

Report of the Special Committee on Non-Senate Teaching Faculty

TO: The Academic Senate, Santa Cruz Division

PART 1: SUMMARY AND FINDINGS

The Special Senate Committee on Non-Senate Teaching Faculty was charged to consider non-senate teaching faculty contributions to education at UCSC and to inquire whether current appointment rules and practices are optimal for high quality instruction and for recognition and reward of non-senate teaching faculty contributions. The committee produced and implemented two surveys, studied the Memorandum of Understanding (MOU, also referred to as “the contract”) of the union-represented-faculty to understand what limitation on interaction between senate and non-senate faculty it poses, and pursued the issue of grievances that can be brought to the senate by non-senate faculty.

Senate faculty support, or lack of it, significantly influences the ability of non-senate faculty to fulfill their vital role in the university’s educational and service missions. We as senate faculty should be guided in our relations with our non-senate colleagues by the campus’s Principles of Community and by the best practices in hiring, review, promotions of professional relations, and collegiality. Senate members, as professors and administrators, often tend to assume the Unit 18 contract or MOU governs their entire relationship to non-senate faculty. While the contract does cover a wide range of issues, including terms of employment, benefits, and grievance and arbitration procedures, it leaves open how non-senate teaching faculty may participate in peer review, curricular decisions, and service to the senate. The committee encourages the university to negotiate with good will with the union and to implement the current contract in ways that enhance the quality of a UC education, and we encourage our colleagues to include non-senate faculty in our community of scholars.

MAJOR FINDINGS

- **Section 1:** From the survey of departments and programs, we developed a set of best practices, many already in place in several departments and programs, that should be publicized and emulated. These practices include course relief for non-teaching duties, peer reviews to include lecturers as reviewers, continuity of hiring, integration into departments, and integration into Senate committees, among others, that will be discussed below. The Lecturer with Security of Employment title could be employed more extensively, using the campus’s own criteria, to convert a non-senate faculty member into a senate faculty member.
- **Section 2:** The survey of non-senate teaching faculty asked about their interest in and willingness to serve on senate committees. The outcome of this survey, which will be discussed in greater detail below, can be put very simply: Non-Senate faculty believe that their experience and expertise can be put in the service of the campus especially through their participation in Committee on Academic Freedom, Committee on Education Abroad, Committee on Educational Policy, Committee on Teaching, and Committee on Admissions and Financial Aid. We agree that non-senate faculty service on these committees would be beneficial for the campus. How the non-senate

representatives to senate committees would be chosen and the manner of compensation need to be resolved.

- **Section 3:** Our study of the MOU between represented faculty and the University of California administration found that the new Memorandum of Understanding between the University of California and the UC-AFT covering working conditions for non-senate faculty contains some important advances, but also has areas that will require careful work on the part of Academic Human Resources, divisions, department chairs, and provosts to be implemented ethically and intelligently. The new contract's distinction between pre-sixth year review and post-sixth year review lecturers creates challenges for departments who wish to search for, appoint, and retain excellent instructors.
- **Section 4:** The Committee looked at whether grievance procedures are available to non-senate faculty. Both the MOU and the senate by-laws make it clear that a non-senate member who has received a letter of intent to dismiss can have his or her case taken up through the Senate or through the union process. Most other grievances must be handled through the union. The question of non-senate faculty grieving an alleged violation of procedure or policy by a senate member through the senate remains unresolved. The Committee on Academic Freedom, through the MOU and Senate By-laws, has responsibility for both protection of the academic freedom rights of Senate and non-Senate faculty.
- **Section 5:** Resolution of the Santa Cruz Division on Senate-Non-Senate Teaching Faculty Relations

