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# The Inclusion in Governance of Faculty Members Holding Contingent Appointments

(JANUARY 2013)

*The report that follows was prepared by a joint subcommittee of the Association's Committee on Contingency and the Profession and the Committee on College and University Governance, was approved by both parent committees, and was adopted as policy by the AAUP Council at its November 2012 meeting.*

## I. Introduction

As the AAUP has documented time and again, the proportion of faculty appointments that are “contingent”—lacking the benefits and protections of tenure and a planned long-term relationship with an institution—has increased dramatically over the past few decades and continues to increase. While awareness of the problem is also growing, its magnitude is obscured by institutional practices that assign teachers and researchers to many different employment statuses, some of which do not use the word “faculty”: lecturers, senior lecturers, adjuncts, instructors, non-tenure-track faculty, nonsenate faculty, unranked faculty, postdocs, visiting faculty, professors of practice, research assistants, teaching assistants, co-adjutants, affiliates, specialists, clinical faculty, and so on. Using a broad definition of faculty that includes graduate-student employees as well as full- and part-time instructors regardless of title, the AAUP has calculated that by 2009—the latest year for which national data are available—75.6 percent of US faculty appointments were off the tenure track and 60.5 percent of US faculty appointments were part-time appointments off the tenure track, including graduate-student-employee appointments. These figures underrepresent post-doctoral fellows, a growing category of appointment on some campuses and in some disciplines. Though many people inside and outside of higher education think of tenure-track appointments as the norm, in

reality tenure-track faculty are a dwindling minority on American campuses: while in 1975, tenure-track faculty accounted for 45.1 percent of the instructional staff, by 2009 they accounted for only 24.4 percent.<sup>1</sup>

The structures of faculty governance, however, as well as AAUP policies on the subject, tend to assume a faculty that is primarily full time and on the tenure track. The participation in institutional and departmental governance of faculty holding contingent appointments is uneven, with some institutions encouraging it, some allowing it, and some barring it.

Because of this disconnection between the realities of faculty status and prevailing practices and policies of the profession, two AAUP standing committees, the Committee on Contingency and the Profession and the Committee on College and University Governance, established this joint subcommittee to study the issues and develop recommendations for the inclusion in governance of faculty holding contingent appointments.

In order to get a better sense of the range of existing practices, the subcommittee developed an informal survey requesting information on various aspects of existing practices regarding the

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1. AAUP, “It’s Not Over Yet: The Annual Report on the Economic Status of the Profession, 2010–11,” *Academe*, March–April 2011, 7, fig. 1, <http://www.aaup.org/reports-publications/2010-11salarysurvey>.

participation of contingent faculty in governance: eligibility to serve, the existence of seats in institutional governance bodies reserved for such faculty, policies to ensure academic freedom, compensation for service, and recommendations about how to improve the current situation. A pilot version of the survey was distributed at the August 2010 Conference of the Coalition of Contingent Academic Labor, and a revised version was distributed to eight hundred faculty senate leaders during the 2010–11 academic year. The subcommittee received 125 responses from senate leaders, most (88.7 percent) of whom were at either doctoral or comprehensive institutions; in many cases, the responses were only partial, with respondents skipping some questions. While the survey's informal nature, its concentration on certain types of institutions, and many incomplete responses mean that its findings cannot be reliably generalized, the responses received were illuminating. Indeed, one of the most frustrating aspects of the survey, the high number of "not sure" responses from senate leaders to questions about policies at their own institutions, suggests that better training of faculty leaders is sorely needed.

The survey responses indicated, not surprisingly, that faculty in part-time, postdoctoral, or graduate-student-employee positions are less often included in governance than their full-time non-tenure-track colleagues. Three-quarters of respondents indicated that at their institution, full-time non-tenure-track faculty are eligible to serve in governance roles. Only about a quarter indicated that part-time faculty are eligible, and the percentages reporting eligibility for graduate-student employees (5.8 percent) and postdoctoral fellows (2.9 percent) were extremely low. The majority (63.7 percent) indicated that their institution does not have seats in governance bodies reserved for contingent faculty members.

