

MOTION to ADDRESS the de-professionalization of U.S. higher education.

1. Whereas a significant expression of the de-professionalization of US higher education is the growing reliance on part-time (50.7%) and contingent (75.5%) faculty members;
2. Whereas no data on part-time faculty pay and working conditions is required of institutions, as part of the mandated federal data collection system, which makes historical and institutional comparisons of part-time faculty pay and benefits difficult;
3. Whereas the MLA has been an important contributor to the 2012 Coalition on the Academic Workforce (CAW) survey, and has undertaken other internal efforts, which together have begun long overdue data collection and the formulation of guidelines on contingent and part-time faculty working conditions and pay;
4. Whereas the 2012 Coalition on the Academic Workforce (CAW) reports that the average pay for part-time faculty is less than \$3000/course, or \$24,000 for an average full-time equivalent (FTE) workload;
5. Whereas The Adjunct Project has assembled data from part-time faculty at over 2200 institutions that indicate a significant number of institutions in the United States pay less than \$2000 per course, or \$16,000 per year for an average FTE workload;
6. Whereas students, parents, high school guidance counselors, and even trustees in some districts are largely unaware of the pay and working conditions of part-time and contingent faculty;
7. Whereas many faculty members hired by the course are denied unemployment compensation between terms despite not having reasonable assurance of further employment;

BE IT MOVED that the MLA

ACTIVELY PROMOTE the establishment of more comprehensive, mandated, national part-time faculty and contingent working condition and pay data;

ENCOURAGE members' institutions to collect and publicize more data about part-time/full-time faculty ratios, as well as part-time faculty pay, and working conditions, to trustees, parents, students, and high school guidance counselors;

CREATE and PUBLICIZE a database of institutions whose part-time faculty pay and working conditions reach the MLA Recommendation on Minimum Per-Course Compensation for Part-Time Faculty Members;

ACTIVELY SUPPORT the NEA/New Faculty Majority request that the Department of Labor clarify that part-time faculty do not have a reasonable assurance of continued employment and thus are eligible for unemployment benefits between terms; and

SUPPORT part-time, contingent probationary non-tenured and allied tenured faculty in their efforts to improve the professional conditions of labor in higher education.

Submitted by

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Appendix A: Rise in tuition, expansion of the managerial class, for-profit education and construction.

Rise in Tuition:

- (From the *Huffington Post*, 8/15/2012)

“Cost Of College Degree In U.S. Has Increased 1,120 Percent In 30 Years, Report Says”
(extracted)

The cost of a college degree in the United States has increased "12 fold" over the past 30 years, far outpacing the price inflation of consumer goods, medical expenses and food. According to Bloomberg, college tuition and fees have increased 1,120 percent since records began in 1978.

Using this chart to explain its findings, Bloomberg reports that the rate of increase in college costs has been "four times faster than the increase in the consumer price index." It also notes that "medical expenses have climbed 601 percent, while the price of food has increased 244 percent over the same period."

This is not the first time in recent months that rising college costs have been in the news.

Earlier this year, the Associated Press reported the average tuition at four-year public universities had increased by 15 percent between 2008 and 2010. Private universities were also found to have had significant price increases. "Soaring tuition and shrinking incomes are making college less and less affordable," Sen. Tom Harkin (D-IA), chairman of the Senate Health, Education, Labor and Pensions Committee, told Bloomberg. "For millions of young people, rising college costs are putting the American dream on hold, or out of reach." Indeed, as tuition costs continue to rise and the national student loan debt hits \$1 trillion, some people have been left wondering if college is even worth it anymore. Education Secretary Arne Duncan told the Associated Press in June that lowering college costs needs to be priority for the whole country. "As a nation, we need more college graduates in order to stay competitive in the global economy," Duncan said. "But if the costs keep on rising, especially at a time when family incomes are hurting, college will become increasingly unaffordable for the middle class."

- (from *University World News* Issue 239. 09/16/2012)

“OECD – Fees and public support for tertiary students” (extracted)

Among the European countries for which data are available, only public tertiary institutions in Italy, The Netherlands, Portugal and the United Kingdom (government-dependent private institutions) charge annual tuition fees of more than US\$1,200 per full-time national student. The high entry rates into tertiary education in some countries that charge no tuition fees likely result in part from their highly developed student financial support systems to cover living expenses, not just the absence of tuition fees.

OECD countries in which students are required to pay tuition fees but can benefit from sizeable financial support do not have below-average levels of access to tertiary-type A (theoretical) education. Student financial support systems that offer loans with income-contingent repayment to all students combined with means-tested grants can be an effective way to promote access and equity while sharing the costs of higher education between the state and students.

