

BOT discusses some financial concerns and tables vote on tenure recommendations

The College Board of Trustees meeting on Feb. 24 included some discussion of financial issues, as well as the unanticipated tabling of the recommendations to award tenure to seven faculty members.

The Board meeting did not include a financial report from Vice President Bill Rollins, because Mr. Rollins was ill. However, President Wright and several Board members made comments related to financial issues.

In his President's Report, Dr. Wright said he wanted to assure the Board members that the College will end the fiscal year with a balanced budget.

Dr. Wright said that College administrators are "working to make sure we end the year in a positive light."

Following the President's Report, Board member Lisa FitzGibbon said that it would be helpful for Board members to have additional information to better understand the budget "snapshot" data that is provided to Board members.

Mrs. FitzGibbon also said that

it would be helpful if the financial reports to the Board would identify "one-time issues" affecting the budget as differentiated from "structural changes" in the state-assisted funding environment.

Dr. Wright responded that the administration would "work to provide more clarity" to the Board members when reporting on budget-related concerns.

Board member Mark Walton said the Board is committed to "doing what is right and just" in making decisions that will lead to a balanced budget for the year.

Mr. Walton also asked the administration to provide "the detail needed to help us make good decisions."

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Faculty employment and financial exigency: What the contract says

-- the Cincinnati State AAUP Executive Committee

Since the College's Board of Trustees decided on February 24 to table consideration of this year's tenure candidates, and since the Board's Chairperson stated that the postponement was related to "financial discussions," some faculty members have raised concerns about the specter of layoffs resulting from the College's financial situation.

The Collective Bargaining Agreement between the College and the AAUP has provisions which relate to tenure and also

has provisions which relate to a situation where layoffs could possibly occur due to financial problems.

This year, in accordance with the contract, the Tenure Committee, the Deans, and the Academic Vice President all made recommendations that the Board should grant tenure to seven candidates.

President Wright added his recommendation by presenting the list of tenure candidates as an item in the Board's meeting agenda, which is published and distributed several days prior to

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Board Chair Annette Smith Tarver spoke about the status of the College's fiscal rating with the Ohio Board of Regents (OBOR).

Mrs. Smith Tarver said that the College administration is preparing to present information to an OBOR committee.

She said the OBOR committee will consider the College's proposed alternative method for calculating the "composite score" used by the OBOR to measure the fiscal health of state-assisted higher education institutions. (See *AAUP News*, Feb. 9, 2004, for related information.)

Mrs. Smith Tarver thanked President Wright and Mr. Walton for the work they are doing to "try to get resolution to this process" and she said the Board is "hopeful" about the outcome of the OBOR review.

Following Mrs. Smith Tarver's report, President Wright said that the administration is "looking very closely" at everything related to the fiscal health of the College.

Mrs. Smith Tarver responded that the Board "looks forward to hearing recommendations" from the President for changes that will resolve fiscal concerns.

Tenure vote tabled

The Board agenda for the Feb. 24 meeting included recommendations to award tenure to seven faculty members.

However, Mrs. Smith Tarver asked the Board to postpone voting on the tenure recommendations, "pending financial discussions."

AAUP Chapter President Pam Ecker said she sought

clarification from Academic Vice President Monica Posey and from Mrs. Smith Tarver about the reasons for tabling the tenure recommendations.

"According to the contract, the Board has until April 15 to take action on the tenure recommendations," Pam said.

"Mrs. Smith Tarver's request to table the tenure recommendations was surprising, since it has been the practice for the past several years for the Board to vote on these recommendations at the February meeting," Pam added.

"Dr. Posey told me she did not know prior to the meeting that the Board would be choosing to postpone action concerning tenure," Pam said.

"Dr. Posey also told me she was not aware of any reason for the postponement other than the Board members' interest in taking a closer look at all matters that have a financial impact on the College," Pam said.

"When I asked Mrs. Smith Tarver for more information about why the vote on tenure recommendations had been tabled, she told me that the Board wanted to take time to look carefully at everything related to balancing the budget," Pam said.

AAUP Chapter Vice President Joyce Rimlinger said, "I'm puzzled by the Board's postponement of the tenure vote."

"The only aspect of the tenure vote with an added impact on this year's budget is the salary increment that goes into effect immediately after faculty members are granted tenure," Joyce continued.

"If the Board waits until the April deadline to award tenure to these seven applicants, the total 'savings' would amount to about \$1,000," Joyce said. "If the Board delays the tenure vote until the March 23 meeting, the 'savings' will be only about \$600."

Joyce added, "I'm guessing that before this budget year ends, the College will spend a lot more than \$1,000 on any number of things that are less crucial to achieving the mission of the College than the high-quality teaching, co-op coordination work, and contributions to College and community service being provided by these seven candidates for tenure."

"Faculty and administration have a shared interest in increasing new student enrollment and improving student retention," Joyce said. "It's difficult to understand how we would expect to serve those students without qualified, experienced faculty and staff."

