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Fiorito, Jack

From: Fiorito, Jack **Sent:** Sat 6/5/2010 1:08 PM
To: Barron, Eric
Cc:
Subject: Comments on Your Message of June 3
Attachments:  [BarronMsgReactions.doc\(45KB\)](#)

June 5, 2010

Dear Eric,

I read your June 3rd message to FSU faculty and staff with great interest. Here are some reactions from my perspectives as a faculty member and President of the UFF-FSU Chapter.

First, there is a lot to like. I appreciate that you have taken the time to offer and explain your views. Too often managers and administrators seem to follow the “mushroom theory of management” (keep employees in the dark and feed them BS).

Also, I appreciate that you acknowledged that organizations representing faculty and staff have an important role to play. The United Faculty of Florida (UFF), for example, is under law the exclusive bargaining agent for over 1700 FSU faculty members and over 100 FSUS faculty members, and has held that status for over 30 years despite various challenges, including the “devolution challenge” in 2003 that was firmly answered by an FSU faculty vote 96% in favor of keeping UFF representation. Similarly, representation rights were enthusiastically confirmed for over 100 Florida High or FSUS faculty by a 100% vote in favor of UFF representation. Later, Florida court decisions confirmed UFF’s contention that the challenge was illegitimate in the first place.

I am also glad to see you acknowledge consideration of faculty views as revealed from the UFF-FSU April Faculty Poll and from talking with faculty. More than 500 faculty members, nearly a third of FSU faculty members, responded to the survey at a time when most are very busy with exams and grading and under a lot of pressure to meet deadlines. All things considered, this is a very good response rate for such polls, and its results deserve serious consideration. You also generously shared your time to meet with scores of faculty at a luncheon in early May, and fielded some tough questions. These and other efforts to consider faculty views are commendable.

A fourth important positive is your recognition of the sorry state of faculty compensation at FSU compared to competing universities. We all appreciate loyalty, but it cannot pay the bills. We have for years been losing some of our best faculty members to other schools because our salaries and benefits are not competitive. Faculty members almost always express deep regret about feeling “forced” to leave FSU, but understandably feel that they owe it to their families to “bring home the bacon.” And often other schools have been willing to put much more bacon on the table for experienced faculty. The average FSU faculty member is estimated to be roughly \$10,000 below the market in annual salary, and in some areas the cost of loyalty for experienced FSU faculty members is much higher, even \$40-50,000 and more.

I also appreciate that you stressed cost-of-living and merit considerations in your message. These are essential in the faculty’s view, and our faculty collective bargaining agreement provides methods of distribution that reflect the shared governance that is an essential part of great universities.

These are all important matters. It is most encouraging to see you acknowledge them in one of your first extended communications with the faculty and staff. Please don’t underestimate my own or the faculty’s

appreciation for these points in the more critical comments that follow.

So what is not to like in your recent message?

First, your statement “I do not believe that we can look backward – we simply do not have the recurring funds,” is problematic in multiple ways. There are various famous sayings that make the point that it takes wisdom to admit a mistake and that persisting in uncorrected errors is itself an error, if not a more serious one. I believe that you are referring to last year’s announced plan to lay off more than 60 FSU faculty members, including 21 tenured faculty. If FSU simply does not have the money to correct this error, I would be more sympathetic, but FSU has continued and is continuing now to hire new faculty members with recurring funds and making other commitments of recurring funds. So how can we not have recurring funds to retain experienced faculty, including distinguished scholars who have in many cases proven themselves in what is probably the longest probationary period employees ever face – the six years normally required before consideration for tenure? Further, I am not convinced that recurring funds are the only possible solution, at least for the short term. Having sat through various budget analyses, it is my impression that our deficit is expected to be a temporary problem, with rebounding state revenues, greater reliance on private funds, and tuition increases offering hope for the longer term. Non-recurring funds could help us bridge the gap until the recurring funds rebound. While FSU president, TK Wetherell once said something like “They’ll say there isn’t enough money. There never is. But it’s there if you want to find it.” Amen.

