

HOUSE No. 1086

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>1/11/2013</i>
<i>Benjamin Swan</i>	<i>11th Hampden</i>	<i>1/11/2013</i>
<i>Angelo J. Puppolo, Jr.</i>	<i>12th Hampden</i>	<i>1/11/2013</i>
<i>William Smitty Pignatelli</i>	<i>4th Berkshire</i>	<i>1/11/2013</i>
<i>Frank I. Smizik</i>	<i>15th Norfolk</i>	<i>1/11/2013</i>
<i>Kay Khan</i>	<i>11th Middlesex</i>	<i>1/11/2013</i>
<i>Michael F. Rush</i>	<i>Norfolk and Suffolk</i>	<i>1/11/2013</i>
<i>Louis L. Kafka</i>	<i>8th Norfolk</i>	<i>1/11/2013</i>
<i>Michael D. Brady</i>	<i>9th Plymouth</i>	<i>1/11/2013</i>
<i>Ruth B. Balsler</i>	<i>12th Middlesex</i>	<i>1/11/2013</i>
<i>Angelo M. Scaccia</i>	<i>14th Suffolk</i>	<i>1/11/2013</i>
<i>James T. Welch</i>	<i>Hampden</i>	<i>1/11/2013</i>
<i>Stephen Kulik</i>	<i>1st Franklin</i>	<i>1/11/2013</i>
<i>Denise Provost</i>	<i>27th Middlesex</i>	<i>1/11/2013</i>
<i>Peter V. Kocot</i>	<i>1st Hampshire</i>	<i>1/11/2013</i>
<i>Gale D. Candaras</i>	<i>First Hampden and Hampshire</i>	<i>1/11/2013</i>

<i>Danielle W. Gregoire</i>	<i>4th Middlesex</i>	<i>1/11/2013</i>
<i>Michael R. Knapik</i>	<i>Second Hampden and Hampshire</i>	<i>1/11/2013</i>
<i>Cheryl A. Coakley-Rivera</i>	<i>10th Hampden</i>	<i>1/11/2013</i>
<i>Carl M. Sciortino, Jr.</i>	<i>34th Middlesex</i>	<i>1/11/2013</i>
<i>David M. Rogers</i>	<i>24th Middlesex</i>	<i>1/11/2013</i>
<i>James J. O'Day</i>	<i>14th Worcester</i>	<i>1/11/2013</i>
<i>Jonathan Hecht</i>	<i>29th Middlesex</i>	<i>1/11/2013</i>
<i>Anne M. Gobi</i>	<i>5th Worcester</i>	<i>1/11/2013</i>
<i>Brian M. Ashe</i>	<i>2nd Hampden</i>	<i>1/11/2013</i>
<i>Eileen M. Donoghue</i>	<i>First Middlesex</i>	<i>1/11/2013</i>
<i>Daniel B. Winslow</i>	<i>9th Norfolk</i>	<i>1/11/2013</i>
<i>Thomas P. Conroy</i>	<i>13th Middlesex</i>	<i>1/11/2013</i>
<i>Sean Garballey</i>	<i>23rd Middlesex</i>	<i>1/11/2013</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.