

3-31-1988

Report of the Ad Hoc Committee on Part-Time and Non-Continuing Faculty

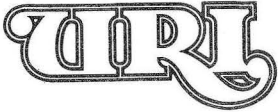
University of Rhode Island Faculty Senate

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86-87-22

M E M O R A N D U M

TO: C. B. Peters
Chairperson of the Faculty Senate

FROM: Edward D. Eddy *EDE*

DATE: August 16, 1988

Subject: Legislation on Part-time and Non-Continuing Faculty

*Rec'd
8/24/88
Faculty
Senate*

After consultation with the deans and other administrators, I have disapproved Bill 87-88--22: Part-time and Non-continuing faculty. Acting Provost Swan has told you that this disapproval would be forthcoming. The delay in our statement results from the amount of time and energy required this summer to conduct the searches which are presently nearing conclusion.

As you know from the debate in the Faculty Senate, a number of individuals, including some deans, administrators and faculty members, are dissatisfied with various portions of this legislation. A consensus is emerging, both here at the University and at other institutions, that the use of part-time and non-continuing faculty must be monitored more carefully. In numerous instances their appointment is appropriate and beneficial to all. Care must be taken, however, to prevent any erosion of the educational efforts of the University as well as to avoid inequitable treatment of some individuals. While the intent of the legislation is laudable, I find the legislation itself to be unacceptable in its present form.

It appears that the primary goal of this legislation is to promote and protect the interests of part-time and non-continuing faculty members. While the Faculty Senate can address personnel concerns and propose provisions regarding employment for inclusion in the University Manual, we must be cautious in using the Manual to "bargain" for these faculty members. Legislation which seeks to establish contract-like provisions more properly left to collective bargaining or to provide perquisites not covered currently by the State's personnel policies is unacceptable. Even if I were to approve such language, it would not be binding. When provisions in the Manual differ from established contract or State personnel policies, these provisions have no legal force and are superseded by State policies.

In like manner, the legislation proposes formalization of the faculty status and faculty privileges accorded these individuals. In addition to my concern regarding appropriateness, we must keep in mind the diversity of the University's different needs for which part-time and non-continuing faculty may be appointed. Policies addressing the employment of these faculty must be very flexible; those provided are not sufficient in this regard.

A secondary objective of this proposed legislation is to ensure academic quality. The methods of selection, review and evaluation for future employment must be conceived well if we are to discharge properly our obligation to pursue excellence in education. While I am sure there is broad agreement on this, many of the evaluation practices which apply to our regular faculty members impose contractual obligations on other members of the bargaining unit. For example, the duties of department chairpersons in this regard are addressed in the AAUP Agreement. We must be careful not to impose additional duties that conflict with the contractual duties in the AAUP Agreement. Preparation of additional annual reviews, for example, increases the responsibilities of department chairpersons.

Our shared goal regarding part-time and non-continuing faculty is to treat them equitably while ensuring simultaneously that they are employed only where it is appropriate educationally. I am not opposed to some Manual provisions on this matter, but such provisions must be consistent with State personnel policies and other legal constraints on the University. In the spirit of seeking to promote this shared goal, I offer the following section-by-section appraisal. These comments include input from the Council of Deans, Acting Provost Swan, and Assistant Provost Rosie.

Section 7.47.10 The need for a clear definition of the part-time and non-continuing faculty members subject to specific University Manual provisions is clear. This provision is not precise. For example, the University does employ continuing faculty who are not in tenure-track positions; there is confusion as to what is meant by "retired continuing URI faculty members;" an appointment for two consecutive regular semesters would appear to be exempt from the provisions as written; and finally, the majority of the non-continuing faculty members have non-teaching duties which are quite dissimilar in nature to those carried out by continuing faculty members.

Section 7.47.11 This would appear essential. I hope it would be done by all chairpersons appointing such individuals with or without a Manual provision.

Section 7.47.12 This provision regarding academic rank is completely unworkable. Replacing a discretionary policy with a "rule" will eliminate the flexibility which is critical in allowing creative use of part-time and non-continuing faculty members. Most non-continuing faculty members have duties, responsibilities and expectations which differ significantly from those of continuing faculty. Therefore, it is not practical to apply policies established through the collective bargaining process for our continuing faculty to

part-time and non-continuing faculty members. Finally, linking pay scales to department averages for our regular faculty would most certainly result in salary inequities.

