

**HOUSE . . . . . No.**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

**Steven J. D'Amico**

*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 passage of the accompanying bill:

An Act to maintain faculty and college excellence in the Commonwealth.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Steven J. D'Amico	4th Bristol

# The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

## 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 institution of higher education  
2 shall, beginning in 2010, and in each succeeding year, subject to collective bargaining with the exclusive  
3 representatives of the full time and part time faculty at the public institution of higher education,  
4 increase the share of courses taught by full time tenure and tenure track faculty such that by 2015, at  
5 least seventy five percent of the state supported undergraduate courses offered on each campus of  
6 each public institution of higher education for three or more credits shall be taught by tenured or tenure  
7 track faculty.

8 SECTION 2. Notwithstanding any law or regulation to the contrary, all part time and adjunct faculty  
9 shall, subject to collective bargaining with the exclusive representatives of the full time and part time  
10 faculty at the public institution of higher education, receive pay that is equal, on a pro rata basis, with  
11 that of full time non-tenure track faculty of comparable qualifications doing comparable work.

12 SECTION 3. Notwithstanding any law or regulation to the contrary, a part time or other non-tenure  
13 track faculty member at a public institution of higher education carrying at least fifty percent of the  
14 established teaching load of tenure track faculty over the course of a twelve month calendar year, shall  
15 be eligible for the same healthcare benefits as tenure track faculty members.

16 SECTION 4. Notwithstanding any law or regulation to the contrary, a part time or non-tenure track  
17 faculty member employed at a public institution of higher education shall be eligible for participation in  
18 the retirement plans available to tenure track faculty members at that public institution of higher  
19 education.

20 SECTION 5. Notwithstanding any law or regulation to the contrary, each public institution of higher  
21 education shall establish a process under which part time and other non-tenure track faculty, after  
22 successful completion of a probationary period, receive timely notice of and priority consideration,  
23 consistent with other institutional and state policies, for part time and non-tenure track teaching  
24 assignments. The provisions of this section are subject to collective bargaining between the public  
25 institution of higher education and the exclusive representatives of part time and non-tenure track  
26 faculty

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

36 SECTION 7. Notwithstanding any law or regulation to the contrary, there shall be created at each public  
37 institution of higher education a Faculty Restoration and Equity Fund. In each year subsequent to the  
38 passage of this legislation, the state shall make appropriations to the Faculty Restoration and Equity  
39 Fund at each public institution of higher education in an amount sufficient to:

40 (1) Advance one-fifth of the way toward meeting the five year goal of increasing the number of  
41 undergraduate courses taught by tenure and tenure track faculty members to seventy five percent in  
42 each institutional department; and

43 (2) Advance one-fifth of the way toward meeting the five year goal of ensuring that part time  
44 and other non-tenure track faculty receive fully comparable pay and benefits to full time tenure and  
45 tenure track faculty.

46 These funds shall be used to meet the goals of this legislation.

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