



Meeting Minutes
Tuesday, April 21, 2009
3:00 pm
Conference Call

Chairwoman Nancy Blosser convened the full board meeting of the Florida Atlantic University Board of Trustees at with the following members participating:

Trustees Scott Adams, Anthony Barbar, William Bryant, David Feder, Armand Grossman, Lalita Janke, Sherry Plymale, Eric Shaw, Robert Stilley, and Thomas Workman.

Absent: Trustees Abraham Cohen and Rajendra Gupta

The following university officials attended:

Mr. Frank T. Brogan, President; Mr. David Kian, Senior Vice President of Strategic Relations & General Counsel; Mr. Randy Goin, Chief of Staff & BOT Liaison; Dr. John Pritchett, University Provost; Dr. Ken Jessell, Senior Vice President for Finance and Administration; Dr. Joyanne Stephens, Vice President for FAU's Broward Campuses; Ms. Gerri McPherson, Vice President for FAU's Northern Campuses; Dr. Kristen Murtaugh, Vice President for Strategic Planning; and Dr. Charles Brown, Senior Vice President of Student Affairs.

I. Call to Order and Roll Call

The meeting was called to order by Chairperson Blosser for the purpose of consideration and approval of the recommended resolution of impasse with the United Faculty of Florida Union as presented by the chair of the Collective Bargaining subcommittee. Chairperson Blosser expressed her gratitude to Trustee Stilley and the Collective Bargaining subcommittee for their dedicated time and effort throughout the process as well as expressed appreciation to the staff that worked with the committee.

II. Collective Bargaining Committee

CB: A-1. Impasse Hearing Regarding United Faculty of Florida

Chairperson Blosser welcomed Trustee Stilley's report from the Collective Bargaining Subcommittee: Trustee Stilley thanked the committee for their hard work and dedication as well as their immediate response to the meeting on April 20th, 2009.

For over a year, Florida Atlantic University and the United Faculty of Florida union negotiated on the issues at hand, yet were unable to reach a resolution. On December 18, 2008, FAU notified the Public Employee Relations Committee that both parties were at an impasse. Upon notification, the Public Employee Relations Committee appointed a special magistrate who conducted a hearing to review the facts and make recommendations on all unresolved issues.

On March 21st, 2009, the magistrate made his recommendations in a report. Both parties objected to the recommendations and the matter remained unsettled. The report formulated by the magistrate held the following recommendations:

1. On the issue of wages for the 2008-2009 fiscal year, the magistrate suggested that the union's position of a 2.5% wage increase across the board be adopted. FAU rejected the recommendation and countered with an offering of a 1% increase across the board with a one-time \$1,000 bonus.
2. On the issue of summer course assignments, the magistrate recommended that the University's position of faculty receiving first preference in teaching one summer class rather than multiple classes be adopted. UFF rejected the recommendation and noted that this option should never have been considered seeing as though it was a new proposal.

As per regulation, when the appointed magistrate is unable to find a resolution that is agreeable to all parties, the matter goes before the Board of Trustees for final resolution. On April 15th, 2009, by form of letter, Trustee Blosser directed the subcommittee to conduct public hearings and submit their recommended to the full Board. On April 20th, 2009, the full board considered the recommendation of the subcommittee after hearing presentations and thorough discussions on the matter.

The Board of Trustees received the following recommendation for approval of all issues remaining in impasse is resolved:

1. With regard to the issue of the assignment of summer courses to faculty; it is proposed that Article VIII of the University Negotiating Team proposed on February 24th, 2009, which clarifies that priority for faculty be offered supplementary summer course assignment is one course.
2. With regard to the issue of wages for 2008-2009, the impasse is resolved by adopting the proposed Article XXIII which is dated February 20, 2009, which states that there is to be a 1% wage increase across-the-board and a one-time \$1,000 non-recurring compensation disbursement.
3. The Board of Trustees recognizes that since neither party has rejected the recommendation of the magistrate for issues regarding Article XII on notice of non re-appointment of 2007-2008 wage increases, the University's position to resolve the impasse issues as recommended.

There was a motion to approve the recommended resolution of impasse with United Faculty of Florida (UFF) Union as presented by the Chair of the Collective Bargaining Sub-Committee by Trustee Robert Stilley. The motion was seconded by Trustee Anthony Barbar.

Chairperson Blosser provided a recap of the motion on the table and opened discussion on the matter. Trustee Janke stated that discussions have been held about this issue numerous times and while many of the Board members would like to provide the faculty with what they have requested, regretfully, at the risk of jeopardizing student programs, she must support the proposal. Trustee Adams refuted the accusation that the Board of Trustees is 'out-of-touch'. From a broad look, the economy has placed the University in a position in which there are not many options. The lack of state funding is a component, and FAU must also look at how our faculty compares to their peers in other schools within the SUS. Trustee Stilley commented that in a time in which people are being furloughed and wages are being cut, the offer seems fair. The Board of Trustees would love to appropriate more money, but the funds are not available. Trustee Stilley takes this job seriously and will not jeopardize FAU.

Trustee Adams stated that the Clearwire funds are not recurring and the attorney for the Faculty Union made comments that they were. Trustee Adams said there are many risk factors associated with those funds, and while we hope for the best with wireless technology for FAU, the funds are not recurring funds.

