

**The NEA and  
Contingent Academic Workers  
in Higher Education:**

**NBI 2004-60 Action Plan**

## Table of Contents

Vignettes.....	3
Executive Summary.....	4
Introduction.....	5
Who Are Contingent Academic Workers?.....	11
Who Are NEA’s Higher Education Contingent Members?.....	16
What Issues Do Contingent Academic Workers Face?.....	17
Why Should NEA Members Care?.....	19
NEA’s Plan of Action.....	22
Budgetary Implications.....	29
Conclusion.....	30
References Cited.....	31
NEA Resources.....	32
Other Resources.....	33
Appendices.....	35

## **Vignettes**

*Ron Jones teaches English composition and writing classes part-time at Suburban Community College and Big City Technical College to provide for his wife and infant daughter. He has just rushed their baby to the emergency room with a high fever. Ron is very worried because he does not have health insurance coverage from either of his employers due to his part-time status. Because he is adjunct faculty, he is paid only at the end of the semester, which is a month away. Earlier that day he learned that SCC had canceled the English composition section he was scheduled to teach next semester.*

*Rosa Gonzalez has been trying to meet with several of the students in her accounting classes who are having difficulties and falling behind. One of her big concerns is that she has no private office space to meet with students. In addition, after she teaches her afternoon classes at Suburban University she has to drive 20 miles to get to the evening class she teaches at Private University, which means she has no time to spend with her students after her last afternoon class.*

*Barbara Smith is 55 years old and served as a full-time tenured professor for 18 years prior to being terminated when her university eliminated programs within the Modern Language Department. Because of her age, Barbara is compelled to teach part-time for neighboring community colleges, working more hours at less than half her original pay until she can receive Social Security. Besides the cut in pay, what bothers her most is the fact that she has no input into the curriculum planning and decision making in her department.*

*Rhonda Alberts is now working full time in the print shop at State University. She works for the temporary agency in town that provides an increasing number of the clerical and trades staff to the university. Unlike the few remaining full-time permanent staff in the print shop who are university employees, Rhonda has no pension benefits, pays more for limited health insurance coverage, and is not eligible to join the university Education Support Professionals union.*

*After two years of searching for a tenure track position in his field, Bill Erickson accepted a full-time nontenure track position at Upstate College. He and his other nontenure track faculty colleagues at the college are hired under one-year contracts with no chance to move to the tenure track. Last year one of Bill's colleagues, Rick, did not have his contract renewed. The contingent faculty believe Rick was not rehired due to some negative student evaluations. Rick had a reputation for being a tough grader. Bill and his nontenured colleagues talk about the pressures they feel in the classroom to challenge their students yet avoid bad evaluations that could cost them their jobs.*

*What do the people in the situations above have in common? They are workers trying to survive in a world of increasing contingency.*

## ***Executive Summary***

### ***Introduction***

In 2004 delegates to the NEA Representative Assembly were asked to consider a New Business Item, NBI 2004-60, directing the NEA to develop a specific “*plan of action that would secure for contingent academic workers at the higher education level the rights, benefits, and protections that full-time tenure track workers currently enjoy.*” Subsequently, the NBI was referred to the NEA Advisory Committee on Membership (ACM) and more specifically to its higher education subcommittee. This report is the result of extensive data gathering from contingent academic workers themselves, the ACM higher education subcommittee, the entire ACM, and other NEA leaders and staff.

The report includes a description of who higher education contingent academic workers are, including within NEA’s membership, the issues they face, reasons for solidarity between all other NEA members and these higher education contingent workers, and the plan of action as specified in the New Business Item. This report is for use by all of the NEA membership, pre-K through higher education, since achieving job security and equity for contingent higher education employees will require the support and advocacy of the entire NEA membership.

### ***Contingent Academic Workers, NEA’s Contingent Members, and the Issues They Face***

Contingent academic workers are those who lack job security. They are employed in community and technical colleges as well as public and private four-year colleges and universities. They have no guarantee of long-term job security and are hired off the tenure-track. Contingent workers in higher education are both faculty and staff, part-time and full-time temporary workers. Research data shows that women, minorities, and those over 65 are most likely to be contingent.

Contingency is relentlessly overtaking higher education. The consequences of this restructuring are numerous and profound. Higher education institutions are increasingly adopting a corporate model of operation, with market demand dictating program decisions and employers hiring employees on fixed- or limited-term contracts. In 1970, contingent faculty were less than one-fourth (22.1%) of the faculty in our higher education institutions. Today, among the majority of two-year and four-year colleges, contingent full-time and part-time staffing is now the chief way of filling instructional positions. This trend leads to the undermining of the tenure process and presents challenges for maintaining or creating union strength.

Representing over 185,000 higher education employees among its over 3.2 million educational employee members, NEA is the largest higher education union in the nation as well as the largest labor union worldwide. Contingent academic workers are an increasingly important component of NEA’s current membership, with about 20% of dues-paying members classified as part-time, including both faculty and Education Support Professionals, as of March 2007. This somewhat underestimates

the true extent of our contingent membership since members in full-time temporary positions are not distinguished from full-time permanent employees in our membership rolls. NEA higher education locals report anywhere from 45 percent to more than 80 percent of a contingent workforce on their campuses.

Although the NBI and our initial work focused solely on the issues related to contingent workers at the higher education level, it has become clear that the insidious spread of contingency employment that is inappropriate and exploitive goes well beyond any single NEA constituency group, and if not corrected, poses challenges that will impact our members, our union, the students we serve, the mission of America's colleges and universities, and ultimately America's global prominence in higher education.

The challenge of NBI 2004-60 is not only to assist contingent faculty and staff to gain better compensation and working conditions, but also to maintain and strengthen the educational working environment for full-time tenure system or permanent faculty and staff. A plan of action to stop the inappropriate use of contingent workers is vital if we are to protect working conditions and the quality of education in our institutions of higher education.

For this action plan to be successful, the NEA Executive Committee will need to be a staunch advocate for its adoption. For the plan to succeed, these recommendations will need to be incorporated into the formal NEA-state affiliate comprehensive planning process. NEA Field Operations departments, as well as departments within the new NEA Center for Great Public Schools, will need to become engaged in the work.

### ***Why Should NEA Members Care?***

Besides the obvious reason of solidarity with union sisters and brothers in education, there are various compelling reasons why NEA members should support this action plan and mobilize around the issues facing higher education contingent workers:

- *Many of the issues facing contingent academic workers violate our vision, mission, and core values.*
- *The quality of higher education affects all NEA members.*
- *Extensive use of contingent faculty can adversely affect academic success of college students.*
- *The increased use of a contingent workforce threatens economic security and workers' rights, and will affect the strength of our union.*
- *An increase in contingent labor affects working conditions of other higher education employees.*

- *Future K-12 teachers are educated in higher education institutions.*
- *Contingent academic workers in higher education are our members, including active and retired K-12 faculty and Education Support Professionals.*
- *Harmful policies and practices tried in one sector of education can be applied to another.*
- *Decision-making by educators is being eroded.*

***NEA's Plan of Action***

The elements of the NEA contingent academic worker plan of action include: research, organizing, political advocacy, collective bargaining, leadership development and capacity building, and communication. The recommendations include:

**Research**

- Survey NEA higher education locals to determine the definition of who is a contingent academic worker, who is covered under the contract, and the number of contingent faculty and staff in our bargaining units or in nonbargaining chapters.
- Encourage further research into the questions that will enable NEA organizers to better understand the opportunities and obstacles to such organizing work. Some of this research may become the basis for training modules and new organizing strategies.
- Modify existing instruments and/or create new survey instruments to collect and analyze data (e.g., wages, benefits, and working conditions) about the contingent academic workforce in higher education.
- Determine the extent to which the increased use of contingent academic workers and shift away from tenured and permanent employees is a means of union-busting by employers.
- Review laws of other countries, including Canadian federal and provincial law, to tap best practices or innovative ways to advance our action plan.

**Organizing**

- Identify leaders and activists from among the contingent academic workforce and engage them to learn about their priorities, issues, and interest in establishing new locals and in shaping and carrying out the

work of existing locals, thus enhancing the long-term viability of the union.

- Tap higher education organizers who are successfully organizing contingent academic workers to learn effective strategies and skills.
- Encourage and fund networks of leaders, activists, and organizers across state lines and within regions to “seed” new organizing efforts. NEA’s regional structure is ideally suited to assist such efforts.
- Fight the corporatization of higher education. Strive to protect higher education as a public good and the quality of the education that students need and deserve.
- Identify and target higher education contingent academic worker bargaining units for the NEA Salary Initiative campaign. Collect and analyze campus-specific salary data, and revise strategies for future campaigns as needed.
- Devise new organizing strategies to address questions such as bargaining unit composition, cyber locals, effective messaging, and metro or regional strategies.

### **Collective Bargaining**

- Work to strengthen job security, wages, benefits, and working conditions for contingent workers, e.g., higher wages, health care benefits, paid leave, rolling contracts, conversion of contingent positions into permanent ones.
- Strive to control the extent to which the workforce can be made contingent, e.g., stipulate maximum ratios or percentages of tenured/tenure track to contingent workers that are allowed.
- Push for parity/equity between tenure system workers and contingent workers to discourage the use of contingent workers and make the practice less financially attractive.
- Incorporate inclusion of contingent faculty and staff into the decision-making processes in their institutions, e.g., decisions about curricula and institutional policies and procedures as well as participation in committee work.
- Develop and share with members model contract language. Be creative.

