

## **A Program for Change: *Real Transformation over Two Decades***

### **1. Introduction**

1.A The dysfunctional state of faculty employment in post-secondary education in 2016 is well documented and well known. Over the last few decades, corporatization has fragmented faculty. It has resulted in a caste-like structure with primarily two tiers. The majority of the faculty occupies the lower tier and is recognized as performing only a portion of the job, classroom instruction. Even where this recognition reflects reality, and it usually does not as most faculty always do more than just teach, these faculty are compensated at a rate of pay in violation of the principle of “equal pay for equal work,” often resulting in a poverty-level income. They work in complete insecurity. They are left to draw upon the satisfaction of working with students as their chief inspiration to continue because of their dismal working conditions and the equally dismal prospects for improvement.

1.B Yet despite decades of activism, widely published and publicized issues, and Coalition of Contingent Academic Labor (COCAL) gatherings and other conferences, the movement for reform has not been able to coalesce around a focused set of goals that, as they are achieved over time, will lead to the correction of the current system and its discriminatory structure. It is our hope that the Program for Change will inspire higher education stakeholders to set in motion campaigns of action designed to achieve incremental change in the short term and build upon successes over time resulting in the transformational change for the system as a whole.

1.C The Program for Change’s central theme is achieving job security for non-tenured contingent faculty. In essence, a contingent faculty member, after completing a probationary period, becomes regularized with the rights, protections, and benefits of a permanent employee. Such a regularization of the person has existed at Vancouver Community College, British Columbia, since 1988. People become regularized, not positions.

1.D The Program for Change will benefit contingent faculty to be sure. But it will also benefit the whole of higher education and, most significantly, students and our collective future. Higher education is key for achieving social mobility for the individual and growth and well-being for society. Yet when the majority of teaching faculty face disincentives at every turn to staying professionally committed to their discipline and their teaching because their jobs are not assured but contingent on factors outside of their control, the country’s long-term economic and social wellbeing is put at risk. Indeed, the dysfunctional two-tiered system defies American ethical values related to fairness and equal pay for equal work and decency. “A healthy, well-funded, democratic, and accessible system of higher education,” says Joe Berry, “requires both a decently treated workforce to operate it and a broader society that values schools over warfare and prisons.” U.S. higher education requires a coherent, reasonable strategy for progress, which the Program for Change aims to be. Because it may take a generation to

transform the dysfunctional system to arrive at a workplace free of discrimination based on employment status, it is vital that the process start now.

## **2. The Program and Incrementalism**

2.A The Program for Change is a strategic plan that we feel would establish healthy normative standards that would revitalize the integrity of the post-secondary teaching profession over the next generation. The Program has both short-term and long-term goals but, mindful of the difficult nature of change, proposes accomplishing these goals through incremental steps. It is modeled on actual practices in places like California, Quebec, and particularly British Columbia. Successes in those jurisdictions were achieved mostly through traditional collective bargaining. However, in recognition of the fact that circumstances differ around the country, the Program supports the use of any means available in addition to collective bargaining: negotiation with progressive administrations, legislative changes, informal direct action and protest, and/or court rulings.

2.B The Program for Change identifies over thirty aspects of post-secondary work and suggests incremental improvements to each, usually over five-year time frame or a series of five-year time frames. However, it is not meant to be prescriptive or proscriptive. It is hoped that activists working for change can find some aspects to work on and start to achieve measurable successes. Of course, the wider the approach, the more equity could be achieved; the shorter the time taken, the quicker equity could be achieved, but those achievements depend on local conditions. Goals, strategies, and tactics have to be determined locally where activists know what's needed most, what's achievable with reasonable risk, and how best to achieve it. The Program for Change is not meant for employers or those who would resist change; it is meant to provide ideas to all those working to reform the academic workplace into one that truly embodies the values of equity, justice, and commitment to providing the highest possible quality of education to all students.

