

FACULTY SENATE COMMUNICATIONS REPORT | 10 March 2016 special meeting

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OVERVIEW

The 2015-16 Faculty Senate held a special, emergency meeting on 10 March 2016, from 3:45 to 5:35 pm in the Riggle Room of ADUC. This meeting was called by Chair Adams at the behest of several Senators, who requested it in response to the President's email announcing unpaid employee furloughs for the week of 21 to 25 March. While he did not deliver a formal report, the Provost was in attendance for the full meeting, and contributed to the discussion at several key points.

BACKGROUND

Chair Adams began the special meeting by providing some background from her perspective on the Budget Task Force (BTF). Furloughs had apparently been discussed in the BTF meetings prior to the announcement, particularly in light of the need to "seize on something" for the current fiscal year (FY). Although he has not yet enacted it, Governor Bevin seems highly unlikely to back down on his plan to cut 4.5%, equating to \$1.95 million, from the current (2015-16) FY appropriation. Furloughing was chosen as a way to "capture savings" in the immediate-term without affecting benefits, retirement (at least with respect to KTRS), etc., all of which would be negatively impacted with an across-the-board percentage reduction in salary. Furthermore, the week of spring break was chosen because it allowed for action in this FY with the least disruption to students. According to the Provost, five days was found, after much behind-the-scenes wrangling, to be the "magic number" in terms of maximizing cost savings for the university while avoiding any potential issues with KTRS

As was noted by several Senators before the meeting, the furloughs as presently proposed will disproportionately affect those on 9-month contracts versus those on 12-month contracts. This disproportionate effect is due to the furlough being based on a particular number of days; an employee on a 9-month contract will experience a functional pay cut of 2.6% versus 1.9% for a same-salaried employee on a 12-month contract (thanks to Senator Remillard for the calculations). As an example, Chair Adams noted that she will lose more money on the furlough than her department chair. It should also be noted, though, that many 12-month employees are relatively low-paid staff rather than higher-paid administrators. The Provost was asked about whether the President was aware of the 9-/12-month discrepancy; he responded that he was not aware of any discussion on the issue, but did think it worth bringing to the President's attention.

Interestingly, Chair Adams informed the Senate that the final \$2.6 million tuition shortfall for FY 2015-16 has been fully addressed, and is no longer an issue. That shortfall has apparently been dealt with by "capturing savings" in various ways, which include delaying MAP implementation, not replacing certain pieces of equipment in the recreation center, delaying classroom infrastructure projects, and leaving staff positions unfilled.

GUEST ADDRESS

Following discussion of the background information summarized above, the Senate received a guest address from Dr. Sarah Morrison, Professor of English. In this address, Dr. Morrison expressed her distress and discontent with the present university administration, and called upon the Senate to consider a vote of no-confidence in President Andrews. Dr. Morrison stated that her position is not directly related to the furlough announcement, a statement that is backed by the content of her address. The full text of Dr. Morrison's remarks is being distributed as a separate attachment with this report.

NO-CONFIDENCE CONSIDERATION

Shortly after Dr. Morrison's address, Senator Rus May made an official motion calling for a no-confidence vote on the President. In his motion, he called for participation by all faculty in such a vote. Needless to say, much debate ensued, which is summarized below.

Nature of the vote: Some Senators expressed concern about the timing of a no-confidence vote, especially how it might look if the Senate took such action in the immediate aftermath of the furlough announcement. Put another way, there was concern that a no-confidence vote could be successfully downplayed as merely anger over the loss of salary. In a broader sense, there was concern that an affirmative no-confidence vote might be a bad public relations move. There also seemed to be a lot of

sentiment that, if the Senate does proceed with a no-confidence vote, it should be done carefully and deliberately, accompanied by a detailed statement of reasons for taking the vote.

Nuclear option: Regent Berglee stated that, from the perspective of the Board of Regents, a no-confidence vote is “pushing the button” on a “nuclear option.” He also expressed some confusion about Senator May’s call for all faculty on campus to participate in the vote, rather than it being only a Senate action.

