



Chapter 2. Effective Practices and Policies for Contingent Faculty

The main goal of this chapter is to document actual practices affecting contingent faculty in the UC system and at other colleges and universities in order to provide examples for people striving to improve the working conditions of precarious academic workers. In looking at current policies concerning compensation, benefits, workload, job security, promotion, academic freedom, and other vital areas of academic life, I present concrete models for making these jobs more fair and effective on both an educational and organizational level. It is important to point out that I do not claim that the labor conditions for contingent faculty in the UC system are ideal, but I do believe that collective action has led to some very positive, progressive changes. I also want to stress that most of the practices I discuss can be achieved without unionization, and many of these contractual obligations have migrated to non-unionized worksites (Dobbie and Robinson 132).

On the most basic level, fair and just working conditions provide for employees a sense that they are a valued part of a community and that they have the opportunity to pursue a sustainable career in terms of compensation and benefits. It also means that they are given the resources to do one's job in an effective manner and that they are provided with a clear and objective system to evaluate their work. According to this universalistic logic, everyone should be judged in an unbiased and transparent manner. Of course, these goals of objectivity, transparency, and universality are impossible ideals to fully achieve, and yet modern democracy and science are shaped by the pursuit of these goals. In a spirit of pragmatic idealism, this book seeks to detail different ways to make the conditions of precarious employment more just and fair while still recognizing the limitations inherent in these positions.

● The UC System

Since it is the structure and reality I know best, I will begin by examining the ten campus UC system where only the NTT faculty are unionized, while the faculty who are eligible for tenure do not have a collective bargaining agreement (Tingle). Moreover, both part-time and full-time NTT faculty are covered by the same compensation structure and have all of the same rights and benefits, except that healthcare and retirement support only starts when someone works at least half time. By not distinguishing between part-time and full-time positions, the shared contract regulating over 6,500 UC faculty has allowed for a wide variety of employment situations.¹ Since there are many NTT professionals who

1. For research on the various types of working conditions for precarious academic labor, see Feldman and Turnley; Monks; Palmquist et al.; and Kezar and Maxey, "Trou-

want to teach only one course a year while others want to be full-time lecturers, it was necessary to develop a contract that could cover all of these different situations. The solution was to base everything on the percentage of one's appointment; for example, if the minimum starting salary for all lecturers is \$52,000, and one teaches half of a full load, one is paid \$26,000.

With this model, because most people do not know what percentage appointment other people have, there is often less of an obvious hierarchy in the workplace in which everyone is supposed to be treated by the same basic rules and practices. For instance, all of the lecturers come up for a major review in their sixth year regardless of the percentage of their appointment, and the results of that review can lead to a continuing appointment. Once someone has a continuing appointment, they can be let go only for very specific reasons, and this has rarely happened. All continuing appointments are also reviewed every three years for a merit increase, and the minimum for these increases (currently six percent of one's salary) has been negotiated for everyone (Fichtenbaum). There are also cost of living increases that once again are given to all faculty regardless of the percentage of their appointment. The first lesson, then, for anyone pursuing better working conditions for contingent faculty is to push for more equality. However, at the same time, contracts and polices have to remain flexible in order to account for the different types of employment some workers prefer or that are necessary because of institutional needs. While it is important to limit the push for maximum administrative flexibility, it is also vital to recognize the need for employees to have varied and flexible employment opportunities. There is thus a necessary dialectical relationship between universal rules and particular labor conditions.

In many ways, the NTT positions in the UC system offer a middle ground between traditional TT professorships and many current, contingent positions.² Furthermore, even though most lecturers are hired primarily to be teachers, usually they are also required to do service and participate in professional development. In this structure, administrators cannot say that lecturers only teach, so it is harder to rationalize paying them less or not respecting them. The shared union contract also creates a more standardized system of treatment and compensation; although there is also plenty of freedom for individual departments to reward people at a higher rate or to come up with their own polices as long as they do not conflict with the collective bargaining agreement.³ Once again, a key concept is to have clear rules and policies that allow for a certain level of flexibility but do not give the administration free hand at controlling the terms and conditions of the employment situation, and by management, I am referring to anyone who can make a decision to rehire or not rehire an employee.

bling Ethical Lapses.”

2. For research on full-time, non-tenure-track positions, see Levin and Shaker.

3. Collective bargaining agreements for non-tenure-track faculty are examined in Rhoades, “Bargaining Quality”; Kezar and Maxey, “Missing from the Institutional Data Picture”; and Rhoades and Maitland.