2.C The essence of the Program for Change is regularization, by which we mean that after a faculty member has undergone a defined probationary period, he or she becomes a normal employee whose status is no longer probationary or contingent, with the attendant rights and protections that accompany non-probationary status. The Program proposes no-cost measures, such as establishment of a seniority system and seniority rights, a defined period of probation, fair evaluations subject to due process, protection of academic freedom provisions, and termination only for just cause with due process. It also proposes measures that do involve costs, such as a single salary scale for all faculty, health insurance, paid leaves including maternity and paternity leaves from which non-tenured faculty are excluded, compensatory rights if layoff or termination does occur, and opportunities for professional development.

2.D Regularization means raising the rights, salary, and job security of the bottom tier to a level of normal equity. As a strategy for reform, regularization differs from oft-proposed conversions of limited numbers of contingent positions to create new tenure-

track postings , which have the effect of ignoring the majority of faculty by leaving their working conditions unchanged. Regularization enables educators to have a good career without the necessity of being tenured.

2.E Regardless of the length and full-time or part-time status of the initial appointment, the Program assumes that faculty start with probationary status or in a probationary phase. They are subject to summative evaluation during this time. This probationary period lasts either for a defined time or for a defined full-time equivalent (FTE) period. During the probationary period, the faculty member has rights to reappointment based on his/her seniority.

2.F After successfully completing a fair and timely evaluation process, individual faculty members will be converted to normal, regular, or non-probationary status regardless of their time-status. If part-time, they can then continue to work up to full-time status, but only when they wish to, based on a seniority right of first refusal to additional work. With this status, they will accrue further seniority on an equal basis with full-timers. Job security means that they and their institution fully expect them to continue working at their time-status until retirement. It means that they have layoff protection rights; that is, layoff is only for a defined cause and after due process, including grievance process protection, notice periods, and transfer rights. If layoff does happen, they also have transfer rights, severance, and/or recall rights. For probationary faculty, instead of the goal of annual or multi-year contracts, the Program for Change relies upon seniority and the right of reappointment for job protection. While an annual contract might seem tempting to those accustomed to term contracts (by semester or quarter), such contracts are still fundamentally contingent, whereas with seniority and reemployment rights, the faculty members can presume their work will continue. Job security means they have a career.

2.G At present, not knowing if they will be offered an appointment the next term, even with a decade or more at their institution, contingent faculty routinely suppress inclinations to exercise or claim what should be their right to academic freedom. The lack of job security and appropriate pay often leads to the necessity of taking on multiple jobs, which can lead to having to compromise their commitment to their students, or an aversion to wider participation in the affairs of the institution or the community. They may be unable or reluctant to speak their mind or join their union, fearing that doing so could cast them in a negative light and thus undermine their chances of future work assignments. The Program calls for Academic Freedom protection provisions for all faculty from first hire, regardless of their status, and provisions protecting faculty members with the due process protection through grievance rights and/or institutional process rights. It also calls for unions and departments to democratically include all faculty members as full members with all the attendant rights and obligations.

2.H A further consequence of a perpetual probationary status and discounted pay for contingent faculty is the erosion of their ability to maintain their dedication to their teaching discipline and the reading, writing, and research that are phases of post-secondary teaching. However, when their jobs are no longer contingent but regularized

and protected by due process, when pay is based on the same salary scale as other faculty performing the same type of work, with equal recognition and reward for professional development, and when seniority is accrued that contributes to their job security, such faculty are empowered to exercise their academic freedom and dedicate themselves to high standards and excellence in their teaching.

2.I A key feature of the Program, as an examination of the accompanying table will show, is that such advances cannot usually be attained wholly-formed. They need to be broken down into smaller incremental gains that will over time lead to the ultimate goals. The Program does not envision its presentation as a whole but that advocates would focus on the suggested set of immediate goals and build upon them in future campaigns by focusing on the subsequent sets of goals.