### **Political Advocacy**

- Evaluate and engage in local, state and national legislative campaigns to gain rights, benefits, and protections for contingent academic workers, e.g., salary campaigns, legislation for pro-rata pay and benefits, and universal health care.
- Continue existing and explore new opportunities for coalition work nationally and internationally with other higher education unions, contingent faculty networks such as the Coalition of Contingent Academic Labor (COCAL), fair trade organizations, health care reform, student, and community groups.
- Dedicate funding and NEA staff assistance to support contingent academic worker organizing, bargaining, living wage, membership, legislative and publicity campaigns that will promote equity for these workers.
- Advocate legislation that curtails the growth of contingent faculty usage, e.g., by specifying a ratio of full-time tenured to contingent faculty or by creating disincentives to the use of contingent faculty.
- Close loopholes in existing laws that purport to set limits on the use of contingent faculty but that make it difficult to achieve those ends.

### **Leadership Development and Capacity Building**

- Include and engage contingent academic leaders in the governance work at all levels of the union, e.g., NEA committee work, state association higher education councils, and local bargaining and organizing activities.
- Ensure that discussions about the plan of action mandated by NBI 2004-60 occur as part of the formal NEA-state affiliate comprehensive planning process.
- Recruit and include contingent academic workers in all NEA leadership training opportunities.
- Remove barriers that prevent or dampen contingent members' participation in the decision-making processes of the union, e.g., compensation for lost time from work to participate in NEA activities and dues structures.
- Assist NEA state affiliate education and training programs that include contingent faculty and staff.

- Develop and disseminate training materials both for organizing new units and for boosting membership and activism in existing units.

### **Communication**

- Provide additional opportunities for full-time tenured/tenure track faculty and contingent faculty to dialogue about their respective issues and what they have in common. These efforts will help to foster mutual understanding, support, collaboration, solidarity, and effective action.
- Develop a clear and concise message(s) about contingent academic workers for use with the general public as well as with state and federal policymakers.
- Update the NEA higher education policy statement on contingent academic workers.
- Update and expand the NEA higher education website regarding contingent faculty issues to include the following types of information: employment demographics, policy and legal issues, collective bargaining model language or best practices, organizing strategies, and current activities.
- Update, publish, and disseminate materials about contingent faculty and staff, including the *Survival Handbook for Contingent Faculty, Advice for the Untenured*, and a brochure about intellectual property rights and contingent faculty.

### ***Budgetary Implications***

It will take time, money, and staff to carry out this action plan. Although NEA is currently devoting some resources to assist state associations to organize contingent academic workers and build capacity in those bargaining units and local chapters, significantly more assistance is needed to fully implement this plan. These workers are already the majority in a number of our higher education institutions, and this trend is accelerating.

It is difficult to give an exact dollar figure for this work, over the next one to three years or beyond since the expenditures depend upon the speed and extent to which all of the components of the plan are implemented. Funds can be spent on: additional NEA organizational specialists and/or policy analysts, UniServ or organizer positions in the states, organizing and membership development campaigns and grants, leadership development training, coalition building and networking, and other technical assistance. An initial estimate for the next three years could be \$100,000-\$500,000 per year or more, depending on the number of affiliates organizing and mobilizing contingent academic workers.

## **Conclusion**

*“Contingency is a threat to quality, not contingent faculty.  
It’s not who we are but how we are treated that undermines  
the quality of higher education.”*

*Frank Brooks, Roosevelt University*

*Roosevelt Adjunct Faculty Organization (RAFO)/IEA/NEA*

This document is an educational piece for all members of our union. We focus on the impact and relevance of the issue of contingency on all of our NEA constituencies in order to garner broad support for moving ahead with this action plan for contingent academic workers.

The pace of systemic change in higher education has escalated dramatically since the 1970s. The overall context of what is happening in higher education has to do with our societal view of the role of higher education. Whereas in the past higher education was seen first and foremost as a public good benefiting all of society—an educated, tax-paying citizenry engaged in the political life of the country—today higher education is seen predominantly as an individual benefit, i.e., the means to a well-paying job, stable career, and economic security, and therefore the responsibility of the individual.

The burgeoning use of contingent workers is a key component of the ongoing transformation of American faculty (Schuster and Finkelstein, 2006). As tenured or permanent full-time workers retire or change employment, the trend is for institutions to replace those workers with contingent workers—part-time and, increasingly, full-time workers on limited-term contracts. This trend leads to the undermining of the tenure process and presents challenges for maintaining or creating union strength.

At a time when higher education is being recognized as the major change agent for economic success of our nation, its teaching profession is under fire. To save costs and ensure labor flexibility, U.S. colleges and universities are creating a workforce—both faculty and staff—that is increasingly contingent. This shift has major implications for the quality of our higher education system as well as for the economic security of the workforce.

This action plan has budgetary implications for state affiliates as well as the NEA. Staff time and financial resources will be needed to begin new activities or expand upon ongoing efforts. The NEA-state affiliate comprehensive planning process is an important arena to consider the elements of this action plan and to make decisions for incorporating the work. Much is already being done at the national, state, and local levels of the NEA, but much more is needed. Time is of the essence.

## **The NEA and Contingent Academic Workers in Higher Education: NBI 2004-60 Action Plan**

### ***Introduction***

At the July, 2004, National Education Association Representative Assembly (NEA RA), the delegates considered New Business Item (NBI) 2004-60:

*NEA will develop a plan of action to secure for contingent academic workers throughout public higher education the rights, benefits and protections that full-time tenure track workers currently enjoy. This plan will include but not be limited to pro-rata pay and benefits and job security and will not endanger the rights and/or positions of full-time tenure-track workers.*

Subsequently, President Reg Weaver referred the NBI to the NEA Advisory Committee on Membership (ACM) to develop a report and/or recommendations beginning in FY 2005-06, and the full committee directed the ACM higher education subcommittee to develop a plan. The eleven-member higher education subcommittee consists of higher education members, several K-12 members, and a student member. Several of the ACM higher education subcommittee members have themselves experienced contingency firsthand, and one of them currently teaches on an adjunct basis in addition to her full-time K-12 position. The members of the higher education subcommittee, as well as the entire 2006-07 Advisory Committee on Membership, are listed in the Appendix A .

In preparing this report the ACM higher education subcommittee members, as well as NEA staff, engaged in extensive data gathering from contingent academic workers; these contingent workers included NEA members, members of other unions, and unrepresented workers. Governance and staff attended the sessions about contingent faculty at both the 2005 and 2006 higher education conferences, interviewed NEA contingent higher education leaders in various venues, including NEA regional leadership conferences, and attended the 2006 international conference of the Coalition of Contingent Academic Labor (COCAL). The subcommittee received extensive feedback from the full Advisory Committee on Membership at its January 2007 meeting. Finally, the draft was provided to participants of the 2007 NEA Higher Education Conference, where feedback was solicited at a well-attended, two-hour session. Several of the participants at that session followed up by submitting extensive comments in writing. All of these materials were carefully reviewed, and many of the comments and ideas were incorporated into this final version of the report.

The report includes a description of who contingent academic workers are, the issues they face, a description of NEA membership among contingent higher education employees, the common interests and reasons for solidarity between all other NEA

members and these higher education contingent workers, the required plan of action, a discussion of budget implications, and an appendix of NEA materials about contingent academic workers and related matters. This report is for use by all of the NEA membership, pre-K through higher education, since achieving job security and equity for contingent higher education employees will require the support and advocacy of the entire NEA membership.

Our full membership needs to be educated about the issues facing contingent academic workers in order to garner their support and mobilize them. Indeed, for this action plan to be successful, the NEA Executive Committee will first need to be a staunch advocate for its adoption. In addition, for the plan to succeed, these recommendations will need to be incorporated into the NEA-state affiliate comprehensive planning process. NEA Field Operations departments, as well as departments within the new NEA Center for Great Public Schools, will need to become engaged in the work.

Representing over 185,000 higher education employees among its over 3.2 million educational employee members, NEA is the largest higher education union in the nation as well as the largest labor union worldwide. Contingent academic workers are an increasingly important component of NEA's current membership, with about 20% of dues-paying members classified as part-time, including both faculty and Education Support Professionals, as of March 2007. This somewhat underestimates the true extent of our contingent membership since members in full-time temporary positions are not distinguished from full-time permanent employees in our membership rolls. NEA higher education locals report anywhere from 45 percent to more than 80 percent of a contingent workforce on their campuses.

The stated goals of NBI 2004-60 are aligned with NEA's vision, mission, and core values (see Appendix B). The quest for equity for contingent academic workers is particularly reflected in NEA's principles of a just society, professionalism, partnership, and collective action.

Although the NBI and our initial work focused solely on the issues related to contingent workers at the higher education level, it has become clear that the insidious spread of contingency employment that is inappropriate and exploitive goes well beyond any single NEA constituency group, and if not corrected, poses challenges that will impact our members, our union, the students we serve, the mission of America's colleges and universities, and ultimately America's global prominence in higher education.

The challenge of NBI 2004-60 is not only to assist contingent faculty and staff to gain better compensation and working conditions, but also to maintain and strengthen the educational working environment for full-time tenure system or permanent faculty and staff. This work will bring unions into conflict with higher education administrators seeking to maximize the cost savings inherent in hiring contingent, low-pay, low-benefit faculty who bear a heavy proportion of the teaching

load at many colleges. A plan of action to stop the inappropriate use of contingent workers is vital if we are to protect working conditions and the quality of education in our institutions of higher education. Administrators and political officials may find it easier to impose student testing as an “accountability” measure with fewer full-time faculty, thus extending the flawed approach of No Child Left Behind to higher education.

