

# House Bill 2557

Sponsored by COMMITTEE ON EDUCATION

## 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.

Declares emergency, effective July 1, 2009.

## A BILL FOR AN ACT

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

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, the United States now ranks just seventh in the percentage of citizens who enter post-  
17 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 10 of this 2009 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 an institution under the control of the**  
 35 **State Board of Higher Education and listed in ORS 352.002.**

36 **SECTION 2. (1) Each public institution of higher education shall have at least 75 percent**  
 37 **of the undergraduate courses offered within the institution taught by full-time faculty.**

38 (2) **Within the requirements of subsection (1) of this section, each public institution of**  
 39 **higher education shall determine the number of undergraduate courses within the institution**  
 40 **taught by part-time, nontenured, tenure-track and tenured faculty.**

41 **SECTION 3. A public institution of higher education shall create a plan to meet the re-**  
 42 **quirements of section 2 of this 2009 Act. The plan is subject to collective bargaining with the**  
 43 **exclusive representatives of the full-time and part-time faculty at the public institution of**  
 44 **higher education. Full-time to part-time staffing ratios are a mandatory subject of bargaining**  
 45 **for all faculty unions at public institutions of higher education.**

1       **SECTION 4.** A public institution of higher education that does not meet the requirements  
 2 of section 2 of this 2009 Act on the effective date of this 2009 Act shall, beginning in the fall  
 3 term of 2010, and in each succeeding academic year, increase the share of courses taught  
 4 by full-time tenure and tenure-track faculty by 10 percent or more over the previous aca-  
 5 demic year so that by 2015 the requirements of section 2 of this 2009 Act are met.

6       **SECTION 5.** (1) The Department of Higher Education shall distribute moneys in the  
 7 Oregon University System Faculty Restoration and Equity Fund established in section 9 of  
 8 this 2009 Act to state institutions of higher education so that by 2015 average faculty salaries  
 9 are equal to or greater than the median salary of their peer groups as established by the  
 10 Oregon University System.

11       (2) The Department of Community Colleges and Workforce Development shall distribute  
 12 moneys in the Community College Faculty Restoration and Equity Fund established in sec-  
 13 tion 10 of this 2009 Act to community colleges so that by 2015 average faculty salaries are  
 14 equal to or greater than the median salary of their peer groups as established by the de-  
 15 partment.

16       **SECTION 6.** (1) A public institution of higher education shall determine a salary standard  
 17 for part-time or adjunct faculty that is equal, on a pro rata basis, with that of full-time  
 18 faculty of comparable qualifications doing comparable work, and shall pay part-time or ad-  
 19 junct faculty that salary. This determination is subject to collective bargaining with the ex-  
 20 clusive representatives of part-time faculty.

21       (2) A part-time faculty member at a public institution of higher education is eligible for  
 22 the same health care benefits as full-time faculty members if the part-time faculty member  
 23 carries at least 50 percent of the established teaching load of full-time faculty members, ei-  
 24 ther at a single institution of higher education or in aggregate at multiple public institutions  
 25 of higher education.

26       (3)(a) Each public institution of higher education shall establish a process through which  
 27 part-time faculty, after successful completion of a probationary period, receive advance no-  
 28 tice of and, consistent with other institutional and state policies, priority consideration for:

29       (A) Part-time teaching assignments; and

30       (B) Full-time faculty positions.

31       (b) A public institution of higher education shall ensure that part-time faculty:

32       (A) Accumulate seniority;

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

35       (C) Have preferential consideration for appointments.

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

38       **SECTION 7.** (1) A public institution of higher education that does not meet the require-  
 39 ments of section 6 (1) of this 2009 Act shall, beginning in the fall term of 2010, increase  
 40 part-time faculty salaries by a sufficient amount to meet the requirements of section 4 of  
 41 this 2009 Act prior to the beginning of the fall term of 2015. Each academic year, the insti-  
 42 tution shall reduce the gap between part-time salary and comparable pro rata full-time sal-  
 43 ary in any academic department by 15 percent or more of the gap from the previous year.

44       (2) A public institution of higher education shall meet the requirements of section 6 of  
 45 this 2009 Act prior to the fall term of 2015.

1       **SECTION 8.** The State Board of Education and the State Board of Higher Education shall  
 2 establish baselines and conduct biennial reviews of the individual public institutions of higher  
 3 education to assure that the requirements of sections 1 to 7 of this 2009 Act are met. The  
 4 reviews shall include:

5       (1) Examination of data related to the ratio of courses taught by the following faculty  
 6 categories:

7           (a) Full-time faculty;

8           (b) Part-time faculty; and

9           (c) Graduate assistants;

10       (2) The pay differential per course for the faculty categories;

11       (3) The health care and other benefits for the faculty categories; and

12       (4) Other data related to the requirements of sections 1 to 7 of this 2009 Act.

13       **SECTION 9.** (1) The Oregon University System Faculty Restoration and Equity Fund is  
 14 established in the State Treasury, separate and distinct from the General Fund. Interest  
 15 earned by the Oregon University System Faculty Restoration and Equity Fund shall be  
 16 credited to the fund. Moneys in the fund are continuously appropriated to the Department  
 17 of Higher Education for distribution to state institutions of higher education for the purpose  
 18 of meeting the requirements of sections 1 to 8 of this 2009 Act.

19       (2) Each fiscal year, the department shall distribute the moneys in the fund to state in-  
 20 stitutions of higher education for the purpose of meeting the requirements of sections 1 to  
 21 8 of this 2009 Act.

22       **SECTION 10.** (1) The Community College Faculty Restoration and Equity Fund is estab-  
 23 lished in the State Treasury, separate and distinct from the General Fund. Interest earned  
 24 by the Community College Faculty Restoration and Equity Fund shall be credited to the fund.  
 25 Moneys in the fund are continuously appropriated to the Department of Community Colleges  
 26 and Workforce Development for distribution to community colleges for the purpose of  
 27 meeting the requirements of sections 1 to 8 of this 2009 Act.

28       (2) Each fiscal year, the department shall distribute the moneys in the fund to commu-  
 29 nity colleges for the purpose of meeting the requirements of sections 1 to 8 of this 2009 Act.

30       **SECTION 11.** Nothing in sections 1 to 8 of this 2009 Act shall be construed to either limit  
 31 or reduce salaries, benefits or hiring rights in existence at a public institution of higher ed-  
 32 ucation on or after the effective date of this 2009 Act.

33       **SECTION 12.** There is appropriated to the Department of Higher Education, for the  
 34 biennium beginning July 1, 2009, out of the General Fund, the amount of \$\_\_\_\_\_. The de-  
 35 partment shall deposit moneys appropriated under this section in the Oregon University  
 36 System Faculty Restoration and Equity Fund.

37       **SECTION 13.** There is appropriated to the Department of Community Colleges and  
 38 Workforce Development, for the biennium beginning July 1, 2009, out of the General Fund,  
 39 the amount of \$\_\_\_\_\_. The department shall deposit moneys appropriated under this sec-  
 40 tion in the Community College Faculty Restoration and Equity Fund.

41       **SECTION 14.** This 2009 Act being necessary for the immediate preservation of the public  
 42 peace, health and safety, an emergency is declared to exist, and this 2009 Act takes effect  
 43 July 1, 2009.