Second, I am concerned about your wording in reference to FSU employee organizations. It is very easy to read your comment as saying that the decision of “what” (bonuses) has been made unilaterally, and all that remains to discuss with employee organizations is “how,” or implementation. This is not good faith bargaining. The obligation to bargain in good faith under Florida law means bargaining the “what” as well as the “how.” I hope that in this criticism I am simply making too much of ill-considered wording. But when the president of FSU makes a thoughtful, lengthy, public statement about issues that FSU is required to bargain with its employees’ organizations, one would hope for due diligence in addressing obligations that relate to the fundamental nature of shared governance and collective bargaining. I would like to stress that I am more concerned here about the spirit of good faith bargaining than legal requirements. How would you and the FSU administration feel if the UFF sent a message to FSU Trustees saying that UFF has decided upon a particular course of action in a matter where good faith bargaining is required, and would subsequently be in touch with administration bargaining representatives to discuss implementation? We have had some problems with similar matters in the past, and we may be overly sensitive. And again, I may be making too much of an unfortunate wording choice. I hope so. In fact, just Friday morning I saw some subsequent communication from you that suggests you did not intend to preclude substantive bargaining over the “what.” This is encouraging.

Third, and this is really a “mixed message” point with some good and some bad, I am pleased to see you refer to very difficult and time-consuming work that faculty and administrators have put into a still-developing plan to provide longer-term appointments, appropriate job titles, and advancement opportunities to some valued FSU employees who are effectively “modified at-will” employees. “At-will” employment is the notion that employees and employers are free to terminate an employment relationship at any time for any reason. This is the traditional legal view of employment in the U.S. in the absence of explicit contractual protections such as those in a collective bargaining agreement or a statute.

In the vast majority of terminations at FSU, there is good reason for a decision that is unfortunate for those terminated. But what about the other cases? My concern here is that the proposal under consideration does not directly address those other cases. Faculty have consistently indicated that this problem – the inability of non-tenured faculty to challenge terminations and insist upon good reason for such actions -- is a high priority concern. Given the long, difficult, and expensive investments one makes to be prepared for faculty employment, and the very substantial costs of relocation, “at-will” just doesn’t make sense for faculty, if it does for anyone. Longer-term contracts can help, but they sidestep the underlying problem.

A second aspect of this emerging plan that troubles many faculty, both tenure-track and non-tenure track, is that at last report, it contains no indication that FSU will remain committed to maintaining a core of tenure-track and tenured faculty. The draft plan is seen by many, quite understandably, as potentially signaling that FSU is abandoning that commitment, which implies indirectly, but very tangibly, abandoning a commitment to academic freedom and shared governance. These three critical issues, foundational as they are to great academic institutions, are intimately connected. (See the recent essay by AAUP President Cary Nelson available at our web site: <http://www.uff-fsu.org/art/NelsonNoUniversity1.pdf>). We must be very careful in making sure that FSU's commitment to tenure – again, offered only on the basis of merit and only after a six-year probationary period – is not threatened or diminished.

UFF representatives have been working with administration representatives on this plan for quite some time, and we want to see it completed. We want to be able to join with the FSU administration in approaching the Public Employees Relations Commission and asking for its approval to make changes that will allow its implementation. We remain concerned, however, that without an express commitment to tenure, this plan could represent a signal that FSU no longer aspires to a place among great academic institutions. Such a signal should be and would be deeply disturbing to not only faculty members and other FSU staff, but also to alumni, students, policy-makers, and all of FSU's supporters and all of Florida's citizens.

Summing up, there are more positives than negatives in your message to faculty and staff. Clearly there are some positive elements, but there are also some uncertainties that are reason for serious concern. I sincerely hope that you will receive this message in the constructive spirit that is intended.

Best,

Jack
Jack Fiorito, President
UFF-FSU Chapter, and
J. Frank Dame Professor

E-mail from Eric Barron to FSU Employees, June 3, 2010

This message has been approved by Eric J. Barron, President of FSU, for distribution to all faculty and staff.

Dear Members of the FSU community:

This is a long message, with some detail, but I think it is important not to give a sound bite - I want to provide you with my view of our future and my plans for some immediate actions. It has been several months since I became your President and I have been working hard to get to know our university by talking with as many people as possible and visiting as many programs as I could manage in a short time.