Since 1995, 14 out of the 25 countries with available information had implemented reforms to tuition fees. Most of these reforms led to an increase in the average level of tuition fees charged by tertiary education institutions. In all of the 14 countries except Iceland and the Slovak Republic, the reforms were combined with a change in the level of public support available to students. Since 2009, further changes have been made to tuition fees and public support systems in various countries. For example, in the UK, tuition fees are scheduled to double or nearly triple in some universities in 2012, as part of a government plan to stabilise university finances. Similarly, in 2011 Korea implemented reforms to increase the level of public support available to students for higher education, with the goal of strengthening access and equity in tertiary-type A education.

Fee levels and student aid are hotly debated issues

[...] There are large differences among countries in the average tuition fees charged by tertiary-type A institutions for national students. In the five Nordic countries with more progressive tax structures – Denmark, Finland, Iceland, Norway and Sweden – and in the Czech Republic and Mexico, public institutions do not charge tuition fees. Ireland could also be included in this category, as the tuition fees charged by public institutions (for full-time undergraduate students from the European Union) are paid directly by the government. By contrast, tuition fees are higher in one-third of the countries and they reach more than \$5,000 in Korea and the United States. Meanwhile, in Austria, Belgium, France, Ireland, Italy, Portugal, Switzerland and Spain, students pay small tuition fees for tertiary type A education. Among the EU21 countries for which data are available, only The Netherlands and the United Kingdom have annual tuition fees that exceed \$1,500 per full-time national student.

Rise of the Managerial Class:

- “[UC now \[2012\] has more senior managers](#) (8,822 FTE) than ladder rank faculty (8,669 FTE).”

Rise of the For-Profits:

- (from “[Senate Report Paints A Damning Portrait](#) of For-Profits” by Michael Stratford. *Chronicle of Higher Education*. July 30, 2012. (extracted))

“For-profit colleges can play an important role in educating nontraditional students, but the colleges often operate as aggressive recruiting machines focused on generating shareholder profits at the expense of a quality education for their students.

That's the unflattering portrait of the for-profit higher-education industry detailed in a voluminous report officially released on Monday by the Senate Health, Education, Labor, and Pensions Committee. The report, which also criticizes the accrediting agencies that evaluate the colleges, concludes a two-year investigation into the operations of 30 for-profit higher-education companies from 2006 to 2010.

The effort was led by Sen. Tom Harkin, the Iowa Democrat who is chairman of the committee and has been a vocal supporter of increased government oversight of the for-profit industry.

Mr. Harkin said at a news conference on Monday that federal student aid spent at for-profit colleges, which totaled \$32-billion in 2009-10, had in many cases been "squandered" by companies that failed to graduate a majority of their students and poorly prepared them for jobs.

"These practices are not the exception," Mr. Harkin said. "They are the norm."

Profits Over Students

The report says that more than half of the 1.1 million students who enrolled in the colleges under scrutiny in 2008-9 had withdrawn by mid-2010. Those retention rates varied between publicly traded and privately held for-profit colleges. At the 15 publicly traded companies 55 percent of students withdrew, compared with 46 percent at the 15 privately held companies, many of which are owned by private-equity firms.

[...] One of the most significant themes of the report is the role of marketing and recruiting at for-profit colleges. The investigation found that most for-profit companies devote more resources to attracting students than they do to instructing them.

In 2009 the education companies that the investigation studied spent \$4.2-billion, or nearly 23 percent of their revenue, on "marketing, advertising, recruiting, and admissions staffing," compared with \$3.2-billion, or more than 17 percent of revenue, on instruction. During the same period, the companies' pretax profit amounted to slightly less than 20 percent of their revenue.

Of the five most profitable for-profit education companies in 2009, four spent more on marketing per student than they did on instruction per student.

The report also criticizes for-profit colleges for engaging in aggressive recruiting tactics that take aim at vulnerable populations. The companies created a "boiler-room sales atmosphere" for their recruiters, who were trained to capitalize on prospective students' fear and emotions, the report says.

By the Numbers

- More than half of the 1.1 million students who in 2008-9 were enrolled in colleges owned by the examined companies had withdrawn by mid-2010.
- In 2010 the for-profit colleges examined employed 35,202 recruiters, compared with 3,512 career-services staff and 12,452 support-services staff, which amounts to more than two recruiters for every student-service employee and 10 recruiters for every career-services staff member.
- Colleges owned by a company that is traded on a major stock exchange had 2008-9 withdrawal rates nine percentage points higher than the privately held companies examined. Among the 15 publicly traded companies, 55 percent of students departed without a degree, compared with 46 percent of students at the 15 privately held companies.
- In the 2009 fiscal year, the colleges examined spent:
 - \$4.2-billion (22.7 percent of all revenue) on marketing, advertising, recruiting, and admissions staffing.
 - \$3.6-billion (19.4 percent of all revenue) on profit.
 - \$3.2-billion (17.2 percent of all revenue) on instruction.