### ***Who Are Contingent Academic Workers?***

Contingent academic workers are those employees in community and technical colleges as well as four-year colleges and universities who have no guarantee of long-term job security. These hired workers—both public and private sector—enter into limited or fixed term contracts for periods as short as a quarter, a semester, or a year. Although the work they do is vital for their institutions, their positions are contingent upon the changing needs and priorities of their employers. Indeed, institutions cite the need for flexibility and cost-savings as reasons for the increased use of part-time and temporary workers.

Contingent positions in higher education include both faculty and staff. They include those workers in part-time as well as full-time temporary positions that are off the tenure track. Contingent academic workers have different job titles at different institutions such as instructors, lecturers, part-time or temporary Education Support Professional or academic noninstructional professional positions, visiting professors, special faculty, visiting scholars or researchers, adjunct professors, teaching assistants, and postdoctoral fellows.

Contingent workers have different reasons for working part-time or full-time on a limited-term contract. They may practice their profession, such as teaching, nursing, law, social work, business, or engineering, in the community on a full-time basis and only desire a contingent position because they enjoy teaching and the opportunity to contribute to the education of future practitioners. These contingent faculty may teach only one course per semester or year. Such contingent workers most likely have health insurance and other benefits from their full-time employer or are self-employed. Other contingent workers may opt for part-time or temporary positions in higher education because of personal or professional reasons, e.g., they are finishing their studies, raising a family, or caring for ill or aging family members. Finally, there are those contingent academic workers who want a full-time permanent or tenured position but have not been able to secure one. They cobble together multiple part-time jobs and/or work on repeated limited-term contracts. Workers in these part-time or temporary jobs may not qualify for some or any of the employer-provided benefits offered to permanent employees.

NEA’s policy statement on part-time and temporary faculty adopted in 2002 (see Appendix C) delineates what constitutes appropriate and inappropriate use of contingent faculty:

- *It is appropriate to hire part-time faculty because of immediate enrollment bulges, in grant-funded areas, for faculty on leave, or to serve in a specialty area where there is clearly not a need for a full-time position.*
- *NEA believes it is inappropriate to maintain part-time lines long after administrators can easily predict that large numbers of courses will be necessary. Such part-time positions should be converted to full-time, tenure track positions, and the faculty in them offered the opportunity to convert into full-time.*

### **Faculty**

Unlike tenured or permanent faculty in institutions of higher education, contingent workers—even those who have worked at the same institution for decades—do not enjoy job security. Their employment contracts are as short as one quarter or one semester, one year, or, in the case of some unionized contingent workers, two or three years.

The pace of systemic change in higher education has escalated dramatically since the 1970s. The burgeoning use of contingent workers is a key component of the ongoing transformation of American faculty (Schuster and Finkelstein, 2006). As tenured or permanent full-time workers retire or change employment, the trend is for institutions to replace those workers with contingent workers—part-time and, increasingly, full-time workers on limited-term contracts. This trend leads to the undermining of the tenure process and presents challenges for maintaining or creating union strength.

The 2004 *Digest of Education Statistics* indicates that the percentage and number of part-time faculty at all institutions has steadily increased since 1970, when 22.1 percent of faculty taught part-time, compared with 46.2 percent in 2003 (U.S. Department of Education, 2004, Table 227). Recently released data from the National Center for Education Statistics shows that this percentage of part-time faculty positions in 2005 was 47.5 percent or 624,753 of the 1,314,506 faculty in U.S. higher education institutions (NCES, 2007). This same NCES report shows that contingency is rising among the *full-time* ranks as well. While national data from 2003 indicates that almost 35 percent or some 219,000 of the 630,000 *full-time* faculty were appointed off the tenure track on term contracts (Schuster and Finkelstein, 2006), NCES data from 2005 shows a rise to 38.6 percent or 261,050 of 675,624 full-time faculty who were excluded from the tenure system.

The percentage of contingent labor used in higher education varies by type of institution. According to the most recent federal survey of postsecondary faculty, nearly two-thirds of the faculty members at public community colleges are part-time, while this percentage falls to 34% at public comprehensive universities and 20% at public doctoral-granting universities. Federal data sources underestimate the extent of contingency, however, since only faculty on 9/10 month or 11/12 month contracts are counted. Faculty hired on shorter term contracts (e.g., for a semester or quarter) are excluded from the database. NEA higher education locals report anywhere from 45

percent to more than 80 percent of a contingent workforce on their campuses across two-year and four-year campuses.

Additionally, federal data indicates that part-time faculty members are more likely to be female or over the age of 65. (*NEA Higher Education Advocate*, Special Issue, 2006). National data (NSOPF, 2004) indicate that women were more likely to be teaching part time than men (47% vs. 37% respectively). Between 1987 and 2003, however, the proportion of men teaching part time increased by 41%, whereas the percentage of women teaching part-time increased only 14% between 1987 and 1992 and has remained relatively steady. This trend reflects the overall increase in contingent faculty across all age groups.

The percentages of minorities in higher education's part-time teaching workforce have been increasing since 1987. The share of minorities employed part-time had reached about 15 percent by 2003, an increase of 57 percent since 1987. The percentage of African American part-time faculty rose from about 3 percent in 1987 to 6 percent in 2003 (*NEA Higher Education Advocate*, Special Issue, 2005).

The proportions of black faculty teaching full-time and those teaching part-time were not significantly different in 2003 (both were 6 percent of the total faculty in those categories). Likewise, the proportions of Hispanic faculty teaching full- and part-time that year were the same (both about 3 percent of all faculty in those categories). Asian and Pacific Islander faculty members, however, were more likely to be full-time faculty (9 percent) than part time (7 percent). (*NEA Higher Education Advocate*, Special Issue, 2005)

According to the Bureau of Labor Statistics, the need for postsecondary teachers will increase 32% through 2014 (*NEA Higher Education Advocate*, Special Issue, 2007). Moreover, the U.S. Department of Labor (2005) projects that higher education institutions will fill many of these new postsecondary teaching jobs with part-time or non-tenure-track faculty.

A troubling pattern is emerging in higher education. Current tenure track or tenured faculty usually start out that way—about three-fifths reported only previous tenure-track/tenured experience. At the same time, about two-thirds of current limited- or fixed-term contract faculty typically pursued their careers entirely in limited-term contract positions. While there is some permeability between limited-term and tenure line full-time appointments (about one quarter move from limited- or fixed-term to tenure-track), the two appear to be differentiating for the majority of faculty into separate career tracks. The weakening of loyalties between faculty members and their employing institutions because of this more tenuous relationship has important implications for what an academic career means (Schuster and Finkelstein, 2006).

A large but often overlooked source of contingent labor is graduate students who work as teaching and research assistants. The U.S. Department of Education (National Center for Education Statistics, 2006) reported 2,157,000 graduate students

enrolled in U.S. universities as of 2004, though not all of these are employed as contingent workers on campus.

The lack of job security in higher education today is magnified even further when the estimated 128,000 full-time probationary faculty who are on the tenure track are also considered. (Schuster and Finkelstein, 2006).

### ***Non-teaching Staff***

In 2003, 70 percent of employees in higher education institutions worked outside the classroom. One-quarter of employees were classified as “other professionals,” i.e., employees with at least a bachelor’s degree but no managerial responsibility. Librarians, counselors, financial aid counselors, and accountants are included in this classification; these employees do not teach but may be paid on a faculty salary schedule. The number of full-time “other professional” employees has increased 49 percent over the decade and is the fastest-growing job area in higher education, followed by executives/ administrators (30 percent) and faculty (16 percent) (*NEA Higher Education Advocate*, Special Issue 2005).

Since 1993, the number of skilled crafts, clerical/secretarial, and service/maintenance employees has decreased slightly, while other areas have shown increases. This may suggest that some support jobs have been outsourced or outmoded by the use of technology. These positions are generally the lowest-paid and also the most likely to employ minorities. Forty-four (44) percent of service, 30 percent of clerical, and 22 percent of skilled crafts jobs are occupied by minorities. Non-resident aliens continue to dominate in research jobs, comprising 29 percent of positions. White, non-Hispanic staff make up 81 percent of executive positions and 79 percent of faculty positions, while Hispanic and African American employees are most prevalent in service jobs. Not only are minorities underrepresented in higher education, the majority of them fill positions that are the lowest-paid and the most vulnerable to budget cuts (*NEA Higher Education Advocate*, Special Issue 2005).

Academic noninstructional professional (AP) staff and Education Support Professionals (ESP) in higher education are experiencing some of the same trends as contingent faculty. According to anecdotal reports, full-time permanent ESP employees who retire or change jobs are being replaced by temporary employees. These employees may be hired directly by the institution or are provided by private temporary agencies. Increasingly, student labor is also being used to replace retiring workers.

