

**HOUSE . . . . . No. 1086**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

***David B. Sullivan***

*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

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

PETITION OF:

| NAME:                            | DISTRICT/ADDRESS:                  | DATE ADDED:      |
|----------------------------------|------------------------------------|------------------|
| <i>David B. Sullivan</i>         | <i>6th Bristol</i>                 | <i>1/11/2013</i> |
| <i>Martin J. Walsh</i>           | <i>13th Suffolk</i>                | <i>1/14/2013</i> |
| <i>Josh S. Cutler</i>            | <i>6th Plymouth</i>                |                  |
| <i>Benjamin Swan</i>             | <i>11th Hampden</i>                |                  |
| <i>Angelo J. Puppolo, Jr.</i>    | <i>12th Hampden</i>                |                  |
| <i>William Smitty Pignatelli</i> | <i>4th Berkshire</i>               |                  |
| <i>Frank I. Smizik</i>           | <i>15th Norfolk</i>                |                  |
| <i>Kay Khan</i>                  | <i>11th Middlesex</i>              |                  |
| <i>Michael F. Rush</i>           | <i>Norfolk and Suffolk</i>         |                  |
| <i>Louis L. Kafka</i>            | <i>8th Norfolk</i>                 |                  |
| <i>Michael D. Brady</i>          | <i>9th Plymouth</i>                |                  |
| <i>Ruth B. Balsler</i>           | <i>12th Middlesex</i>              |                  |
| <i>Angelo M. Scaccia</i>         | <i>14th Suffolk</i>                |                  |
| <i>James T. Welch</i>            | <i>Hampden</i>                     |                  |
| <i>Stephen Kulik</i>             | <i>1st Franklin</i>                |                  |
| <i>Denise Provost</i>            | <i>27th Middlesex</i>              |                  |
| <i>Peter V. Kocot</i>            | <i>1st Hampshire</i>               |                  |
| <i>Gale D. Candaras</i>          | <i>First Hampden and Hampshire</i> |                  |

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|---------------------------------|-------------------------------------|--|
| <i>Danielle W. Gregoire</i>     | <i>4th Middlesex</i>                |  |
| <i>Michael R. Knapik</i>        | <i>Second Hampden and Hampshire</i> |  |
| <i>Cheryl A. Coakley-Rivera</i> | <i>10th Hampden</i>                 |  |
| <i>Carl M. Sciortino, Jr.</i>   | <i>34th Middlesex</i>               |  |
| <i>David M. Rogers</i>          | <i>24th Middlesex</i>               |  |
| <i>James J. O'Day</i>           | <i>14th Worcester</i>               |  |
| <i>Jonathan Hecht</i>           | <i>29th Middlesex</i>               |  |
| <i>Anne M. Gobi</i>             | <i>5th Worcester</i>                |  |
| <i>Brian M. Ashe</i>            | <i>2nd Hampden</i>                  |  |
| <i>Eileen M. Donoghue</i>       | <i>First Middlesex</i>              |  |
| <i>Daniel B. Winslow</i>        | <i>9th Norfolk</i>                  |  |
| <i>Thomas P. Conroy</i>         | <i>13th Middlesex</i>               |  |
| <i>Sean Garballey</i>           | <i>23rd Middlesex</i>               |  |

**HOUSE . . . . . No. 1086**

By Mr. Sullivan of Fall River, a petition (accompanied by bill, House, No. 1086) of David B. Sullivan and others for legislation to maintain faculty and college excellence in the Commonwealth. Higher Education.

[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE HOUSE, NO. 1244 OF 2011-2012.]

**The Commonwealth of Massachusetts**

**In the Year Two Thousand Thirteen**

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 public  
2 institution of higher education shall, beginning in 2014, and in each succeeding year, subject to  
3 collective bargaining with the exclusive representatives of the full time and part time faculty at  
4 the public institution of higher education, increase the share of courses taught by full time tenure  
5 and tenure track faculty, such that by 2019 at least seventy five percent of undergraduate courses  
6 offered on each campus of each public institution of higher education for three or more credits  
7 shall be taught by tenured or tenure track faculty; provided, however, that the Board of Higher  
8 Education and the University of Massachusetts Board of Trustees shall request, as part of their  
9 annual budget request, the appropriate funding to meet the requirements of this section and  
10 section seven of this act.

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

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

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

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

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

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

40 SECTION 7. Notwithstanding any law or regulation to the contrary, there shall be created  
41 at each public institution of higher education a Faculty Restoration and Equity Fund. In each year  
42 subsequent to the passage of this legislation, the state shall make appropriations to the Faculty  
43 Restoration and Equity Fund at each public institution of higher education in an amount  
44 sufficient to: (1) Advance one-fifth of the way toward meeting the five year goal of increasing  
45 the number of undergraduate courses taught by tenure and tenure track faculty members to  
46 seventy five percent in each institutional department; and (2) Advance one-fifth of the way  
47 toward meeting the five year goal of ensuring that part time and other non-tenure track faculty  
48 receive fully comparable pay and benefits to full time tenure and tenure track faculty. These  
49 funds shall be used to meet the goals of this legislation.

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