- 96 percent of students at for-profit colleges take out student loans, compared with 13 percent of community-college students, 48 percent of students at four-year public colleges, and 57 percent of students at four-year private nonprofit colleges.”

Expansion of Construction:

[“California state treasury sells \\$860 million worth of UC bonds”](#) by Charlie Smith. DailyCal.org. Feb 3, 2012

“The California State Treasurer’s Office sold \$860 million worth of University of California 100-year bonds, which will be used to fund capital projects at the university, to 70 large investors Tuesday. The money raised from the sale of the bonds — which mature over the course of a century and pay about 4.9 percent semiannual interest rates in May and November — will be used for long-term UC capital projects approved by the UC Board of Regents, according to UC spokesperson Dianne Klein. The bonds will also fund individual capital projects at UC Berkeley, UC San Diego and UCLA, including a portion of the repair of Memorial Stadium, according to Klein.

The UC originally anticipated an offering of \$500 million, but investor demand was so great that the amount was increased, Klein said in an email. According to UC Berkeley spokesperson Janet Gilmore, the campus is expected to receive 15 percent of the revenue from the bond sale. UC bond sales are part of standard operating procedure and take place a handful of times each year, but this sale was unprecedented because of its 100-year maturation period combined with the large value of the sale, according to Tom Dresslar, director of communications at the treasury. The 100-year bonds were designed to appeal to institutional investors, including insurance companies, hedge funds, banks and pension funds, whose interests span multiple generations, according to Klein. Dresslar said the bond sale is not “in any way a maneuver” to replace lost state funding to the UC’s general fund — it is a new source of revenue for future investments. “Bottom line is, they thought they were getting a good deal, and we thought we got a good deal,” he said. “It worked out for both sides.”

In August 2009, the UC announced that proceeds from approximately \$1.05 billion in federal stimulus “Build America Bonds” sold to the public would help fund about 70 capital projects on all ten UC campuses. In a press release following the 2009 bond sale, Moody’s, a ratings agency, explained the appeal of UC bonds in a shaky economy, since the university has the ability to raise its revenue by increasing student tuition despite state budget cuts. “In-state tuition has increased dramatically,” the press release stated. “And the out-of-state market remains a comparatively untapped resource that could provide additional growth in tuition revenue should State funding be cut further.” Fitch Ratings, a global ratings agency, gave the bonds AA+ status, stating in a Feb. 15 press release that the bonds’ outlook is “stable.” The rating, along with returns well above the approximately 3.2 percent interest rate for 30-year U.S. Treasury bonds, made the bonds appealing to financial markets. “These investors are betting that UC will still be around in 100 years and doing well,” Klein said in the email. “They view the University of California as a sound investment.”

UC Chief Financial Officer Peter Taylor said in a statement that the sale was a shrewd maneuver by the UC to capitalize on the current economic climate. “We are very pleased with

the final outcome of the transaction,” he said in the statement. “The University was able to opportunistically capture current market conditions and completed the transaction in under a month from execution start to finish.”

APPENDIX B: The de-professionalization of Higher Education.

(Part-time faculty numbers) From IES National Center on Education Statistics: (NCES [tables](#)) provide data up to 2009. Here is the range:

1970 369,000 (FT) 104,000 (PT)

2009 728,977 (FT) 710,167 (PT) That is, in 2009 50.7% faculty were FT

(Note: in the MOTION itself, we have used the historical average of a 1% change per year to arrive at the (2010) estimate of **50.7% PT**). The CAW data was from 2010.

Table 263. Number of instructional faculty in degree-granting institutions, by employment status, sex, control, and level of institution: Selected years, fall 1970 through fall 2009