● Professional Development

Since many lecturers are reviewed based on their teaching, service, and professional development, the UC-AFT union fought to have a special funding source to support grants for travel to conferences or for help paying for research projects. Once again, an emphasis is placed on the fact that many of these faculty members do very different things, so they should be rewarded for what they do rather than devalued for what they do not do. The union also fights hard to make sure that all review processes are fair and transparent and that there is a way to challenge unfair reviews, even though in the current contract, only the process of the review can be grieved and not the actual academic judgment. This review process stands in contrast to what happens at other universities and colleges where NTT instructors are routinely fired based on student evaluations of teaching (Heller A8). Of course, in order for any system to work, there has to be a process of accountability and enforcement; otherwise, effective processes and policies will be vulnerable to being ignored or transgressed (Kahn A14). In fact, when I have consulted with other unions about their contracts, I always first look at the enforcement mechanisms to see if the contract provisions can be policed. The lesson here is that it is not good enough to achieve better practices if those practices can be easily violated.

It is important to stress that many of the practices I am outlining here can be implemented at non-unionized institutions, but the problem remains of how to make sure these policies are followed and protected. For instance, a university in a right-to-work state may create a professional development fund for contingent faculty, yet in times of economic hardship or shifting priorities, the institutions may abandon this source of support. In contrast, when a professional development fund is mandated by a collective bargaining agreement, it is harder for this policy to be reversed or undermined. Still, it is vital for non-unionized faculty to fight for this type of support even if it cannot be fully protected. In other words, it is usually best to have a union, but in the case where one does not exist, employees can still strive to replicate many aspects of a collective bargaining agreement. For instance, a non-unionized group of contingent faculty can document who promised support that was removed or reduced. By documenting policies in a transparent way, it becomes harder for these new achievements to be removed when a new administrator arrives.

The category of professional development has played a key role in allowing many UC contingent faculty to be reviewed and rewarded for a wide variety of activities. For some lecturers, professional development means going to conferences; for others, it entails developing a new course or publishing a scholarly article. The inclusion of professional development in the contract has proven essential because it prevents administrators from arguing that NTT faculty “only” teach. At the same time, the contract’s broad definition of professional development recognizes that there are many different types of precarious academic labor and many different motivations for people holding these positions. When

members have been surveyed, results have showed that some are professionals with full-time jobs outside of the university, while others are part-time workers who would like to teach more classes. There are also many full-time lecturers who end up taking TT jobs at other institutions, and some faculty ask to have their appointments reduced in order to tend to family matters or for other professional activities.

● Recognizing Work

One of the more challenging aspects of the contract between UC and the American Federation of Teachers (AFT) has been the question of workload. While the contract states that the maximum number of courses assigned to any one instructor over three quarters should be nine, many departments have lower levels, and there are several ways for faculty to qualify for a course replacement.⁴ Faculty can get a course reduction for serving on committees, teaching large classes, advising students, and a whole host of other activities that often go uncompensated. The guiding principle behind this part of the contract is that contingent faculty should be recognized and rewarded for all of the different academic activities they perform.⁵ However, this part of the contract has been difficult to fully enforce, and it requires constant monitoring.

The contract also states that NTT faculty should have their full academic freedom rights protected. This stands in contrast to the situation at many other institutions (Marshall, 46-48). Since NTT faculty in the UC system have the same protections as tenured professors, they are able to bring up any dispute in the academic senate or through the union dispute resolution process. Yet, even with the same rights as tenured professors, contingent faculty often have their academic freedom threatened by the use of student evaluations (Samuels, “Contingent Faculty” A23). Since many departments rely heavily on these evaluations to promote and reward NTT faculty, these instructors may have to teach in a defensive manner so that they do not offend or upset their students. While the union has negotiated a reduction to the reliance on these evaluations for reviews, it has been unable to convince the university to completely eliminate the use of student evaluations or reduce their influence even more. What it has been able to do is to push for a process of evaluating faculty in their sixth year, and this includes recommending that the faculty have their classes visited by fellow lecturers and that lecturers serve on the review committees. This recommendation is in line with best practices (Kezar and Sam, “Institutionalizing Equitable Policies”; Heller A10-A11). It should be clear that for any union or non-union group seeking to improve the working conditions

4. Workload for contingent faculty is discussed in Rhoades and Maitland; and Kezar and Sam, “Understanding the New Majority.”

5. The UC-AFT contract is available at <https://ucnet.universityofcalifornia.edu/labor/bargaining-units/ix/contract.html>.

of their members, establishing clear and fair methods for hiring, rehiring, and promotion is essential.

Another important area of best practices and policies for contingent academic labor involves making sure that these faculty members have the proper material conditions to do their work. This includes office space, access to computers, proper administrative support, and other needed resources (Fels et al. A15). While working conditions still vary widely in the UC system, there has been an effort to make sure that all are given the opportunity to do their jobs in an effective manner, and this at times requires using the grievance process to force departments to provide the proper resources. The UC system's complicated dispute resolution process begins with steps at the local level, but if the department or the dean cannot resolve the problem to the mutual satisfaction of both sides, it moves to an outside court arbitrator. Since the university usually does not want to risk being overruled or having to face large legal fees, it often resolves things before they get to arbitration.

