

# Faculty Welfare Committee/AAUP

## Excellence in Education



### IN THIS ISSUE:

- ✓ Page 1: From the President
- ✓ Page 2-4: Letter from FSC

### NEW MEMBERS!

Since our last issue on June 14, we've had two new members join at the rank of Professor.

**WELCOME!**

### From the FWC/AAUP President:

Dear Colleagues,

I am extremely grateful to our colleagues on the Faculty Salary Committee for their hard work all year long and, especially, over the course of the last month as they worked tirelessly to find a way forward following the Board's communications to faculty on June 3. I'm very grateful to all of our dues-paying members who support the work of our chapter. We can all be grateful to the Collective Bargaining Congress at AAUP for awarding the Fairfield chapter with the largest grant they awarded to any institution this year. Lastly, I'm grateful to the Newsletter Committee for suggesting that we re-print the communications from the FSC in a newsletter, for being willing to work on the newsletter under very short notice, and for telling me there was very little room for the From the President column and I would have to keep it brief!

Reprinted in this issue you will find the letter from the FSC to President von Arx, S.J. and the Chair of our Board of Trustees, as well as the email from the FSC to all members of the General Faculty covered by the MOU.

There are a number of AAUP events coming up and other recent AAUP events I attended that I would like to report on, but I will save all that for another newsletter.

I hope you are having a productive summer and that all of those projects you put off until summer are humming along right on schedule. Or if, like me, you're a little behind schedule, I hope that you catch up real soon.

Sincerely, Irene Mulvey, FWC/AAUP President

### **AAUP Conference on Shared Governance**

The AAUP will hold its Conference on Shared Governance in Washington, D.C., from September 30 to October 2, 2016. Proposals are sought from individuals or groups on topics relating to college and university governance. Proposers are encouraged to explore connections between their institutions and other institutions, and to consider the relevance of AAUP governance policies to problem-solving solutions. In addition, the conference will include a series of training workshops for current and future governance leaders. Funding opportunities are available. Contact Irene Mulvey to find out more. More information is at <https://www.aaup.org/governance-conference-call-proposals>

July 5, 2016

Mr. Frank J. Carroll III  
Board of Trustees, Chair  
Fairfield University



Rev. Jeffrey P. von Arx, S.J.  
President  
Fairfield University

This letter is a response from the Faculty Salary Committee (FSC) to the two communications sent to faculty from Mr. Carroll: (1) the email letter to General Faculty Secretary Susan Rakowitz and Senior Vice President Tom Pellegrino dated June 3, 2016, and (2) the email letter to Fairfield University Faculty dated June 3, 2016; and to the Administration's actions following those two communications.

In short, the FSC is recommending to all members of the General Faculty covered by the MOU that they accept the University's terms of employment for the 2016-17 year, but that they do so under protest, and with reservation of all rights to challenge the Board's recent actions in abrogating the faculty's governing Memo of Understanding and wholesale, unilateral rewriting of the faculty's terms of employment.

In this letter, we provide the rationale for this recommendation to the faculty and present our plans for next year.

#### **Nature and Timing of the Board's intervention.**

As you know, the FSC met throughout the 2015-16 academic year with the administration team appointed by the President. The FSC put the first proposal for compensation on the table in November. The administration did not respond with a counter-proposal until February, despite their assurances at the beginning of the year that they shared our goal of wrapping up discussions before the Board meeting in March. During the course of the year, the FSC presented many proposals that were responsive to the administration's stated concerns. In contrast, the administration made essentially no movement on material terms of compensation. Furthermore, at the end of the year, the administration presented an ultimatum to the FSC: the administration would meet only if the FSC agreed, in advance and in writing, to recommend to the General Faculty that they approve the administration's last proposal. Then, they reconsidered and said they would not meet under any circumstances. Unilaterally ending discussions is unprecedented, and has no place in good faith negotiations.

Discussions with the administration team were wholly unsatisfactory. The administration gave no rationale for the draconian changes they proposed for health insurance, and no data to back up their claims that these changes were necessary. The administration chose not to send the details of proposed health insurance changes to the joint Health Care Committee, which was established to address exactly these matters on an ongoing basis.

President von Arx, S.J., wrote to the General Faculty Secretary on April 26, 2016 that, "If the parties cannot reach agreement in our collegial discussions, the disagreement is referred to the Board, who are supposed to serve as neutral arbiters between us... ." The idea that the Board, which has an ongoing *ad hoc* Subcommittee on Faculty Compensation, would serve as "neutral arbiters" is so patently absurd that faculty were led to the conclusion that the plan all along was to deliberately avoid reaching agreement in order to have terms of compensation imposed by the "neutral" Board. The administration did play out the clock and unilaterally ended meetings, but the Board "imposed" *the faculty's terms*. This leads us to a different conclusion: that the plan all along was to render the process of collegial discussions between the FSC and the administration team utterly useless for the purposes for which it was designed, namely, to provide genuine incentive for both faculty and administration to reach agreement on terms of compensation. Under this bizarre reframing, the administration has absolutely no incentive to compromise or reach agreement in any

way. They can simply run out the clock, throw up their hands, and shrug as the Board of Trustees is “forced” to step in and impose terms of compensation. We do not, in any way, accept this redefining of our process of collegial discussions that is articulated in our contractual documents, has withstood the test of time for decades, and is largely responsible for our ability to attract and retain our excellent faculty. As you know, the intellectual character and identity of any institution of higher learning is defined by its faculty.

