



A Union of Professionals

PROTOTYPE FACULTY AND COLLEGE EXCELLENCE ACT

Findings: College faculty members and instructors, full-time and part-time, are the bedrock of our higher education system and require adequate compensation and basic supports to serve our students and communities most effectively. Today, however, our state faces serious problems in academic staffing. An increasing percentage of the courses offered in our colleges and universities are taught by part-time/adjunct and other nontenure-track faculty and instructors hired on a temporary basis. These faculty members and instructors too often are provided disproportionately low compensation and inadequate basic professional supports to serve their students. At the same time, our colleges and universities are allowing the ranks of full-time tenured or tenure-track faculty members to fall dangerously low.

These twin developments—the economic exploitation of part-time/adjunct and other nontenure-track faculty and instructors, along with the shrinking ranks of full-time tenured or tenure-track faculty—limit the ability of the state higher education system to provide high quality education, research, and support for economic development. Improving the conditions under which part-time/adjunct and other nontenure-track faculty and instructors work, and ensuring that our colleges and universities employ sufficient numbers of full-time tenured or tenure-track faculty members, will result in better service for our students, our communities and our economy.

Goals: The legislature sets the following goals:

At the conclusion of a five year phase-in period:

All part-time/adjunct and other nontenure-track faculty members and instructors shall receive pay that is equal, on a pro rata basis, with that of tenured or tenure-track faculty who are of comparable qualifications doing comparable work.

All part-time/adjunct and other nontenure-track faculty members and instructors shall be eligible to participate in the employee retirement plan and all part-time/adjunct faculty members and instructors teaching at least 50 percent of the established workload for full-time tenured faculty shall be eligible for the same health care benefits as full-time tenured faculty.

At least 75 percent of the undergraduate courses offered within each department on each campus of each public institution of higher education, if the department has at least eight full-time equivalent faculty positions, shall be taught by full-time tenured or tenure-track faculty. The remaining courses are open to be taught by part-time/adjunct and other nontenure-track faculty and instructors, recognizing their key role in providing quality instruction to students and in adding breadth and depth to the curriculum.

Salary and Benefits of Part-Time/Adjunct and Other Nontenure-Track Faculty and Instructors

Pro Rata Salaries: Each public institution of higher education, in a consultative process including representatives of the administration, faculty and instructional staff, shall determine a salary standard for part-time/adjunct and other nontenure-track faculty and instructors employed in each academic department. The salary standard will constitute a pro rata salary compared to the salaries of full-time tenured or tenure-track faculty members of comparable qualifications doing comparable work. This determination is subject to collective bargaining with the exclusive representative of the part-time/adjunct faculty and other contingent faculty and instructors. Beginning in the Fall Semester of 2009, each public institution of higher education shall increase the salary of part-time/adjunct and other nontenure-track faculty and instructors by a sufficient amount to reduce the pro rata salary gap in each department, if one exists, such that by the Fall Semester of 2014, the legislature's goal of pro rata pay shall be met. In no year shall the pro rata salary gap between part-time/adjunct and other nontenure-track salary and comparable full-time tenured or tenure-track salary in any department on any campus of each public institution of higher education be diminished by less than 15 percent from the previous year.

Healthcare: If, over the course of a 12-month calendar year, a part-time/adjunct or other nontenure-track faculty member or instructor at a public institution of higher education carries at least 50 percent of the established teaching load of tenured or tenure-track faculty, that part-time/adjunct faculty member or instructor shall be eligible for the same healthcare benefits as tenured or tenure-track faculty members.

Pensions: A part-time/adjunct or other nontenure-track faculty member or instructor employed at a public institution of higher education shall be eligible for participation in the retirement plan of that public institution of higher education.

Restoration of Full-Time Tenured or Tenure-Track Faculty

Each public institution of higher education shall determine the number of undergraduate courses taught by part-time/adjunct faculty, other contingent faculty and instructors, and tenure-track and tenured faculty in each academic department. For the purposes of this bill, enrolled graduate students who, as part of their assistantships, are instructors of record for a course, will be counted as contingent instructors. Those academic departments with at least eight full-time equivalent faculty positions that do not meet the goal of having 75 percent of the courses taught by tenured or tenure-track faculty shall, beginning in September 2009, and in each succeeding year, increase the share of courses taught by full-time tenured or tenure-track faculty such that by 2014 the legislature's goal of 75 percent is met.

This determination is subject to collective bargaining with the exclusive representative of all the faculty and instructors affected by the provision. Although public institutions of higher education shall have flexibility in meeting this goal, in no year shall there be in any department on any campus of each public institution of higher education a less than one tenth reduction in the size of the gap between the percentage of undergraduate courses taught by tenured or tenure-track faculty and the legislature's goal.

Protection and Opportunities for Contingent Faculty and Instructors

Protection of Contingent Faculty and Instructors: Each public institution of higher education shall create a plan to meet the goal of restoring full-time tenure faculty positions subject. This plan will be subject to collective bargaining with the exclusive representatives of the full-time faculty, part-time/adjunct faculty and other nontenure-track faculty and instructors at each public institution of higher education.

In its plan, the institution shall state how it intends to meet its goal during the phase-in period without eliminating the positions of current part-time/adjunct or other contingent faculty and instructors, but, instead, by creating new full-time tenured or tenure-track positions, by creating new opportunities for contingent faculty members to attain full-time tenure-track positions, and by filling vacant positions. The plan shall account for how each department shall meet the goals of this legislation during the phase-in period without substantially increasing class sizes.

Consideration of Current Employees: Each public institution of higher education shall establish a process under which part-time/adjunct and other nontenure-track faculty, after successful completion of a probationary period, shall receive timely notice of and priority consideration, consistent with other institutional and state policies, for part-time/adjunct and nontenure-track teaching assignments in coming terms. In addition, each public institution of higher education shall create a process for ensuring that qualified part-time/adjunct and other nontenure-track faculty members receive preferential consideration in attaining a tenure-track position when one becomes available, consistent with institutional and state affirmative action and other personnel policies. This process shall ensure that part-time/adjunct and other nontenure-track faculty: (1) may accumulate seniority; (2) are notified of job openings prior to the job being posted outside of the institution; and (3) receive preferential consideration for appointments. The provisions of this section are subject to collective bargaining between the public institution of higher education and the exclusive representatives of part-time/adjunct faculty and nontenure-track faculty members.

Faculty Restoration and Equity Fund

Creation of a Fund: There shall be created at each public institution of higher education a Faculty Restoration and Equity Fund. These funds shall be used to meet the goals of this legislation. In each year subsequent to the passage of this legislation, the state shall make appropriations to the Fund at each public institution of higher education in an amount sufficient to:

- (1) Advance one-fifth of the way toward meeting the five-year goal of ensuring that part-time/adjunct and other nontenure-track faculty receive fully comparable pay and benefits to full-time tenured or tenure-track faculty; and
- (2) Advance one-fifth of the way toward meeting the five-year goal of increasing the number of undergraduate courses taught by tenured or tenure-track faculty members to 75 percent in each institutional department.

Nothing in this legislation shall be construed to either limit or reduce salaries, benefits or hiring rights in existence at the institution at the time this legislation is enacted, or subsequently established.