

Connection

Binghamton Chapter, United University Professions



Another Financial Insult to SUNY

by Phil Smith
UUP President

(E-mail distribution, Apr. 22) Sisters and brothers, I'm sorry to report yet another financial blow to SUNY. Yesterday, the Division of Budget (DOB) issued a bulletin, "Spending Reduction/Financial Management Plan for 2008-09."

We've had an opportunity to brief on this bulletin and I must tell you that the news is all bad! DOB is calling for a *hiring freeze* and an *overall reduction in spending authority* for non-General Fund monies (i.e., the SUNY budget allocation) and for non-federal funds. In other words, SUNY is being told, in essence, to halt hiring, and that certain of its revenue streams are going to be "handcuffed."

Here's a synopsis of the "spending limitations," which total approximately \$110 million. The sources of these reductions are:



- \$43 million hospital revenue
- \$38.3 million tuition
 - \$15.9 million income fund reimbursable accounts
 - \$1.1 million stabilization fund
 - \$1.2 million L.I. Veterans Home
 - \$9.7 million dormitory revenue.

Depending on how one views the numbers, here are some examples of the impact:

- Traditional campuses: \$90.2 million overall cut, which includes reduction of SUNY budget plus, loss of tuition and dormitory dollars.
- Hospitals: \$78 million cut, which reflects reduction of SUNY Budget plus additional cost in salary and fringe not covered by collective bar-

gaining (all three bargaining units).

• Total Impact on SUNY: \$182 million cut, which includes all of the above factors. As you can easily see, this is very bad news for SUNY! Indeed, our analysis of this latest dictum by DOB aims a full 50% of the cuts at SUNY. Let me repeat: No other state agency will suffer anything near that of SUNY! If you care to read the DOB Bulletin referenced above, go to <http://www.budget.state.ny.us/guide/bprm/bulletins/b-1178.html>.

In response to this recent development, I'm providing some "talking points" [see page 6] to give you a bit more background and a means of helping you understand the overall — and developing — situation. The UUP officers and I are working on plans to react to — and turn back — these cuts. I'll provide additional information as it develops.

In solidarity,
Phil

Salary Compression and Inversion: A Problem at BU?

by Peter Knuepfer
Geology Department

Increasing national attention is focusing on the shrinking differences among faculty salaries as a function of rank. Termed salary compression, it occurs as new faculty are hired at increasingly high starting salaries—reflecting "market" prices—compared to faculty hired in earlier years. So even as a previously hired

faculty member benefits from annual increases, her/his salary may not significantly exceed that of a colleague hired several years later at a significantly higher initial salary.

Let's imagine that a professor was hired 5 years ago at \$50,000, and that it takes a salary of \$60,000 today to complete a successful search. Consider what happens to the salary of that earlier faculty member. Five years of 4% salary

increases — more than the across-the-board increases we've had at SUNY — yields a salary of just under \$61,000 for the first professor. Thus, the difference between the salary of the veteran faculty member and the new faculty member is compressed.

Consider what would be the case if it took \$70,000 today to hire a faculty member in this field: the

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The opinions expressed in this newsletter are those of the authors or of the Binghamton Chapter and are not necessarily the opinions of United University Professions.

The editor welcomes letters and other comments of interest to the Binghamton Chapter.

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From the Chapter President

Speaking Up for BU (now that spring is here)

by Darryl M. Wood
Anderson Center

The end of the semester is upon us with warmer days and nights, as well as an opportunity to relax, if only for a short period of time. Many of us will still be busy over the summer with incoming students, the Empire State Games and Special Olympics.

Here, however, I wish to review the state budget and its impact on SUNY and our campus (see related articles by UUP President Phil Smith).

UUP has worked diligently over the years to protect SUNY. At times, we were the only group supporting SUNY's budget; the SUNY Board of Trustees, for a period of time, would encourage cuts to that budget. By the end of the Pataki administration, support from the governor was building. With the election of Spitzer, many believed higher education would finally come front and center with support from the state.

