

HOUSE No. 1110

The Commonwealth of Massachusetts

In the Year Two Thousand Nine

An Act to maintain faculty and college excellence in the Commonwealth..

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Notwithstanding any law or regulation to the contrary, each institution of
2 higher education shall, beginning in 2010, and in each succeeding year, subject to collective
3 bargaining with the exclusive representatives of the full time and part time faculty at the public
4 institution of higher education, increase the share of courses taught by full time tenure and tenure
5 track faculty such that by 2015, at least seventy five percent of the state supported undergraduate
6 courses offered on each campus of each public institution of higher education for three or more
7 credits shall be taught by tenured or tenure track faculty.

8 SECTION 2. Notwithstanding any law or regulation to the contrary, all part time and
9 adjunct faculty shall, subject to collective bargaining with the exclusive representatives of the
10 full time and part time faculty at the public institution of higher education, receive pay that is
11 equal, on a pro rata basis, with that of full time non-tenure track faculty of comparable
12 qualifications doing comparable work.

13 SECTION 3. Notwithstanding any law or regulation to the contrary, a part time or other
14 non-tenure track faculty member at a public institution of higher education carrying at least fifty

15 percent of the established teaching load of tenure track faculty over the course of a twelve month
16 calendar year, shall be eligible for the same healthcare benefits as tenure track faculty members.

17 SECTION 4. Notwithstanding any law or regulation to the contrary, a part time or non-
18 tenure track faculty member employed at a public institution of higher education shall be eligible
19 for participation in the retirement plans available to tenure track faculty members at that public
20 institution of higher education.

21 SECTION 5. Notwithstanding any law or regulation to the contrary, each public
22 institution of higher education shall establish a process under which part time and other non-
23 tenure track faculty, after successful completion of a probationary period, receive timely notice
24 of and priority consideration, consistent with other institutional and state policies, for part time
25 and non-tenure track teaching assignments. The provisions of this section are subject to
26 collective bargaining between the public institution of higher education and the exclusive
27 representatives of part time and non-tenure track faculty

28 SECTION 6. Notwithstanding any law or regulation to the contrary, each public
29 institution of higher education shall create a process for ensuring that qualified non-tenure track
30 faculty members receive preferential consideration in attaining a tenure track position when one
31 becomes available, consistent with department needs, institutional and state affirmative action,
32 and other personnel policies. This process shall ensure that non-tenure track faculty: (1)
33 accumulate seniority; (2) are notified of job openings prior to the job being posted outside of the
34 institution; and (3) are interviewed during the search and screen process. The provisions of this
35 section are subject to collective bargaining between the public institution of higher education and
36 the exclusive representatives of part time and non-tenure track faculty.

37 SECTION 7. Notwithstanding any law or regulation to the contrary, there shall be
38 created at each public institution of higher education a Faculty Restoration and Equity Fund. In
39 each year subsequent to the passage of this legislation, the state shall make appropriations to the
40 Faculty Restoration and Equity Fund at each public institution of higher education in an amount
41 sufficient to:

42 (1) Advance one-fifth of the way toward meeting the five year goal of increasing the
43 number of undergraduate courses taught by tenure and tenure track faculty members to seventy
44 five percent in each institutional department; and

45 (2) Advance one-fifth of the way toward meeting the five year goal of ensuring that part
46 time and other non-tenure track faculty receive fully comparable pay and benefits to full time
47 tenure and tenure track faculty.

48 These funds shall be used to meet the goals of this legislation.

49 SECTION 8. Nothing in this legislation shall be construed to either limit or reduce
50 salaries, benefits or hiring rights in existence at any institution of public higher education at the
51 time this legislation passes into law.