

Balancing Interests: Tenure System Faculty, Contract Faculty, and the Administration at UMass Amherst

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The University of Massachusetts (UMass) Amherst is the largest unionized workplace in Massachusetts with over 7000 unit members in several locals that represent graduate students; classified staff, professional staff, and faculty. The faculty union, the Massachusetts Society of Professors (MSP), is affiliated with the Massachusetts Teachers Association (MTA) and bargains jointly with the faculty union at UMass Boston.

The past twelve years have seen a nearly linear decline in the number of tenure-system faculty at UMass Amherst and a corresponding increase in contract faculty (non-tenure-system faculty). The administration, in response to declining state revenues and increasing enrollments, has chosen to replace tenure-system faculty with contract faculty. In part, they are doing this intentionally as comparisons with peer and "aspirant" institutions have shown that UMass Amherst has a higher ratio of tenure-system faculty. Citing AAUP data, the administration argued that in the fall of 2005 at doctoral-level universities, full-time faculty at not-for-profit doctoral and research universities, 78.7% were tenure system faculty and 21.3% were contract faculty while at UMass Amherst during that same semester, 86.2% of the full-time faculty were tenure system faculty and 13.8% were contract faculty. Based on these data, their conclusion has been that UMass can continue to hire substantially more contract faculty.

In the fall of 2003, MSP had already seen the writing on the wall. The number of tenure-system faculty had been declining at a linear rate for a decade, but had just made a precipitous drop the year before, due to an early-retirement plan that many faculty accepted. Over the same period of time, contract faculty (ie, non-tenure-system faculty) had been increasing (Figure 1). The leadership embarked on two campaigns. The first was the Amherst 250 Plan, an initiative to lobby the legislature directly to provide the necessary funding to hire 250 new tenure-system faculty. At the same time, the union also decided to begin aggressively organizing the non-tenure system faculty.

I joined the University in 1996 as a contract faculty member. My first contact with the union was when I received a dunning-notice in the mail that gave me a choice: become a member or an "agency-fee payer". As a new faculty member, I walked down the hall to a colleague's office and asked him what I should do. The cost difference was relatively small, but the overall bill was still quite large. Had I visited a different colleague, I probably would have ended up an agency-fee payer, but this colleague (who is now the president of our union), encouraged me to join. So I did. But I found that the Union didn't really represent the interests of contract faculty.

In fact, the role of contract faculty was almost ignored by the administration and departments when I arrived on campus. Announcements and opportunities generally were written that "faculty" could apply. Departments varied considerably in how they treated contract faculty. In some departments, contract faculty were treated with the same rights and privileges as other faculty. In others, they were denied the right to vote in faculty meetings, discouraged from participation in governance, and not considered for merit.

The decision to organize the contract faculty was primarily driven by declining tenure-track faculty positions. There were two goals in organizing the contract faculty: first, to shore-up the position of the union, which was losing tenure-track faculty and second, to make contract faculty a less attractive option for administrators looking to cut costs, by making them as expensive and hard-to-get-rid-of as possible.

A notice sent to contract faculty brought 30 or 40 contract faculty to a meeting organized by the union in Fall 2003. At the meeting, contract faculty raised their concerns and established a working-group to develop a set of priorities that the negotiating team could use in bargaining for the next contract. The working group met, created a survey for contract faculty, and subsequently compiled a report that went to the bargaining team. For the first time, the bargaining team included a contract faculty member.

The working group was also the source of the term we chose to use for ourselves: "contract

faculty", rather than "non-tenure-track" or "non-tenure-system" faculty. Several people felt this was a simpler, more affirmative term. It has grown on me.

We learned a lot about contract faculty in process of developing the bargaining positions. We learned that the treatment of contract faculty varied dramatically from department to department. We learned that many positions and individuals had an idiosyncratic history of how they had been funded. Many contract faculty lived in a world where a particular tenure-system faculty member was the champion for their position and made sure the department managed their reappointment and sometimes was responsible for cobbling together funding from a variety of sources. Some contract faculty were appointed year-to-year with only single-year contracts, even after many years of service. Others were routinely reappointed with three-year, five-year, or even longer contracts.