Year	Employment status				Sex			Control				Level	
	Total	Full-time	Part-time	Percent full-time	Males	Females	Percent female	Public	Private			4-year	2-year
									Total	Not-for-profit	For-profit		
1	2	3	4	5	6	7	8	9	10	11	12	13	14
1970	474,000	369,000	104,000	77.8	--	--	--	314,000	160,000	--	--	382,000	92,000
1971 ¹	492,000	379,000	113,000	77.0	--	--	--	333,000	159,000	--	--	387,000	105,000
1972	500,000	380,000	120,000	76.0	--	--	--	343,000	157,000	--	--	384,000	116,000
1973 ¹	527,000	389,000	138,000	73.8	--	--	--	365,000	162,000	--	--	451,000	126,000
1974 ¹	567,000	406,000	161,000	71.6	--	--	--	397,000	170,000	--	--	427,000	140,000
1975 ¹	628,000	440,000	188,000	70.1	--	--	--	443,000	185,000	--	--	467,000	161,000
1976	633,000	434,000	199,000	68.6	--	--	--	449,000	184,000	--	--	467,000	166,000
1977	678,000	448,000	230,000	66.1	--	--	--	492,000	186,000	--	--	485,000	193,000
1979 ¹	675,000	445,000	230,000	65.9	--	--	--	488,000	187,000	--	--	494,000	182,000
1980 ¹	686,000	450,000	236,000	65.6	--	--	--	495,000	191,000	--	--	494,000	192,000
1981	705,000	461,000	244,000	65.4	--	--	--	509,000	196,000	--	--	493,000	212,000
1982 ¹	710,000	462,000	248,000	65.1	--	--	--	506,000	204,000	--	--	493,000	217,000
1983	724,000	471,000	254,000	65.1	--	--	--	512,000	212,000	--	--	504,000	220,000
1984 ¹	717,000	462,000	255,000	64.4	--	--	--	505,000	212,000	--	--	504,000	213,000
1985 ¹	715,000	459,000	256,000	64.2	--	--	--	503,000	212,000	--	--	504,000	211,000
1986 ¹	722,000	459,000	263,000	63.6	--	--	--	510,000	212,000	--	--	506,000	216,000
1987 ²	793,070	523,420	269,650	66.0	529,413	263,657	33.2	552,749	240,321	--	--	547,505	245,565
1989 ²	824,220	524,420	299,794	63.6	534,254	289,966	35.2	577,298	246,922	--	--	583,700	240,520
1991 ²	826,252	535,623	290,629	64.8	525,599	300,653	36.4	580,908	245,344	--	--	591,269	234,983
1992 ²	915,474	545,706	369,768	59.6	561,123	354,351	38.7	650,434	265,040	254,130	10,910	625,969	289,505
1995 ²	931,706	550,822	380,884	59.1	562,893	368,813	39.6	656,833	274,873	260,900	13,973	647,059	284,647
1997 ²	989,813	568,719	421,094	57.5	587,420	402,393	40.7	694,560	295,253	271,257	23,996	682,650	307,163
1999 ²	1,027,830	590,937	436,893	57.5	602,469	425,361	41.4	713,325	314,505	294,652	29,853	713,823	314,007
2001 ²	1,113,183	617,868	495,315	55.5	644,514	468,669	42.1	771,124	342,059	306,487	35,572	764,172	349,011
2002 ²	1,173,593	630,092	543,503	53.7	663,723	509,870	43.4	791,766	381,827	330,097	51,730	814,289	359,304
2005 ²	1,290,426	675,624	614,802	52.4	714,453	575,973	44.6	841,188	449,238	361,523	87,715	916,996	373,430
2007 ²	1,371,390	703,463	667,927	51.3	743,812	627,578	45.8	877,146	494,244	385,875	108,369	990,849	380,541
2009 ²	1,439,144	728,977	710,167	50.7	761,035	678,109	47.1	913,679	525,465	408,561	116,904	1,038,483	400,661

--Not available.

(Contingent Faculty numbers) From [Coalition of Academic Workforce Report \(2012\)](#).

“According to data from the United States Department of Education’s 2009 Fall Staff Survey, of the nearly 1.8 million faculty members and instructors who made up the 2009 instructional workforce in degree-granting two- and four-year institutions of higher education in the United States, more than **1.3 million (75.5%)** were employed in contingent positions off the tenure track, either as part-time or adjunct faculty members, full-time non-tenure-track faculty members, or graduate student teaching assistants.”

Additional supporting documents:

Basu, Kaustuv. "[Non-Tenure-Track Economics](#)" *Inside Higher Education* June 20, 2012

A much-awaited survey on adjunct working conditions, released today, finds what many have long suspected: Adjuncts don't make much money, they receive little support in terms of professional development from the institutions where they teach, and most would accept a full-time tenure-track position if it were offered to them.

But even though the findings may sound familiar, experts said the crowdsourced survey, which received 10,000 responses from part-time faculty members, provided detailed knowledge of adjunct work conditions. They hoped that as a result of the study, college administrators would pay more attention to part-time faculty, the largest group of postsecondary teachers in the country.

The survey, by the Coalition on the Academic Workforce, a group that includes 26 disciplinary associations and unions among others, found that pay for adjunct and part-timers was "strikingly low," with half of those who answered the 2010 survey saying that their annual personal income is less than \$35,000 and two-thirds saying that they make under \$45,000. "A significant number of these faculty members were part of a household that fell below the 2009 median household income in the United States: 21.6 percent reported a household income under \$35,000, and 30.2 percent reported a household income under \$45,000," said the report. (According to the American Association of University Professors, an associate professor at a master's-level public university had an average salary of \$60,612 in 2010-11.) "

And, the survey itself:

[Coalition on the Academic Workforce Summary \(CAW\)](#) (2012):

Key Findings

While the report provides details on demographics, working conditions, and professional support as reported by the faculty respondents who indicated they were teaching part-time in fall 2010, several key indicators stand out that show how heavily colleges and universities are relying on part-time faculty members while failing to support them adequately.