- Section 7.47.13 The policy regarding tuition waivers is established by the Board of Governors. The one exception is the policy which applies to those covered by the AAUP Agreement which was established through collective bargaining. Presently, the spouse and legal dependents of full-time employees, regardless of whether continuing or non-continuing, are eligible to receive tuition waivers at the baccalaureate level.
- Section 7.47.14 The Board of Governors determines policy with regard to participation in TIAA. At the present time non-continuing faculty members are not eligible to participate.
- Section 7.47.15 This is already our policy.
- Section 7.47.16 This is unworkable. If a part-time and non-continuing faculty member were unable to teach in a given semester, a replacement would have to be appointed. We would have then an obligation to the replacement. We cannot honor both "obligations."
- Section 7.47.17 Presently, any employee whose appointment is at least 50% and is for more than six months in duration is entitled to receive full health benefits.
- Section 7.47.18 The question of review is critical. We must formalize the written review process. To pattern it on the detailed procedure used for regular faculty members, however, seems excessive and unnecessary. A formal written appraisal from the chairperson to the dean with a right of response would be more consistent with our needs in this regard.
- Section 7.47.19 Notification of renewal by mid-semester is not always possible simply because of the nature of "temporary" appointments. Furthermore, re-appointments must have the approval of the Affirmative Action Officer.
- Section 7.47.20 Whenever possible, the University offers two-year appointments.

- Section 7.47.21 The hiring procedures for regular, tenure-track faculty members are very stringent. Those for part-time and non-continuing faculty members are frequently less so. To satisfy our Affirmative Action requirements, a non-continuing faculty member being given special consideration for a tenure-track position would have to have been hired in conformity with all requirements. Otherwise, he or she must reapply and join the applicant pool.
- Section 7.47.22 Our problem is space and resources, not desire.
- Section 7.47.23 We should have a substantial quantity of orientation material for all new faculty members. We are working toward this goal.
- Section 7.47.24 The University's Personnel Policies and Procedures provides for a four-step grievance procedure as described in Section 3.11 of the University's Procedural Manual.

If you wish further clarification, may I suggest that you discuss the legislation and our objections with Assistant Provost Rosie who works on a daily basis with these problems.

cc: M. B. Swan, Acting Provost
D. M. Rosie, Assistant Provost

THE UNIVERSITY OF RHODE ISLAND
Kingston, Rhode Island

FACULTY SENATE
BILL

Adopted by the Faculty Senate

TO: President Edward D. Eddy

FROM: Chairperson of the Faculty Senate

1. The attached BILL, titled Report of the Ad Hoc Committee on
Part-Time and Non-Continuing Faculty

_____ is forwarded for your consideration.

2. The original and two copies for your use are included.
3. This BILL was adopted by vote of the Faculty Senate on March 31, 1988.
(date)
4. After considering this bill, will you please indicate your approval or disapproval. Return the original or forward it to the Board of Governors, completing the appropriate endorsement below.
5. In accordance with Section 10, paragraph 4 of the Senate's By-Laws, this bill will become effective April 21, 1988, three weeks after Senate approval, unless: (1) specific dates for implementation are written into the bill; (2) you return it disapproved; (3) you forward it to the Board of Governors for their approval; or (4) the University Faculty petitions for a referendum. If the bill is forwarded to the Board of Governors, it will not become effective until approved by the Board.

April 1, 1988
(date)

Wendy B. Holmes
Wendy B. Holmes
Chairperson of the Faculty Senate

ENDORSEMENT

TO: Chairperson of the Faculty Senate

FROM: President of the University

Returned.

- a. Approved _____.
- b. Approved subject to final approval by Board of Governors _____.
- c. Disapproved _____.

August 16, 1988
(date)

Edward D. Eddy
President

THE UNIVERSITY OF RHODE ISLAND
Kingston, Rhode Island

FACULTY SENATE

REPORT OF THE JOINT FACULTY SENATE-AAUP AD HOC COMMITTEE ON
PART-TIME AND NON-CONTINUING FACULTY

Revised by the Faculty Senate on March 31, 1988

In April 1986, the Faculty Senate and the AAUP created this committee to investigate the use of part-time and non-continuing faculty at URI and to recommend policy regarding their status. (This committee will be referred to in the remainder of this report as the PTNC Committee. Please note that we will use the term "non-continuing" to refer to this group of faculty. The term includes both full and part-time non-continuing faculty.)

According to that charge, we have worked with Faculty Senate Constitution, By-Laws and University Manual Committee, we have consulted with Assistant Vice President for Academic Affairs, Douglas Rosie, and with Associate Dean, CCE, Gerald DeSchepper. We interviewed non-continuing faculty members and, with support from the AAUP and the Faculty Senate, we conducted a survey of non-continuing faculty and sent a questionnaire to department chairpeople. We have received and incorporated many excellent suggestions from these people. The present proposals are the result of these surveys and consultations and many committee meetings.