Alas, that was not to be. In addition to the personal problems faced by the former governor, the economy in New York state turned sour. Our tax base is largely based on what happens on Wall Street. The profits of the firms there and the significant bonuses their employees receive largely determine the funds available to the state. To borrow a metaphor, a sneeze there causes the flu in the state's tax coffers. The state is still dealing with this and will for some time to come.

As I write this, the news headlines indicate the new governor may impose a hiring freeze if savings are not attained by state agencies. SUNY is a state agency but has had flexibility in the past when these types of restrictions have been imposed. It is unclear whether that flexibility



will continue.

While the job you save may be your own, the real issue we face is whether SUNY in general, and Binghamton in particular, will be able to continue to provide the quality education we

are known for. Those headlines touting the quality of this campus, which the University administration likes to repeat, are the result of your hard work, along with the caring and concern you show for our students. Without your efforts, nobody would be here and those headlines would disappear.

UUP has asked you in the past, and will again in the future, to contact your state legislators. Both Senator Libous and Assemblywoman Lupardo have demonstrated their commitment to our campus. They need to continue hearing your concerns if they are to convince their colleagues, and the governor, of the importance of Binghamton to the state. Let them know you care about the quality of education we provide and what will happen if budget cuts occur.

UUP will continue informing you of budget implications and ask your support for the quality of education we provide. Binghamton's chapter of UUP has long worked with the University advocating for our campus. Those efforts have included very successful BU Advocacy Days each spring. The university has now created its own advocacy process, "Think Binghamton University." In addition to responding to UUP's calls for support, you may also wish to join that group. Together we can be successful!

From the Vice President for Academics

Cleaning House: Some Concerns about Faculty Prerogatives and Administrative Collegiality

by Jim Dix
Chemistry Department

Sometimes circumstances in the life of an institution provide an opportunity to effect a sea change in an institution. Binghamton University may be at such a cusp with the appointment in the last year of new deans in four of the six schools and colleges. Unfortunately, it is not clear yet whether the potential sea change will make life for faculty more conducive to carrying out our job description of teaching, research and service.



As reported in the previous issue of Connection, the administration apparently acted with a heavy hand in attempting to mold the Department of Human Development of CCPA into a department of its devising without the usual and traditional consultation and advice from faculty.

UUP has learned of other instances (to be reported, by faculty request, in later issues of Connection) in which the administration apparently usurped faculty prerogatives: administrative pressure to change grades, driven by threatened legal action; pressure to admit weakly qualified graduate students, driven by enrollment targets; and circumventions of previously agreed upon procedures to assign discretionary salary increases.

These instances seem to indicate a more active administration role in decisions traditionally made by faculty, and threaten to disrupt the collegiality that has mostly characterized faculty-administration interactions at this university in the past.

Various legal decisions over the past 15 years have given administrators at a university surprising authority. Administrators have the final say on what grade to give a student (*Parate v. Isibor*, 868 F.2d 821, 827 (6th Cir. 1989); *Brown v. Armet*, 247 F.3d 69 (3rd Cir. 2001)); at what level a course should be taught (*Lovelace v. Southeastern Massachusetts University*, 793 F.2d 419 (1st Cir. 1986)); and even what can be taught in a course (*Edwards v. California University of Pennsylvania*, 156 F.3d 488, 491 (3rd Cir. 1998)).

Administrators are certainly within their rights to act in line with this case law, but no good administrator would blatantly exercise those rights and still expect to have a robust and thriving university. Thus, there is a continual underlying tension between what administrators can do and what they will do based

on faculty reactions.

We are members of UUP, and UUP is the legal entity recognized by the state to negotiate the terms and conditions of our employment. There are some protections in our contract with the state and in the decisions of the Public Employees Relations Board. However, two of our most powerful tools are our open, widely visible bully pulpit, and our ability to organize. To use these tools to reclaim faculty clout, the UUP Executive Board needs particulars about instances in which decisions about curricular and grading matters are being made circuitously, around normal faculty governance structures. We also need to communicate to the new deans our united desire to keep these decisions, decisions that have traditionally been made by faculty, in faculty hands.