### ***Who Are NEA’s Higher Education Contingent Members?***

NEA’s higher education membership grew by 3.5 percent during FY 2005-06. As the numbers of contingent faculty have grown in higher education institutions, NEA affiliates have turned their attention to organizing and representing these workers, in

separate contingent-only units as well as in units with both tenure system or permanent faculty and contingent faculty. The appendix in NEA's annual *Almanac of Higher Education* lists all current bargaining units and their composition. Based on the 2006 *Almanac*, approximately one-quarter, or 68 of 291, faculty bargaining units in NEA had contingent faculty. These included combined and separate units in public community and technical colleges, combined and separate units in public four-year colleges and universities (single institutions and statewide systems), graduate student unions in public universities, and part-time or adjunct faculty units in private four-year colleges and universities. A number of the full-time-only faculty bargaining units include full-time temporary contingent workers, so the 25 percent figure is certainly a conservative estimate, particularly since that estimate does not yet include the merged New York higher education locals that were formerly AFT locals, many of which are contingent-only or combined units.

Part-time faculty and graduate students comprise about one-fifth (20.6%) of NEA's professional active higher education members. NEA higher education membership data are reported on a monthly basis. These membership reports do not distinguish between those members who are full-time tenured or permanent and those who are full-time contingent.

Except for the separate full-time and part-time clerical units at Lansing Community College, represented by the Michigan Education Association, the *NEA Almanac of Higher Education* listing of bargaining units does not specify whether the ESP and AP units include part-time or full-time temporary workers. According to NEA monthly higher education membership reports, as of March 2007 only about 8 percent of dues-paying ESP members were part-time.

### ***What Issues Do Contingent Academic Workers Face?***

The nature of work is changing in the United States, and the academic profession has not been spared systemic change. Cutbacks in public funding of higher education and pressures for institutions to become more cost-effective and accountable have led to a change in how academic work is done as well as in how it is funded.

#### ***Corporatization***

Colleges and universities are increasingly adopting a corporate model, citing the need to be nimble and ensure cost-savings and optimal flexibility to meet market demands. Employers are phasing out tenured faculty and staff positions and replacing them with full-time temporary or part-time positions. Thus, contingent academic workers are cost-savings devices that help ensure that optimal flexibility. Academic departments are perceived as revenue or profit centers, and "unprofitable" centers, i.e., programs or departments are threatened with cuts or elimination. Students are considered customers who evaluate the higher education "product" by filling out customer satisfaction surveys about their classes and the faculty who teach them. Functions that are deemed more efficiently and cheaply done by the private sector are

outsourced (e.g., bookstores, cafeterias, hospital supply centers), and those stable, full-time, public sector positions with benefits and often under union contract are lost. The result is that the workers filling these contingent positions are perceived as “less than” the employees with full-time tenured or permanent positions.

### ***Job Security and Tenure***

The erosion of the tenure system for faculty is part of the corporatization trend. The social contract of a permanent academic home for the faculty member after “paying one’s dues” and earning tenure is becoming extinct, and the academic workplace is exhibiting more job churning among faculty and staff. Contingent employment provides limited opportunity for faculty to have a traditional academic career that encompasses teaching, research, and service.

Privatization, outsourcing, and reductions in force likewise affect the job security of higher education support professionals and other academic non-teaching professionals. Such staff positions may be converted to part-time or temporary status, resulting in the loss of permanent jobs that provided health and pension benefits and protections of a collective bargaining agreement.

For those contingent academic workers who rely solely on their wages and benefits (or lack thereof) earned as contingent workers, it is difficult to build a retirement nest egg, and those workers will likely delay or forego retirement.

### ***Academic Freedom***

Without job security, contingent faculty are at greater risk of job loss when they exercise their academic freedom over controversial matters in their classroom or on campus. The threat of unfavorable student evaluations or unwelcome publicity can hinder contingent faculty from their full expression of academic freedom. Contingency creates a “culture of fear.” Will there be retaliation for speaking out? Will the result be immediate dismissal or a contract not renewed?

### ***Salary and Benefits***

Contingent faculty generally have substantially lower pay than tenure system or permanent faculty and fewer benefits, if any. Federal data collected from the 2004 National Survey of Postsecondary Faculty (NSOPF) showed that part-time faculty on average received only a little more than *a quarter* of the salary that full-time faculty received per credit class taught (\$2,784 versus \$10,523 or 26.5%) (Clery and Topper, 2006). A survey of contingent faculty collective bargaining agreements (Rhoades and Maitland, 2006) showed that unionized contingent faculty had gained some benefits, such as health care coverage, eligibility for tuition waivers, pension benefits, life insurance, and/or pro-rated medical and/or bereavement leave.

### ***Working Conditions.***

Contingent faculty are often deprived of many fundamental resources—such as office space, access to secretarial help and office supplies—that tenured and permanent employees have supplied to them. Those who are trying to create full-time

employment may teach at multiple institutions or assume heavy teaching loads at one institution, which leaves them with less preparation time for their classes, more stress, and more uncompensated travel time. Other higher education employees working in part-time or temporary positions also may work two or more jobs to try to make ends meet, with negative consequences on family life, personal health and relaxation, and overall quality of life.

In addition, contingent workers—even those who have worked for many years in the same institution—are routinely excluded from the decision-making processes in their institutions, e.g., decisions about curricula and institutional policies and procedures as well as participation in committee work.

The increased use of contingent faculty also undermines the traditional governance structure in higher education. Hiring greater numbers of faculty with temporary appointments means that control of the curriculum is being removed from faculty and taken over by administrators. There is a shift in the balance of power in higher education institutions. Administrators and political officials may find it easier to impose student testing as an “accountability” measure with fewer full-time faculty, thus extending the flawed approach of No Child Left Behind to higher education.

All of the above factors affect the intellectual and cultural quality of the academic experience, as well as the livelihoods of faculty and staff.

### ***Why Should NEA Care?***

Besides the obvious reason of solidarity with union sisters and brothers in education, there are various compelling reasons why NEA members should care about and mobilize around the issues facing higher education contingent workers:

- ***Many of the issues facing contingent academic workers violate our vision, mission, and core values.***  
The issues and conditions that contingent workers face in higher education violate the values that guide our work and define the mission of the NEA, including the principles of a just society, democracy, professionalism, and collective action. (See Appendix B for the document entitled “The National Education Association Vision, Mission and Values.”)
- ***The quality of higher education affects all NEA members.***  
Higher education touches our members across all sectors. They themselves may be part-time or full-time students, or they may be considering taking individual classes or pursuing a degree. Their current students may be college-bound, and their former students may be pursuing postsecondary studies. Their own children or relatives may be in college or getting ready to attend. Their family members may work in

higher education institutions, or they may be considering such employment.

- ***Extensive use of contingent faculty can adversely affect academic success of college students.***

Recent research (Jacoby, 2006) indicates that the greater the use of part-time faculty, the less apt students are to graduate. Jacoby points to adverse working conditions that part-time faculty members endure as the reason for this correlation. Another recently published study (Umbach, 2007) found that heavy reliance on a contingent workforce did not allow for many of the instructional methods for student engagement that faculty and student prefer. The author cited the fact that part-time faculty have less time to prepare for class and to interact with students outside the classroom, and less often use active and collaborative techniques to engage their students.

- ***The increased use of a contingent workforce threatens economic security and workers' rights, and will affect the strength of our union.***

Contingent employment generally means much lower pay and few or no benefits for those workers compared to permanent or tenured full-time employees. Those who attempt to make a full-time living working in contingent positions face serious challenges. Without union protections, these workers are particularly vulnerable.

The conversion of full-time positions to contingent ones presents both an opportunity and a challenge to the union. To the extent that this change means that workers are no longer eligible to belong to a union (e.g., state law prevents part-time faculty unionization as in Ohio or the bargaining unit only includes full-time employees), the strength of our union is compromised. To the extent that this shift to contingent workers means more opportunities for new sectors of the workforce to organize and demand union representation, the NEA can grow and help these members realize their goals.

- ***An increase in contingent labor affects working conditions of other higher education employees.***

Besides the conditions directly affecting contingent academic workers, the increased use of contingent labor has an impact on the other employees in the institution. For example, limiting responsibilities of contingent faculty to in-class teaching means that fewer tenure system faculty are left to perform the full range of operational tasks of the institution. Permanent faculty must cover the research, committee and other service responsibilities, as well as student advising and curriculum coordination needs on their campuses. This adds to the work-related stress for permanent faculty. Additionally, tenure track faculty may be

pressed into duties formerly relegated to tenured professors, which adds to their own workload and stress.

With regard to ESP and academic professional staff, an increase in contingent faculty may affect their own workload as administrative and support duties increase. Additionally, increased reliance on contingent workers, e.g., when services or functions are outsourced, puts extra demands on permanent full-time employees who may be required to train contingent employees or do extra work when positions are vacant, e.g., due to high turnover or attrition.

- ***Future K-12 teachers are educated in higher education institutions.*** Compensation and working conditions created by contingency can compromise and undermine the educational experience that future teachers receive. For example, if contingent faculty are not provided office space and adequate compensation, including for time to advise students, those students will likely have more limited access to their instructors outside the classroom than they will to tenure system faculty. If contingent faculty are teaching at multiple institutions to earn a living wage, they will not be as available on campus to meet with students outside regular classroom time. According to national data (U.S. Department of Education, 2004), the field of education, with 48.7 percent, had the greatest use of part-time faculty and instructional staff of all disciplines in four-year institutions.
- ***Contingent academic workers in higher education are our members, including current and retired K-12 faculty.*** NEA is the largest higher education union in the United States, representing over 185,000 higher education employees. As the higher education workforce grows and contingent workers replace tenured and permanent employees, contingent workers are becoming a greater portion of our membership and our potential member base. Many of our most recent organizing wins have been among contingent academic workers: nontenured full-time faculty, part-time faculty, and graduate assistants.