PART 2: REPORT OF THE SPECIAL COMMITTEE

Section 1: Best Practices

Last spring, the Special Senate Committee on Non-Senate Teaching Faculty sent a questionnaire to all departments and programs inquiring about their policies, procedures and practices with regard to their non-Senate Teaching faculty. The 23 responses came from four academic divisions (We did not receive any from Engineering.) and covered a wide variety of situations, ranging from departments with no non-senate faculty members in 2002-03 to departments in which non-senate faculty members taught a substantial number of courses to programs that depended almost entirely on their non-senate faculty to offer their curriculum. In spite of a widespread perception that, between the Unit 18 contract, the Academic Personnel Manual, and By-Law 55, there is little room for departmental discretion, departments have considerable latitude in their relationship with their non-senate faculty, and policies, procedures, and practices vary considerably across the campus. The Special Committee here recommends some practices at UCSC that we found "best," both for the quality of the curriculum and for the professional lives of non-senate faculty.

A number of departments and programs distinguish between (1) "on-going" or "core" non-senate faculty positions and (2) truly casual or temporary non-senate faculty course assignments and have different policies for each category. The Latin American & Latino Studies Department and the Writing Program offer the most carefully articulated examples of this model, but other units (for example, Earth Sciences, Economics, Community Studies, History, Molecular and Cell Biology, and Languages) practice some of its elements, including:

- Hiring core non-senate faculty through searches that describe a particular on-going position. In contrast, temporary non-senate faculty are hired by means of open pools. Just as senate faculty positions are filled by both non-tenured and tenured faculty members, core non-senate faculty positions can include both pre and post-six-year lecturers.
- Committing to an affirmative, good faith effort to make core appointments at as great a per cent time as possible and at no less than 50%, where there is instructional need.
- Affording core non-senate faculty members professional and departmental status comparable to their years of service, regardless of the per cent of an individual's appointment.
- Including core non-senate faculty in the hiring and review of non-senate faculty.
- Adopting review procedures for core non-senate faculty that make use of the best assessment practices in evaluating teaching and currency in the field.
- Supporting on-going professional development of core non-senate faculty. (This practice is now required by the Unit 18 contract and funded to a small extent by professional development funds. With this advance in the contract, divisions need to make contributions to the fund to ensure a fair distribution of resources.)
- Including core non-senate faculty in faculty and committee meetings and giving them, in the words of LALS, "a voice but not a vote" in curricular deliberations.
- Providing carefully defined equivalencies for non-course work, such as independent studies, thesis advising, general academic advising, and departmental committee work. (Rate cards in Music, Theater Arts, and Earth Sciences are notably thorough and clear.)
- Exploring the conversion of some core non-senate faculty positions into Lecturer with Security of Employment (SOE) positions.

As for best practices with regard to temporary non-senate faculty, many departments and programs follow their own best interests by actively orienting temporary non-senate faculty to the overall goals of the curriculum beyond the course or courses the non-senate faculty member is teaching, by formally putting non-senate faculty in touch with relevant senate faculty members, and by including them in the department's intellectual and social life. Best practices that apply to both core and temporary non-senate faculty include:

- Providing non-senate faculty with office space and computing resources commensurate with their teaching responsibilities.
- Avoiding unnecessary distinctions between senate faculty and non-senate faculty, e.g. integrating core non-senate faculty mail boxes into the alphabetical ranks of the senate faculty.

Finally, we point to two best practices at other UC campuses:

- The existence of a non-senate faculty association at UC Davis which, among other things, appoints the non-senate faculty members who sit as non-voting members on relevant Senate committees.
- Solutions to workload issues at UCLA, UCB, and other campuses which define full-time non-senate faculty positions as fewer than 8 courses that are standard here and/or include a course equivalency into each fulltime position to cover service to departments other than course work.

Section 2: Survey of Non-Senate Teaching Faculty on Participation in the Senate

This survey was sent by email to the full list of 342 lecturers, active during the academic year 2002-3. A little more than 6% responded, giving us a small, but representative sample. The respondents were uniformly in favor of participation in senate committees. A desire to be a part of the university community and to participate in the academic environment was often stated as the reason non-senate teaching faculty wanted to participate in senate service, but respondents also felt that the senate could benefit from their skills and knowledge in teaching, computing, and long range development. A few respondents believed that their perspectives on Education Abroad, the Library, and Student Affairs needed greater representation in forums with tenured faculty. The other committees singled out for special interest were the Committee on Teaching, the Committee on Educational Policy, and the Committee on Academic Freedom. According to both the senate by-laws and the Memorandum of Understanding, the Committee on Academic Freedom covers issues of academic freedom for non-senate faculty as well as senate faculty.