### **3. Program for Change and Tenure**

3.A The Program for Change does not threaten the institution of tenure or propose to replace it. Tenure protects academic freedom and the jobs of faculty vulnerable to cuts, such as those in small departments. Tenure is extraordinary job security not evidenced in the wider world of employment. But as of 2016, with only the minority of faculty being tenured, the strength of tenure as a protection for the faculty voice and collective power has been effectively circumvented through the dependency on contingency for the vast majority of appointments.

3.B Tenure can and should continue as the extraordinary level of job security and academic freedom that it is. However, we propose that eventually tenure be delinked from salary and time-status. This does not imply a reduction in compensation for currently tenured faculty or those on tenure track. In the future, however, tenure would be granted without significant cost impact.

### **4. Scope, Timeline, and Implementation**

4.A In setting forth goals with a timeline, some may feel that a twenty-year period is too long, fearing that such a distant goal will discourage change. However, as the chart below shows, the Program for Change identifies over 30 changes that can be immediately worked on, any one of which can have an immediate impact on the professional life of a non-tenured faculty. Arguably the most important of all relate to job security and seniority, which are proposed as being effected as soon as possible at the institutional level, as they require little to no funding or legislation. These changes, indeed, should encourage contingent faculty who stand to benefit from their accomplishment. We feel, however, that it is not realistic to suppose that the two-tier employment system, and the funding patterns which have evolved over decades to support it, nor the sociocultural underpinnings of those accustomed to the two-tier system, can be fully transformed in a short time.

4.B While nothing prevents accomplishing goals ahead of the incremental timeline proposed herein, real change cannot and will not come spontaneously, since even the

most benign proposals could likely encounter resistance from those asked to relinquish control that has been assumed for several decades. We strive in this Program for a realistic framework for change that is coupled with a timeline so that progress is attainable and visibly part of a continuum of action, all leading to an ultimate goal, regularization. By 2030 or 2040, it will seem obvious that it was the right thing to do.

4.C In proposing this Program, we do not imagine a single association, such as the Coalition for Contingent Academic Labor (COCAL), New Faculty Majority (NFM), the California Part-time Faculty Association (CPFA), or other group would by itself have the capacity to effect such transformative changes. However, such associations can be a force in keeping the issue at the forefront of local and national conversations about the future of higher education. They can communicate the collective voice of those who are demanding change and provide resources to support those working for change. They can challenge those who do have the mandate and wherewithal to fight for change—including faculty unions and other associations of faculty—to commit to achieving as many of these reasonable goals as they can and as soon as they can. They can encourage the commitment of progressive administrations, accreditation and state oversight agencies, legislators, and government at both the state and national level. We imagine that such groups would join with others in celebrating accomplishment of specific goals and milestones, but that it would not be the mission of those faculty groups to be the accuser of failure nor to be the sole judge of progress. Stakeholders will have to be accountable to their own mission: achieving a just and equitable workplace committed to providing students with the highest possible quality of education.

4.D It bears repeating that the Program is not meant to be prescriptive or proscriptive and that we could not imagine seriously presenting the Program in its entirety for immediate adoption anywhere. Nevertheless, it provides both a detailed action plan on over thirty aspects of employment and it provides a holistic vision of what an equitable workplace would look like. Future generations of faculty should not have to endure the unfairness of the current system. The faculty workplace has to become more normal. That is why we feel a sense of urgency; and again to repeat, because it may take a generation to transform the dysfunctional current system, it's vital that the process start now. If at some local workplace it was determined that only one aspect, say evaluation, could be effectively worked on, progress on even that one aspect would greatly improve the worklife of the faculty affected.

## **5. Overview of Program**

5.A To the greatest extent possible, the Program relies on ending the distinctions between full-time and part-time employment and the resulting discrimination from those distinctions. Some distinctions may remain. For example, perhaps only full-timers should be department heads, or perhaps below a certain time status, it is not practical to extend a full suite of benefits to part-timers. Any such distinctions should, however, only be dictated by the nature of the differing conditions, duties and disciplines, not simply because one happens to be full-time or part-time. The Program would extend enforceable

protections of academic freedom to all faculty. It would restrict probationary status to a reasonably short period, with increasing job security through the probationary period into one's later career. A key point is the conversion in status of the person without further job interviews and competitions. Eventually, achieving salary equity would mean delinking tenure from salary considerations.