In addition, our K-12 teacher members may be among the adjunct faculty who supervise student teachers in the education curriculum, teach dual enrollment courses, and provide special expertise as needed in their disciplines in higher education institutions. Therefore, deteriorating, adverse working conditions of contingent faculty will directly affect these K-12 members. Likewise, retired members may decide to return to work as contingent faculty.

- ***Harmful policies and practices tried in one sector of education can be applied to another.***

Just as Congress and the Bush administration have been looking at ways to apply No Child Left Behind to higher education, so too federal policymakers (most recently Education Secretary Spellings) are promoting the use of contingent faculty as a cost-effective way to address the teacher shortage in high school. Likewise, outsourcing or privatization of ESP jobs may result in full-time permanent positions with benefits being converted into temporary or part-time (contingent) jobs with fewer or no benefits. Private sector employers operating in higher education institutions may also perform similar services in K-12 schools or may be considering K-12 schools as future markets, or vice versa as education is more of a market economy.

- ***Decision-making by educators is being eroded.***

Hiring greater numbers of faculty with temporary appointments means that control of the curriculum is being removed from faculty and taken over by administrators. The traditional governance structure is undermined with this shift in the balance of power in higher education institutions. With fewer tenure system faculty, administrators and legislators may find it easier to impose student testing as an “accountability” measure, thus extending the flawed approach of No Child Left Behind to higher education.

### ***NEA’s Plan of Action***

This section lays out the broad elements of an action plan to reach the goal specified in NBI 2004-60, i.e., “*to secure for contingent academic workers the rights, benefits, and protections that their full-time tenure system colleagues currently enjoy... without endangering the rights and/or positions of full-time tenure track workers.*” Realistically, this goal will take more than a year or two to achieve. NEA leaders should begin incorporating elements of this plan into all levels of the union’s work as soon as possible. They can incorporate the most immediate and feasible elements of this action plan in their strategic goals for FY 07-08 and broaden the scope of their work in the FY 08-10 biennial budget cycle.

NEA must ensure that our members who work in contingent positions are part of the decision-making process in all aspects of the work of the union, not only in formulating the priorities and strategies for achieving the goal of NBI 2004-60, but in developing future goals and priorities. NEA needs to promote policies and practices to assist contingent members to participate in the work of their union since, for contingent workers, missing work means losing wages. Such policies and practices include negotiating paid leave for personal or professional time; providing compensation for lost time from work to participate in NEA activities such as the Emerging Leader

Academy, governance committees, or other leadership development or advocacy activities; or assisting affiliates to provide such support to broaden involvement in the life of the union without members suffering substantial financial hardship.

The elements of the NEA contingent academic worker plan of action outlined here include: research, organizing, political advocacy, collective bargaining, leadership development and capacity building, and communication. Responsibilities and activities of the plan that fall under the purview of the national union can, in some cases, be accomplished with the current level of existing resources and staffing. Other activities and elements of the plan will require additional resources of time, money, and staffing at the national, state, and/or local levels.

### **Research**

- Survey NEA higher education locals to determine the definition of who is a contingent academic worker, who is covered under the contract, and the number of contingent faculty and staff in our bargaining units or in nonbargaining chapters.
- Encourage further research into the questions that will enable NEA organizers to better understand the opportunities and obstacles to such organizing work. Some of this research may become the basis for training modules and new organizing strategies.

The higher education contingent academic workforce is diverse, and there is still much unknown. Rather than base organizing and membership decisions on anecdotal evidence or untested assumptions, the NEA needs to use its research capabilities to further analyze this population.

The NEA higher education subcommittee of the Advisory Committee on Membership identified the following research questions regarding contingent faculty. These questions served as a framework for identifying gaps in our knowledge about contingency, and for educating our general membership to the plight of contingent academic workers.

- Who is a contingent worker?
- What are the trends emerging regarding ratios (of full-time tenured or tenure track faculty to contingent faculty), demographics (younger vs. older workers—will they stay around?), working conditions, etc. for contingent faculty?
- How many classes are taught by contingent faculty?
- How many different preparations do contingent faculty do?
- What books or reports have been written on contingent faculty?
- What about model collective bargaining contract language for contingent faculty?
- What are the academic freedom issues for contingent faculty?

- What credentials do contingent faculty have?
  - How many K-12 teachers are contingent higher education faculty?
  - How many contingent faculty are experts in another field (e.g., business owners, professionals such as lawyers, consultants, etc.) and teach as contingent faculty?
  - What about online courses and contingent faculty?
- Modify existing instruments and/or create new survey instruments to collect and analyze data (e.g., wages, benefits, and working conditions) about the contingent academic workforce in higher education.

NEA's Research Department has added a question to the 2006 K-12 teacher member survey to determine the extent to which K-12 teacher members are contingent faculty in postsecondary institutions. In the summer of 2006, NEA Research conducted a limited survey of bargaining units with contingent faculty to gather institution-specific data on compensation and working conditions. Analysis of this data is assisting in refining survey questions, determining targets for higher education Salary Initiative campaigns, and in assisting NEA to further develop a useful report card to help rate institutions as places to work. Additionally, the subset of higher education questions within the national five-year ESP member survey could be further modified to include more information about the extent of part-time and full-time temporary employment, compensation, and working conditions. Data collection for the most recent national higher education ESP member survey was conducted in March 2007.

- Determine the extent to which the increased use of contingent academic workers and the shift away from tenured and permanent employees is a means of union-busting by employers.
- Review laws of other countries, including Canadian federal and provincial law, to tap best practices or innovative ways to advance our action plan.
  - The government of the United Kingdom has introduced regulations that will give contingent faculty the right to convert to permanent faculty status after their contracts have been renewed for four years.
  - Employment legislation in New Zealand now encourages the movement of contingent faculty into permanent positions by requiring employers to provide a genuine reason for hiring individuals on fixed term contracts (Robinson, 2005).

## Organizing

- Identify leaders and activists from among the contingent academic workforce and engage them to learn about their priorities, issues, and interest in establishing new locals and in shaping and carrying out the work of existing locals, thus enhancing the long-term viability of the union.
- Tap higher education organizers who are successfully organizing contingent academic workers to learn effective strategies and skills.
- Encourage and fund networks of leaders, activists, and organizers across state lines and within regions to “seed” new organizing efforts. NEA’s regional structure is ideally suited to assist such efforts.
- Fight the corporatization of higher education. Strive to protect higher education as a public good and advocate for the quality of the education that students need and deserve.
- Identify and target higher education contingent academic worker bargaining units for the NEA Salary Initiative campaign. Collect campus-specific salary information, analyze the data, and revise strategies for future campaigns as needed.
- Devise new organizing strategies to address questions such as:
  - What are the most effective ways to organize units of tenured/tenure track and contingent faculty and staff?
  - What are best practices to organize unified units of faculty and staff?
  - What are the best metro or regional strategies for organizing contingent faculty and staff?
  - How do we go about organizing online or “cyber” locals?
  - Which strategies are particularly effective in states without collective bargaining rights?
  - What about compensation schemes, e.g., per credit rate, or for duties outside the classroom, such as advising students, doing service such as committee work, or other duties outside the classroom?
  - What are effective messages to reach those workers to be organized and the broader communities that can be mobilized to support them?

These strategies will reflect the opportunities in both the public and private sector. Currently, unions have organized about half of the faculty eligible to join overall, i.e., 18% of the 36% who are eligible. Eligibility to join a union and bargain collectively can be limited for various reasons. State law

may prohibit a sector or all sectors of higher education employees from bargaining, such as the ban on part-time faculty organizing in Ohio. Court decisions affect union membership. For example, the famous U.S. Supreme Court's *Yeshiva* decision that tenure system faculty in private institutions are considered to be managers and therefore not able to collectively bargain has severely curtailed unionization among full-time faculty in private colleges and universities. In addition, state labor board decisions affect which faculty or staff are included in a bargaining unit, e.g., are department chairs in or out of the bargaining unit, and what is the teaching threshold that faculty must reach to be covered under the contract?

In addition, strategies will need to address the obstacles to such organizing. Some obstacles are legal, others are political, and still others are affected by state affiliate priorities and resources. Some of the organizing opportunities involve the degree to which different fields (such as education, business, and social sciences) have a much higher proportion of contingent employees. An effective organizing strategy will involve determining those areas that may yield the most results in terms of union strength and membership. Such strategies will also address internal organizational matters, such as dues structure, and continue to explore new ways to organize and represent contingent workers, e.g., in larger geographic or online units.

### **Collective Bargaining**

- Work to strengthen job security, wages, benefits, and working conditions for contingent workers, e.g., higher wages, health care benefits, paid leave, rolling contracts, conversion of contingent positions into permanent ones.
- Strive to control the extent to which the workforce can be made contingent, e.g., stipulate maximum ratios or percentages of tenured/tenure track to contingent workers that are allowed.
- Push for parity/equity between tenure system workers and contingent workers to discourage the use of contingent workers and make the practice less financially attractive. For example, the University of Hawaii Professional Assembly has contract language that requires contingent workers to become tenured after a specific time period and to pay contingent faculty per credit pay rates that are so high that it is less expensive to provide tenure than to keep workers on contingent status.
- Incorporate inclusion of contingent faculty and staff into the decision-making processes in their institutions, e.g., decisions about curricula and institutional policies and procedures as well as participation in committee work. This will not only promote equity for contingent faculty but will help ease the workload for tenure system faculty.