The issue of how non-senate faculty members would be selected to serve was addressed by posing a question concerning the desirability of a non-union committee on committees. Many respondents agreed that such a committee might be useful, but some thought that the present senate Committee on Committees could be expanded to include a non-senate faculty representative or appointments could be made through committees that included provosts, deans, and students. While respondents were willing to serve, several pointed to their high workload, often juggling work on more than one campus, as a deterrent to uncompensated service.

Our Committee recommends the Senate affirm its interest in including non-senate faculty. We encourage non-senate faculty to work out the means for selection of members and we urge the divisions to develop a means of compensation for senate service.

Section 3: The Memorandum of Understanding

The contract negotiations that prompted this investigation have ended and the contract has been signed. The new contract addresses a number of issues that this committee had on its agenda:

1. **SENATE-CONTRACT INTERFACE** The contract explicitly states that non-senate faculty rights of academic freedom are protected in accordance with the procedures of the Academic Senate. In cases of dismissal from employment, a non-senate faculty who has received a Notice of Intent to Dismiss may elect to have the proposed dismissal reviewed under the applicable Senate Review Procedures.
2. **CONTINUING APPOINTMENTS** The most significant change in the new contract is its redefinition of the employment status of post-six-year lecturers. Rather than having their excellence reconsidered every three years, non-senate faculty have a continuing appointment without an end date as do career librarians, and career staff—administrative, clerical, and custodial.
3. **NEED FOR PRE-SIX YEAR FACULTY** While the continuing non-senate faculty are generally more secure under the new contract, faculty in the first six years of employment are very much less secure. Article 7a of the MOU makes it clear that "[w]hen the University appoints [non-senate faculty] in their first six years of employment, the parties recognize that it does not do so intending that they will or will not achieve Continuing

Appointment status. The parties also recognize that legitimate practices or programs or needs may exist, or be established (including time-limited positions) that may have the effect of limiting pre-six year lecturer access to Continuing Appointments. Nevertheless, the University will not engage in activities or establish practices and/or programs for the purpose of denying to pre-six year non-senate faculty access to Continuing Appointments" (Section C, number 1). If excellent pre-six lecturers are not mentored and supported by senate faculty, they will not be available for sustained teaching and advising, and this will fall on senate faculty and already-overburdened staff. Instead of rotating pre-six lecturers in and out of departments, we recommend that departments establish procedures for reviewing them, setting up personnel committees and a schedule for reviews.

4. **MERIT REVIEWS** Under the new contract, post-six year non-senate faculty are reviewed for merit increases every three years. We recommend that each department develop procedures for these reviews, if they do not already have them in place.
5. **DECLINE IN PERFORMANCE** The contract specifies that a remediation plan should be imposed on a non-senate faculty when the department chair notices a "significant decline in performance." If the non-senate faculty does not meet the requirements of the plan, then a review of the academic qualifications or performance and instructional performance of the non-senate faculty should be conducted by the department. We recommend that departments set up procedures by which a decline in teaching quality will be ascertained and addressed.
6. **INSTRUCTIONAL NEED** Non-senate faculty are hired on the basis of instructional need. Some departments have on-going courses that have been taught by non-senate faculty and will be so in the foreseeable future. Other departments may be reluctant to commit particular parts of the curriculum to non-senate faculty because any time a course is added to the appointment of a continuing non-senate faculty member, it becomes part of his/her continuing appointment, unless the department can show that it is temporary according to reasons specified in the contract. Divisions have a key role in assuring that departments will be able to make these appointments with integrity and that on-going need is not disguised as temporary. We urge that Academic Human Resources, the divisions, and departments work together to make possible appointments that are both responsible, in terms of providing high quality instruction, and ethical in its application of principles of intellectual diversity.
7. **LAYOFF AND REDUCTION IN TIME** Under the new contract pre-six non-senate faculty can lose a course because of enrollment problems within 30 days notice (or pay in lieu of notice); post-six members can also lose one course with 30 days notice, and more than one course with 60 days notice. We strongly urge departments to conduct careful and systematic planning so that this sort of contingent hiring and firing can be avoided.
8. **PROCEDURES FOR PERFORMANCE REVIEWS** We recommend that departments establish procedures for reviewing non-senate faculty, including the formation of personnel committees, development of timetables or schedules of review, and specification of the materials to be included in the personnel file to be submitted by the non-senate faculty.
9. **WORKLOAD** The new contract has not made progress in this area; it keeps the maximum at nine courses in three quarters—on our campus the maximum is eight courses a year. A direct effect of this extremely demanding workload, especially for