We also found that the distinction between full-time and part-time was more complicated than one might imagine. Many contract-faculty had been at various times on contracts of less than one FTE, with the percentage changing from semester to semester as the administration negotiated with the faculty member over teaching additional sections or taking on additional tasks, because it was easier to change the percent FTE than the rate of pay.

There were three key issues that the contract faculty wanted improved. Contract faculty wanted improved assurances of reappointment, more transparency around length of contract, increased opportunities for promotion, and some protection from unreasonable workload. We made significant improvements in all four.

The new contract provides assurance that after two years of continuous service, a contract faculty member will be reappointed except under specific conditions or for "just cause". The University can avoid reappointing a contract faculty member by assigning tenure-system faculty to perform the work or discontinuing the work altogether.

The minimum length of appointment for contract faculty is now determined by a formula. Contract faculty receive 1-year contracts for the first and second years, 2-year contracts the following two appointment periods, and 3-year contracts subsequently, although the University can award longer contracts.

Lecturers, which previously had had no promotion opportunities, became eligible to be promoted to "Senior Lecturer". A subsequent contract created a second promotion opportunity (to "Senior Lecturer II") and set the time periods to match tenure-system faculty, with evaluations for promotion at 7 and 14 years with a \$5000 pay increment for each promotion. Originally only available for full-time faculty, the benefit has been expanded also to part-time faculty. This agreement puts about a half-million additional dollars into the pockets of contract faculty at UMass Amherst alone. Table I illustrates the current relative pay between tenure system and contract faculty by rank and illustrates what the average pay might be this year without the pay increments provided by the contract.

A workload floor was established that a 3 credit course could not count for less than a 25% appointment, which was specifically targeted at several departments that had hired contract faculty to teach 5 courses at less than full-time. The contract included a provision regarding "past practice" to prevent the University from increasing the workload of other contract faculty.

The contract faculty have been significantly empowered by the success of the campaign. Many faculty have begun exploring this new-found power by participating more directly in the life of their departments and university governance.

The reaction from the Administration has been mixed. There was little objection to the proposals and I think many on the union side were surprised by how willing the administration was to address these concerns. After the agreement, however, there has been some pushback on several points.

Subsequent to the agreement, the University realized that contract faculty receive "just cause" protection before tenure-system faculty (after two years, rather than upon receiving tenure). In the subsequent negotiations, the administration attempted to roll back this provision. (Unsuccessfully so far).

Some faculty, who had previously received 5-year appointments have reportedly been told by the administration that, due to the union, they could no longer receive a contract longer than 3 years.

In point of fact, this is not true: the contract allows the administration to appoint people for longer periods. The administration, as a matter of policy, has greatly reduced the number of 5-year appointments in order to retain greater flexibility during periods of economic downturn, but blamed the policy change on the union, rather than accepting responsibility for the change directly.

The administration has tried to set higher workloads for new contract faculty. They hired a large cadre of contract faculty for Commonwealth College, the honors college at the University, with a 4/4 workload and additional committee/scholarship requirements. When Commonwealth College was set up, it was not provided with sufficient funds to provide the small-classes that were required for students to receive honors credit, and depended largely on faculty volunteer efforts. (A pattern that has been repeated by the administration with a new series of 1-credit freshman seminars designed to improve the first-year experience, which the administration has refused to compensate faculty for as part of the collective bargaining process).

The administration has also begun treating contract faculty differently than tenure-system faculty in ways that it previously did not. Whereas previously an announcement for an opportunity would be made available to "faculty", increasingly the administration limits opportunities to tenure-system faculty. The Distinguished Teaching Award on campus was modified by adding a third award for contract faculty only, but making it impossible for contract faculty to compete directly with tenure-system faculty for the original two slots.

