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## UFF Fall Consultation Minutes

October 6, 2017

FSU/Training Center – Stadium Place

4:00 p.m. – 5:00 p.m.

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Attendees:

University

Sally McRorie

Kyle Clark

Janet Kistner

Carolyn Egan

Renisha Gibbs

Lynn Hogan

Rebecca Peterson

Danielle Staats

Adam Donaldson

UFF

Matthew Lata

Michael Buchler

Jack Fiorito

Scott Hannahs

Robin Goodman

Nancy Kellett

**The meeting began at 4:00 p.m.**

**1. Minutes from Consultation Meeting on May 30, 2017**

Renisha Gibbs welcomed everyone to the Consultation. She asked if UFF had any changes on the minutes, as we had not received any feedback from them.

Dr. Jack Fiorito inquired about the reference to the “GAA” on page 2, in the first paragraph under the fourth agenda item, *Ramifications of Impending Block Tuition Policy*, and asked for clarification on the acronym.

Carolyn Egan explained that it referred to the General Appropriations Act.

Dr. Fiorito identified two further corrections, both to the Faculty Poll results section on page 3. He identified that “3%” should be “8%” where it referred to percentage of departmental overall response rate, and “Market equity and performance increases” should be changed to “Market equity and merit increases” when discussing which types of raises were secondarily preferred by faculty as shown by the faculty poll.

Ms. Gibbs expressed her appreciation for the feedback, and confirmed the changes would be accepted, the minutes finalized, and distributed out to both teams.

## **2. Policies or Procedures for Making up Class Hours**

**UFF**

Matthew Lata stated that, as a follow-up to the recent Faculty Senate Meeting he wanted to have further discussion about the University's policy on making up missed class hours when the University closed unexpectedly. He stated that he was under the impression that if even one class was missed, then that class would have to be made up.

Provost Sally McRorie responded that her understanding was that if multiple days are missed, as was the case with the recent closure due to Hurricane Irma, then those classes would have to be made up.

Mr. Lata sought clarification that they are in fact being asked to make up that missed time. He also inquired as to whether this directive could be issued in the form of a policy statement. He explained that he is getting a lot of questions from faculty members on this issue, specifically on how can they make the time up. He asked if scheduling a Saturday class is appropriate as the concern, in that instance, would be the students may not be able to make it.

Provost McRorie responded that anything in a policy statement would have to be in compliance with the requirements from the Board of Governors, and if that can be accomplished, then it could be done in the form of a policy statement.

Mr. Lata also expressed the desire that, if possible, a message be sent straight to the students.

Provost McRorie explained that she did send a message out the day after the storm, because a number of students were concerned that they would be pressured to do everything in the syllabus without additional time and she had assured them that would not be the case.

Dr. Michael Buchler inquired as to whether there had been any talk of not cancelling classes the afternoon of homecoming or some other days that were originally scheduled to be off so those days could be used as "make-up" days.

Provost McRorie responded that the University had considered Veteran's Day for that purpose, as other institutions around the state had been taking a look at that date, but that most institutions were deciding against it.

Dr. Scott Hannahs asked whether the University should consider building "snow days" into the academic calendar as a "cushion" for unexpected closures due to inclement weather. He recalled taking one or two of those a couple years back.

Kyle Clark stated that he was aware that due to Hurricane Irma some schools extended classes for a week, such as FIU, Florida Polytechnic, and FGCU.

Provost McRorie indicated that Dr. Janet Kistner would be looking into a policy.

### 3. Location of the Anthropology Department

UFF

Dr. Fiorito raised the issue of the Anthropology Department's location, stating that it had been a long term issue. He added that he was aware the department had been moved to Innovation Park, and recognizing that he hadn't spoken to many of the faculty, he acknowledged the possibility that many were pleased with the move, but indicated that he had heard some complaints about it being the only academic department that wasn't located on campus, and asked if that was accurate.

Ms. Egan responded that Engineering was an academic department and also located in Innovation Park.

Mr. Clark stated that the relocation process had been very inclusive and explained that the University had discussed several relocation options with the faculty in Anthropology, who ultimately chose the Innovation Park location. He added that there was also some synergy between the work they were doing and that location because there were state artifacts located out there. Mr. Clark also asserted that the faculty had been given an option to be closer to campus and design their own space; however, they had decided against that option. He stated that he had not heard any complaints and could confirm that the Dean had not expressed any discontent about the move, but acknowledged that there may be some people that were not totally satisfied with the current arrangement.

Provost McRorie added on that Mr. Clark's assertion was correct, as she has heard from faculty members who said they love the location, and they love being at that space and prefer it to their previously location.

Mr. Clark added that the space was currently being leased, which was not a preferable option for the long term plan, and indicated that he wanted to explore other options that made more sense. He stated that he had discussed with the Dean the possibility of space becoming available when EOAS relocates.