The union has also pushed to make sure that lecturers are always recognized for the work that they are doing, which includes getting programs to list the names of lecturers on course schedules and departmental web sites. Moreover, the union has spent a great deal of effort ensuring that all faculty have the proper job title so that the university does not try to replace protected lecturers with other unprotected faculty, such as visiting professors who are actually visiting from nowhere. Since universities are constantly coming up with new job titles that often function to remove workers from protected groups, it is important to constantly police these new positions (Kezar and Maxey, "Missing from the Institutional Data Picture").

● Guiding Principles

Even in institutions that are not unionized, there are many examples of places where precarious academic labor has organized collectively to protect their working conditions (Kezar, "Preface" xv-xvi; Street et al.; Goldstene, 7). However, the first step is to see what is possible and what has worked and not worked in the past. My hope is that outlining the working conditions of contingent faculty can help to provide information and inspiration for all faculty seeking to improve their employment situations. Although I do not think that one size fits all or that we have found the perfect solution to many of the problems facing precarious academic labor, I do believe we have made some important progress in these areas.

One of the guiding principles behind the UC-AFT contract and collective organizing is the idea that the work done by contingent faculty is as important as anyone else's in the university system. In fact, some lecturers feel that they are the protectors of undergraduate education, making their labor the most vital (Morris). In this context, the relationship between tenured and non-tenured faculty varies greatly, but for the most part, there is a general level of benign

indifference. I believe the reason for this situation at the UC system is that the majority of the faculty and administrators now recognize that it takes many different types of employees to make a university effective, so one has to recognize and respect the need for everyone to be able to do their job in an effective manner. As I will show in later chapters, this acknowledgment of the diversity of employment situations is often lacking elsewhere; instead, people rely on stereotypes, prejudices, and over-generalization in their perceptions of contingent academic labor. To counter these destructive representations, it is essential to offer alternative perspectives and practices.

● Existing Problems in the UC Model

Although the existing model for contingent faculty in the UC system does provide many examples of better working conditions for precarious academic labor, there are still many areas that need to be improved. One particular problem is the way that student evaluations are used to assess the quality of a contingent faculty member's teaching. The union has tried to eliminate this biased system of evaluation, but the university administration has argued that no one wants to spend the time and money on a more effective system. It is simply cheaper and faster to have students make a judgment regarding the quality of their learning environments. Even when the union points out that these evaluations are not scientific and that they are often influenced by racism and sexism (Huston 598-600), the university system resists any alternative. Fortunately, there is a growing movement to provide models for more effective assessment practices, such as the example Jeffrey L. Buller provides with his book *Best Practices in Faculty Evaluation*, and the threat of lawsuits against the biased nature of these instruments may force a change. What has been achieved in the UC system is language stating that the numerical part of the student evaluations cannot be the sole criteria in assessing lecturers, and a list of other methods that should be employed, including class observations, self-assessments, and course materials, has been provided. Still, many departments simply refuse to review their lecturers until they get to their major sixth-year review, and this lack of a required review process has contributed to a high level of turnover for people in their first few years.

Another continuing issue is that since contingent faculty have few job protections before they earn a continuing appointment, some departments have tried to prevent teachers from getting to their sixth-year review by only hiring them for a few years. Contractual language has been negotiated that prevents programs from simply getting rid of people to prevent them from reaching their sixth-year review, but this part of the contract has been very hard to enforce. Still, for any faculty group seeking to enhance job protections, it is necessary to find ways to protect precarious academic labor against the administrative desire to maximize flexibility and cut costs by refusing to let experienced teachers gain job security. One way of enhancing job protections is to clearly spell out under what conditions a person can be hired or not hired (Maitland and Rhoades

78-80); for instance, it can be required that each time someone is not brought back to teach, an official reason has to be given in writing to the union and the affected person. In the UC system, once a department is forced to come up with an explanation in written form, it seems to be more likely to think twice about what it is doing. Another strategy is to require extended notification for any type of layoff or reduction in time (Maitland and Rhoades 78). Once again, even if contingent faculty members do not have collective bargaining rights, they can band together and create a collective organization that negotiates better working conditions or pushes the faculty senate to enact better policies and procedures.

In the UC system, some departments do have fair employment process, but other programs, even at the same institution, do not treat their contingent faculty in the same way. Often the reason why one department is better than the other is because one program has a critical mass of NTT faculty. When there are only a few contingent instructors in a program, it is easier for them to be exploited or even let go for no clear reason. A way of overcoming this problem is to share information about best practices to make sure that faculty from different departments communicate with each other. Such communication across departments can be achieved through joint meetings, online newsletters, and door-to-door canvassing.