The biggest challenge for the union has been trying to strike a balance in how it represents tenure-system and contract faculty. The interests of these two groups are not always aligned and one group already receives substantially greater benefits than the other. Tenure-system faculty have higher salary floors, receive promotion increments nearly twice as large, and enjoy much better parental leave and sabbatical policies. Dramatic strides have been made over the past 5 years, but not everyone is happy.

Not all faculty have been supportive of the union's efforts to organize contract faculty. Some tenure-system faculty see contract faculty as second-class faculty and their existence as a threat to tenure. Others see them as a necessary evil, but would like to see the union activism devoted to improving conditions for tenure-system faculty.

When the union undertook the project, it was with the explicit goal of making contract faculty less attractive as an alternative to tenure-system faculty. By making contract faculty more expensive and harder to get rid of, the administration has less incentive to hire them. There was also a sense that a rising tide would float all boats: uniting the faculty provides greater leverage with the administration and precludes having wedges driven between faculty groups. After organizing the full-time contract faculty, more recent organizing drives have focused on part-time faculty, which brings its own set of challenge. In particular, part-time employees come and go from the unit lists sometimes on nearly a month-to-month basis and tracking their membership status and collecting dues has added a lot of complexity for comparatively little money. Another group yet to be organized is the cadre of faculty who teach continuing education courses and, in particular, the burgeoning number of on-line courses.

The union has accomplished a number of significant changes that have improved the campus. The 250 plan, although unfunded by the legislature, was adopted by the campus administration, and was hugely popular with the faculty. The campus also established a pool of money to replace faculty computers and a number of faculty received a computer from the University for the first time.

The union also has improved how they communicate with faculty. My first contact with the union was via a dunning notice, but now the union meets with all new hires during their initial orientation. The union also requests time from each department during the fall for a representative to visit a department faculty meeting and update the faculty about on-going activity. The union has also reached out particularly to the sciences, which were poorly represented among the officers and the board previously. The 250 plan, computer replacement program, and these improvements to communication -- coupled with the work on behalf of contract faculty -- have dramatically improved the public image of the union on campus as a relevant and engaged vehicle for faculty goals and aspirations.

There is a new chancellor at UMass Amherst who is committed to improving how UMass Amherst is ranked against peers. Like at Clemson (Lederman, 2009), the new chancellor has defined a

set of goals (Holub, 2009), in terms of which indicators of university ranking are most amenable to being influenced. This approach to institutional improvement runs the risk of conflating the indicators with the quality they purport to measure. As the experience at Clemson demonstrates, there are many ways to influence the measures that don't necessarily improve the overall quality. Making investments based on which indicators are most responsive to change does not acknowledge the challenges on the ground. And the challenges are currently very large.

The University is confronting a huge deficit (\$46 million) due to the loss of public funding in response to the economic crisis. This year, the deficit will probably be made up by federal stimulus monies and increases in student fees, but hundreds of positions are in jeopardy the following year absent some large infusion of additional funding. More than 90 pink slips were delivered to contract faculty before the stimulus package was enacted. These faculty have now been notified that they will be reappointed, but the reprieve may be temporary.

The University is also in the midst of a dramatic reorganization, merging two science colleges into a single College of Natural Sciences, but resisting a merger of the Social Sciences and the Humanities. Many expect this is but the opening move of the chancellor to realign the university with his priorities. So far, most academic programs have been spared, but it is expected that, with the anticipated budget cuts, many departments and programs may also be merged and/or eliminated.

Contract faculty still face challenges to receive fairness in departments. Most personnel committees have only tenure-system faculty. Merit is often distributed in ways that discriminate against contract faculty (for example, by allocating merit according to "research, service, and teaching" and evaluating contract faculty only for "teaching"). In general, however, contract faculty have been empowered by the promotion opportunities and are taking greater interest in governance and participation in the affairs of the University.

For the next contract, the primary goal of the contract faculty is to advocate for a sabbatical. We also have identified the faculty of Continuing Education, which are currently un-unionized as another group of potential allies in assuring that the academic workforce is united in establishing quality working conditions for all faculty. We'll let you know how it goes.