- ◆ The median pay per course, standardized to a three-credit course, was \$2,700 in fall 2010 and ranged in the aggregate from a low of \$2,235 at two-year colleges to a high of \$3,400 at four- year doctoral or research universities. While compensation levels varied most consistently by type of institution, part-time faculty respondents report low compensation rates per course across all institutional categories.

- ◆ Part-time faculty respondents saw little, if any, wage premium based on their credentials. Their compensation lags behind professionals in other fields with similar credentials, and they experienced little in the way of a career ladder (higher wages after several years of work).
- ◆ Professional support for part-time faculty members' work outside the classroom and inclusion in academic decision making was minimal.
- ◆ Part-time teaching is not necessarily temporary employment, and those teaching part-time do not necessarily prefer a part-time to a full-time position. Over 80% of respondents reported teaching part-time for more than three years, and over half for more than six years. Furthermore, over three-quarters of respondents said they have sought, are now seeking, or will be seeking a full-time tenure-track position, and nearly three-quarters said they would definitely or probably accept a full-time tenure-track position at the institution at which they were currently teaching if such a position were offered.
- ◆ Course loads varied significantly among respondents. Slightly more than half taught one course or two courses during the fall 2010 term, while slightly fewer than half taught three or more courses.”

APPENDIX C: Data about data.

“What is [is IPEDS?](#)

IPEDS is the Integrated Postsecondary Education Data System. It is a system of interrelated surveys conducted annually by the U.S. Department’s National Center for Education Statistics (NCES). IPEDS gathers information from every college, university, and technical and vocational institution that participates in the federal student financial aid programs. The Higher Education Act of 1965, as amended, **requires that institutions that participate in federal student aid programs report data on enrollments, program completions, graduation rates, faculty and staff,** finances, institutional prices, and student financial aid. These data are made available to students and parents through the [College Navigator](#) college search Web site and to researchers and others through the [IPEDS Data Center.](#)”

[Tables from IPEDS:](#)

Only 5 of the 22 tables break out the PT/FT faculty. More importantly there is evidently no mandated requirement to report benefits or pay data for part-time faculty, while there are **12 tables of comparative data on Full time faculty pay and benefits**, going back to 1970. In

short, we know virtually nothing about the history of pay and benefits on a national, obligatory reporting scale, even from last year.

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Appendix D

Josh Boldt, founder of the [Adjunct Project](#) created a crowdsourced spreadsheet to collect pay, benefits, and union representation data from over 2200 institutions in the spring of 2012. This is one of the best sample of pay and working conditions that has been done. Below is one screen (of a 70 page spreadsheet), which shows the reported pay for a 3-credit course in some colleges in Tennessee.

ADJUNCT PROJECT

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US

Adjunct Project : US Stats				
Middle Tennessee State University	TN		\$1700 (PhD)	N
Miller-Motte Technical College (Delta Education)	TN	General Education	starts at \$1250/course/quarter	N
Nashville State Community College	TN	English	\$1,476	
Nashville State Community College	TN	English	\$1,476	N
Nashville State Community College	TN		\$1,525	
Nashville State Community College	TN	Technical and Engineering	\$1,794	N
Nashville State Community College	TN	English	\$1,500	N
Nashville State Community College	TN	biology	10 TCL \$5,250	N
Nashville State Community College	TN	English	\$1500 to \$1700	N
Northeast State Community College	TN	Humanities	\$1,500	
Rhodes College	TN		\$4000 (\$5000: PhD)	N
Roane State Community College	TN	Humanities	\$1,485	Y
Southwest Tennessee Community College	TN	English	\$1,500	Y
Southwest TN Community College	TN	Sociology	\$1,500	
Southwest TN Community College	TN	Business	\$2,100	
Tennessee State University	TN	Criminal Justice	\$2,100	N
Tennessee State University	TN		\$2,000	N
Tennessee Tech University	TN	English	\$1,800	N
US Stats				

APPENDIX E

Guest Commentary: Adjunct professors are hiding in plain sight, *Denver Post*

POSTED: 04/29/2012 01:00:00 AM MDT

By Jonathan Rees

Retail employees, food service workers, call center operators: These, we are told, are the low-paying jobs of the future. Unfortunately, that list would be incomplete without including one of the fastest growing job titles at the business networking site LinkedIn: adjunct professors. Between 2007 and 2011, the number of people describing themselves there this way grew by almost 40 percent.

Adjunct professors are not a new presence in American universities. They have been around since the 1970s. However, their numbers have increased dramatically recently just as tuition has spiked too. According to a recent report by the American Federation of Teachers' higher education division, three quarters of faculty employed in American colleges and universities are now part-time workers on limited term contracts.