writing faculty, is that they are typically hired at $\frac{3}{4}$ time, with devastating consequences on their ability to retire with any sort of sustainable income. We suggest a workload of six courses over three quarters with two courses equivalency for service in advising and other activities.

10. SECURITY OF EMPLOYMENT (SOE) Lecturers with Security of Employment are members of the Senate. We encourage more frequent use of this title for long-term post-six non-senate faculty. At present out of approximately 100 post-six non-senate faculty, this campus has 11 Lecturers with Security of Employment.

Section 4: Senate Grievance Procedures

The Committee took up the issue of the availability of Senate grievance procedures to non-senate faculty. Both the MOU and the senate by-laws make it clear that a non-senate member who has received a letter of intent to dismiss can have his or her case taken up by through the Senate or through the union process. Most other grievances must be handled through the union. The question of non-senate faculty grieving an alleged violation of procedure or policy by a senate member through the senate remains unresolved. While the senate may not be able to adjudicate a grievance from non-senate faculty, the senate leadership is committed to taking every effort possible to resolve complaints that fall in the area of our overlapping interests.

Section 5: Resolutions of the Santa Cruz Division

The Special Committee on Non-Senate Teaching Faculty urges the Santa Cruz Division to pass the following resolution not only in the spirit of incorporation of non-senate faculty into the community of scholars but also out of our concern for providing UCSC's students with the best possible education.

Whereas, non-Senate teaching faculty are indispensable to the educational mission of the University; and,

Whereas, union contracts and memoranda of understanding do not define all relations between non-Senate teaching faculty and the administration, their Departments, and their Senate colleagues; therefore, be it

Resolved, That at the University of California, Santa Cruz, the unqualified term "faculty" should be understood to include non-Senate teaching faculty as well as Senate faculty; and,

Resolved, That the Senate calls on the School of Engineering and the Divisions, and on the Departments, to actively seek to implement the best practices outlined in the report of the Special Committee on Non-Senate Teaching Faculty and to deal respectfully and responsibly with non-Senate faculty members; and,

Resolved, That the Senate calls on the UCSC administration, while developing procedures and interpretations for implementing union contracts and the MOU, to work to encourage, rather than hinder and discourage, the best practices outlined in the report of the Committee on Non-Senate Teaching Faculty; and

Resolved, That the Santa Cruz Division of the Academic Senate should develop procedures for the appointment of representative non-Senate teaching faculty as non-voting members of the following Senate committees: Academic Freedom, Admissions and Financial Aid, Education Abroad, Educational Policy, and Committee on Teaching.

Respectfully submitted,
SPECIAL COMMITTEE ON NON-SENATE TEACHING FACULTY

Joyce Brodsky
Carol Freeman
Jonathan Fox
Debra Lewis
Jaye Padgett
Donald Potts
Roz Spafford
Carolyn Martin Shaw, Chair

Non-Senate Teaching Faculty Representatives
Guilia Centineo
Sarah Rabkin

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