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The Professionalization of Non- Tenure Track Faculty in the United States: Three Case Studies From Public Research Institutions: Rutgers, the State University of New Jersey, University of Illinois At Urbana-Champaign, and University of Oregon

Karen Stubaus
Rutgers University

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**THE PROFESSIONALIZATION OF NON-TENURE TRACK
FACULTY IN THE UNITED STATES**

THREE CASE STUDIES FROM PUBLIC RESEARCH INSTITUTIONS:

Rutgers, The State University of New Jersey

University of Illinois at Urbana-Champaign

University of Oregon

A working paper presented by:

**Dr. Karen R. Stubaus
Vice President for Academic Affairs and Administration
Rutgers, The State University of New Jersey
New Brunswick, New Jersey**

42nd Annual National Conference

**National Center for the Study of Collective Bargaining in Higher Education and the
Professions**

Thinking about Tomorrow:

**Collective Bargaining and Labor Relations in
Higher Education**

**April 19, 20, 21, 2015 in New York City
at the CUNY Graduate Center**

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This paper will examine and discuss the growth and professionalization of non-tenure track faculty in institutions of higher education in the United States over the past several years, using by way of example and illustration the flagship campuses of three public research institutions: Rutgers, The State University of New Jersey; the University of Illinois at Urbana-Champaign; and the University of Oregon. Each has some unionized academic labor, with Rutgers having the longest history and the largest number of academic unions. Non-tenure track (NTT) faculty have made significant gains at each institution over the past few years, both within and outside of collective bargaining. In this paper and discussion below, we will describe the

current status of NTTs at all three locations, give a very brief history of NTT unionization at each, and discuss the implications for the future.

There is no doubt that non-tenure track faculty hold a different place in institutions of higher education today than they did even ten years ago. Historically, the faculties of most public research institutions were dominated by tenured and tenure-track faculty, with the occasional adjunct or NTT faculty member hired on a temporary basis as a fill-in for someone away on sabbatical or on “maternity leave.” Over the course of time, however, as public flagships have increased their research emphasis and as the course load of full-time tenured and tenure-track faculty has decreased, but without a concomitant decrease in the student population, more and more instruction has been delivered by either adjuncts or non-tenure track faculty, such that at many research institutions they teach a greater number of student credit hours than do the “regular” faculty. Over the past several years NTTs have grown increasingly restive and discontented with their lot, and are demanding and in many cases achieving better pay, multiple-year contracts, and most significantly, entrée into real faculty governance at their institutions, often to the dismay of the tenured faculty. These gains have been achieved in different ways at the three very similar institutions involved in this study. We will discuss those ways, and make some predictions for the future, below.

Rutgers, The State University of New Jersey The long road to career ladders for instructional NTTs

Faculty have been organized at Rutgers since 1970, a fact that made it an anomaly among research institutions for many years. Non-tenure track faculty were included in the same unit as tenured and tenure-track faculty from the beginning, with teaching and graduate assistants added in 1972. A second, separate bargaining unit was recognized for the “Part-time Lecturers” (known as “adjuncts” at other institutions) in 1988. Another new unit for Summer and Winter Session Instructors was added in 2011, with a Postdoc unit certified a year later.

The first Rutgers contract included two categories of NTT faculty, Instructional and Research. Instructional NTT faculty could be hired into one of only three titles: Assistant Instructor, Instructor, or Lecturer. Although the salary improved from title to title, there was no real career ladder or structured promotional pathway. Appointments were by definition for one year at a time, although they were renewable (at the same title and salary) *ad infinitum*. In fact, these individuals came to be commonly called “teaching annuals”, and there were not a few who had been on “temporary annual appointments” for 10 years or more. Nevertheless, departments could decide not to reappoint any given teaching annual at any given time. Those in the other original category of NTT faculty at Rutgers were slightly better off. Although the research faculty were also hired on a year-to-year basis, and their appointments were completely contingent upon the grant funding to support them, they did have a career title series (research assistant, research associate, research assistant professor, research associate professor, research professor), and a promotional pathway.

These two original title series for NTT faculty at Rutgers—Instructional and Research—remained the only ones in use until 1994, when a clinical series was introduced for the Schools of Pharmacy, Nursing, and later, Law. Like the research track, the new clinical track had a full title series (clinical assistant professor, clinical associate professor, clinical professor) and defined promotional pathways. The Instructional series continued to be structured as it had been since 1971, with limited available titles and no promotional pathway.