5.B We believe that teachers and scholars, reunited into a single community, are the last best hope to restore integrity and public confidence to a system of higher education deeply threatened by decades of corporate-style mismanagement. The moral and political compass of our movement should guide our day-to-day efforts toward a common end for the next generation and those to follow: the regularization of the academic profession and the abolition of the multi-tiered labor system.

## **6. Conclusion**

6.A Those who claim that this vision of a future U.S. higher education workplace is too idealistic to offer any hope of ever being realized need only consider the colleges and universities of British Columbia which are under the aegis of the British Columbia Federation of Post-secondary Educators (FPSE). Most of the faculty unions of FPSE have attained collective agreements where faculty, regular and non-regular, full-time or part-time, are compensated according to a single salary schedule; newly hired probationary faculty, after teaching for a prescribed length of time, become regularized, with job security based largely on seniority. For its new university faculty unions, FPSE has adopted the policy of delinking tenure from salary. Whether ultimately successful or not, the current situation cannot go unchallenged. It is not acceptable for the majority of those who deliver U.S. higher education to be without job security and academic freedom, to receive pay that is not commensurate with their academic and professional training nor the effective set of responsibilities they execute, and to be denied the professional dignity that is warranted by their station as educators.

6.B The next generation of faculty should see real change and the generation after it should see this discriminatory period as a thing of the past. Whether we as individuals personally stand to benefit or not, it is long past time for a critical mass to commit to ending this situation and through collective action to do what is necessary to start progress down the road for change to restore normalcy and equity to the post-secondary workplace.

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## ***Specifics of Program for Change Chart***

The following chart lays out the Program for Change and is segmented into four parts: no-cost, cost, union and association rights, and legislative changes.

The chart is structured in five-year increments. The increments are meant to provide both sequencing ideas and milestones for review. They are not intended as timetables. Those using the Program are completely free to establish timing goals that best meet their needs.

**Program for Change**

August 2016

	Goal	+5	+10	+15	+20	
<p><b>Non Cost or Incidental One-time Costs</b>  <i>No reduction in Rights for any Tenured or TT Person</i>  <i>All rights are subject to grievance or other dispute resolution processes</i></p>						
<b>Natural rights</b>	NC1	Human Rights: No discrimination No harassment personal or sexual	Rights in effect from first hire. Protected by grievance procedures or due institutional process; not connected to time-status.			
	NC2	Academic Freedom	Protected by grievance procedures or due institutional process; not connected to time-status.	From first hire for all		
<b>Rights during hiring and probationary period</b>	NC3	Hiring	Departmentally-based processes; transparent, set procedures	One process for all		
	NC4	Reappointment Rights during probationary period	Reappointment by seniority, as long as no unsuccessful evaluation is present	Rights retained for set period after last appointment		
	NC5	Seniority Rights	Right to Seniority and Seniority Accrual from first hire			
			Right to Seniority Accrual	For regularized, equal part-time seniority accrual to full timers' accrual		
			Seniority Retention between appointments	Retention after layoff		
			Seniority List published annually			
NC6	Summative Evaluation	Fair, transparent processes. Third party dispute/appeal avenues.  At most once a year during probationary period. Only two needed for regularization.	Summative evaluation done during probationary period; afterwards only if serious complaints			