Hiring in CCPA: A Quest for Information

by Darryl M. Wood
Chapter President

Our last newsletter had several articles regarding the changes in the College of Community and Public Affairs. These included the (proposed) move of the entire senior faculty out of one those programs and the move of a long-serving professional to another position on campus. Conversations with the new chair in that program were also noted.

We continue to follow developments there and are happy to report that, at least anecdotally, the new chair has 'calmed the waters' and the faculty feel that someone is finally listening. We hope this continues.

We were also very concerned about the process of replacing of the pro-

fessional employee who moved. Based upon past responses from the administration, we filed a Freedom of Information Act (FOIA) request seeking information on the affirmative action waiver that allowed the University to appoint someone without a formal search. State law requires a formal search, following affirmative action guidelines, before filling all positions. The state does allow for exceptions where not filling a position immediately would create serious service problems or other harm. Prior to that, however, a request must be made for a waiver of search. That waiver is granted by the affirmative action officer.

In addition, the University has an agreement with the Binghamton

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Establishing a Green Economy for Broome County

Assemblywoman Lupardo, Watson School Dean Desu Join Spirited Discussion



Assemblywoman Donna Lupardo was on campus April 23 for a presentation to the University community.

Invited by the Binghamton Chapter of UUP, along with CSEA, the Environmental Studies Program, the Campus Climate Challenge, the College Democrats and SEAC, she spoke on the subject of “Establishing a Green Economy for Broome County.”



She was joined at the rostrum by Seshu Desu, dean of the Watson School, for an overview of related developments in Engineering at BU.

A spirited question-and-answer session followed, and attendees lingered afterwards to continue their exchanges before a lunch provided by UUP.

Pictured in the photos are also Richard Andrus (Environmental Studies), Stanley Whittingham (Chemistry), Richard Naslund (Geography) and UUP Executive Board members Darryl Wood (chapter president), Frank O'Connor and David Stone.

At our request Donna provided the following references for publications remarked in her talk:

- *Clean, Secure Energy and Economic Growth: A Commitment to Renewable Energy and Enhanced Energy Independence*, The First Report of the NYS Renewable Energy Task Force, February 2008;
- *Post Carbon Cities, Planning for Energy and Climate Uncertainty: A Guidebook on Peak Oil and Global Warming for Local Governments* by Daniel Lerch, Post Carbon Institute;
- *Civic Agriculture, Reconnecting Farm, Food, and Community* by Thomas A. Lyson.



Done Deal: Members Overwhelmingly Ratify Four-Year Bargaining Agreement

(From *UUP Voice*, April) UUP's efforts to secure competitive pay raises and to hold the line on benefits are two key reasons union members overwhelmingly ratified a new four-year contract with New York State.

The agreement was ratified in mid-March, with 97.5 percent of the members who cast ballots approving the contract. That set a record for the highest approval rate in UUP history, besting the 96.6 percent approval rate for the union's previous contract in 2004. The American Arbitration Association conducted and tallied the ratification vote.

A total of 10,297 UUP members voted to ratify the new contract, while 249 voted against it. Thirty-three ballots were declared invalid.

"Our goal was to reach a fair and equitable contract for all our members — academic and professional, full-time and part-time," UUP President Phillip Smith said. "The favorable vote is a clear indication our members agree that this is a good contract that addresses their needs. We can all be pleased with this hard-won victory."

Smith said the contract will also help SUNY become one of the finest public higher education institutions in the nation, a goal cited by the governor's Commission on Higher Education.

"The competitive salaries and strong benefits contained in this contract will help attract and retain top-quality faculty," Smith said.

The ratification caps a two-year process that began with a suggestion form mailed to all members and a listening tour that included stops at every chapter to gauge members' concerns. Academic and professional representatives from each of UUP's 33 chapters were appointed to form the Negotiations Committee.