Dr. Buchler stated that one of the things he had heard from an Anthropology faculty member is that there are other departments located near them, but they are not departments that would typically work with Anthropology, such as History or other departments that might work together with Anthropology.

Mr. Clark expressed his hope that the University could find space within Innovation Park to purchase.

Nancy Kellett stated her belief that it is the National Park Service that owns space out there.

Provost McRorie confirmed that it is the National Park Service. She then addressed Dr. Buchler's statement and commented that the new location at Innovation Park is a much better space than where they were before.

Dr. Hannahs agreed and echoed her sentiment that they are located in a better place now.

Provost McRorie agreed and emphasized that the faculty had made that choice themselves after being given options.

#### **4. Tuition Reimbursement for Dependents**

**UFF**

Ms. Gibbs stated that prior to the meeting, her team had sent a note to the UFF team on this topic, stating that the administration is open to hear thoughts on this topic at Consultation, but it's not open for negotiation as it would be at bargaining. She then asked what UFF would like to share in regards to this topic.

Dr. Buchler explained that he heard tuition waivers for dependents of faculty is a really strong wish for some. As an example, he stated one female faculty member was really adamant that if it is not a benefit when her children become college age, it could drive her from FSU, especially because the benefit is offered at a lot of other institutions.

Dr. Robin Goodman asked where it stated in the CBA that Consultations would not be open for discussion on matters such as this, and proceeded to read from Article 3 the section she felt was pertinent. She stated it's the opinion of UFF that this topic affects terms and conditions of employment and should be able to be discussed at Consultation, and asked the administration if they disagreed with that position.

Ms. Gibbs responded that it should be mutually agreeable to both parties that a topic of bargaining be discussed at Consultation. She clarified that the University agreed to leave it on the agenda because the administration is open to hear UFF's thoughts on it, but that real progress on it would have to be made at the bargaining table. She stated that the administration realizes that it's something UFF feels strongly about.

Dr. Goodman replied that it isn't just the UFF representatives, that it's something that a large number of the faculty is concerned about.

Dr. Buchler added that one of the issues UFF wanted to discuss was the administration's position during bargaining that it is illegal for FSU to provide this benefit. He opined that if discussions on the topic are being "cut off" at bargaining by taking the position that it's illegal for the University to provide the benefit, and it cannot be discussed here at Consultation, then there is no venue for it to be discussed.

Ms. Gibbs responded that while she does not have the notes on-hand, she recalls the University's position that was conveyed at bargaining was that there is language in Florida Statute that restricts the University's ability to waive tuition for anyone other than employees. She clarified that the University is aware that other institutions have done it in a variety of ways. The University has held discussions with the Board of Governors (BOG) on the topic. She stated the issue with providing the benefit is not just a language issue, it is a funding issue, it is a "what is a priority for this year" issue. However, the University engaged in discussions at the bargaining table and has not refused to talk about the issue. It has been talked about, it has been researched, but there are some factors that make it difficult and that has been properly conveyed to UFF. She

further stated the University Administration's risk tolerance is different than other institutions around the state. She stated that she expected that the topic will continue to be explored but it is the University's position that it needs to be balanced with some of our other priorities around the institution.

Mr. Clark added that he has a similar issue with textbook affordability. Other schools are able to provide funding for students and when his team asks for something similar he is told that it is not legal.

Dr. Fiorito noted that the long term strategy at other institutions seems to be ask for forgiveness rather than permission.

Mr. Clark elaborated on the textbook affordability issue and how UF and other institutions are able to work with publishers to provide more affordable textbook prices to students. He stated that the state law has recently changed, so the University will be able to implement this initiative either next year or the following year.

Dr. Buchler asked if the initiative was implemented, would it necessitate a raise in tuition. He opined that if so, it would not be agreeable to the legislature.

Mr. Clark agreed that would be a challenge for implementation.

## **5. Data Set for Calculation for Market Equity Adjustments**

**UFF**

Dr. Hannahs explained that during negotiations, UFF became concerned when they learned that the University was using a 2013-2014 data set as the reference point for its market equity calculations. He stated his belief that calculating market equity with the most recent data set which was discussed in negotiations, is not technically that complicated. He clarified that he came to this conclusion now that he has seen the data set and had a copy and had an opportunity to review it. He stated further that the language in the contract does not specify which data set to use and it just says the "OSU Survey," which led to a plain language interpretation by the UFF that the data set used would be the most recent one. He stated that the administration has obviously taken a different interpretation on that and that it concerns UFF.