	Goal	+5	+10	+15	+20	
<b>Non Cost or Incidental One-time Costs - Continued</b>						
<b>Workplace Equity Rights</b>	NC7	Workplace Equity	All hires are part of department, with paid for meeting times and with voice and vote.  Included in any elections  Right to Institutional Dispute Resolution Protection	Right to stand for departmental leadership positions		
	NC8	Personnel Files	Only one official file for all hires	Right to dispute entries  Right to have items removed if no reoccurrence		
	NC9	Institutional Governance Rights	Rights of participation, right to represent and be represented			
	NC10	Full-time and Part-time Status	Start process of ending distinctions in rights	End of most non-cost distinctions between part-timers and full-timers		
<b>Conversion Rights</b>	NC11	Status Conversion Rights of the person (from probationary to non-probationary regular status)	Establishment of criteria for automatic conversion of the person from probationary to regular status and provision for grandfathering	Implementation of procedure to confer non-probationary status (regular status)	At a min. level (e.g.: half-time) Automatic Conversion of the person to Regular Status given certain fte Seniority accrual (e.g.: one fte year within two years)	Reduction of the Minimum Level required for conversion

	Goal	+5	+10	+15	+20	
<b>Non Cost or Incidental One-time Costs - Continued</b>						
<b>Rights of Normalized</b>	NC12	Layoff Protection and Rights	By reverse seniority and only for proven cause (which may include financial factors). Minimum length of notice.	With notice of at least four months.	Layoff with notice, transfer and recall rights	
	NC13	Formative Evaluation		For all regularized faculty. No ability to use for or against faculty within employment context		
	NC14	Unpaid Leaves	Right to unpaid leave upon regularization, with: -no loss of seniority -continued seniority accrual -right to same status upon return			
	NC15	No Workload caps below full-time	As right of first refusal is granted, workload limitations cease	No workload caps imposed on less than full-time faculty		
	NC16	Overtime (course overloads) Reduced and Eliminated	Caps/disincentives set. Limit extent of course overloads to protect the job security of probationary faculty	More restrictive caps/disincentives to further protect the job security of probationary faculty.	No routine right to Overtime	

	Goal	+5	+10	+15	+20	
<b>Non Cost or Incidental One-time Costs - Continued</b>						
<b>Rights to Tenure</b>	NC17	Tenure -Continues to be based on peer selection and with classic job security protection	Extended to those with part-time status	Start to be disconnected from compensation	Continue disconnect from compensation.	New tenure with classic protection(s) from layoff but not connected to salary

	Goal	+5	+10	+15	+20	
<b>Cost Issues</b>						
<b>Recog of Exp/Training</b>	C1	Initial Placement	Fair criteria and formula for determination	Reduction in barriers to placement on scale	Continued Reduction of barriers	Removal of Barriers
<b>Right to Equal Pay and Equal Work</b>	C2	Step Accrual	Establishment of pro-rata increment equivalents	Pro-rata progression on scale		Year by year progression
	C3	Salary Scales	Reduction in number of scales and numbers of steps	Continued reduction		One scale with as few steps as possible
	C4	Compensation	At least 50% of lowest TT or tenured rank (No contingent rate lower than 50% of the lowest TT or tenured rank)	At least 60%	At least 80%	One scale
	C5	Workload	Include office hours and departmental/institutional meeting times	Include options of research and service; with flexibility of choice	Fully-prorata	

	Goal	+5	+10	+15	+20	
<b>Cost Issues – Continued</b>						
<b>Rights to Professionalism</b>	C6	Professional Development Time	At least one week of paid time for all, pro-rata for part-timers	Up to two weeks	Up to one month	
	C7	Professional Development Funds		Set spending Allowance for those getting PD time.		
	C8	Education Leaves & Sabbaticals			Equitable access to all, including part-timers	
<b>Health Benefits</b>	C9	Medical/Dental		Equitable access to benefits with partially- paid premiums	Reduction of level of premium	Elimination of level of premium
<b>Right to Leaves</b>	C10	Sick Leave	Pro-rata Access	Fully equitable Provisions		
	C11	Paid Vacation Time		Time or pay in-lieu added to appointments	Pro-rata right to time or pay in-lieu	
	C12	Paid leaves	Maternity & Parental Leaves without loss of status and with continued accruals			

