

HOUSE No. 1055

The Commonwealth of Massachusetts

PRESENTED BY:

Paul W. Mark

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 Invest in Higher Education Faculty.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Paul W. Mark</i>	<i>2nd Berkshire</i>
<i>Denise Provost</i>	<i>27th Middlesex</i>
<i>Jason M. Lewis</i>	<i>Fifth Middlesex</i>
<i>Angelo J. Puppolo, Jr.</i>	<i>12th Hampden</i>
<i>Louis L. Kafka</i>	<i>8th Norfolk</i>
<i>Claire D. Cronin</i>	<i>11th Plymouth</i>
<i>Colleen M. Garry</i>	<i>36th Middlesex</i>
<i>Jennifer E. Benson</i>	<i>37th Middlesex</i>
<i>Brian M. Ashe</i>	<i>2nd Hampden</i>
<i>James Arciero</i>	<i>2nd Middlesex</i>
<i>Ruth B. Balsler</i>	<i>12th Middlesex</i>
<i>Michael D. Brady</i>	<i>Second Plymouth and Bristol</i>
<i>Paul Brodeur</i>	<i>32nd Middlesex</i>
<i>James M. Cantwell</i>	<i>4th Plymouth</i>
<i>Daniel Cullinane</i>	<i>12th Suffolk</i>
<i>Mark J. Cusack</i>	<i>5th Norfolk</i>
<i>Sal N. DiDomenico</i>	<i>Middlesex and Suffolk</i>
<i>Eileen M. Donoghue</i>	<i>First Middlesex</i>

<i>Lori A. Ehrlich</i>	<i>8th Essex</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>
<i>Tricia Farley-Bouvier</i>	<i>3rd Berkshire</i>
<i>Sean Garballey</i>	<i>23rd Middlesex</i>
<i>Denise C. Garlick</i>	<i>13th Norfolk</i>
<i>Carmine L. Gentile</i>	<i>13th Middlesex</i>
<i>Danielle W. Gregoire</i>	<i>4th Middlesex</i>
<i>Jonathan Hecht</i>	<i>29th Middlesex</i>
<i>Kate Hogan</i>	<i>3rd Middlesex</i>
<i>Mary S. Keefe</i>	<i>15th Worcester</i>
<i>Kay Khan</i>	<i>11th Middlesex</i>
<i>Stephen Kulik</i>	<i>1st Franklin</i>
<i>David Paul Linsky</i>	<i>5th Middlesex</i>
<i>Paul McMurtry</i>	<i>11th Norfolk</i>
<i>James R. Miceli</i>	<i>19th Middlesex</i>
<i>James M. Murphy</i>	<i>4th Norfolk</i>
<i>Harold P. Naughton, Jr.</i>	<i>12th Worcester</i>
<i>Kathleen O'Connor Ives</i>	<i>First Essex</i>
<i>James J. O'Day</i>	<i>14th Worcester</i>
<i>Thomas M. Petrolati</i>	<i>7th Hampden</i>
<i>John W. Scibak</i>	<i>2nd Hampshire</i>
<i>Frank I. Smizik</i>	<i>15th Norfolk</i>
<i>Thomas M. Stanley</i>	<i>9th Middlesex</i>
<i>Ellen Story</i>	<i>3rd Hampshire</i>
<i>Benjamin Swan</i>	<i>11th Hampden</i>
<i>Timothy J. Toomey, Jr.</i>	<i>26th Middlesex</i>
<i>John C. Velis</i>	<i>4th Hampden</i>
<i>Chris Walsh</i>	<i>6th Middlesex</i>
<i>James T. Welch</i>	<i>Hampden</i>

HOUSE No. 1055

By Mr. Mark of Peru, a petition (accompanied by bill, House, No. 1055) of Paul W. Mark and others for legislation to increase the share of courses taught by full-time tenure and tenure-track faculty. Higher Education.

The Commonwealth of Massachusetts

**In the One Hundred and Eighty-Ninth General Court
(2015-2016)**

An Act to Invest in Higher Education Faculty.

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 2016, 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 2021 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 carrying at least fifty percent of the established workload of
18 tenure-track faculty over the course of a twelve month calendar year, shall be eligible for the
19 same healthcare benefits as tenure-track faculty members; provided that, notwithstanding any
20 law or regulation to the contrary, part-time service for said faculty shall be cumulatively
21 calculated for work performed at one or more public institutions of higher education.

22 SECTION 4. Notwithstanding any law or regulation to the contrary, a part-time or non-
23 tenure track faculty member employed at a public institution of higher education shall be eligible
24 for participation in the retirement plans available to tenure-track faculty members at that public
25 institution of higher education; provided that, notwithstanding any law or regulation to the
26 contrary, part-time service for said faculty shall be cumulatively calculated for work performed
27 at one or more public institutions of higher education.

28

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

34 bargaining between the public institutions of higher education and the exclusive representatives
35 of part-time and non-tenure track faculty

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

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

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