The Negotiations Team, headed by Vice President for Academics

Contract draws highest approval rate in UUP history

Frederick Floss, recently concluded another round of chapter visits to explain the tentative agreement and to answer any questions before the vote.

"The concerns we heard from our members guided us toward reaching a pact that responded to their needs," Floss said.

Smith and Floss thanked both the Negotiations Committee and team for their dedication and hard work.

The new agreement runs from July 2, 2007, to July 1, 2011. It calls for salary increases in each year of:

- 3 percent, retroactive to July 1, 2007
- 3 percent, beginning July 1, 2008
- 3 percent, beginning July 1, 2009
- 4 percent, beginning July 1, 2010

The pact features other benefits, including:

- A one-time \$500 salary advance

to employees who will receive permanent or continuing appointments, or a second, five-year appointment on their respective campuses during each year of the contract;

- A lump-sum \$500 payment to part-time employees who have worked at least eight consecutive years at their current campus;

- Location stipends increasing up to \$3,026 for employees in the down-state area and up to \$1,513 for employees in the Mid-Hudson region;

- Discretionary salary increases of 1 percent in each year; and

- A \$200 contribution per eligible employee by the end of the contract to the UUP Benefit Trust Fund, which covers dental and vision benefits.

The contract holds off any percentage increase in the portion members pay toward their health insurance premiums, and calls for only small increases in co-pays.

The pay bill covering the added costs in the contract will be submitted by Gov. David Paterson to the Legislature for approval, and then it will come back to the governor for his signature. Once that process is completed, the state comptroller's office will set dates to distribute retroactive paychecks and paychecks reflecting raises.

42 Graduate Programs Highly Ranked

(From the *SUNY website*) April 4, Albany. Forty-two graduate programs on five State University of New York campuses have ranked among the best in the nation, according to the 2009 edition of U.S. News & World Report's guide, *America's Best Graduate Schools*.

Graduate programs at the Universities at Albany, Buffalo and Stony Brook, as well as the College at New Paltz and the New York State College of Ceramics at Alfred University had high-ranking programs.

Two fine arts programs, the Metals/Jewelry program at SUNY New Paltz, and the ceramics program at the New York State College of Ceramics, were rated No. 1 in the nation. The academic quality of these two programs were judged by experts at peer institutions to be "outstanding."



Talking Points: Budget Manipulation Sets Up One of the Worst Fiscal Impacts in SUNY History

(Provided by UUP President Phil Smith; see related story, page 1)

The state budget consists of several funds. There is a general fund, which derives its revenues from state taxpayers through the personal income tax and the sales tax.

A second category is termed state funds; it adds revenues to the general fund from non taxpayer-related sources, such as State University tuition, dormitory fees and hospital third-party payments. The final category is called all funds; it adds federal government resources to the other two categories.

Whether just for public relations or other reasons, the Administration will require the University, and other agencies similarly situated, to set aside a portion of the revenues derived from non-general fund accounts in the state fund category. The University will be required to collect those revenues, but more than \$110 million of those collections will not be allowed to be spent on behalf of those who have contributed. In effect, the Administration is impounding, whether lawfully or not, funds which it has no reasonable right to control.

This withholding does not help balance the state budget. It has no effect on state taxes nor will it save taxpayers even one penny. It was not reflected in the appropriations contained in the budget nor the legislation accompanying those appropriations.

Because of the manner in which its fund structure is articulated, the State University will bear close to 50 percent of the total impact of this tactic — if implemented.

What does all of this mean to the University and, more importantly, to its constituencies who have had no warning that their contributions will be withheld? It means that a portion of the tuition collected from students and their families will not be available to support their educa-

tion (\$34.4 million withheld). The result, when added to the impact of a \$38 million state funding cutback in the enacted budget, means that courses will be cancelled, class sizes will once again be increased and the overall quality of the University's academic programming will certainly be diminished.

It means that a portion of the dormitory fees paid by students will be held back and not permitted to be expended on dormitory maintenance, security and student safety (\$9.7 million). It means that funds received by the hospitals from patients and third party insurance payments will be locked up (\$43.0 million) — and the hospitals will be unable to use these revenues for the care of those who paid for health care. Coupled with the continued absence of state funding for mandatory costs, the quality and content of patient health care will surely suffer.

