

Two key desiderata have guided our work throughout our deliberations and are reflected in every one of the following recommendations:

Improvements in instructor status and security, if they are to be effective and lasting, need to speak to *the interests of all faculty* on campus and to our campus mission.

Improvements in instructor status and security go hand in hand with the development of a *climate of meaningful review* that will benefit the entire faculty and serve all of our students.

The general findings of our Committee, summarized above, led to 18 specific recommendations. The Committee placed high priority on recommendations that were focused, pragmatic, and addressed real problems on campus. We likewise placed high priority on recommendations that could be implemented at the campus level by making greater or more proactive use of existing administrative tools and policies. Our recommendations fall into three categories:

Clarification and enforcement of current policy. These recommendations speak to many of the concerns about the status accorded to instructors and the sometimes negative climate in which they work:

1A: A firm requirement for departments to update and adhere to by-laws with respect to broad participation of instructors in unit affairs.

1B: All instructor letters of agreement (aka contracts) should consider workload requirements in ways that allow for performance and evaluation of service.

1C: Treatment of instructors (and other non-tenure-track faculty) must be a specific and required aspect of performance reviews of department chairs, program directors, and deans.

1D: Conflict resolution services and grievance procedures should be responsive to the needs of instructors.

1E: Each unit should put in place a system of instructor mentoring.

1F: Any lecturer who has taught at 50% or more for at least three years should be considered by the unit for appointment as a rostered instructor; the school/college and campus administration should assist the unit in making this change possible.

1G: The Boulder Faculty Assembly, in concert with the Office of Faculty Affairs, is charged with reporting regularly on the status and conditions of instructors, and on the implementation and coordination of policies pertaining to instructors.

Contractual issues in employment and career management. These pragmatic recommendations call

BACKGROUND

Committee Charge

In brief, the charge given to the Committee (BFA-X-M-092809) seeks

The Committee sees its work as an extension of prior discussions on campus regarding contingent faculty. Specifically, the following reports and documents:

Academic Freedom

Academic freedom is in one respect already protected for all faculty and students by the Laws of the Regents (5.D) However, h

Because contract non-renewal can be perceived as unwarranted or even, in the rare instance, as capricious, there is a need for clarity regarding the grounds for non-renewal. Likewise, there need to be consequences for the unit that will not renew an otherwise qualified instructor even as it hires a replacement.

Program discontinuance affects instructors and senior instructors in ways that extend far beyond its effect on tenured faculty, leaving instructors with decades of service entirely vulnerable and unprotected.

Instructor letters of agreement (aka contracts) are often written in cookie-cutter fashion and fail to take advantage of how individual instructors can best contribute to the unit

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RECOMMENDATIONS

The Focus and Scope of the Following Recommendations

Two key desiderata have guided our work throughout our deliberations and are reflected in every one of the following recommendations:

should be reviewed to ensure that instructor issues can be readily and expeditiously addressed. Unit and school/college policies and procedures should also be reviewed in this light.

Recommendation 1E: *Each unit should put in place a system of instructor mentoring.*

The Committee finds that effective mentoring can help integrate instructors into the unit and can help advise instructors on issues of career management. The specific implementation of such a mentoring system should be based on the needs of each unit and the needs of the instructors in that unit.

Problem: Many departments and programs make continued use of the same lecturers year after year, in ways that fill a need that is clearly not temporary but ongoing. This state of affairs does a disservice to these lecturers and likewise disregards the important distinction between lecturers and instructors

Recommendation 1F: *Any lecturer who has taught at 50% or more for at least three years should be considered by the unit for appointment as a rostered instructor; the school/college and campus administration should assist the unit in making this change possible.*

With this recommendation, our Committee endorses a position that was first espoused in the Instructor Bill of Rights (IBOR) and more recently endorsed by the 2007 BFA Task Force on Instructors (chaired by Jeff Mitton) s response to the recommendations of that Task Force in 2009. This change in appointment from lecturer to instructor assumes a successful and rigorous review. The impediment to the implementation of this recommendation is generally not the willingness of the unit or the qualifications of the lecturer but the lack of funds to cover the differential in salary. Because this recommendation speaks directly to the distinction between lecturers and instructors that is relevant to all faculty on campus, we believe units should be assisted financially in such appointments by the respective school/college and by campus administration.

Problem: In the course of its deliberations, our Committee was struck by a pervasive failure of communication between instructors and other faculty and between instructors and various levels of administration. Such failure of communication becomes more apparent in times of crisis, precisely when effective communication is absolutely essential. Ongoing responsiveness to the needs and issues of instructors requires better channels of communication and more consistency, transparency, and accountability. The occasional task force or ad-hoc committee might initiate recommendations, but their ongoing implementation requires structural changes.

Recommendation 1G:

Problem:

Program discontinuance

Moreover, increases in workload make it difficult for instructors to teach courses on an overload basis (often necessary to make a go of it in expensive Boulder County). Thus, these workload increases, which make an overload course part of the regular load, represent a significant net decrease of earnings (currently about \$9,000 annually)

Problem: Instructors can serve the campus for many years without a clear sense of how secure their jobs are or the legal standing of their letters of offer (aka contracts). Much of this has to do with the uncertain legal environment in which the university is working concerning multiyear letters of offer for its instructional staff. To its credit, the campus has by and large favored multi-year letters of offer. We urge the campus to clarify, to the extent that it can, the contractual status of letters of offer and to extend the length of multiyear letters of offer.