[...]

Despite their near-universal presence in American higher education, most students and their parents don't know anything about adjunct faculty members, nor do they understand the difference between adjuncts, lecturers and tenure-track faculty. After all, everyone tends to call whoever is at the front of the classroom "professor."

See also The "[Just Ask](#)" campaign of the AFT, which offers students, parents and guidance counselor a workbook to help them ask the right questions about colleges, including the numbers and working conditions of adjuncts. It has been endorsed as an important tool by the Executive Director of the American School Counselor Association, the President of the US Student Association, and the National Coordinating Committee of United Students Against Sweatshops.

APPENDIX F: Unemployment Benefits for Contingent Academic Workers

The Cervisi decision in California finds that “ A contingent assignment is not a "reasonable assurance" of continued employment within the meaning of section 1253.3.” Despite this, most part-time faculty are denied. Data gathered through NFM’s National Unemployment Compensation Initiative (www.nfmuci.org) show that institutions regularly and improperly contest contingent faculty unemployment claims and that state agencies do not always understand that reasonable assurance, by definition, does not apply to contingent faculty.

Cervisi Decision: Sample Ohio decision reflecting university effort to improperly challenge a UI claim by an adjunct, and positive ruling by hearing officer. However, the adjunct was still denied benefits because he did not appeal the challenge to his claim by his second college out of fear he would not be offered any more teaching assignments there. A UIPL could help spare adjuncts from having to engage in lengthy appeals, discourage institutions from contesting claims, and eliminate inconsistencies in the application of the law.

ISSUE

From May 9, 2010 through August 21, 2010, did the claimant have a contract or a reasonable assurance of employment with the University of Akron for the University of Akron's 2010 fall semester?

LAW

Benefits based upon work for a school shall not be paid for any week of unemployment which begins during the period between two school terms, if the individual worked in the first term and has a reasonable assurance of work at a school in the next term. 4141.29 (I) (1) (a) (b) O.R.C.

REASONING

The Ohio Ninth District Court of Appeals stated in the decision in *Univ. of Akron v. Ohio Dept. of Job & Family Servs.*, 2009-Ohio-3172, that:

{¶14} At the outset, we note that the Revised Code does not provide a definition of the term “reasonable assurance.” See *Allen v. Administrators, OBES*, (May 14, 1997), 1st Dist. No. C-960705, at *2 (explaining that the legislature amended the statute, completely deleting any reference to the definition of “reasonable assurance”). The University urges us to apply the definition of “reasonable assurance” set forth in *Allen* wherein the First District relied on the school board’s definition of “reasonable assurance” as “a mere likelihood that employment could occur.” *Id.*

{¶15} Webster’s Dictionary provides a different definition of “assurance” than the one set forth in *Allen*. Webster’s defines “assurance” as a “pledge” or “guarantee.” Merriam-Webster’s Eleventh Collegiate Dictionary (2005) 75. “Reasonable” is defined by Webster’s as “moderate” or “fair.” *Id.* at 1037. Read together, reasonable assurance is defined as a moderate guarantee. This definition evokes far more certainty than a “mere likelihood.” See *Allen*, *supra*, at *2. However, assuming the definition set forth in *Allen* was plausible, we are not bound by the decisions of our sister courts. *State v. Coleman*, 9th Dist. No. 06CA008877, 2006-Ohio- 6329, at ¶9.

Based on the decision in *Univ. of Akron v. Ohio Dept. of Job & Family Servs.* as referred to above, an *absolute guarantee* is not needed for there to be a “reasonable assurance,” but at least a *moderate guarantee* is needed for there to be a “reasonable assurance.” With respect to the employer’s bylaws that reappointments of part-time faculty members “confer no expectancy whatsoever of continued employment,” the Hearing Officer is not persuaded that the claimant had at least a *moderate guarantee* of employment with the University of Akron for the University of Akron’s 2010 fall semester at any time from May 9, 2010 through August 21, 2010.

Even though Redetermination #220680740-2 is now reversed, the claimant is still not eligible for benefits for the period of May 9, 2010 through August 21, 2010 based upon his educational base period employment due to the ruling in Redetermination #220680741-2.

APPENDIX G: MLA recommendations for per course Compensation

From Michael Berube's blog post following the NFM January 2012 Summit

[....]