Ms. Gibbs acknowledged that it was apparent at the bargaining table that the University had a different interpretation of the language. She surmised that is perhaps as a result of the language, as Dr. Hannahs suggested, not specifying which version should be used for the salary survey. She explained that during bargaining, the University bargaining team went back and checked notes from previous years' bargaining sessions and were able to confirm that both parties discussed it at some point and agreed that the 2013-2014 salary survey would be used. She continued and clarified that the reason the administration was not agreeable to change the salary survey used this year was because it was mentioned so late in the bargaining process. She continued that if it was to be changed this year, then that would have pushed back implementation of the market equity salary increases. She explained that the reason the survey used was consistently the 2013-2014 version for the last few years is because the administration wanted to be able to assess progress, and it would be difficult to assess progress if the "goal

post” kept moving. That being said, if the University decides to do market equity again next year and that is open to negotiation, then they are definitely open to adjusting the data set. She elaborated that there was not any intention to sneak that by UFF, she believed they shared an understanding, clearly there was not one, but that the administration is happy to look at that again next year if they do market equity and make an adjustment.

Dr. Hannahs responded that he does not necessarily see it as moving “the goal.” Market equity is by necessity a moving goal. He stated that most faculty that he has talked to have been concerned that their contract is being compared to a data set that is 3-4 years old.

Ms. Gibbs answered that it is her belief that a lot of times during bargaining, there were comments about the equity gap, and when these sorts of comments are being made about the gap, if the goal is always moving it makes it hard to address the gap. She assured him that the administration has heard the position that UFF has taken, and agrees that the market changes every year. She stated that the University has done comparisons between 2013-2014 and now, and some go up some come down. She elaborated that they will be happy to take a look at it.

Dr. Hannahs articulated his belief that the comparison really should be in real dollars, not old dollars compared to new dollars. He also stated that because of inflation, it really does need to be current. He explained that he really believes the data set needs to be updated. He stated he agrees completely with Ms. Gibbs about bringing it up earlier in the process because it would delay everything; therefore, he wanted to bring it up early and that’s why he’s talking about it today.

Ms. Gibbs thanked him for his thoughts and stated that she looks forward to discussing more at the bargaining table.

## **6. Upcoming Legislative Session:**

**UFF**

### **a. World Scholar Program**

### **b. Reducing Class Sizes**

Mr. Lata stated that if President Thrasher were present, they could have a deeper discussion about this topic, and that he thinks this can be more appropriately discussed in the Presidential consultation in December.

Mr. Clark indicated that while they can certainly discuss it, there may not be much more clarity in December either. He stated that his preference is that the legislature will leave funding the way it is now, but he is also cognizant of the Governors letter where it was stated that institutions should not count on the same funding again next year.

Dr. Goodman inquired as to whether the administration is still pushing for the lowest class sizes.

Provost McRorie confirmed that the student to faculty ratio is still very important to the University, and in fact, the University is hiring a lot of faculty this year. She explained that the new faculty lines are being allocated to the areas with the most need, and that all of the Deans were given an opportunity to point out areas where they could use new positions.

Dr. Hannahs asked how many new faculty searches have been approved this year.

Provost McRorie answered that she has approved 125 new position packets, which in her estimation is the most that has ever approved in a single year. She wanted to give Deans of colleges/departments the opportunity to begin their searches early so that they can have some of those hires in by next year. She elaborated that she checked on the progress today and four (4) new hires have already been completed.

Dr. Goodman stated her belief that they are really struggling for new faculty positions in English.

Provost McRorie confirmed that she was aware of that perspective, as each department has a Chair and a Dean that relays information such as that to her.

Mr. Lata opined that he thinks another result of starting the search process earlier is that it yields a higher quality of applicant.

## **7. FSU Policy on Free Speech Outside of Classroom and on Social Media** **UFF**

Mr. Lata stated that this topic has nothing to do with anything that happened at FSU. He had heard from some faculty members referring to an incident that happened at the University of Tampa. He explained that the incident was a termination of a faculty member for something he posted on social media.

Provost McRorie indicated that Tampa is a private university, and as such operates under much different conditions.

Ms. Egan agreed and stated that she is not even sure whether they have tenure at that university.

Mr. Lata agreed on those points, but stated that he had been looking over the bargaining agreement and did not see anything that covers free speech on social media.

Ms. Egan responded that Supreme Court jurisprudence has stated enough on that topic and that covers it. She confirmed that the administration is very cognizant of First Amendment rights and its coverage for faculty and students. She explained that was the reason it is not covered in the bargaining agreement and that she does she think it would be wise to include it. She stated that if the issue was brought to her or Ms. Gibbs, they would certainly confirm that is not something FSU could or would ever do. She stated she would be glad to converse with anybody who has questions on this topic. She stated that if you google public institution speech, that the Pickering case (Pickering v. Board of Education) is the main case that comes up and that there is plenty of

discussion online on this decision. The University follows the rules set from the decision on that case.