Recommendation 2G: *To the full extent permitted by law, the campus should offer long-term (multi-year), presumptively renewable contracts to both instructors and senior instructors.*

This recommendation endorses the position taken by the 2007 BFA Task Force, which recommended contracts up to six years in length. We recommend that the norm for instructor contracts be three to four years, and the norm for senior instructor contracts be four to six years. The clear presumption for these contracts should be that they are renewable. Non-renewal would need to meet the tests discussed in Recommendation 2C. After an initial shorter contract (often two years long, as a sort of probationary period), we believe that instructors who perform well in their reappointment review should receive contracts of three to four years. Senior instructors, given their promotion review and multiple prior reviews, should receive contracts of four to six years. Reappointment review should occur in the academic year prior to the end of the contract for all instructors and senior instructors beyond the initial probationary contract. Regarding the issue of the timing of the reappointment review, we offer the following recommendation (2H, targeting a subset of senior instructors) as a companion to the present recommendation (2G, addressing all instructors and senior instructors).

Problem: There is a significant problem with current letters of agreement (aka contracts). Job security issues for long-term instructors loom large, even when they have multiyear contracts and have served the campus for decades. An especially critical moment occurs near the period of contract

contracts for senior instructors.) More intensive periodic reviews would still be conducted every three or four years, and it is possible for senior instructors, based on poor performance, to become ineligible for this provision. Apart from the practice of resetting the end date of the contract each year, this proposal changes little in current practice about how contracts are written or administered. This technical adjustment would help establish some degree of job security for senior instructors and a longer planning horizon in the event of contract non-renewal. This recommendation addresses problems with the currently very narrow window for contract renewal that represents a serious injustice to long-term non-tenure-track faculty who have distinguished records.

Problem: Lack of a differentiated career path for instructors/senior instructors who have a national profile or are otherwise competitive for a tenure-track position with a teaching emphasis. Many instructor positions are no longer temporary or short term but have become career positions. Career management issues -15 years ago. Long-time teaching faculty need a career path that extends beyond senior instructor, and clear recognition/reward for long-term career achievement. For the campus, the problem lies in how to reward/encourage/retain such instructors, and more effectively tap into their skill set, when the instructor rank offers few opportunities for career management.

Recommendation 2I: *The campus should award the title of “Senior Instructor of Distinction” to a subset of highly qualified senior instructors.*

Although technically honorific, this designation senior instructor of distinction would in effect create a third rank in the instructor class of faculty. It would be easy to implement as a policy specific to our campus, as it does not require system or regential approval. (This recommendation parallels the practice of awarding this title to outstanding full professors in the College of Arts and Sciences.) Review for this distinction would be rigorous and is intended to honor senior instructors (with a total of ten or more years of service on campus) whose teaching, scholarship, and/or service is truly exceptional. The life-time award would come with a modest a

The Committee is fully aware that the creation of the proposed tenure ranks for teaching faculty involves the participation and good will of the other campuses, as they review their own situation and arrive at their own recommendations. We invite that discussion and offer whatever assistance we can provide to aid in those deliberations. Having studied the situation on the Boulder campus, this Committee has arrived at its recommendation.

We emphasize that our recommendation is to create a *new series*

APPENDIX: COMMITTEE CHARGE

APPENDIX

SURVEY OF NON-TENURE-TRACK FACULTY

From the 2007 BFA Task Force Report, available on the web at
http://www.colorado.edu/FacultyGovernance/resources/Instructors_Task_Force_Recommendations.pdf

opportunities to serve in administrative positions (59%).

Results to questions about perception of respect and job security were especially interesting. While 66% of NTTF responded positively to the question of whether their department treated them with respect, and half said that they did not feel constrained in the classroom because of their at-will status, over half (51%) said they did feel constrained in expressing opinions to tenure-track faculty and administrators.

Responses to two questions suggested a high level of insecurity. An extremely low percentage (9%) agreed that the university offers sufficient protection against arbitrary termination of contracts or non-reappointment for instructors and lecturers. Only 12% agreed that there were adequate grievance procedures for dealing with a conflict between them and their supervisor.

As far as improvements in job parameters, there was exceptionally positive response (71%) to the idea of lengthening the span of multi-year instructor contracts to six years rather than the present three-to-four years.

A high percentage felt that the present level of pay is not a fair match for their qualifications (66%) or for the work performed (64%). As one kind of remediation, the chance to teach an overload class for a proportionate addition in compensation was generally popular (only 21% disagreed). At the same time, the idea of revising instructor appointments to a 4-4 load with the same proportionate addition in compensation met with one of the highest levels of disapproval in the survey (48% disagreed or strongly disagreed).

The need for an office with which to speak with students with confidentiality was the one question which showed significant differences in response according to position. Eighty per cent of Senior Instructors agreed their office situation was acceptable, while only 34% of Lecturers did. Instructors fell in the middle, with 61% positive response and 36% negative response.