Jack Longmate's presentation at the summit made the same point in a different way: he set out a long-term agenda for the treatment of the non-tenure-track faculty that contained a daunting thirty goals—sixteen of which, from human rights to governance, didn't involve any expenditure of funds. But at some point, I thought, the other fourteen goals have to be on the table as well. Because even in that happy world where non-tenure-track faculty members have adequate due process and participation in departmental governance, their labor will still be dehumanizing if it doesn't garner a living wage with health benefits. The MLA's recommendations on per-course compensation (we say “for part-time faculty members,” but the principle holds for full-time non-tenure-track faculty members as well) read as follows:

Following a review of best practices in various institutions, the MLA recommends minimum compensation for 2011–12 of \$6,800 for a standard 3-credit-hour semester course or \$4,530 for a standard 3-credit-hour quarter or trimester course. These recommendations are based on a full-time load of 3 courses per semester (6 per year) or 3 courses per quarter or trimester (9 per year); annual full-time equivalent thus falls in a range of \$40,770 to \$40,800.

As far as we can tell from the data we have collected thus far, only 7% of departments in the modern languages are meeting or exceeding this recommendation (yes, some are exceeding it). If institutions are going to do anything to improve the working conditions of non-tenure-track faculty members, then sooner or later (and preferably sooner) they will have to show that they respect those employees not simply by including them in departmental governance and inviting them to departmental functions but also by paying them a salary commensurate with a decent level of professional respect and dignity.

Appendix H

[MLA recommendations:](http://www.mla.org/committee_contingent)

http://www.mla.org/committee_contingent

Professional Employment Practices for Non-Tenure-Track Faculty Members:

Recommendations and Evaluative Questions

Committee on Contingent Labor in the Profession

June 2011

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PROFESSIONAL EMPLOYMENT PRACTICES FOR NON-TENURE-TRACK FACULTY MEMBERS: RECOMMENDATIONS AND EVALUATIVE QUESTIONS

Non-tenure-track faculty members now constitute a majority of the faculty in higher education in the United States and Canada. The premise of this document is that both students and institutions will be better served when policy and practice reflect the important role played by these professionals.

Acknowledging the reality of a broad range of academic appointments with corresponding variations in responsibility, this document nonetheless presumes that establishing long-term, regularized positions for as many faculty members as possible is in the best interest of institutions and higher education generally. The term “non-tenure-track” is used to designate those faculty members working on a continuing basis—full-time or part-time, in per-course or contractually limited appointments—without job security or the prospect of advancement to tenure lines or tenure equivalents.

This document endorses and extends the work of the MLA’s Academic Workforce Advocacy Kit; the recommendations made in the MLA’s 2003 Statement on Non-Tenure-Track Faculty Members; and the 2008 report *Education in the Balance*, which argues that the profession “must ensure that those colleagues employed outside the tenure track have the appropriate salaries, working conditions, status, rights and responsibilities, and security of employment.”

We call particular attention to the following recommendations of the 2003 statement:

- Non-tenure-track (NTT) faculty members should be hired by means of long-term planning whenever possible, to provide for extended terms of appointment consistent with institutional needs, thereby also providing sufficient job security to encourage and support continuing involvement with students and colleagues. NTT faculty members should ideally be hired on three-year contracts with full benefits; after six years, they should be eligible for longer-term review; past six years, they should be given longer (five- or six-year) contracts and be allowed to participate in departmental governance regarding NTT lines.
- NTT faculty members should be incorporated into the life of the department to the fullest extent possible, short of participation on department committees pertaining to the evaluation of tenure-track faculty members. They should have regular offices, mailboxes, access to departmental communications, telephone and computer access, parking permits, library access,

after-hours access to buildings, and access to departmental staff.

- NTT faculty members should be considered for tenure-track jobs alongside new PhDs whenever plausible and practicable. NTTs should additionally be given equal consideration for jobs at their home institution (presuming that their home institution is not their PhD granting institution) whenever that institution converts NTT lines to the tenure track.
- NTT faculty members should be fully informed of their terms of employment and fully aware of the possibilities and consequences of departmental review. Each appointment should include a clear contractual statement of expectations and assignments, including in-class teaching and such other responsibilities as course preparation, student advisement, and service. Each appointment should be made in a timely fashion that allows NTT faculty members adequate time for course preparation.
- NTT faculty members should be provided with orientation, mentoring, and professional support and development opportunities, including campus grant programs, access to sabbatical opportunities, support for travel for research, and support for participation in professional conferences.
- NTT faculty members should be reviewed annually with regard to salary levels and opportunities for professional advancement and promotion. Evaluations should be conducted in accordance with established, written criteria for departmental review, and departments should establish procedures for appeal or grievance in the event that an NTT faculty member alleges substantial violations of such criteria.

Building on the 2003 statement, this document offers recommendations in five general areas for improving the professional standing of faculty members who hold non-tenure-track appointments. A series of questions under each recommendation aims to assist individuals and departments in evaluating policy and practice in their own institutions and programs. A high number of affirmative responses corresponds with a high level of professionalization for members of the non-tenure-track faculty. However, this document does not attempt to quantify thresholds of affirmative responses that could be taken to register institutional conditions as “below standard,” “standard,” or “above standard.” Rather, the purpose is to help faculty members, departments, and institutions identify areas of policy and practice where progress has been made and areas where change can and should be sought.