It means that almost \$17 million in revenues from food services, bookstores and other user-based sources will be unavailable to maintain current operations.

Even the Long Island Veterans Home will be required to hold back on over \$1.2 million.

The irony is that the year began with the promise of enhanced state support in line with the recommendations of the Commission on Higher Education, but could end with one of the most disastrous fiscal impacts in University history.

The key question for all of us to ask is why do this? There is no logical purpose. There is no apparent benefit to the state. There is no positive result for state taxpayers. There is, however, a very clear impact — on students and their families and on the citizens of this state, who rely on the University for quality health care and services.

Hiring in CCPA: A Quest for Information

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Chapter of UUP outlining a process for "internal consideration" for UUP professionals for literally all professional position openings. That agreement has been revised twice since its original creation in the mid-1990s. It allows for the campus to shorten the process for hiring as well as for promoting professionals. After this position was filled, several individuals expressed concern, wondering why they had not had the opportunity to apply.

We submitted our FOIA request on February 6. We informally reminded the University several times through February and March of this request. Approximately 20 minutes prior to our Labor/Management meeting on April 2, with President DeFleur in attendance, we received

a hand-carried response to our FOIA request. Several individuals on the Chapter executive board have characterized that response as, at best, a wonderful letter of recommendation. It was clearly non-responsive to our original request.

On April 14, we forwarded a more detailed FOIA request to the University. This request specifically identifies a number of documents we are seeking. While the University may have followed all appropriate procedures in seeking the search waiver, and the appropriate criteria may have been met, the other issues related to how the position opened up and the interest expressed by several of our members for that position have created the necessity for this request. We will keep you informed of our findings. Stay tuned!



From the Vice President for Professionals

Performance Program Can Be Amended at Any Time

**by Frances Goldman
Asian-American Studies**

As you know, April was designated the month to send requests to your supervisor for a salary increase or promotion. As noted in the box below, those dates will change beginning next year.

However, that does not mean you cannot speak to your supervisor about these avenues for being recognized for additional responsibilities, if there are circumstances that dramatically increase the permanent scope and complexity of the duties and responsibilities of your position.

Also, remember that your performance program can be



amended at any point to reflect such changes. May is when all professionals who have permanent appointment are to be evaluated by their supervisors. If your supervisor fails to do this, either talk to him or her about the importance of this process, contact human resources or contact me, and I will be happy to discuss it with you further.

As you are all aware, it is through this process that you can update your performance program and receive the feedback you are entitled

to on your overall performance. Our current compliance rate is 83 percent, and UUP, with the cooperation of HR, has been trying to increase that number so that all staff have a current evaluation and up-to-date performance program as outlined in the Agreement.

Also, I'd like to thank Dave Stone and Bob Mess for helping to facilitate the visit of the statewide vice president of professionals in March while I was away. I understand that the attendance was great and that everyone benefitted from John's remarks. If you would like to have more of this type of noontime activity, please let me know.

Campus Closings and Course Cancellations: An Update

This past year has been exceptional in the number of snowy and icy days as well as campus power outages. Administrators responded as they have in the past when weather conditions are bad: they evaluate the situation and decide, when appropriate, to cancel classes. They do not, normally, also send individuals home.

This creates problems for many of us who must travel in hazardous conditions. The campus administration is faced with more difficult decisions when power outages occur. Most outages last for only a short time, but some can last significantly longer. The campus contacts NYSEG for information and, again, evaluates the situation prior to deciding how to respond.

Few on campus can do their work, since we are all so dependent on technology, i.e., electricity, that when the power goes out, we are helpless. We requested information from you on the issues you faced with bad weather and well over 70 responded

with your stories and concerns. We shared that information with the campus administration in a Labor/Management meeting and were pleased when they responded we would continue those conversations in a separate venue. Our goal would be to clarify University and state

rules and regulations as well as options available to employees when these situations occur. There was also a commitment to educate and inform all of us of those options. UUP looks forward to those conversations and believes the conclusion reached will assist all of us.

