

## Terminated FSU Faculty Push Back FSU Admin

HATTIESBURG - In his [article](#) for *The Chronicle of Higher Education* (6-Nov-2010) entitled "Arbitrator Orders Florida State U. to Rescind Layoffs of Tenured Faculty Members," Peter Schmidt explains that a Florida State University faculty union fought back against an FSU administration that last year terminated a number of tenured faculty in response to budget cuts on the Tallahassee-based campus. A mutually agreed-upon judge who served as an arbitrator in the case concluded, as Schmidt states, that "the university had failed to clearly justify its choices to eliminate certain positions, and had violated a provision of its faculty contract calling for it to try to protect the jobs of faculty who hold seniority at FSU." The judge's 83-page decision went further in castigating the FSU administration by stating, as Schmidt points out, that "the only reason the university had declared certain departments 'suspended' was 'to allow the effective layoff of all faculty and the selective recall of certain faculty,' apparently for the sake of creating a subterfuge to avoid having to comply with a contractual requirement that it lay off tenured faculty members last. The judge characterized the reasoning used by a dean in eliminating one faculty member's job as 'arbitrary, capricious, and unreasonable'."

In response to the arbitrator's report, FSU president Eric Barron issued a statement indicating that FSU was rescinding the termination notices of the 12 FSU faculty members covered by the report (i.e., those union dues-paying faculty), as well as all other tenured faculty who received termination notices last year (i.e., those faculty not in the FSU faculty union). In preparing his news story, Schmidt spoke with the president of the FSU faculty union, Thomas Auxter, who said that the FSU administration failed to employ due process in "cherry-pick[ing]" those faculty members it wanted off of the FSU faculty. The judge's report also stated that FSU erred in using the term "program" too vaguely in its efforts to eliminate academic programs, as the FSU faculty handbook does not even use the term "academic program" in defining the institution's organizational levels.

Sources tell USMNEWS.net that much of the FSU story resembles what has been going on at USM since 2009, right down to the use of the term "[subterfuge](#)" in describing the motives of the university administrators in question. At USM, "academic programs" have been targeted and terminated, based on, at least according to USM provost Robert Lyman, a variety of characteristics such as enrollments, self-sufficiency, centrality to USM's mission, and quality. Despite setting up [an appeals process](#) for programs that were eliminated, as well as for faculty who have been terminated, USM administrators still hold a large chunk of the decision-making power vis-à-vis appeals recommendations to president Martha Saunders. Saunders, of course, holds all of the cards when it comes to final decisions.

A number of reports here at USMNEWS.net have described how USM's chapter of the AAUP is working to make sure the Saunders administration follows AAUP guidelines in allowing program/faculty appeals to go forward. The AAUP-USM doesn't believe such guidelines are being followed, and has publicly stated as much. Still, the appeals process is moving forward while both the [AAUP-USM](#) and the USM faculty senate appear to be having [a difficult time](#) mounting [any sort](#) of *real* protest of what has occurred at USM since August of 2009, which has been the delivery of almost 50 termination notices to tenured and tenure-track faculty across the USM campus.

Meanwhile, Scott Jaschik's 8-Nov-2010 [story](#) for *Inside Higher Ed* on the FSU situation digs further into specific elements of the judge's massive report, such as that involving FSU anthropology professor Elizabeth Peters, who has 38 years with FSU, yet was terminated, even though she has 20 years of seniority over other faculty who were retained. As Jaschik points out, the judge noted that FSU failed to recognize Peters' seniority in terminating her, which is by itself enough to justify her reinstatement. Jaschik notes that FSU administrators claimed, in what USMNEWS.net sources refer to as (former EFIB chairman) George Carteresque [fashion](#), that Peters was chosen for termination because she lacked what was referred to as "teaching breadth." The arbitrator's research, however, uncovered that Peters had (1) taught *more unique courses* than others in the department, (2) taught in three of the four anthropology subfields, (3) been the only anthropology faculty who consistently taught the introductory anthropology course, (4) been teaching four of the anthropology department's general education courses for non-majors, and (5) produced more student credit hours in anthropology than any other faculty in FSU history.

Sources tell USMNEWS.net that the above anecdote expresses the kind of administrative tomfoolery that is routinely found with the likes of Carter, a former CoB chair, and others currently with USM, yet that is almost never corrected by any outside auditor, such as the judge-arbitrator in the recent FSU case. At USM, sources note, one can file only a grievance, which is generally first decided upon by the administrator being accused of the types of arbitrary and capricious decision-making being described in this instance by both *The Chronicle of Higher Education* (Schmidt) and *Inside Higher Ed* (Jaschik). Failing that review, other supervisors along the administrator's chain of command, all of whom have an interest in supporting the decisions of the administrator in question, await opportunities to rule on any appeal of the grievance ruling, which is typically a denial.

Will the AAUP-USM be able to enlist the support of the national AAUP office, and, perhaps, get a censure of USM's administration? Though only time will tell, the FSU story tells USM faculty that some sort of victory is at least possible. First, however, USM faculty will, according to sources, have to get off of their hands and make something happen.