References

Lederman, D. 2009. 'Manipulating,' Er, Influencing 'U.S. News'. Available at:
<http://www.insidehighered.com/news/2009/06/03/rankings>

Holub, R. 2009. Framework for Excellence. Available at:
<http://www.umass.edu/chancellor/pdfs/frameworkreport2009.pdf>

Trends in Faculty Size and Composition

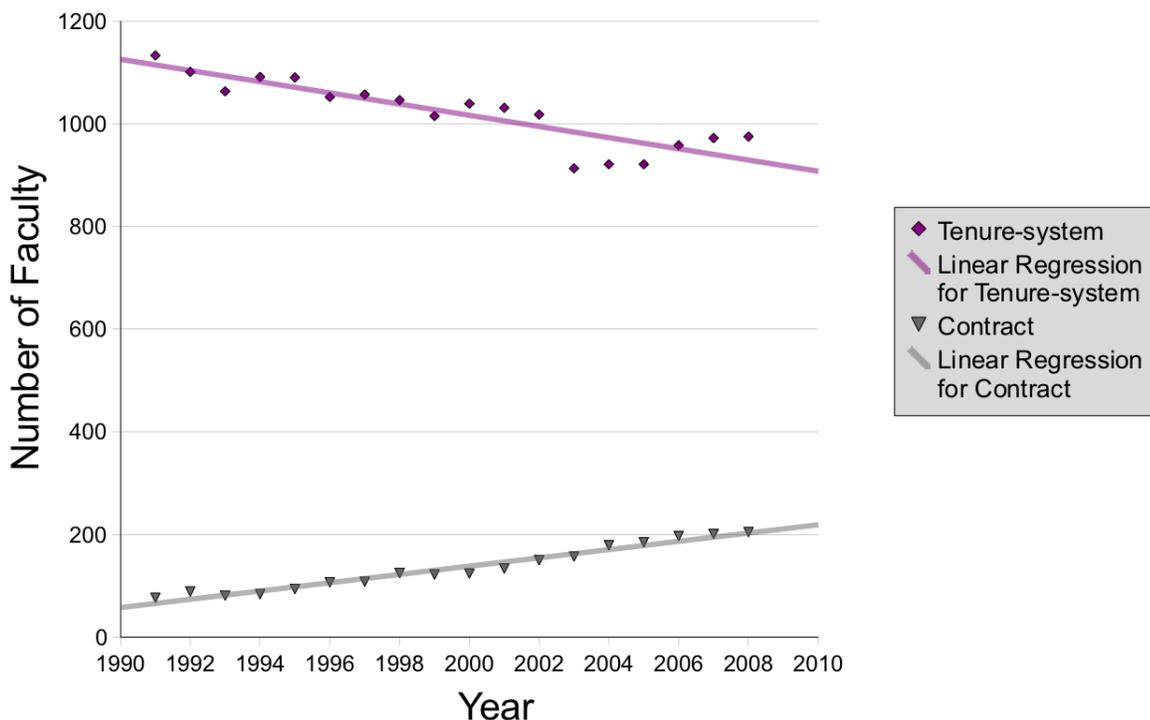


Figure 1. Full-time Instructional Faculty at UMass Amherst from 1991 to 2008. Does not include part-time or research faculty. (Source of data: Office of Institutional Research, UMass Amherst).

Table I. Average Annualized Faculty Salaries for 2009 at UMass Amherst Compared with Estimated Salary for Contract Faculty without Pay Increments (Source of data: Massachusetts Society of Professors).

Rank	2009 Annualized ^a Salaries	Estimated w/o Pay Increments
Assistant	\$68,492	
Associate	\$89,700	
Full	\$116,201	
Lecturer	\$56,544	\$58,618
Senior Lecturer	\$69,767	
Senior Lecturer II	\$82,668	

^a Salary multiplied by 1 / %FTE