Related issue: An important question was raised during the debate, namely the question of how MSU found itself facing the \$2.6 million tuition shortfall that would have been problematic enough even without the election of Governor Bevin. Indeed, this very issue was raised at the previous Senate meeting, particularly with respect to enrollment projections used for budget planning being at odds with obvious enrollment trends. According to Chair Adams, first-time freshmen enrollment projections were on-target for this year, with the retention and graduate enrollment projections being off, apparently enough to generate the final shortfall.

“Faculty working conditions are student learning conditions”: Senator Ron Morrison used this quote, attributed to another source, in remarks expressing his conflicted feelings about a no-confidence vote. Senator Morrison’s feelings on the matter seemed to be emblematic of the Senate as a whole: although people feel dissatisfied with the administration, and are in particular concerned about negative impacts on the students, the issue of a no-confidence vote is fraught.

Ultimate outcome: Senator May’s motion was tabled and referred to the Executive Council for further consideration. In the words of Chair Adams, the EC will do the “due diligence” on evaluating the relative merits and disadvantages of proceeding with a no-confidence vote. A firm timeline was not established for further action by the full Senate, but there was general hope that the matter can be resolved before the end of this term.

ATTEMPTED RESOLUTION

After concluding debate on the no-confidence matter, there was an attempt at putting together an official resolution from the Senate regarding the furloughs. The resolution was sparked by an eloquent statement from Senator Tim Hare that the furloughs, as presently proposed, are a regressive action which will hurt the lowest-paid employees the most and the highest-paid employees the least. Indeed, much concern was expressed about how these furloughs, amounting to the loss of a full week’s pay, will affect the many university staff who essentially live paycheck-to-paycheck. On a related note, it was also asked whether the money “captured” by the university as a result of the furloughs will be returned if Governor Bevin does back down on the immediate 4.5% budget cut. Again, the cut has not yet been implemented; these furloughs represent a proactive move chosen by the university. Some progress was made on crafting the resolution, but ultimately time ran short, and it was tabled. The EC will work further on the language, and bring a revised draft to the next Senate meeting on 17 March.

MISCELLANEOUS DISCUSSION

Preventative measure: As mentioned already in this report, there were questions and discussion regarding the necessity of instituting furloughs at the present time. While both Chair Adams and the Provost stated their firm belief that Governor Bevin will follow through on his executive order, the 4.5% (\$1.9 million) cut for this FY has not yet been implemented. In addition, a question was posed to the Provost regarding whether the university should have waited to take action until the state finishes its budgeting process. In the view of the Provost, the state budget timeline is not particularly relevant, given the ability of the governor to use his line-item veto power and prevent dispersal of funds to state universities, even if the legislature passes a friendlier budget. The Provost was also asked about how the other state universities are reacting right now. He did not have any insight on that, although he did reference the use of furloughs by universities in other states that have faced similar budget issues (e.g., Illinois).

Furlough timing: Some Senators expressed a sentiment that the furloughs should not be timed so as to essentially hide them from students. While no faculty member wants to see the students negatively impacted, the idea seemed to be that making the effects of the furlough plainly visible to students (plus parents, alumni, and donors, among others) might generate sufficient public backlash to encourage Governor Bevin to reconsider his position.

Legality: Questions were raised as to whether it is legal for the university to furlough faculty. Specifically, it was asked whether the furloughs represent a functional breach of contract, and whether due process has been violated given the extremely short notice. According to the AAUP, an appointment letter specifying annual salary (which will be effectively

reduced by the furlough) can be viewed as an enforceable contract in some states, but it is unclear whether Kentucky is one of them. Regardless, the administration has apparently investigated the legality of the furloughs, and believes that it has the authority and ability to institute them.

Unionizing: The question of whether faculty should consider unionizing was raised and stimulated quite a bit of discussion. A major impediment to such an act would be that Kentucky state employees are not guaranteed a right to engage in collective bargaining. There is apparently no explicit prohibition on a state entity like the university entering into a collective bargaining arrangement with its employees, but the university would have to voluntarily choose such an arrangement. Nevertheless, Senator John Hennen stated that, with enough people, a union could be formed and could be beneficial to faculty even without collective bargaining.