Within the UC system, some departments simply ignore the contract because they do not know what is in it and because their faculty have not been informed about their rights. Luckily, a new state law has required all institutions to have orientations for new union members, but even in non-unionized workplaces, it is vital to provide all new employees with a clear understanding of their rights and responsibilities. Unfortunately, many faculty members only find out about their rights when they are violated, and it is by then often too late to do anything about the issue. As I will discuss in the next chapter, a key to preventing this from happening is to develop a network of organizers who talk to faculty in different departments on a regular basis.

● Other Models and Institutions

To present some of the ways different institutions have produced a wide-range of policies and practices for contingent faculty, I will now turn to one positive model found at Vancouver Community College (VCC) and profiled by Kezar and Daniel Maxey in *The Changing Faculty and Student Success*:

Faculty at VCC are classified as either ‘regular’, which is the functional equivalent of tenure, or ‘term’ employees. Virtually all faculty have the opportunity for job security. There is one hiring process and after at least two years of at least 50% full-time employment all term faculty are automatically converted to regular status. (1)

For community colleges without a research mission, this model helps to fight against faculty turnover and creates a fair and transparent career path. Moreover,

at VCC, when courses become available, the “part-time faculty have the right of first refusal,” and once they teach these courses for two years, their “employment status is increased accordingly” (1). In this structure, all of the faculty are compensated according to “a standardized pay scale,” and like the UC system, part-time faculty who achieve “50% full-time employment have access to almost all the same benefits as regular faculty including healthcare, dental, paid vacation, and professional development funds and leave time” (1). In this text, Kezar and Maxey further point out that all faculty at VCC are also given full rights to participate in their departmental and institution-wide governance (1).

A different model for protecting contingent faculty can be found in the Pennsylvania State System of Higher Education, where, as William B. Lalicker and Amy Lynch-Binieck explain, FTNTT faculty can be converted to TT positions after five years of service by a vote of the majority of the faculty (91-92). Lalicker and Lynch-Binieck note that this system of conversion has not resolved all labor problems (91), but it does offer a new model for increased job security, which will be discussed in the next chapter.

In addition, some institutions, such as Clackamas Community College, Mount San Antonio College, San Francisco State University, and the University of Southern California, are starting to include all faculty in their shared governance (Kezar and Maxey, *Changing Faculty* 3), and this has resulted in better awareness of the pay and workload challenges for contingent faculty. The idea here is that one of the best ways to make contingent jobs more fair and equitable is to give these employees more democratic rights.

While there are many examples of different institutions improving the working conditions of contingent faculty, it is hard to tell what is really happening unless one is on the ground and can see how particular policies are actually enacted. One reason why I have focused primarily on my own institution in this chapter is because I have first-hand knowledge of how the contract is enacted on a daily basis and how the different parts of the contract fit together. As I have stressed throughout this chapter, a key thing to consider when attempting to increase the job security of contingent faculty is the enforcement mechanisms for particular policies. For instance, if one provides increased security after six years, what prevents an institution from simply removing people in their first six years? Moreover, if a school requires NTT faculty to do service and research in order to be promoted, how does the university or college financially support these activities? One of the most effective defenses against the practice of removing contingent faculty before they get more job security is to document a pattern of turnover, which hopefully can be used as evidence in the grievance process.

In Daniel B. Davis’ book, *Contingent Academic Labor: Evaluating Conditions to Improve Student Outcomes*, some of the issues I have discussed in this chapter are addressed through the development of a “Contingent Labor Conditions Scorecard” (100). The main categories in the scorecard that Davis uses for assessment of labor practices are:

1. Material equity: Pay parity, job security, and benefits
2. Professional equity: Professional opportunity and professional identity
3. Social equity: inclusiveness of gender and race

In looking at the first category of material equity, the UC-AFT contract represents a middle ground between TT positions and fully at-will contingent ones. While NTT faculty jobs in the UC system do offer some level of security, they are not as secure as tenured positions. Additionally, even though the UC system does not provide pay parity between NTT faculty and tenured professors, within the national contingent ranks, the pay offered by the UC system is at the higher end. However, UC system NTT positions only provide full benefits and a pension for faculty working at least half-time, which means there are many part-time workers who are not included.

When it comes to the second category of professional equity, although contingent faculty members in the UC system can apply for professional development funding, the support they receive is not as generous as it is for their tenured colleagues. In short, these positions offer a middle ground between pure contingency and tenure. For people with a more radical vision, the in-between status of these contingent positions may seem unappealing and merely a way of compromising with the system; however, I believe that more equitable working conditions can be fought for if partial victories are achieved first. Contingent faculty and their allies can then build on these successes to increase collective power. In the next chapter, I discuss some of the methods individuals and groups can use to fight for better working conditions for all NTT faculty.