

# House Bill 2578

Sponsored by Representative BUCKLEY, Senator WALKER; Representatives CLEM, GALIZIO, GREENLICK, JENSON, Senators AVAKIAN, DECKERT, DEVLIN, MORRISETTE

## SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Specifies percentage of undergraduate courses to be taught by full-time tenured and tenure-track faculty at public institutions of higher education.

Directs public institutions of higher education to determine salary standard for part-time and adjunct faculty based on salary of tenured and tenure-track faculty. Directs that part-time and adjunct faculty are eligible for certain benefits and receive preferential consideration for attaining tenure-track faculty positions.

Establishes Oregon University System Faculty Restoration and Equity Fund and Community College Faculty Restoration and Equity Fund. Continuously appropriates moneys in each fund to Department of Higher Education or Department of Community Colleges and Workforce Development, as appropriate, for distribution to public institutions of higher education.

## A BILL FOR AN ACT

1  
2 Relating to higher education faculty; and appropriating money.

3       Whereas after two decades of replacing full-time faculty positions with positions that are tem-  
4 porary or part-time, higher education nationally has reached the point where more than 70 percent  
5 of all college and university instructors are part-time or temporary, more than twice the national  
6 workforce average of 30 percent; and

7       Whereas this trend makes higher education one of the most extreme examples nationwide of the  
8 trend toward decreasing job security and benefits; and

9       Whereas state support for public colleges and universities, on a per student basis, is declining,  
10 as is the proportion of state budgets devoted to public higher education and the purchasing power  
11 of federal student aid grants; and

12       Whereas the effect on students of the lack of government support and the decline of the full-time  
13 faculty workforce is becoming apparent; and

14       Whereas college costs are rising much faster than family income; and

15       Whereas among the 30 member nations of the Organisation for Economic Co-operation and De-  
16 velopment (OECD), the United States now ranks just seventh in the percentage of citizens who enter  
17 post-secondary education and complete a bachelor's or higher degree; and

18       Whereas the effect is disproportionate on poor students and students of color, the gap between  
19 affluent and low-income students is widening, and affluent students with the lowest test scores have  
20 as good a chance of attending college as the lowest-income students with the highest grades; and

21       Whereas a faculty corps consisting primarily of full-time tenured or tenure-track positions is  
22 essential because, just as in other professional fields, full-time commitment and professional treat-  
23 ment result in better service to students, and ultimately to taxpayers, and because tenure protects  
24 the academic freedom essential for teaching and high-level research; and

25       Whereas many colleges and universities have survived during the past decades of shrinking  
26 government support only because of the underpaid work of part-time faculty and full-time

**NOTE:** Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 nontenure-track faculty; and

2 Whereas part-time or temporary faculty who, on many college campuses, now teach more than  
 3 half the courses offered each academic semester must be treated professionally, paid fairly and re-  
 4 cognized for their commitment to higher education even in the face of their own economic exploi-  
 5 tation; and

6 Whereas the dearth of full-time positions has meant that the full-time faculty who remain are  
 7 increasingly less able to devote the time they need to their research and teaching because they have  
 8 an increased share of the responsibility for student advising, college governance and curriculum  
 9 development; and

10 Whereas the shrinking percentage of full-time faculty positions has also placed increased bur-  
 11 dens on other academic staff, whose workloads have risen as the number of full-time college and  
 12 university professionals has declined; and

13 Whereas with fewer than 30 percent of faculty nationwide in full-time tenure and tenure-track  
 14 positions, the number of faculty who are institutionally supported to conduct research has declined  
 15 dramatically, and the future of university-based research in the United States is now in danger; and

16 Whereas academic quality is impaired when the majority of faculty members are denied the re-  
 17 sources and professional autonomy they need to do their best work; and

18 Whereas so long as part-time or adjunct faculty have to teach at multiple institutions to earn  
 19 a living, so long as they have to worry about obtaining health and pension benefits, so long as they  
 20 are hired under less than professional conditions, so long as evaluation of their work is cursory or  
 21 nonexistent, so long as they lack office space and basic professional support, so long as they are  
 22 unable to participate in college governance and so long as they are the academic equivalent of piece  
 23 workers, the quality of education, research and community service offered by American colleges and  
 24 universities will suffer; and

25 Whereas American higher education now appears to be at a crossroads, a time when the  
 26 achievements of the past have been put at risk by the employment policies of the present; now,  
 27 therefore,

28 **Be It Enacted by the People of the State of Oregon:**

29 **SECTION 1. As used in sections 1 to 8 of this 2007 Act:**

- 30 (1) "Community college" has the meaning given that term in ORS 341.005.
- 31 (2) "Public institution of higher education" means:
- 32 (a) A community college; or
- 33 (b) A state institution of higher education.
- 34 (3) "State institution of higher education" means the institutions under the control of the  
 35 State Board of Higher Education and listed in ORS 352.002.

36 **SECTION 2.** (1) Each academic department at a public institution of higher education  
 37 that has at least eight full-time equivalent faculty positions shall have at least 75 percent  
 38 of the undergraduate courses offered within the department taught by full-time tenured and  
 39 tenure-track faculty.

40 (2) Within the requirements of subsection (1) of this section, each public institution of  
 41 higher education shall determine the number of undergraduate courses taught by part-time,  
 42 nontenured, tenure-track and tenured faculty in each academic department.

43 **SECTION 3.** (1) Notwithstanding section 2 of this 2007 Act, each academic department  
 44 of a public institution of higher education that does not meet the requirements of section 2  
 45 of this 2007 Act shall, beginning in September 2008, and in each succeeding academic year,

1 increase the share of courses taught by full-time tenure and tenure-track faculty by 10 per-  
 2 cent or more over the previous academic year so that by 2013 the requirements of section 2  
 3 of this 2007 Act are met.

