

Bargaining Report

Faculty Association Bargaining Team

October 29, 2011

As of October 29th, there are six major issues which separate the Faculty Association (FA) and the administration.

1. Tenure and financial exigency (a.k.a. “RIF,” “Reduction in Force”). Our interests are transparency and accountability. We have offered a clear definition of financial exigency as a financial crisis so severe that it threatens the survival of the institution, and therefore may require layoffs of tenured faculty after all possible alternatives have been exhausted (including cuts to those functions that are not in direct support of the university's academic mission). Transparency requires a set of objective criteria and accountability requires a mechanism for review of the administration's findings and adherence to those criteria.

We have shown considerable flexibility about how to achieve these goals. Our supposal in the spring would have established a joint faculty-administration commission to declare a financial exigency; we withdrew this proposal when the administration insisted on the prerogative of the Board of Trustees (BOT) to declare a financial exigency. Since the Board's own policy defined a financial exigency as a long-term crisis, our original proposal included: “a state of bona fide and legitimate financial exigency occurs only when three consecutive state audits demonstrate substantial and recurring financial deficits and a continuing crisis which threaten the survival of SIUC.” But in response to the administration's interest in securing the ability to declare financial exigency due to a sudden crisis, we included their interest, and now would allow financial exigency also to be declared after a sudden, major, and permanent decline in university revenues. Temporary financial crises are addressed in our proposals on temporary wage reductions.

The administration has thus far agreed to include the words “bona fide.” But its current definition of a financial exigency (following Board policy) remains too vague and circular (it is defined mainly as a financial crisis bad enough that faculty must be fired), and it provides no accountability mechanism whatsoever.

Moreover, the administration still refuses to say that faculty can only be laid off in the event of a bona fide financial exigency. While just cause and program elimination are grounds for terminating Faculty appointments, only financial exigency should justify layoffs.

The Board has stated that the faculty should trust the administration. However, your team has insisted that verification needs to accompany trust. Your team is well aware that a false declaration of financial exigency was used in the past to justify the illegal firing of 104 faculty members. We do not want that to happen again.

2. Furloughs (what we call “temporary wage adjustments,” to cover whatever administrative scheme is devised to cut salaries). Our interests are essentially the same as in the case of layoffs for financial exigency. Furloughs would be justified only by a short-term financial crisis, one less dire than a bona fide financial exigency. But we cannot allow the administration to cut our salaries without transparency and accountability. Otherwise no salary increases we negotiate would be worth the paper a contract is printed on: the administration could promise us a 2% raise, then cut our salaries 4%. To date no real progress has been made on this matter.

3. Workload. There are essentially three interconnected issues here:

- Credit hour/contact hour equivalency
- Overload pay
- Distance education, particularly our faculty's academic right to teach courses according to the methods they regard as best for student learning.

On the first issue there has been progress. We are near agreement on a process for revision and review of operating paper amendments to address workload issues. To move negotiations forward, your team withdrew a proposal that called for Faculty votes to be the final word on amendments to operating papers not related to credit/contact hour equivalencies, and we accepted the Board's insistence that the Provost make the final decision. On the crucial issue of credit/contact hour equivalencies, departments will define contact/credit hour equivalencies in their operating papers. In cases of disputes between departments and the administration over the approval of these definitions, our current proposal allows an external panel to resolve the disputes.

Overload pay. The FA's position remains that faculty should be paid as much for teaching an overload course as they are paid for teaching a regular course. The administration continues to insist on having the ability to pay faculty “no less than half a month's salary but up to one month's salary for each overload assignment.” The BOT team stated that it will accept our proposal on granting faculty the authority to decline distance education courses (on pedagogical grounds) only if we accept this BOT offer on overload pay. Thus while most workers get time and a half for overtime, the administration wants the power to pay faculty half-time.

Distance education. As discussed above, the administration is willing to consider bona fide pedagogical objections to otherwise mandatory assignments of distance education courses, but only in order to gain leverage to pay us half of what we deserve for overloads. Who is concerned only about money here?

4. Salary. The FA's view is that negotiations over salary cannot really begin until we have an agreement on a furlough process. If the administration can unilaterally cut our salaries as much as it likes, no negotiation on salary figures makes sense. The FA's proposal remains that salaries should be tied to the overall financial health of the university, defined as an increase in either overall revenues or expenditures. If revenues or expenditures go up, our salaries should go up

proportionally. If revenues and expenditures do not increase, neither should our salaries. The Board team will not agree to this idea, perhaps because revenues and expenditures have increased but spending priorities for the Board don't include Faculty.

5. Sexual harassment procedures. While the Board bargained two years ago a new policy defining what constitutes sexual harassment, they have yet to bargain procedures for how to enforce this policy. Given recent events at SIUC, establishment of a fair and transparent set of procedures is crucial, and long overdue. But in the interest of securing a contract agreement before the strike deadline, the FA has offered to separate the bargaining of this matter, so long as a deadline and resolution process are established to guarantee a timely agreement. Following a procedure successfully used when we negotiated a intellectual property policy in the past, we proposed that the two sides negotiate a set of procedures by July 1; should the two sides prove unable to do so, they would submit to binding arbitration at that date. The Board has rejected this offer.

6. Conflict of interest policy. Here too we propose a similar process to separate the bargaining of a settlement of this complex matter, but with a process that would guarantee timely resolution, i.e., further negotiations but with a set deadline and binding arbitration if that deadline is not met. Again, the Board has rejected this offer.

Your bargaining team continues to press for uniformity, accountability, and transparency as the principles to follow in the new contract. We depend on your active and continuous support.