## **8. Child Care**

**UFF**

Dr. Fiorito stated that during the fall semester he had talked with a lot of the newer, younger faculty members. He stated he heard, once again, that childcare is a particularly important issue for them, and he wanted to be sure to mention that to administration. He stated he believes that, since the University is going to be doing a lot of hiring, then childcare for new and current faculty members is something that needs to be discussed further. He looked at the minutes from the previous meetings, and saw that administration had said they would follow up and perhaps come back to UFF with a proposal for something to address the childcare needs of faculty.

Mr. Clark responded that, as a father, he feels strongly on this topic as well. He explained that he does not have authority over this area because it is considered student services, but in speaking with that administration, they are moving the facility. He has explained his position to them in regards to having enough space to accommodate the needs of faculty and staff as well. He confirmed that, currently they have enough space to accommodate about 50 children, where part of it is located off Copeland Street, and part of it is still in Alumni Village. He explained that his understanding is that next Fall, it will all be consolidated into one building located on Copeland Street, and capacity at that point will double up to about 100 children. He confirmed the facility currently has a wait list.

Dr. Fiorito inquired as to whether Mr. Clark knew how many people were currently on the wait list.

Mr. Clark replied that he does not know that figure. Dr. Amy Hecht, Vice President for Student Affairs spoke about this issue at a recent meeting. Mr. Clark recommended reaching out to her or going online to find the answer to that question.

## **9. Other/Unfinished Business**

**UFF**

Mr. Lata stated that there were a couple of other issues UFF wanted to discuss.

Dr. Buchler began by apologizing that this topic did not make it onto the agenda, as it came to them kind of late. He stated there was an issue raised by the UFF Grievance Chair and he had told her he would voice the concern on her behalf. He explained that there was an instance in the College of Business that indicated the Dean seems to have unilaterally changed the terms for promotion without a faculty vote. He explained that the faculty had voted on a list of prestigious journals, but that the Dean appears to have changed that list by adding a new category and deleting some of the journals on it in October 2016, which is after the promotion dossiers had been submitted, and then using the lists as a means to oppose promotional candidates.

Ms. Gibbs responded that the collective bargaining agreement requires for consultations that agenda items be provided a week in advance so that both sides can be prepared. She explained



that her team received an email today at noon with three (3) additional items for the agenda. She explained that, as a result, the administration is not fully prepared to respond on this topic, but that she would ensure the concern was shared with Dr. Kistner.

Mr. Lata answered that this was an informative matter, that they are not necessarily seeking a response. He explained that UFF is hoping to avoid a grievance matter on this so wanted to bring it up at Consultation.

Mr. Lata went on to add that the other issue they wanted to bring up is parking because they are hearing more issues from faculty about it.

Mr. Clark replied that if Associate General Counsel Lisa Scoles were here, she would advise that parking is not a collective bargaining issue, as she usually does. He referenced a recent article in the Tallahassee Democrat, and stated that he actually thought it did a good job of telling where the parking situation had been, and where it is and where he is hoping it will go.

He continued that the University has added over one hundred (100) new spots over the past three (3) years. He stated that student parking is down by 16%, and they are adding fifty (50) new spaces that are for faculty and staff off of College Avenue by the Westcott building, and confirmed those new spaces should be available by the spring semester. He stated they are also adding forty (40) new spots by the annex that should be open in January as well. Additionally, they added two hundred (200) spaces over by the Civic Center that are open right now.

Currently, the University has the second lowest faculty-to-space ratio in the SUS. He stated that he realizes it is an issue of convenience and he would love to be able to produce more spots right out in front of the building. He explained that the issue has been the lack of revenue for it, as tuition has not been increased in the time that he has been here, so it is something they want to do but currently just have no money for it.

Dr. Buchler asked if he could make a very modest suggestion. He explained it occurred to him while searching for parking. He referred to the spots for Enterprise, and suggested that if they know they are not going to fill a spot for a day, they could just put a sign there and then everyone would know it is not being used that day. He believes this would open up additional spaces.

Mr. Clark responded that he is in the process of doing that already. He explained his opinion that Enterprise's execution of services has been poor. He assured that his team will continue to keep working with them on it, but changes are being made to the amount of spaces for Enterprise so faculty should see some movement on that.

Dr. Fiorito then mentioned OPS employees, stating that he thought they would see some follow up data about having faculty positions on OPS funding.

Ms. Gibbs responded that she does recall that meeting, since that time there have been some surveys with departments and that the issues has been reviewed, but that shortly after those initial discussions started, the focus of her team pivoted to bargaining. She confirmed that there has been some research done, and over the coming weeks that the issue will be picked back up and her team will provide that information to UFF once completed.

**Meeting adjourns at 4:59pm**