The PTNC Committee presented its first report to the Faculty Senate in April 1987. (In that report we found that in 1986-87, there were 157 non-continuing faculty members. There were 686 continuing faculty members. Thus, approximately 18.6% of the total of 843 faculty are non-continuing. This does not include faculty hired to teach solely at CCE. The full 1986-87 report is available from the Faculty Senate Office, the Deans of the Colleges and the Library Reference Desk.) We were then charged to draft legislation to be considered by the Faculty Senate for incorporation into the University Manual.

Therefore, we move approval of the following:

- A. That following new sections be included in the University Manual:

7.47.10 Non-Continuing Faculty Members provide valuable professional service to the university community. Every effort shall be made to treat them in a professional manner. For the purpose of 7.47.10 - 7.47.24, non-continuing faculty members shall be those persons who are neither graduate assistants, nor persons appointed to tenure-track positions, nor retired continuing URI faculty members, and who are appointed to teach at least for one year or longer and/or to carry out non-teaching duties similar in nature to those carried out by continuing faculty members.

7.47.11 At the beginning of each semester, the level of professional expectation for each non-continuing faculty member shall be determined. This determination is to take into consideration the various tasks assigned to the faculty member.

7.47.12 Non-continuing faculty members shall be accorded academic rank equivalent to lecturer, instructor, assistant professor, associate professor or professor. The appropriate rank will be determined by the dean on the basis of the department chairperson's recommendation. Compensation shall be in proportion to the average compensation for that rank in that department.

7.47.13 During the time of his or her appointment, a full-time non-continuing faculty member and members of his or her immediate family shall have a right to a tuition waiver for courses toward the baccalaureate level.

7.47.14 Non-continuing faculty members who are 50% or more FTE shall be eligible for a retirement plan after they have been appointed for at least four semesters at URI. It shall not be required for eligibility that the appointments be for four consecutive semesters. Individuals shall participate under the same payroll deduction plan and university contribution plan as continuing faculty.

7.47.15 Non-continuing faculty members shall accrue sick leave in accordance with state personnel policies.

7.47.16 Non-continuing faculty on contract for one or more years shall be allowed to take unpaid leave for one semester for illness.

7.47.17 Non-continuing faculty members who are 50% or more FTE and who have been appointed for more than six months shall be eligible to participate in the health plans under the same conditions as continuing faculty members.

7.47.18 Non-continuing faculty members shall be included in the group of faculty members on whom annual reviews are conducted. Department policies shall apply to these reviews. The department chair or other individual in charge of conducting the review shall declare a faculty member either as "qualified without reservations" or as "qualified with reservations" or as "unqualified." In the latter two cases the narrative portion of the review is to state clearly the nature of the reservations. Faculty members shall have the right of response. These reviews shall be considered in determining the extension of appointments of non-continuing faculty.

7.47.19 During the spring semester, department chairs shall assess the need for non-continuing faculty for the following academic year. On the basis of this assessment, contracts for qualified, presently employed non-continuing faculty shall be extended whenever possible. Non-continuing faculty members shall be informed no later than mid-semester of the last semester to which their contract applies whether or not their contract will be extended. They shall be informed of opportunities for recall as soon as reasonably possible.

7.47.20 In the interest of the continuity of its teaching program, the University shall make every effort to give two- or three-year contracts to non-continuing faculty members.

7.47.21 Departments shall be encouraged to consider the accomplishments of non-continuing faculty when conducting searches for tenure-track positions.

7.47.22 Because non-continuing faculty members are considered full functioning members of the university community, they shall have access to office space, secretarial assistance and funds for professional development in accord with departmental practice.

7.47.23 The University shall provide to all non-continuing faculty members a copy of sections 7.47.10 - 7.47.24 of the University Manual during the semester during which these regulations become effective. Subsequently, all non-continuing faculty members shall receive a copy of these regulations at the time they are first appointed at URI. Updated copies shall be provided whenever changes to these regulations become effective.

7.47.24 Non-continuing faculty shall have the right to grieve in accordance with University Policy #83-15. In the case of faculty, the "immediate supervisor" (step 1) shall ordinarily be the department chairperson; the "department head" (step 2) shall be the dean.

B. That the Faculty Senate Faculty Welfare and Liaison Committee be directed to:

- 1) Monitor the implementation of these sections of the University Manual;
- 2) Recommend to the Faculty Senate improvements and revisions to these sections if necessary;
- 3) Recommend to the Faculty Senate appropriate regulations concerning faculty members employed less than one year and less than 50% of FTE.