Step 1 of establishing a new MOU, per the decades-old language in the MOU, is that the FSC and the administration team appointed by the President are to reach agreement on terms of compensation to present to the Budget Committee, and to the General Faculty for approval. We contend that this step would have been completed had the administration fully engaged in the process throughout the year, or if the “imposed” terms had been put on the table for consideration. Given that those terms are, arguably, better than the last offer made by the FSC, we would have reached agreement on terms, there would have been no need for Board intervention. The matter was further complicated by the Board’s arbitrary deadline of June 2, even though in two of the last four years, agreement was reached later in the summer.

Putting aside the inappropriate timing of the Board’s intervention, Mr. Carroll writes that, in accordance with the MOU, the FSC are in this case provided with the revised information called for in the MOU. However, he follows that with the totally unfounded assertion that this results in the “creation of a memorandum on faculty compensation that substitutes for an agreed MOU during the next academic year.” We disagree completely. There is no authorization, anywhere, for either party to unilaterally draft contractual documents.

#### **Subsequent Actions by the Administration.**

The contractual and governing documents cited by Mr. Carroll are clear that the only legitimate intervention - and this only after all prior steps have been completed by parties acting in good faith - is for terms of compensation to be set by the Board “through its adoption of the annual budget.” There is no provision for either party to unilaterally draft new contractual documents. And yet, subsequent to the Board’s communications on June 3, the administration distributed unilaterally written documents. We consider these documents illegitimate in light of the agreed-upon processes articulated in our contractual and governing documents. Furthermore, these documents contain violations of agreed-upon processes, violation of recent agreements and, simply put, serious errors. The FSC intends to take up all these disputed matters in the fall in order to address and correct them.

#### **Specific concerns.**

Some of the most pressing or most egregious of our concerns are listed here. To reiterate, in addition to our contention that the Board’s intervention was premature, these concerns point to the over-reach by the Board in its intervention, since Board action can only be accomplished through its adoption of the annual budget.

#### **Faculty Compensation Memo.**

- The Faculty Compensation Memorandum refers to the merit system in the Journal of Record, stating that policy is “incorporated herein by reference,” but includes many statements in direct violation of the policy it incorporates by reference.
- The Faculty Compensation Memorandum alludes to “a separate process” to allocate “any funds that are available to increase faculty salaries.” Per the MOU, the process of addressing inequities of any kind must involve the FSC. FSC recommendations can be overridden, but this requires informing the FSC of any equity adjustments.
- Faculty Compensation Memorandum item 3 is in violation of the policy in the Journal of Record “incorporated herein by reference.” Provost Babington emailed all faculty to say that we will follow a process different from the one articulated in the Faculty Compensation Memorandum. The administration has therefore announced its plans to violate its own, unilaterally written Faculty Compensation Memorandum. Furthermore, the corrected process described in the Provost's email is still partly inconsistent with the agreed upon process in the Journal of Record.

- Mean salary by rank and mean increases are missing, but will be used, per Provost Babington. These numbers are needed for an individual to check his or her salary.
- The ongoing commitment to the 95<sup>th</sup> percentile was reaffirmed by President von Arx, S.J., as recently as April, 2013. The system by which we true-up if we fall below is the only thing that has been left unresolved since then.
- Drafting and distributing this document without FSC review has either led to an error in Item 6 in that “plus 1% base salary” was mistakenly copied from last year’s MOU, or the administration has unilaterally changed the way raises are calculated after promotions.
- The Faculty Compensation Memorandum concludes with a goal of the FSC and administration reaching "mutually agreed upon terms for 2017-2018", but the *Faculty Handbook* says the FSC and administration team are to work toward "the shared goal of reaching agreement on a Memo of Understanding," not merely terms.

#### **Benefits Plan Overview**

- Benefits Plan Overview language on duration of the document and how the document can be changed has been removed.
- BPO page 5 line 5: “2016” should be “2017.” If this is not a simple mistake that will be corrected, please let the FSC know immediately.

#### **Annual Contract Letter**

- The FSC is charged in the *Faculty Handbook* to “review the text of the annual contract letter before it is sent to the faculty.” This year, the FSC did not see the final draft of the individual contract letter that was sent to faculty.
- The individual contract letter suggests that the merit pay system will not be followed if the Academic Council passes a Post-tenure Review policy before September 9. The first Academic Council meeting of the year, as mandated by the *Faculty Handbook*, is September 12. Moreover, the merit process was approved by both the Academic Council and the General Faculty. Any Academic Council action changing that process will be subject to review by the General Faculty.
- In the haste to impose unilateral changes, a mistake appears to have crept into the individual contract letter. That letter says that benefits for continuing faculty will end on June 1, 2017. This appears to be an inadvertent mistake on the part of the drafters of this document. If this is not a mistake, please inform the FSC immediately since, if this is not the inadvertent mistake we believe it to be, this will need to be resolved without delay.
- The requirement for giving appropriate notice for untenured faculty is from the *Faculty Handbook* and comports with AAUP recommended standards, and should not be removed from the contract letter.
- We can’t be sure, but from the individuals we have spoken to, it appears that, in the haste to impose unilateral changes, the administration sent the contract for tenured faculty, which says the contract will be renewed, to *all* faculty.

#### **Summary.**

To summarize, the FSC is recommending to all members of the General Faculty covered by the MOU that they accept the University’s terms of employment for the 2016-17 year, but that they do so under protest, and with reservation of all rights to challenge the Board’s recent actions in abrogating the faculty’s governing Memo of Understanding and wholesale, unilateral rewriting of the faculty’s terms of employment.

On behalf of our colleagues who elected us to serve as the Faculty Salary Committee, we commit to taking up all the disputed matters in the fall in order to address and correct the problems.

Sincerely,  
Chris Bernhardt  
Faculty Salary Committee, Chair  
Professor of Mathematics