

Contracts Task Force Report

Submitted December 12, 2022

Task Force Members: Christine Pawliuk (Chair), Tracy Brady, Thomas Conway, and Jared Orsi

Colorado State University (CSU) has made great strides in improving the culture for CCA faculty over the past decade. Recent changes providing contract and continuing faculty access to positions on Faculty Council, Faculty Council standing committees, and departmental shared governance have promoted a more inclusive culture for CCAF. However, policies meant to reduce contingency among CCAF have stalled in recent years, to the detriment of faculty and the university. In addition to faculty retention and well-being, CCAF job security enhances the quality of teaching at CSU by strengthening academic freedom. Academic freedom is essential for faculty to share cutting edge, sometimes provocative, innovative ideas in the classroom. Without their positions secured by contracts and other measures, CCA faculty have told us that they hesitate to introduce certain potentially controversial topics into the classroom, fearful that a few complaints from disgruntled students could easily jeopardize their jobs. The students, the university, and the American polity are poorly served by a system that encourages faculty to self-sensor in the name of job security. Therefore, everything we can do to enhance the security of the positions of CCA faculty also improves the quality of classroom instruction.

The system of adjunct-continuing-contract approved by Faculty Council in 2018 was meant to create a ladder towards more employment stability as an individual faculty member gained experience over many years working at CSU. This includes provisions in the Faculty Manual limiting the number of semesters a faculty member can be continually appointed to an adjunct position ([E.2.1.5.iii](#)) and providing a mechanism for long-term continuing appointment faculty to request consideration for a contract appointment ([E.2.1.5.g](#)). Anecdotal evidence suggests that adjunct and continuing faculty are not migrating to contract appointments in large numbers. The task force is working with IR (Institutional Research) to extract exact data to confirm or refute this. We should be able to supply that data in January.

To investigate this problem, the task force conducted an online, anonymous survey of CCAF. This survey was distributed to all CCAF faculty via email and received 275 responses. In fiscal year 2022, there were 779 CCA faculty at CSU, so this is a response rate of approximately 35%. The data collected was not shared beyond the task force; review and analysis of the data was conducted by task force members. The main takeaway from the results of this survey is there is a lack of clarity about the current system, especially the difference between contract and continuing appointments. Approximately 16.8% of participants believe that there is no difference between contract and continuing appointments, and the most common written comment when asked about the advantages of each type was a variation of “I don’t know.” Furthermore, there is a lack of transparency in who has contracts, how appointment types are chosen, and how to ask for a contract if a faculty member would like to request one. When asked if they knew the criteria for receiving a contract in their department, 76% of faculty said they did not. In addition, 83% said they did not know the criteria they needed to meet to request a contract.

Recommendations to Achieve Transparency and Clarity:

- According to the Faculty Manual “A continuing faculty member who has been employed with this appointment type for at least ten (10) semesters shall be given serious consideration for conversion to a contract faculty appointment” ([E.2.1.4.h](#)) and “These appointments may be

offered at any time at the discretion of the department.” (E.2.1.4) With this in mind, we recommend:

- Departments should be required to develop and follow criteria for faculty to be eligible for contracts.
- Departments codes should reflect the spirit of the Manual and remove any exclusive language that narrows eligibility for contracts (such as only offering contracts to terminal degree holders, professor track or special work projects). This will help clarify who is eligible and when.
- Faculty Manual language should include “see departmental code” for details.
- Faculty Council should provide units with strong guidance, so that units keep with spirit of the Manual policy in terms contract eligibility.
- Faculty Manual language should shift responsibility to department heads or their designees to inform faculty when they are eligible for contracts.
- Units should improve transparency around appointment types. We recommend more education for unit heads and others responsible for communicating with faculty on employment, particularly on the differences between contract/continuing appointments. Units should clarify the advantages of contracts over continuing (at-will) appointments for their faculty. Advantages can be clarified through established communication channels, department codes, and contract language. CoRSAF and CoNTTF (information on website) can help units educate their faculty.