Then, in January of 2012, there came something of a breakthrough. As part of a broader agreement between the University and the union to settle disputes arising from the non-payment of salary increases following the Great Recession of 2008, the university agreed to establish at least two new NTT title series, including *for the first time* a teaching title series, and to direct all deans, “in consultation with NTT and TT faculty, to establish for all NTT positions criteria and procedures for appointment, reappointment, evaluation and promotion. Criteria and procedures that are established shall be submitted to the EVPAA [Executive Vice President for Academic Affairs] for approvalat which time negotiations shall commence with the AAUP-AFT [the Rutgers faculty bargaining unit] over compensation for new title series and other terms and conditions of employment.”

In the context of the historic culture at Rutgers regarding instructional non-tenure track faculty, a culture that had resisted creating a career ladder and promotion pathways for this group for years on the grounds that it would create “a two-tiered faculty,” this was huge. As a result of the 2012 agreement, instructional NTT titles—which since 1971 had been restricted to Assistant Instructor, Instructor, and Lecturer—now included Teaching Instructor, Assistant Teaching

Professor, Associate Teaching Professor, Teaching Professor, and Distinguished Teaching Professor. In addition, for the first time a promotion pathway was created for these faculty, with a department obligated to consider an individual for promotion to the next rank every six years, upon request of the faculty member. Multiple-year appointments were mandated after six years of service within any eight, as were periodic formal evaluations and clear written criteria for appointment, reappointment, and promotion. And in the larger AAUP-AFT contract settlement of 2015, the salary minima for the lowest ranks, largely populated by non-tenure track faculty, were increased by approximately 40% over four years.

The University of Illinois at Urbana-Champaign The creation of “Specialized Faculty” in 2014

Whereas Rutgers, with a well-established faculty union, took a rather long time to provide instructional non-tenure track faculty with multiple-year appointments, career ladders, and clear appointment and promotion criteria, the University of Illinois at Urbana-Champaign took many of the same steps absent a collective bargaining agreement when it issued “Employment Guidelines for Specialized Faculty Holding Non-Tenure System Positions,” also known as “Office of the Provost Communication 25,” in April of 2014.

The Guidelines suggested that the new term “Specialized Faculty” be adopted for this group of teaching, research, and clinical positions, in order to more appropriately acknowledge their contributions to the institution, and to cease defining them “by what they are not.” The Guidelines were developed following more than eighteen months of input from several campus faculty and administrative groups and recommendations by a Senate task force, the goal being to “reduce confusion and a proliferation of titles outside the tenure-track system, and to ensure that every unit has clear employment policies and practices in place.” (“Inside Illinois,” February 20, 2014.)

The document’s Guiding Principles begin by stating that “Specialized faculty members are important members of our campus community who collectively make significant contributions to the teaching, research, and service missions of their individual units and to the campus.” The communication goes on to require departments and colleges to have bylaws that clearly identify the roles, responsibilities, and privileges of Specialized Faculty, inform them of

job duties and performance expectations, and provide career ladders and promotional pathways. Four distinct categories of Specialized Faculty were to be created: Teaching Focused, Research Focused, Clinical Focused, and “Visiting Professors,” who would be involved in teaching, research, and service, but for a limited period of time only. Each new “focus” came with a new title series of assistant, associate, and full, thus creating a career ladder and a promotional pathway. However, a promotion in title would not necessarily result in a salary increase, and the amount of any salary increase was to be established by the individual department. Multiple-year contracts were encouraged but not required, the Guidelines giving significant latitude to individual departments in these matters. The language concerning Specialized Faculty involvement in unit governance is also of note (Section VII.B. Unit Involvement and Governance):

“To the extent appropriate, departments should seek to incorporate specialized faculty into the academic life of the unit...After careful consideration and *pursuant to a vote of the tenure system faculty*, departments should develop consistent practices and policies related to specialized faculty appointments, including but not limited to, (a) attendance and participation in departmental meetings, (b) eligibility and expectations for service, and (c) participation in curricular discussions and decisions. Departments using the promotional tracks outlined in this document should consider involving specialized faculty in the review process for promotions of specialized faculty members. *It is important, however, to ensure that significant tenure system faculty involvement occurs in promotion reviews of specialized faculty and any decisions impacting the academic mission of the unit.*” [Emphasis added.]

The Guidelines may have been too little, too late, for many of the newly-termed “specialized faculty.” While they were being developed and discussed, the Campus Faculty Association (CFA), a bargaining unit associated with the Illinois Federation of Teachers (IFT), the American Federation of Teachers (AFT), and the American Association of University

Professors (AAUP) had been working to organize the non-tenure track faculty at Urbana-Champaign. The CFA Non-Tenure Track Organizing Committee's comments issued March 7, 2014 noted that while the Provost's Guidelines addressed many of the issues identified by the CFA, it fell "far short" of the contract the NTT faculty at Urbana-Champaign "need and deserve," and represented only a first step towards addressing "long-standing inequities." ("CFA NTT Organizing Committee Statement," March 7, 2014 on www.cfaillinois.org). The statement went on to note that the Guidelines were only a set of "suggestions" for departments and units, that a Specialized Faculty member's promotion might or might not be accompanied by a salary increase, and that "job security," promotion pathways, salary increases, and participation in governance needed to be secured in a more binding manner.