Contingent faculty collective bargaining agreements have made gains in some of these areas (Rhoades and Maitland, 2006).

- Develop and share with members model contract language. Be creative.

### **Political Advocacy**

- Evaluate and engage in local, state and national legislative campaigns to gain rights, benefits, and protections for contingent academic workers, e.g., salary campaigns, legislation for pro-rata pay and benefits, and universal health care.
- Advocate legislation that curtails the growth of contingent faculty usage, e.g., by specifying a ratio of full-time tenured to contingent faculty or by creating disincentives to the use of contingent faculty. For example, the Faculty and College Excellence (FACE) state legislation, sponsored by the American Federation of Teachers and supported by several NEA state and local associations, advocates a 75:25 ratio.
- Close loopholes in existing laws that purport to set limits on the use of contingent faculty but that make it difficult to achieve those ends, e.g., budgetary exceptions in the California law.
- Continue existing and explore new opportunities for coalition work nationally and internationally with other higher education unions, contingent faculty networks such as the Coalition of Contingent Academic Labor (COCAL), fair trade organizations, health care reform, student, and community groups.
- Dedicate significant new funding and NEA staff assistance to support contingent academic worker organizing, bargaining, living wage, membership, legislative and publicity campaigns that will promote equity for these workers.

This will entail enlisting the assistance of multiple departments within the NEA, including Field Operations departments such as Constituent Relations, National Membership Strategy, Education Support Professional Quality, and Government Relations, as well as departments in the new Center for Great Public Schools, such as Education Policy and Practice, Research, Collective Bargaining/Member Advocacy, Teacher Quality, Public Relations, and External Partnerships and Advocacy.

### **Leadership Development and Capacity Building**

- Include and engage contingent academic leaders in the governance work at all levels of the union, e.g., NEA committee work, state association

higher education councils, and local bargaining and organizing activities.

- Ensure that discussions about the plan of action mandated by NBI 2004-60 occur as part of the NEA-state affiliate comprehensive planning process.

In order to make progress toward the goal of gaining the rights, benefits and protections of full-time tenure system workers for contingent academic workers, state affiliates throughout the NEA will need to have this discussion and make a commitment to incorporate the NBI into their state comprehensive plan.

- Recruit and include contingent academic workers in all NEA leadership training opportunities.

Contingent faculty leaders are recruited and participate in the NEA Higher Education Emerging Leaders Academy. One-fourth of the Class of 2007 (5 of 20 class members) was part-time faculty in community colleges or universities. Past classes have all included part-time and/or non-tenure track faculty emerging leaders.

- Assist NEA state affiliate education and training programs that include contingent faculty and staff.

The NEA through the Constituent Relations Department is supporting the California Community College Association (CCA) Leadership Academy, with staff time and funding. The CCA academy includes training for both full- and part-time California community college faculty.

- Remove barriers that prevent or dampen contingent members' participation in the decision-making processes of the union, e.g., compensation for lost time from work to participate in NEA activities and dues structures.
- Develop and disseminate training materials both for organizing new units and for boosting membership and activism in existing units.
- Provide training for UniServ staff regarding issues of contingent academic workers.

## **Communication**

- Provide additional opportunities for full-time tenured/tenure track faculty and contingent faculty to dialogue about their respective issues and what they have in common. These efforts will help to foster mutual understanding, support, collaboration, solidarity, and effective action.
- Develop a clear and concise message(s) about contingent academic workers for use with the general public as well as with state and federal policymakers.
- Update the NEA higher education policy statement on contingent academic workers.

The NEA Advisory Committee on Membership (through its higher education subcommittee) will revisit NEA's Policy Statement # 12, "NEA Higher Education Policy on Part-Time and Temporary Faculty." The policy must maintain the current focus that "Higher education must not become comfortable with the recent societal trend toward the use of contingent employees" and "should resist its application on campus." However, the policy needs to be updated to better reflect current realities. Questions include clarification of definitions, ways to protect academic freedom without the benefits of tenure, ways to incorporate contingent faculty into the governance process, ways to increase opportunities for bargaining and protection of salaries and benefits, and the impact of corporatization on the academic workforce.

- Update and expand the NEA higher education website regarding contingent faculty issues to include the following types of information: employment demographics, policy and legal issues, collective bargaining model language or best practices, organizing strategies, and current activities.
- Update, publish, and disseminate materials about contingent faculty and staff, including the *Survival Handbook for Contingent Faculty*, *Advice for the Untenured*, and a brochure about intellectual property rights and contingent faculty.

## ***Budgetary Implications***

It will take time, money, and staff to carry out this action plan. Although NEA is currently devoting some resources to assist state associations to organize contingent academic workers and build capacity in those bargaining units and local chapters, significantly more assistance is needed to fully implement this plan. These workers are already the majority in a number of our higher education institutions, and this trend is accelerating.

It is difficult to give an exact dollar figure for this work, over the next one to three years or beyond since the expenditures depend upon the speed and extent to which all of the components of the plan are implemented. Funds can be spent on: additional NEA organizational specialists and/or policy analysts, UniServ or organizer positions in the states, organizing and membership development campaigns and grants, leadership development training, coalition building and networking, and other technical assistance. An initial estimate for the next three years could be \$100,000-\$500,000 per year or more, depending on the number of affiliates organizing and mobilizing contingent academic workers.

## ***Conclusion***

*“Contingency is a threat to quality, not contingent faculty.  
It’s not who we are but how we are treated that undermines  
the quality of higher education.”*

*Frank Brooks, Roosevelt University*

*Roosevelt Adjunct Faculty Organization (RAFO)/IEA/NEA*

This document is an educational piece for all members of our union. We focus on the impact and relevance of the issue of contingency on all of our NEA constituencies in order to garner broad support for moving ahead with this action plan for contingent academic workers.

The pace of systemic change in higher education has escalated dramatically since the 1970s. The overall context of what is happening in higher education has to do with our societal view of the role of higher education. Whereas in the past higher education was seen first and foremost as a public good benefiting all of society—an educated, tax-paying citizenry engaged in the political life of the country—today higher education is seen predominantly as an individual benefit, i.e., the means to a well-paying job, stable career, and economic security, and therefore the responsibility of the individual.

The burgeoning use of contingent workers is a key component of the ongoing transformation of American faculty (Schuster and Finkelstein, 2006). As tenured or permanent full-time workers retire or change employment, the trend is for institutions to replace those workers with contingent workers—part-time and, increasingly, full-time workers on limited-term contracts. This trend leads to the undermining of the tenure process and presents challenges for maintaining or creating union strength.

At a time when higher education is being recognized as the major change agent for economic success of our nation, its teaching profession is under fire. To save costs and ensure labor flexibility, U.S. colleges and universities are creating a workforce—both faculty and staff—that is increasingly contingent. This shift has major implications for the quality of our higher education system as well as for the economic security of the workforce.

This action plan has budgetary implications for state affiliates as well as the NEA. Staff time and financial resources will be needed to begin new activities or expand upon ongoing efforts. The NEA-state affiliate comprehensive planning process is an important arena to consider the elements of this action plan and to make decisions for incorporating the work. Much is already being done at the national, state, and local levels of the NEA, but much more is needed. Time is of the essence.

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# Appendices

## Appendix A

### **NEA Advisory Committee on Membership 2006-07 (Higher Education Subcommittee Members in Boldface)**

Dennis Van Roekel, NEA Vice President, Chair

Jacqueline Aubrey, Pennsylvania – ESP

John Brazee, Tennessee – ESP

**Cecil Canton, California – Higher Education**

**Lolita Dozier Caston, Illinois -- Co-chair of ACM, Pre-K-12**

**Roger Davis, Nebraska – Higher Education**

Tommie Lee Glenn, Wisconsin – ESP

Chris Guinther, Missouri – Pre-K-12

Shirley Howard, Texas – ESP

**Joan Kamila Lewis, Hawaii – Pre-K-12**

Laura Montgomery, Arkansas – Co-chair of ACM and Chair, ESP Subcommittee

**Jane Munley, Pennsylvania – Higher Education**

**Kristen Pennycuff, Tennessee – Higher Education**

**Gaziur Rahman, Illinois – Higher Education**

**Leslie Richards, District of Columbia – Higher Education**

**Karen Crow Roark, Georgia – Pre-K-12**

Sharon Scott, Louisiana – ESP

**Kathy Sproles, California – Co-chair of ACM & Chair, Higher Ed Subcommittee**

**Kristina Uzzo, Illinois – Student**

Ruth Watkins, North Carolina – Retired

Dorothy Wilson, Ohio – Pre-K-12

Ellis Woods, New York – ESP

Verleeta Wooten, Washington – Pre-K-12

## Appendix B

# The National Education Association Vision, Mission and Values

Adopted at the 2006 NEA Representative Assembly

### The National Education Association

We, the members of the National Education Association of the United States, are the voice of education professionals. Our work is fundamental to the nation, and we accept the profound trust placed in us.

### Our Vision

Our vision is a great public school for every student.

### Our Mission

Our mission is to advocate for education professionals and to unite our members and the nation to fulfill the promise of public education to prepare every student to succeed in a diverse and interdependent world.

### Our Core Values

These principles guide our work and define our mission:

**Equal Opportunity.** We believe public education is the gateway to opportunity. All students have the human and civil right to a quality public education that develops their potential, independence, and character.

**A Just Society.** We believe public education is vital to building respect for the worth, dignity, and equality of every individual in our diverse society.

