mazey said. "One of the top priorities of my administration is to negotiate the first contract with our faculty and we have begun that process. We are moving forward under the current law."

**EXECUTIVE COMMITTEE:** Rick DeWitt, President; Joe Dennin, Vice-President; Bill Abbott, Secretary; Rona Preli, Treasurer; At-large members: Kate Wheeler, Jocelyn Boryczka, Deb Strauss, Susan Rakowitz. Membership Director: Vacant. Newsletter Editor: Irene Mulvey.

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