One thing is clear - the budget reductions of the last couple of years have been very difficult. We have lost a significant number of personnel and some valued programs. There have been no raises for staff, faculty or administrators since September of 2008 (except for special situations such as promotions). I do not know of any major public university that has lost 25% of their state support in such a short period of time. The reduction in our base State support over the past two years has been \$82.9M, of which we still owe \$15M as we close out the year. It is a sad thought, but we were relieved that we lost only an additional \$3M in our base budget for the coming year, increasing our total recurring deficit to \$18M.

Fortunately, we believe that the significant pain we have already suffered will allow us to manage without any additional staff cuts in the coming year as long as we can continue to maintain enrollment and increase tuition at the rate currently allowed by the Legislature. At the same time, it will take time to remove our deficit based on income projections (basically using new tuition funds where it is allowed by law).

So, many of you have asked my views and my sense of the way forward given the stress that our financial situation places on all of us. I want to be deliberate in my message here.

We cannot afford to increase our deficit. We continued to lose ground this year and the State of Florida predicts a tough budget next year with the loss of federal stimulus dollars. Any actions that increase the deficit will require us to continue to limp along for an even longer period of time. After talking with so many of you, reading the faculty survey, and after much careful thought, I believe that "limping along" is the greatest threat to the success and quality of this institution. Specifically, if we do not pay competitive salaries, the loss in quality and in potential will be much more extensive than the loss we have already experienced through decreased State appropriations. Therefore, I do not believe we can look backward - we simply do not have the recurring funds. Instead, we must look forward and that means that our highest priority must be to find every avenue to re-invest in our existing faculty and staff. Let me list these investments in my priority order:

My view is that our first priority for spending any recurring dollars is to provide salary increases across the board and for merit increases for our existing faculty and staff.

Second, if we do not have recurring dollars to give base salary increases, our highest priority for expending one-time money (non-recurring dollars) should be one-time faculty and staff payments to address the standard of living for Florida State University employees and to demonstrate our deep appreciation.

My third priority is to invest in programs that will set the stage for future successes. We have a large number of superb programs, and we aspire to increasing that number. Importantly, wise investments will bring additional resources to FSU and advance the quality of the institution. As soon as we are able, we must increase our capability to invest in programs that will advance the institution.

The budget just signed by the Governor allows us to take a first step towards these priorities. Even though we lost some ground, we had expected an even larger loss. We had set aside one-time money to cover this larger loss because we do not believe Florida State can continue to lose jobs. I believe that these one-time savings should be passed on to the faculty and staff. Therefore, it is my intent to immediately begin the process of addressing our need to reward our faculty and staff, even though the increases must be with non-recurring resources (one-time). Of course, the proposed one-time payments will have to be brought to the various labor unions before they can be implemented.

All of you have been striving to maintain the high standards that make us proud to be at Florida State University. Both the Board of Trustees and I are deeply appreciative of your effort. All of you are our greatest asset, and although there are many intangibles that support a quality of life, I believe that the salaries we pay are central to our ability to maintain and increase the quality of this institution. I regret that my proposal for an increase cannot be permanent at this time. But, permanent increases will be my highest priority as soon as we are able.

In this regard, we need to move forward with our priorities as soon as possible and not simply wait on State appropriations and proposed tuition increases. My overall strategy is to focus on three areas:

- (1) Wise use of our non-recurring dollars to benefit the institution and its staff,
- (2) A renewed focus on fund-raising with the objective of increasing our endowment to the point where we can gain at least an additional \$30 to \$40M a year in recurring spendable income as quickly as possible, and
- (3) A concerted effort to utilize the flexibility that we have been given over tuition and fees and to work to increase this flexibility so that we can remove the deficit more quickly and begin to re-invest in the success of this institution.

I intend to discuss these objectives with the Board of Trustees and then to take on this effort with all of the personal energy that I can muster.

There are also many other actions that we need to work on immediately that do not cost dollars as, for example, making sure that we can provide longer term appointments for highly valued employees that currently have annual contracts, ensuring that titles reflect the value of the job of the employee, and ensuring that there are good opportunities for advancement.

Thank you for your patience in reading this letter. I am always open to feedback.

Eric