Illinois is a card check state. CFA filed the signed cards at the Illinois Educational Labor Relations Board in May of 2014. The new unit was certified by the Board in July. Negotiations are ongoing.

University of Oregon

The future is now

United Academics, an AAUP-AFT bargaining unit, became the certified representative in 2012 of the tenured and tenure-track faculty, the full-time non-tenure track faculty, research faculty (including postdocs), library faculty, adjuncts, and retired faculty at the University of Oregon after a successful card check campaign. At the time of certification, student enrollment at UO had grown enormously over the previous five years, but hiring of tenured and tenure-track faculty had not kept pace, nor had various other supports for instruction given the massive influx of new students. The result was a dramatic increase of non-tenure track faculty teaching dramatically larger classes. It was fertile ground for an organizing campaign. Ratification of the first agreement came in October of 2013. The two-year agreement expires in June of this year; negotiations for a successor agreement are ongoing.

NTT faculty in this contract enjoy a status and have privileges not present in the other two labor agreements discussed here. There are career ladder title series, the mandatory development of promotional pathways for all NTT faculty, and mandatory eligibility for promotion consideration at the request of the faculty member after six years, without any “up or out” provision. These provisions, in and of themselves, are no longer path-breaking in labor agreements nationally. However, this contract extends both the symbolic and the concrete benefits for NTTs. For instance, it establishes a category called “Career Non-Tenure-Track Faculty” (Career NTTF), which covers all non-tenure track faculty titles save for adjuncts, whose employment is, for the most part, restricted to three years (Article 15). Non-tenure track faculty are explicitly to be fully involved in the development of internal governance policies in all

academic departments and units: “Each department and unit will develop a written policy delineating its procedures for the internal governance of the department or unit. *All* faculty in each department or unit shall have the opportunity to participate in the development of that department or unit’s internal governance policy....Policies for internal governance must include provisions for appropriate documentation of decisions and for the appropriate and equitable participation of both faculty in the Tenure Track and Tenured Professor classification *and Career NTTF* in the development of departmental or unit policies.” (Article 4, emphasis added). Length of contracts is another indicator: Non-tenure track faculty at the lower ranks for each category are to have at least one-year contracts for their first four years of appointment, after which each appointment must be for at least two years. Those at the higher NTT ranks are to have contracts of at least three years duration- (Article 16). Note also the notice provision for Career NTTF. If a Career NTTF is not renewed at the end of his or her contract, a written statement documenting the reasons for non-renewal is required at the time of notice. Notice of non-renewal is to be provided by May 1 of the last year of the appointment. Most astoundingly, if not provided in a timely manner, the faculty member “shall receive a payment proportional to his or her base salary for the number of days the notice was late.” (Apparently, the university is successfully providing timely notice.) Finally, and perhaps most revolutionary, is the fact that NTT faculty at the more senior ranks in certain titles are eligible to apply for sabbatical, a privilege by long tradition reserved for tenured and tenure-track faculty.

Implications for the future

Where does all this leave us? The future is pretty clear. At large public research universities like Rutgers, the University of Illinois, and the University of Oregon, the increasing professionalization of non-tenure track faculty is the snowball rolling down the hill, the train that has left the station, the page that has been turned. The bright line between tenured and tenure-track faculty and non-tenure track faculty is being blurred, and will continue to grow less and less distinct. The number of tenured faculty will continue to decrease in proportion to the total, while non-tenured faculty on renewable, multi-year, increasingly secure contracts will continue to grow. Unionization will accelerate this process. This need not be cause for alarm, if university administrations are realistic, thoughtful, and intentional regarding the future. The words of the Illinois guidelines regarding “specialized” (a.k.a., non-tenure track) faculty are instructive here:

“Departments (*and universities*) should strive to engage in strategic and long term planning regarding the hiring of specialized faculty. This planning requires a careful assessment of departmental (*and university*) needs and the role that specialized faculty will play in meeting immediate and long-term departmental goals. Although it is inevitable that last minute unanticipated hiring needs will occur, it is imperative [that] departments, (*and universities*) work to anticipate and regularize hiring of specialized faculty.” (Guidelines, Section IV, emphases added.)

The future is now.