Faculty Senate cites Board communication

As part of the Faculty Senate Report, Senate President Diane Stump shared with the Board a letter from a faculty member thanking Mrs. Smith Tarver for her recent e-mail message to the College community concerning College fiscal issues.

Diane said, "Like the Board members, faculty members are very concerned about the financial health and reputation of the College. I've heard many positive responses to the recent e-mail communication."

At the end of their meeting, the Board voted to meet in executive session on Mar. 15 and again on Mar. 23, prior to the regular Board meeting.

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the Board meeting. This is the process Dr. Wright has used for several years to meet the March 1 contractual deadline for the President to provide his tenure recommendations to the Board.

In recent years, the Board has acted on the tenure recommendations at the February meeting, well ahead of the Board's April 15 contractual deadline for granting or denying tenure.

If the Board were to make a decision regarding one or more faculty tenure candidates which is contrary to the recommendation made by the Tenure Committee, the Board would be contractually

obligated to put the reasons in writing.

The AAUP Executive Committee believes it is unlikely that a Board would cite a financial crisis as a reason to deny tenure.

Article XI (D)(6) of the Agreement says that no layoff of faculty bargaining unit members will occur due to financial exigency unless the College President notifies the Faculty Senate and the AAUP. This notification must occur 60 working days prior to the President making any such recommendation to the Board of Trustees.

In the remote event that the President did give the Senate

and the AAUP 60 working days' notice of faculty layoffs due to financial exigency, and in the remote event that layoffs would occur, the Agreement requires that layoffs happen first among adjunct faculty.

Only after that could full-time faculty be laid off, and then in reverse order of seniority based on date of hire.

The Board's decision to table consideration of this year's slate of tenure candidates has caused alarm for the tenure applicants and for other untenured faculty.

We hope the members of the Board are cognizant of the impact of their action. We are hopeful that the concerns will soon be appropriately resolved.



At its meeting on February 24, the College's Board of Trustees ended the meeting with a vote to go into an "executive session" at a special meeting to be held March 15.

This was in addition to the executive session the Board will hold prior to its usual monthly meeting scheduled for March 23.

The Board did not give the audience any inkling of what the agenda is for the March 15 meeting, other than to read out loud the list of exceptions to the "sunshine law."

Ohio Revised Code 121 (the "sunshine law") requires a public body like our Board to have its deliberations and discussions in public, subject to the scrutiny of all citizens.

Certain exceptions are noted in the statute. The Board may properly discuss in private such

things as certain personnel actions, things that relate to attorney/client privilege, collective bargaining issues, possible real estate acquisitions, and preparations for a trial or other court proceeding.

Our Board routinely votes in public (as is required by law), at the end of each regular public meeting, to go into an executive session prior to the next public meeting of the Board.

The reason given for meeting in executive session is always the same list of items, cited directly from the text of the law.

The Board then meets for an hour or two in private, before the regularly scheduled public meeting.

I'm wondering about the purpose of the "special" March 15, 8:00 a.m., Board "retreat."

Is the College considering a real estate acquisition (other than our \$49 million building)? Is the Board preparing for collective bargaining? Is there a trial in process, which would require attorney/client privilege? Is there some sort of personnel discipline being considered?

I hope that the Board's agenda does not constitute a "secret meeting" regarding the College's financial health and possible "fiscal watch." These are topics properly meant for discussion in public, for all of us to hear.

Short of bugging the meeting room, though, I guess we'll never quite be sure.

John Battistone
Humanities Division

Sick Leave Bank campaign ends 2/27

Faculty members donated 45 days to the employee Sick Leave Bank on the opening day of the second annual "Have a Heart; Do Your Part" campaign.

AAUP Chapter President Pam Ecker said, "We appreciate those who have made contributions to the Sick Leave Bank this year, and hope that other faculty members will consider donating days, too."

The "Have a Heart" campaign for this year concludes on Feb. 27; however, faculty members may donate days to the Sick Leave Bank at any time by filling out a Donation Form. These forms are available in the Human Resources Office or from the AAUP.

The Sick Leave Bank provision of the Faculty contract allows bargaining unit members with at least 35 days of accumulated sick leave to donate up to 10 non-refundable days each year to the Sick Leave Bank.

Any full-time College employee may submit a request to the Human Resources Office to use time from the Sick Leave Bank.

A brochure with more information about the Sick Leave Bank is available in all academic division offices. The brochure also is available on the AAUP Chapter website, www.cinstateaaup.org.

Equity adjustment proposals due 3/12

Faculty members in Bargaining Unit 1 who wish to apply for salary adjustment because of inequities in compensation must submit their proposal for an adjustment to Human Resources Director Gene Breyer no later than March 12.

Additional information is available in the *AAUP News* issue published Jan. 23, 2004, which can be obtained from the Chapter website, www.cinstateaaup.org.

Have a Heart; Do Your Part: Contribute to the Sick Leave Bank



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