**Democracy.** We believe public education is the cornerstone of our republic. Public education provides individuals with the skills to be involved, informed, and engaged in our representative democracy.

**Professionalism.** We believe that the expertise and judgment of education professionals are critical to student success. We maintain the highest professional standards, and we expect the status, compensation, and respect due all professionals.

**Partnership.** We believe partnerships with parents, families, communities, and other stakeholders are essential to quality public education and student success.

**Collective Action.** We believe individuals are strengthened when they work together for the common good. As education professionals, we improve both our professional status and the quality of public education when we unite and advocate collectively.

## Appendix C

### NEA Policy Statements

#### 12. NEA Higher Education Policy on Part-Time and Temporary Faculty

There is a recent societal trend toward the use of contingent employees. Higher education must not become comfortable with that trend and should resist its application on campus. Administrations are increasingly hiring professionals into marginalized positions — and decreasing the numbers of tenured and tenure track faculty — to the detriment of those so marginalized, the institution, and the profession.

- NEA believes that it is time to end the abuse and inappropriate use of part-time and temporary faculty by colleges and universities. Part-time faculty should be treated no differently than full-time, tenured or permanent faculty for purposes of employment conditions, including eligibility to collectively bargain.

Faculty work in non-standard employment situations for a variety of reasons: because no full-time position is available, because part-time employment is appropriate for them at that time in their career, because they want to be involved in the academy. One of the primary abuses of part-time faculty comes with campuses refusing to convert long-term part-time positions into full-time, tenure track ones.

- It is appropriate to hire part-time faculty because of immediate enrollment bulges, in grant-funded areas, for faculty on leave, or to serve in a specialty area where there is clearly not a need for a full-time position.
- NEA believes it is inappropriate to maintain part-time lines long after administrators can easily predict that large numbers of courses will be necessary. Such part-time positions should be converted to full-time, tenure track positions, and the faculty in them offered the opportunity to convert into full-time.
- Part-time faculty seeking full-time positions have the obligation to ensure that their qualifications are competitive for the new positions, including the attainment of an appropriate terminal degree, in return for preference being given to those who have served the institution in part-time employment.
- In order to ensure that the faculty are qualified to convert to full-time, the institution, following appropriate governance procedures, should develop and implement an appropriate evaluation system for part-time and temporary faculty.
- Part-time and temporary faculty should be given equal treatment with full-time faculty on campus in issues of resource allocation — including office space, access to phone and computer equipment, library facilities, secretarial assistance and professional development opportunities, which may include tuition waiver and sabbaticals. They should be included in campus mailing lists.

- Salary schedules and benefits for part-time and temporary faculty should be proportionate to their work on the campus: that is, they should be paid for preparation time, office hours, committee assignments, and other activities also performed by their full-time colleagues in the course of their duties. Longevity should be taken into consideration. One salary structure that would accomplish this is *pro rata* pay. In return, part-time and temporary faculty have the obligation to be on campus, meet with students, remain current in their fields, and become part of institutional life.

The question of the role of part-time and temporary faculty in institutional governance is a thorny one. On one hand, their connection with any one campus may be tenuous as they might work at several campuses. Moving from campus to campus may impair their ability to participate. On the other hand, they are teaching large numbers of the students on a campus, and their experiences and expertise are relevant to promoting quality education.

- Part-time and temporary faculty should be treated as the professionals they are and be involved in the governance of the campus.
- Where part-time faculty wish to bargain collectively, they should be able to do so. However, care should be taken in determining how they will be organized and what their relationship will be with full-time faculty who might also be in a bargaining unit. It should be a local determination whether the part-time faculty are part of the full-time bargaining unit or whether they are part of a separate unit.

What all faculty need to beware of is the tendency on the part of administrations to pit full-time faculty against part-time, which can easily be done through threats that increasing resources for one group would be at the expense of the other.

- Full-time and part-time faculty are equal partners on the campus when it comes to concerns about the delivery of quality education to the students.

*(Adopted by the NEA in 2002)*

## **Appendix D – Contingent Faculty Bargaining Fact Sheets**

**Part 1: How to Prepare for the Bargaining Table**

**Part 2: Contract Provisions That Make a Difference**

**Part 3: Five Ways to Organize For a Better Contract**



## Contingent Faculty Bargaining

### Part 1: How to Prepare for the Bargaining Table

Contingent faculty carry different job titles at different higher education institutions—such as adjunct or lecturers—but without a strong contract, they all confront the same reality. “Contingents” are part-time and temporary employees without job security, receiving lower pay per course than tenure system (tenured and tenure-track) faculty and fewer benefits and resources. There is no single formula for reaching a decent contingent contract, but solid ideas do exist in NEA policy for heading in the right direction:

#### Priority Number One: Pass a Bargaining Law

Public sector contingent faculty may make temporary progress in pay and working conditions through administrative policy or legislation, but even the best gains can vanish overnight in the absence of a state bargaining law, similar to state statutes covering K-12 public educators or the federal law covering private sector college and university employees.

Higher education faculty have bargaining rights in more than 25 states. But contingent negotiators, working with NEA state affiliate staff, should research their state’s bargaining laws to ensure that bargaining is legally permissible for non-tenure system faculty. If not, they should determine if existing laws should be amended or a new bargaining statute is required. Then, with bargaining rights, trained and energetic leadership, and high membership/involvement, an NEA higher education affiliate can begin to close the wide gap between contingent and tenure system faculty.

#### Examine NEA Higher Education Policy

Contingents seeking a *binding* union contract have plenty of Association policy (found at [www2.nea.org/he/policy.html](http://www2.nea.org/he/policy.html)) to bolster their case. NEA Higher Education Policy Statement #1 proclaims: “The excessive use of academic appointments on temporary, nontenure-track, and/or multiple long-term contracts undermines academic and intellectual freedom, tenure, the governance structure, and educational quality. Faculty who are subjected to lengthy or continuous probationary status are less likely ever to exercise freely their rights as citizens.” And Policy Statement #12 stresses that contingent faculty “should be treated no differently than full-time, tenured, or permanent faculty for purposes of employment conditions, including eligibility to collectively bargain.”

#### Look at Overall Objectives

NEA higher education policy offers compass bearings for first-time and veteran contingent faculty bargainers. Among the recommended goals in this policy:

- **Salary schedules and benefits for contingent faculty “should be proportionate to their work on campus,”** including course preparation time, office hours, committee assignments, and involvement in governance. Schedules should account for longevity of service, “and one salary structure that would accomplish this is pro rata pay.”

- **Contingent faculty should be given equal treatment with tenure system faculty** on campus

regarding issues of resource allocation—including office space, access to phone and computer equipment, library facilities, secretarial assistance, required professional development, and access to campus mailing lists. Beyond the resources, “contingent faculty should be treated as the professionals they are and involved in the governance of the campus.”

■ **Contingent slots should be converted to full-time tenure system positions**, and the faculty in them offered the opportunity to “convert into full-time.” Contingents seeking tenure-track positions should have the obligation to ensure that their qualifications are competitive for the new positions. To make this possible, the institution, “following appropriate governance procedures,” should develop and implement an appropriate evaluation system for contingents. Finally, faculty members who prefer part-time slots should have fair and equitable pay and working conditions.

### **Listen to the Members**

Policy aside, it is NEA contingent faculty members themselves who, through bargaining surveys and union democracy, set actual bargaining priorities. Invariably, contingents across the country reduce the hot issues down to decent pay, job security/continuing employment, benefits, due process/fair treatment, support for professional responsibilities, and a voice on the job. Boiled down to the basics, it’s all about *respect*, equal pay for equal work, and a living wage.

### **Develop a Full Proposed Agreement**

When contingent faculty win bargaining rights, the elected bargaining team determines what is legally negotiable, examines good contracts negotiated in similar units, and compiles a list of all work rules, policies, practices, and benefits already in effect. Bargainers then survey members on needed improvements, while developing a full proposed agreement that includes standard Association contract provisions—such as a union “recognition” clause, a salary schedule, intellectual property and academic freedom provisions, and a grievance procedure with binding arbitration.<sup>1</sup>

### **Aim for Pay Parity and a Living Wage**

One burning issue that must be confronted in bargaining: the wide pay gap between contingent and tenure system faculty. According to a study done for the NEA Research Department, a full-time tenure system professor receives, on average, \$10,563 per class in salary without benefits, compared with \$2,836 received by a part-time contingent.<sup>2</sup>

Before aiming for pay parity with tenure system colleagues, negotiators should first pursue—as a rock-bottom floor—a *living wage* as the minimum starting pay for all contingents. A living wage is, quite simply, what a worker needs to pay for basic family needs—food, housing, transportation, health and child care, clothing, personal care, taxes, and even modest savings—while surviving without outside jobs or government or family assistance. To quickly research the monthly living wage in any region, go the Economic Policy Institute’s basic family budget calculator at [www.epi.org](http://www.epi.org).

*For more on contingent faculty bargaining, contact Dave Winans in the NEA Collective Bargaining & Member Advocacy Department at [Dwinans@nea.org](mailto:Dwinans@nea.org).*

<sup>1</sup> For a full list of recommended contract provisions, see the *Organizing Manual for Association Leaders in Higher Education Units*, NEA Office of Higher Education, Spring 1992.

<sup>2</sup> Research conducted by John B. Lee of JBL Associates, Inc., based on data collected from the National Survey of Postsecondary Faculty (NSOPF:04).