Recommendations to Differentiate Contracts from Continuing Appointments

- Assuming satisfactory performance, contracted faculty appointments should mirror tenured faculty with the expectation that they will remain as contracted faculty
- To achieve that stability, assuming satisfactory performance, contracts should be expected to be renewed after their end dates
- In addition to the Faculty Manual stipulation that department heads respond to faculty contract requests with a written denial or approval (E.2.1.4.h), we recommend revising the Manual to require that faculty be provided written reasons if a contract is allowed to expire and not renewed
- The Provost’s office should remove language from the contract template about financial support—language not seen in Tenure/Tenure Track appointments—because there is also language below about financial exigency in the event of the university lacking cash reserves. In addition, the contract template alters the word “contract” in the language required by the state, replacing it with “appointment.” This should be changed to reflect the original language in the legislation.
 - “If it is not renewed, your appointment reverts to an at-will continuing appointment at the end of the contract period. Your contract will continue for the term identified herein, assuming your satisfactory performance, ~~adequate financial support for the position,~~ and your compliance with University policies and procedures”
 - This is included in the same paragraph: “pursuant to Colorado law, the terms of your appointment may be unenforceable if, during the term of your appointment, the Colorado State University System or Colorado State University (i) ceases to be an enterprise, as defined in section 20(2)(d) of article X of the state constitution; and (ii)

lacks present cash reserves sufficient to pledge irrevocably to satisfy the terms of your ~~appointment~~-contract.”

With the creation of pathways to promotion as well as contracts, the university has reached what academic labor researcher Adrianna Kezar refers to as level three or the “Inclusive level” of the four institutional “cultures” for non-tenure track faculty (“Gauging Climate for Non-Tenure Track Faculty” Colleen Flaherty, Inside Higher Education, August 2015). It is time to explore how this institution can reach the highest level in which CCA faculty have full equity with their tenure track peers.

The American Association of University Professors’ (AAUP) contends that before 1970 most tenure-track appointments were teaching intensive. However, since 1970, although teaching intensive appointments have grown, most of these appointments have been off the tenure track. The report lays out the negative impacts for students, for academic freedom, and for faculty themselves, resulting from this shift toward hiring off the tenure track. AAUP states “The best practice for institutions of all types is to convert the status of contingent appointments to appointments eligible for tenure with only minor changes in job description.” (AAUP Report, “Tenure and Teaching Intensive Appointments,” 2010 with revisions in 2014) Although there are not many institutions that have achieved such a transition yet, we have found some successful models such as the one adapted by Worcester Polytechnic Institute.

In 2012, Worcester Polytechnic Institute (WPI) wanted to improve conditions for the numbers of non-tenure track faculty. WPI created new titles as well as pathways to promotion for its contingent faculty. At the time, the idea of tenure for teaching faculty was considered out of the question. By 2018, WPI realized that without the protection of tenure, contingent faculty remain in a vulnerable position without academic freedom or job security. As such, WPI convened a new task force which took the bold step of creating a teaching track for tenure. The goals of the university included conversion of 40% of contingent faculty to tenured teaching lines by August 2023, and longer-term contracts for the remaining 60%. A WPI case study conducted by the Delphi Project on Changing Faculty and Student Success indicated that “at WPI, the design and implementation of a tenure track for teaching faculty and the other changes for remaining CCAF began to resolve some intractable problems in higher education, such as the erosion of tenure and academic freedom, the precarious status of contingent faculty, and the weakening of faculty governance. These systemic improvements grant teaching faculty at WPI the professional identity and esteem currently missing in many institutions across the country.” (“Systemic Improvement for Teaching Faculty and Expansion of Tenure for Teaching at Worcester Polytechnic Institute, Jordan Harper and Adrianna Kezar, The Delphi Project on Changing Faculty and Student Success, <https://www.wpi.edu/offices/faculty-governance>)

It is time for CSU to explore such ideas to create genuine equity for all faculty and secure the academic freedom that enables the best possible teaching. The task force did not have time this semester to investigate these kinds of models deeply and is interested in continuing to concentrate on investigating these models in spring 2023.