	Goal	+5	+10	+15	+20	
<b>Union and Association Rights and Support</b>						
<b>Union and Association Rights</b>	U1	Union or Association Equity	Equal union or association membership by person with voice and vote, part of election processes.  Method for supporting all grievances.			
	U2	Union or Association support	Establishment of contingent rights committees with majority contingent members; up to 0.5 % of total budget dedicated to contingent committees and advocacy (e.g., travel, registration, research)	Between 0.5 and 1.0% of total budget.		
	U3	Right to Strike	Where strikes are possible, encourage mobilization with comprehensive bargaining agenda.	Enable ability to call for strike votes and conduct strikes		
<b>Legislation</b>						
<b>Legislation</b>	L1	Legislation: Unemployment Insurance	Breaks between contingent work eligible for UI, with institutional support and advocacy	Unfettered UI Eligibility		
	L2	Legislation: Pensions		Equitable Access to Plans	Fully pro-rata Inclusion	
	L3	Legislation: Remove restrictions on strikes	Legalized right of legal unions to call strikes			

## Appendix A - Glossary of Terms

<b>Academic Freedom</b>	The liberty and right of an educator to teach and to speak without fear of repercussions from expressing opinions that are not in concert with the prevailing opinion and to have that right protected by due process.
<b>Accrual</b>	The accretion over time of a benefit or right such as seniority or the accretion over time of a right to a benefit such as the right to paid professional development leave after a certain service requirement is fulfilled.
<b>Appointments</b>	A job or workload assignment.
<b>COCAL</b>	Coalition of Contingent Academic Labor
<b>CPFA</b>	California Part-time Faculty Association
<b>Due Process</b>	The opportunity for individual faculty members to receive a fair and impartial hearing when answering charges against themselves or when challenging administrative processes such as dismissal or administrative errors in practice. Includes third-part adjudication if necessary.
<b>Formative evaluation</b>	Evaluation that may provide feedback helpful for an instructor to improve his/her teaching. It is not intended to be used by either the institution or the faculty member for employment related concerns
<b>FTE</b>	Full-time equivalent
<b>Layoff</b>	Process through which administration enacts workforce reduction of non-probationary employees. Features include limited permissible causes, consultation and disclosure, search for alternative strategies, notice periods, transfer rights, period of recall rights both partial and full, and severance payments if final termination is reached.
<b>NFM</b>	New Faculty Majority
<b>Non-Renewal</b>	An employer may effect a workforce reduction by not reappointing probationary or limited-term employees.
<b>Probationary Period</b>	A period of employment with typically reduced job security during which summative evaluation takes place to determine eligibility for continued employment.
<b>Pro-rata</b>	Pro-rated or proportional to full-time status as defined by the appropriate institution and/or collective agreement or terms of employment.
<b>Regular Employment Status</b>	Non-probationary status; layoff only after due process/just cause protection.
<b>Rehire/Reappoint</b>	To hire or appoint again, as it is commonly practiced in the employment of contingent faculty.
<b>Right of First Refusal</b>	While one is transitioning to full-time regular work, the faculty member has the right to refuse or accept an assignment before that assignment is offered to another

	faculty member. It must extend for a defined period after one's last appointment.
<b>Right of Time-status Accrual</b>	Used while one is transitioning to full-time regular status, it is the seniority right of first refusal to additional work up to full-time before such work is assigned to a new hire.
<b>Seniority</b>	A numerical expression of one's length of service, it impartially ranks employees and can therefore be used to fairly determine rights and entitlements to workplace rights and benefits.
<b>Summative evaluation</b>	Evaluation that determines if an individual is eligible for ongoing employment; often leads to alerting and guidance and remediation before final decision is made
<b>Tenure</b>	A special distinction conveying job protection beyond due process/just cause protection. Awarded through peer-selection procedures, it refers to an earned status accompanied by additional job protection that normally demands independent proof of institutional financial exigency or redundancy before layoff is possible.
<b>Terminate</b>	The ending of the employment relationship for a non-probationary employee.
<b>Third Parties</b>	A neutral party that can be called upon to mediate or adjudicate a dispute. This party is independent of either the educator or the administrator/supervisor but their intervention is acceptable to both.
<b>UI</b>	Unemployment Insurance