4 (2) Each public institution of higher education shall create a plan to meet the require-  
 5 ments of section 2 of this 2007 Act. The plan shall be subject to collective bargaining with  
 6 the exclusive representatives of the full-time and part-time faculty at the public institution  
 7 of higher education. Staffing levels shall be a mandatory subject of bargaining for all faculty  
 8 unions at public institutions of higher education.

9 (3) The State Board of Higher Education shall distribute moneys in the Oregon University  
 10 System Faculty Restoration and Equity Fund to state institutions of higher education such  
 11 that by 2013 average faculty salaries will be equal to or greater than the median salary of  
 12 their peer groups as established by the Oregon University System.

13 **SECTION 4.** (1) Each public institution of higher education shall determine a salary  
 14 standard for part-time or adjunct faculty employed in each academic department that is  
 15 equal, on a pro rata basis, with that of tenured and tenure-track faculty of comparable  
 16 qualifications doing comparable work. This determination is subject to collective bargaining  
 17 with the exclusive representatives of part-time and other nontenure-track faculty.

18 (2) If, over the course of a 12-month calendar year, a part-time or other nontenure-track  
 19 faculty member at a public institution of higher education carries at least 50 percent of the  
 20 established teaching load of tenure-track faculty, that part-time faculty member shall be el-  
 21 igible for the same health-care benefits as tenure-track faculty members. If, during a  
 22 12-month calendar year, a part-time or other nontenure-track faculty member teaches at  
 23 multiple community colleges or state institutions of higher education and in aggregate  
 24 teaches 50 percent or more of an established teaching load, that faculty member shall receive  
 25 credit toward the retirement plan available to tenured and tenure-track faculty.

26 (3)(a) Each public institution of higher education shall establish a process through which  
 27 part-time and other nontenure track faculty, after successful completion of a probationary  
 28 period, receive advance notice of and priority consideration for:

29 (A) Part-time and nontenure-track teaching assignments consistent with other institu-  
 30 tional and state policies; and

31 (B) Tenure-track faculty positions consistent with other institutional and state policies.

32 (b) Each public institution of higher education shall ensure that nontenure track faculty:

33 (A) Accumulate seniority;

34 (B) Are notified of job openings prior to the job being posted outside of the institution;  
 35 and

36 (C) Have preferential consideration for appointments.

37 (c) The provisions of this subsection are subject to collective bargaining between the  
 38 public institution of higher education and the exclusive representatives of part-time and  
 39 nontenure track faculty.

40 (4) A public institution of higher education shall waive the student fees of teachers and  
 41 employees who are attending the institution for the purpose of receiving a graduate degree  
 42 if the teacher or employee is receiving a tuition remission.

43 **SECTION 5.** (1) Notwithstanding section 4 of this 2007 Act, if a public institution of  
 44 higher education is not meeting the requirements of section 4 (1) of this 2007 Act, beginning  
 45 in the fall semester of 2008, the public institution of higher education shall increase part-time

1 and nontenure-track faculty salaries by a sufficient amount to meet the requirements of  
 2 section 4 of this 2007 Act prior to the beginning of the fall semester of 2013. Each academic  
 3 year, the gap between part-time salary and comparable pro rata full-time salary in any aca-  
 4 demic department shall be diminished by 15 percent or more of the gap from the previous  
 5 year.

6 (2) Each public institution of higher education shall meet the requirements of the section  
 7 4 of this 2007 Act prior to the fall semester of 2013.

8 **SECTION 6.** (1) The Oregon University System Faculty Restoration and Equity Fund is  
 9 established in the State Treasury, separate and distinct from the General Fund. Interest  
 10 earned by the Oregon University System Faculty Restoration and Equity Fund shall be  
 11 credited to the fund. Moneys in the fund are continuously appropriated to the Department  
 12 of Higher Education for distribution to state institutions of higher education for the purpose  
 13 of meeting the requirements of sections 1 to 8 of this 2007 Act.

14 (2) Each fiscal year, the department shall distribute the moneys in the fund to each state  
 15 institution of higher education for the purpose of meeting the requirements of sections 1 to  
 16 8 of this 2007 Act.

17 **SECTION 7.** (1) The Community College Faculty Restoration and Equity Fund is estab-  
 18 lished in the State Treasury, separate and distinct from the General Fund. Interest earned  
 19 by the Community College Faculty Restoration and Equity Fund shall be credited to the fund.  
 20 Moneys in the fund are continuously appropriated to the Department of Community Colleges  
 21 and Workforce Development for distribution to community colleges for the purpose of  
 22 meeting the requirements of sections 1 to 8 of this 2007 Act.

23 (2) Each fiscal year, the department shall distribute the moneys in the fund to each  
 24 community college for the purpose of meeting the requirements of sections 1 to 8 of this 2007  
 25 Act.

26 **SECTION 8.** Nothing in sections 1 to 8 of this 2007 Act shall be construed to either limit  
 27 or reduce salaries, benefits or hiring rights in existence at a public institution of higher ed-  
 28 ucation on or after the effective date of this 2007 Act.

29 **SECTION 9.** There is appropriated to the Department of Higher Education, for the  
 30 biennium beginning July 1, 2007, out of the General Fund, the amount of \$\_\_\_\_\_ for the  
 31 Oregon University System Faculty Restoration and Equity Fund.

32 **SECTION 10.** There is appropriated to the Department of Community Colleges and  
 33 Workforce Development, for the biennium beginning July 1, 2007, out of the General Fund,  
 34 the amount of \$\_\_\_\_\_ for the Community College Faculty Restoration and Equity Fund.