I. HIRING AND ASSESSMENT

Hiring and assessment practices should be standardized, transparent, and fair, with institutions prioritizing the creation of long-term, regularized positions that create a stable faculty that is committed to the institution.

- Does your department have established procedures for hiring non-tenure-track faculty members (including last-minute hires)?
- Are hiring decisions made by committee?
- Are job responsibilities spelled out precisely at the point of hire for faculty members in all appointments?

- In the case of part-time appointments, does the job description specify what percentage of a full-time equivalent the job represents?
- Are multiyear contracts prioritized?
- Are the means of accruing seniority transparent?
- Are there mechanisms for converting qualified non-tenure-track faculty members to tenure lines?
- Are performance reviews regularized?
- Are performance reviews appropriate to the term length of the appointment?
- Do performance reviews move beyond student evaluations to include, for example, classroom observations, reviews of dossiers or teaching statements, and the like?
- Are all non-tenure-track faculty members evaluated using the same assessment instruments and standards?
- Do evaluative criteria account for the full range of intellectual and academic work done by non-tenure-track faculty—including, for example, the development of pedagogical materials and testing vehicles, online teaching activities, participation in professional meetings, and training in new methodologies?

II. COMPENSATION AND PROFESSIONAL ADVANCEMENT

Compensation scales should be transparent; non-tenure-track faculty members should be compensated commensurate with their qualifications and responsibilities and in a manner that takes account of the full range of their labor. All faculty members should have access to advancement opportunities that allow for a progressive career path.

- Do non-tenure-track faculty members at your institution receive salary increases, including for merit, when tenure-line faculty members receive raises?
- Do non-tenure-track faculty members have health, retirement, and other employment benefits?
- Are non-tenure-track faculty members informed of the benefits available to them?
- Are non-tenure-track faculty members compensated for labor beyond teaching—including, for instance, committee work, advising, course development?
- Do non-tenure-track faculty members have access to advancement opportunities, whether through a system of academic ranks or through an alternative system of recognition and seniority accrual? (Alternatives might include, for example, longer appointment lengths.)

III. PROFESSIONAL RIGHTS AND RESPONSIBILITIES

Non-tenure-track faculty members should have access to the material necessities that enable their daily work and should be welcome participants in academic planning and faculty governance. Non-tenure-track faculty members should be guaranteed academic freedom; they should also have the right, after an established probationary period, to due process before termination.

- Do non-tenure-track faculty members at your institution have access to standard

electronic communication tools with students (such as e-mail, Web pages, grading systems, attendance alerts)?

- Do non-tenure-track faculty members have access to private spaces for meeting with students?
- Are non-tenure-track faculty members free to teach, study, and publish without threat of discrimination or reprisal?
- Are non-tenure-track faculty members made aware of the institution's grievance procedures?
- Are non-tenure-track faculty members allowed due process before termination after an appropriate probationary period?
- Do non-tenure-track faculty members sit on faculty committees?
- Are non-tenure-track faculty members included in relevant curricular discussions and decisions, such as textbook selection, development of testing procedures, course or program assessments, or conversations about recruitment and retention of students?

IV. PROFESSIONAL DEVELOPMENT AND RECOGNITION

The full range of labor performed by non-tenure-track faculty members should be supported, recognized, and developed to nurture the intellectual and academic engagement that is vital to all instructional work in higher education.

- Are non-tenure-track faculty members at your institution eligible for awards, honors, and recognitions?
- Do you sponsor professional development activities for non-tenure-track faculty members? These may include support for travel; funding for books, software, or professional memberships; opportunities to learn or share teaching ideas; or an established mentoring program.
- Are non-tenure-track faculty members included in technology training—for example, for upgrades in computer systems or software releases?
- Are non-tenure-track faculty members supported in their efforts to secure internal and external funding related to professional development?
- Do non-tenure-track faculty members participate in regular professional development activities in the department?

V. INTEGRATION INTO THE LIFE OF THE DEPARTMENT AND INSTITUTION

All faculty members should be included in the professional identity and community life of their departments and institutions.

- Are non-tenure-track faculty members at your institution included by name or given a profile on departmental Web sites?
- Do tenure-track faculty members regularly interact with non-tenure-track faculty members?
- Do non-tenure-track faculty members attend department meetings?

- Do non-tenure-track faculty members participate in unofficial department activities, such as book clubs, theater outings, museum visits, or concerts?
- Do non-tenure-track faculty members represent the department or institution in interactions with outside entities and organizations?
- Do non-tenure-track faculty members perceive themselves as members of the department?