—DMW

Timeline Changes to Request Promotion, Salary Increase

April and November had been designated as the "official" time to request a promotion or salary increase. Due to several conflicts, such as the end of the semester, annual evaluations for those with permanent appointment and the awarding of DSI, UUP and management have agreed that beginning in January 2009 the months would change to January and June.

This means that while you can still submit a request until the end of April, the next period would not be until January. As always, if you have questions or concerns, please contact Fran Goldman (frances@binghamton.edu or 777-4938) or Darryl Wood (dwood@binghamton.edu or 777-2908).

—FG

Salary Compression and Inversion: A Problem at BU?

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five-year faculty member would be earning nearly \$10,000 less, a situation termed salary inversion.

The American Association of University Professors has recently published its Annual Report on the Economic Status of the Profession, a review of faculty salaries (*Academe*, March-April 2008). Among its findings: the percentage increase in average salaries of assistant professors has outpaced that of associate professors nearly every year since 2000 (though last year both rose by similar percentages). Thus, the gap between assistants and associates is narrowing—salary compression is increasing.

The problem is becoming more acute at public universities than at independent ones. AAUP reports an average salary differential of slightly less than \$12,000 between associate and assistant professors at public doctoral institutions, whereas the difference is closer to \$14,000 at independent doctoral universities. In part, that represents another significant issue—the growing gap between salaries at all levels at public and private universities.

The *Chronicle of Higher Education*, in its April 18 issue, has highlighted this related issue. Faculty raids are an increasingly large challenge for many public institutions (including Binghamton), especially from private universities that can and do offer significantly more.

The growing salary gap challenges public institutions to increase their salary offers—and counteroffers—to the most “raidable” faculty, commonly junior faculty. This also causes public universities to offer higher initial salaries to assistant professors, exacerbating the already developing salary compression.

How serious are these problems at Binghamton? The statewide UUP leadership is examining salary compression at Binghamton and other SUNY institutions, and they haven’t completed their analysis. But it is clear from the AAUP data that

Binghamton has a more serious salary compression issue than the other three University Centers. The difference between average associate and assistant professor salaries at Binghamton is \$10,000; it is almost \$14,000 at Albany, nearly \$17,000 at Buffalo, and about \$18,000 at Stony Brook.

In fact, the average associate professor salary at Binghamton is significantly smaller than at the other three centers, but the average assistant professor salary at Binghamton is larger than those at Albany and Buffalo. It would seem that Binghamton has been offering high salaries in recent years to attract faculty, while continuing faculty haven’t seen their salaries increase as rapidly. One must always be careful using average values—increased hiring in the sciences, engineering, and management fields would skew the averages for junior faculty, for example. It is also important to realize that some associate professors at BU, even with long tenure, earn considerably less than new hires—salary inversion also occurs here.

What can or should be done? There are no easy answers. Binghamton, like other institutions, needs to offer competitive salaries to attract new faculty and to retain excellent faculty. On the other hand, salary compression—and especially salary inversion—have serious implications for morale of the broader faculty. Can the Administration be

more proactive? Certainly this could become a systematically higher priority, but this is one priority among many. Discretionary raises can, and in some instances do, eliminate the most egregious salary inversions. Can UUP leadership be more effective in pressing the state on this issue? Again, this could become a higher priority in contract negotiations. In fact, the across-the-board raises preferred by unions have the unintended consequence of locking in salary compression and inversion. So there are no easy answers, but we all need to be aware of the breadth and depth of the issues and encourage our leaders to recognize their significance.

Flash!

Newsletter Wins Again!

Your chapter newsletter, the Binghamton Connection, has just received the UUP statewide Award of Merit for General Excellence — again! — affirmation of our efforts to provide an independent perspective on campus affairs, and not simply to serve as another house organ. Thanks to our writers and the support of the chapter Executive Board.

— GM

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