Trustee Barbar agreed with Trustee Adams' stand on Clearwire and commented that a year ago there were many companies that were around that are not around today. The BOT cannot put the University in a position where vital services are not available to students and faculty. Trustee Barbar also expressed his appreciation and recognition for the faculty, but this is a time for prudence. Trustee Workman and Trustee Barbar clarified that the motion on the table would take effect November 1, 2008 and is retroactive as opposed to the other

option of making the motion effective now. The November 1, 2008 date coincides with the date in which the non-union employees received their increase.

Trustee Grossman extended his gratitude to Trustee Stilley and stated that while this is a wrenching decision, the Board is proud of the Faculty and these are unprecedented times for FAU and the SUS. The Board is looking forward to finding the means necessary to accommodate the desires of the faculty. Trustee Janke is glad that we are not cutting programs as aggressively as other universities and realizes that there must be a balance for education and the satisfaction of faculty. Trustee Feder asked if the amount of the increase is due to a lack of funds or due to competitive analysis. The choice to appropriate a 1% increase and a non-recurring \$1,000 is because available funds do not allow for more. Chairperson Blosser added that no additional allocation has been made for employee raises from legislation. The allocation of the resources was well thought out and that was the amount determined.

Trustee Stilley stated that if, hypothetically, a 2% increase was appropriated, next year, the University would be negative 2% and that would put everyone in a bad position.

Trustee Janke asked, in lieu of cash bonuses, could a compromise be reached to satisfy the faculty, Trustee Blosser clarified that there is already a committee in place that would serve as the appropriate channel for said question and it is not pertinent to the question at hand.

Trustee Shaw expressed that his main opposition to the motion is that the entire raise is across-the-board. Such raises serve as a disincentive for the most productive faculty. There are many faculty members that have numerous options and they may lose loyalty with the University and leave. The least productive faculty members will continue to be underproductive. Performance has no visible impact on salaries, and while cost of living is to be considered, it is not the only component. The Board should restructure raise packages so that there is a merit-based compensation at all times. Shaw said that while the sentiment is appreciated, the one-time bonuses is an unwanted gimmick. It should be saved and added to the base salary when there are sufficient funds. Trustee Adams noted that he is in agreement with Trustee Shaw's statement regarding performance pay and would like to add this to the plans of the Strategic Planning Committee as well. Trustee Grossman added that merit pay is long overdue and the time has come to implement.

Trustee Blosser concluded discussion by opening the question for voting. Twelve members of the Board voted in favor of the recommended resolution to the impasse with the UFF, one member voted against. The motion carried.

III. Public Comments

Public Comments were received from Associate Professor Robert McCarthy of Florida Atlantic University. Mr. McCarthy stated that he did not wish to protest or criticize the result; however, the average professor is receiving a salary under \$50,000, which consequently is not sufficient for the cost of living in the area. He stated that as an Associate Professor in the Dorothy F. Schmidt College of Arts and Letters for nearly four and a half years, he has yet to reach the \$50,000 margin. He commented that Florida Atlantic University is one of the only universities in which a professor has to teach over the summer. It is his opinion that FAU has fallen behind over the past 6-8 years and has become the permanent underclassmen of faculty. He feels the best and brightest of faculty will leave if they do not feel prioritized. While Mr. McCarthy is well-aware of the tough times we as a university is facing during the economic period, he remarked that faculty were not rewarded adequately during the good times either. Mr. McCarthy concluded stating that it is important for the university to work together towards the support of the younger faculty members.

IV. BOT Members' Comments

Chairperson Blosser opened the meeting to Trustee comments. Trustee Shaw commented that after three years of attending committee meetings and being a member of the full board, the dedication of the Board of Trustees has always been shared with the faculty. They are well aware and appreciative of all of the BOT's services. Trustee Workman commented that Trustee Shaw will be missed, and his input will always be welcomed.

President Brogan stated that he has been on both sides of the collective bargaining process and he has faith in the process. Collective Bargaining is an emotional process that is filled with a good deal of hyperbole and rhetoric — not rhetoric that has been misspent or miscast, but certainly emotional in nature. The press uses sound bites to make points and create unrest within the process. The comment made that the BOT is ‘out-of-touch’ is an example of such instances. The BOT is well aware of federal, state and local happenings and all decisions are based on good intentions. President Brogan stated that while certain funds are not any more stable than others, there is a responsibility to spend money in a smart way. Faculty is appreciated and everything is done to ensure their interest. President Brogan concluded with thankful appreciation to the Board of Trustees, the Collective Bargaining Sub-Committee as well as the UFF.

Trustee Blosser thanked the Board for their thoughtful consideration and dedication to resolving the issues that were at hand. The decisions made today exercised the duties of the Board of Trustees to resolve issues in the best interest of the university. Trustee Blosser understands that while the faculty wants more than words and praise, she appreciates their dedication to service and to the mission of the University. It is her sentiment that all faculty and staff members should receive fair and equitable compensation, however, at the moment it is not possible. In 2006, salaries were increased by 3.6%. As long as the finances are available, the Board is more than willing to allow for compensation. From Florida Atlantic University’s 45 year old history, the Board has a responsibility to explore a broader view. The Clearwire contract cannot be relied on year after year since it is not as stable as state funding. She stated that the negotiating process has been long and difficult and has yielded an ‘us versus them’ psychology that is not reflective of the FAU community — one family doing their best to deal with family problems.

V. Adjournment

There was a motion by Trustee Sherry Plymale to adjourn the meeting. The motion was seconded by Trustee Eric Shaw. The meeting was adjourned