## **Contingent Faculty Bargaining**

### **Part 2: Contract Provisions That Make a Difference**

Contingent higher education faculty—part-time and temporary employees hired without the chance for tenure—have long had few rights or benefits. But NEA higher education affiliates and other unions are establishing, ensuring, and expanding the rights of “contingents” and providing them with “conditions of work befitting professionals.” \* From this experience emerges a list of workable goals for new and veteran NEA contingent negotiators:

#### **Salaries and Benefits**

- Pay parity with tenure system (tenured or tenure-track) faculty, built atop a rock-bottom floor: a contingent faculty minimum starting salary that equals, then exceeds, the area living wage (which can be calculated through the family basic budget calculator at [www.epi.org](http://www.epi.org)).
- A merged, single salary schedule for both tenure system faculty and contingents, offering equal pay for work of equal value, prorated for classes or hours worked.
- A schedule that is easy to understand, that contains a small number of steps in each column, and that includes added columns that reward education and training. The goals: create a sound ratio between starting and career (top) rates, upward faculty mobility, and a fair, equitable, and consistent schedule that maximizes career earnings.
- Where it is not possible to reach full parity with tenure system salaries, bargain additional “piece-meal” rates for non-classroom duties such as office hours, curriculum development, student advising, individual instruction, field learning supervision, required meetings and committee work, and distance learning development.
- Reimbursement for required professional development.
- Comprehensive health care and retirement benefits, with year-long coverage at no extra cost—along with prorated leave, including rollover of unused sick leave.

#### **Job Security**

- Full grievance rights (over issues such as appointment, evaluation, and workload), binding arbitration, and discipline only for “just cause.”
- Seniority language giving contingents with longer service: preference and a choice in course assignments, priority over probationary employees/new hires, right of “first refusal” of new course opportunities, priority in layoff/recall, and automatic priority when two employees with equal qualifications seek the same assignment.
- “Presumption of renewal” for a defined number of years after a contingent teaches a certain number of semesters/quarters over a certain period of time—renewal that is automatically granted unless the institution can document unsatisfactory performance.
- “Preference for new and additional work” for contingents who successfully gain multi-year contracts, allowing them to move steadily towards full-time status.
- A dedicated seniority list, with a minimum course guarantee, for contingents who successfully teach

a class over a defined period of time.

- Language prohibiting “arbitrary and capricious” decisions to remove contingents from courses, be it through failing them in performance reviews or renaming courses.
- Credit for breaks in service after completion of a probationary period.

### **Paths to Tenured Status**

- Preference or “careful consideration” for contingents in all institutional hiring searches for full-time tenure-track faculty.
- Conversion of contingent positions to tenure-track status.
- A defined ratio of tenure system-to-contingent positions.
- Full-time sabbatical replacement faculty, with full-time salary and benefits.

### **Professional Status and Respect**

- Appointments made with the same care, timeline, and schedule accorded to tenure-track faculty—and appointment letters that clearly state status, rights, and benefits.
- Adequate advance notice of teaching assignments and opportunities.
- Full access to professional support, including office and storage space, telephones, E-mail and voice-mail, computers, library privileges, and secretarial services.
- Opportunity to participate in professional conferences and professional development workshops, and to apply for grants and tuition assistance.
- Periodic evaluations based on consistent, explicit, and jointly developed criteria.
- Advance notice of observations and the right to a post-observation conference—along with the right to request a second observation by another observer.
- Release time and compensation for attendance at departmental meetings.
- The contingent’s right to examine his/her personnel file, copy its contents, and place responses to notices of disciplinary action.
- Consistent job classifications and descriptions.
- Explicit paperwork filing procedures for positions and appointments.

### **Union Rights/Union Building**

- Guarantee of a contingent’s right to union representation at every step of the grievance/disciplinary process.
- Management transmittal to the Association, once per semester, of contingent faculty contact information—including names, assigned courses, schedules, and compensation.
- Association time on the agenda of orientation sessions for new contingent faculty.
- Contingent faculty voting representation on all university/college bodies that make decisions affecting contingent teaching or terms or conditions of employment.

*For more on contingent faculty bargaining, contact Dave Winans in the NEA Collective Bargaining & Member Advocacy Department at [Dwinans@nea.org](mailto:Dwinans@nea.org).*

\* Maitland, C. and Rhoades, G., “More Than They Bargained For: Contingent Faculty”, *The NEA 2006 Almanac of Higher Education*. See this article for a current national overview of contingent faculty language. For a full list of recommended higher education contract provisions, see the *Organizing Manual for Association Leaders in Higher Education Units*, NEA Office of Higher Education, spring 1992.



## Contingent Faculty Bargaining

### Part 3: Five Ways to Organize For a Better Contract

When pushing for a decent contract, higher education contingent faculty—part-time and temporary employees hired without the chance for tenure—need to overcome doubt and fear. Beyond those obstacles, “contingents” need to break through isolation—from each other, other campus employees and unions, students, and the public. Here, from the experience of NEA higher ed affiliates and other unions, are five ways that contingent faculty can prepare to be a powerful force at the bargaining table:

#### 1. Talk About Educational Quality

Contingents need to educate potential supporters that quality is compromised by a two-tier faculty system. When poorly paid contingents must rush among classes or second jobs, they are robbed of both contact time with students and opportunities to attend professional conferences. Staff continuity is undermined by turnover; students are denied the chance to grow with a faculty mentor. And academic freedom, the basis of inquiry, is undermined when academics without due process rights are afraid to take a risk.

#### 2. Reach Out For Allies

Two-tier treatment can fracture a campus community, but it should not deter contingent activists. They can rebuild solidarity by reaching out to such potential allies as:

■ **Tenure system faculty.** Activists should identify tenured and tenure-track colleagues who support better contingent conditions. Arguments that resonate with tenure system faculty: Successful contingent bargaining “increases the pie” for all staff, at a time when working conditions and perquisites of *all* faculty are being eroded. And unless contingents’ second-class status is reversed, tenure system faculty will face an ever-increasing burden of committee work, and faculty’s overall voice in shared governance will diminish. Finally, it just makes sense to narrow the “cost advantage” between hiring contingents and tenure system faculty.

■ **Other unions and the local labor movement,** starting with office, technical, and service union locals on campus. It’s never too early to build a campus inter-union council, focused on common issues such as health benefits, workplace health and safety, or campus parking. And it’s important to reach out to other NEA affiliates in the region, representing K-12 teachers and education support professionals, education retirees, and NEA Student Program members.

■ **Campus students and the larger community,** starting with the highly influential student press. One way to provoke thought: Using one contingent’s low pay as a discussion tool, get students in a class to calculate how many of them it takes to pay that salary. Then ask students to speculate where the *rest* of their tuition money goes—and carry these same questions to administration negotiators at the bargaining table.

#### 3. Put Contingent Traits to Work

Contingents, like tenure system faculty, relish participatory democracy. Hitch that urge with comprehensive union building—one-on-one recruitment, high rates of active union membership, leadership

training, member issues polling, and continuous internal communications—and an NEA higher ed affiliate has the foundation for a decent contract. Throw in a finely-honed sense of justice, and the odds improve. “Contingent faculty share a love of teaching,” says an Illinois NEA state affiliate organizer. “But their efforts are shamelessly exploited and they *resent* it.”

#### 4. Build Up the Pressure

Some of the best contingent contract campaigns involve members and supporters in incrementally contentious activities, “ramping up” from opposition research to direct action on campus and in the community. There’s no single strategy for tightening the screws on decision makers, but here are some battle-tested tactics for the toolbox:

- **Link contract bargaining directly to member organizing and engagement**, using this time of heightened awareness to develop new Association leaders, encourage member creativity, and promote grassroots self-sufficiency/organization.

- **Research the employer’s political and financial connections**, and conduct a “SWOT” analysis of strengths, weaknesses, opportunities, and threats the union encounters. Then put together a strategic plan for a comprehensive campaign.

- **Communicate with members throughout bargaining**, and keep negotiations as transparent as possible. Some NEA local affiliates even summarize bargaining notes online.

- **Use the institution’s own mission statement—and its lofty public image—to craft a campaign slogan** that contrasts those ideals with the reality of contingent exploitation.

- **Cultivate the media and stage dramatic public events that grab attention**. To publicize their lack of office facilities, contingents at one campus met with students around garbage cans, using the lids as “desks.” The press loved it, and the administration had much explaining to do.

#### 5. Break Down the Isolation

It’s difficult to gather highly mobile contingents in one place at one time, and job turnover can be high. But since 1983, the NEA-affiliated California Faculty Association (CFA) has won important contingent rights through organizing, bargaining, and legislation. Contract provisions now include one-year appointments after two semesters, salary increases after 24 units of teaching, and automatic, rolling three-year appointments after six years of satisfactory teaching.

The CFA formula: Break down contingent isolation through a vigorous statewide Lecturers Council, representing 23 California State University campuses—each with its *own* CFA organization of lecturer reps and alternates. CFA energizes its scattered membership through non-stop internet/print communications and continued recruitment and training of new grassroots leaders. CFA’s bottom-up structure spreads out work, ensures representation on every campus, and—through well-planned statewide Council meetings—fosters camaraderie, “safety,” maximum information sharing, and a bit of *fun*.

*For more on contingent faculty organizing for a better contract, contact Valerie Wilk (vwilk@nea.org) or Mark Smith (marksmith@nea.org) in the NEA Office of Higher Education, Constituent Relations Department.*