A majority of respondents who reported that at least some faculty holding contingent appointments are eligible to serve in governance also reported limits on such eligibility or service: 43.1 percent reported limits on the number of full-time non-tenure-track faculty who are allowed to serve; 37.6 percent reported that such faculty must possess particular qualifications, such as a specified minimum teaching load or a certain type of appointment, in order to participate; and 67.9 percent reported that there are specific types of governance activities from which non-tenure-track faculty are barred (in most cases, committees that deal with personnel issues).

A substantial majority of respondents (88 percent) indicated that non-tenure-track faculty are not compensated for their service in governance; 43 percent, however, said that service is taken into consideration in evaluation.

A majority—62.4 percent—indicated that their institution has policies to ensure academic freedom and shared governance rights for non-tenure-track faculty. However, the responses did not give a clear picture of the nature and enforceability of these policies (in part because the question was overly broad).

In short, the current state of affairs couples a steadily rising proportion of faculty on contingent appointments with a system in which such faculty are only sometimes included in departmental and institutional governance structures.

This state of affairs is problematic, first, because it undermines faculty professionalism, the integrity of the academic profession, and the faculty's ability to serve the common good. The Association's 2003 statement *Contingent Appointments and the Academic Profession* thoroughly discussed the many ill effects of contingent appointments generally, ranging from sharply diminished protections for academic freedom to exploitative working conditions to the lack of a consistent faculty presence for students.<sup>2</sup> The effect of contingency on governance is to cut off many faculty members from participation in an integral part of faculty work. The fact that a large percentage of faculty do not participate in governance activities is alarming in the context of a larger trend toward "unbundling" faculty work—an extreme instance of which can be seen in online or for-profit institutions that pay one "employee" to design a curriculum and then employ a cadre of part-time "employees" to deliver the material, with little permissible variation or exercise of professional judgment and no job security. Sometimes, tests or other learning assessments are written or administered by yet another part-time "employee."

The current state of affairs is also problematic because it undermines equity among academic colleagues. The causes and repercussions of a system in which some faculty receive vastly more compensation, privilege, autonomy, evaluation, information, professional support, and respect than others extend far beyond governance. But the routine exclusion of

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2. AAUP, *Policy Documents and Reports*, 10th ed. (Washington, DC: AAUP, 2006), 98–114, <http://www.aaup.org/report/contingent-statement>.

some faculty from department meetings, curricular planning, and other governance activities does much to foster the sense of inequity. On the other side of the divide, the proportion of full-time or tenure-track faculty appointments in some departments and institutions is dwindling, and those who hold such appointments are overburdened with governance responsibilities as the pool of colleagues eligible to share this work shrinks.

Perhaps most important is that the exclusion of so many faculty from governance activities undercuts the ability of the faculty to carry out its responsibilities in this area. When half or more of the faculty at an institution may not participate in meetings of the faculty senate, when decisions about revisions to a course are made without input from those who teach it, or when the majority of a department's faculty has no voice in the selection of its chair, something is amiss. While these problems are by no means universal—governance structures vary widely both among institutions and among academic units within an institution—they are widespread. And as the percentage of tenure-track faculty at an institution dwindles, any governance system that relies primarily upon them to represent the faculty's views becomes less representative, less effective, and more easily bypassed.

While the exclusion from governance of faculty holding contingent appointments is problematic, their inclusion is also problematic. For unsalaried part-time faculty, participating in departmental or institutional governance often means putting in many additional hours for little or no compensation. Such faculty often get no formal recognition or credit for governance activities (and, depending on the type of activity, may even have it counted against them). Faculty on term contracts cannot be assured that they will be able to complete long-term projects. At some institutions, faculty holding contingent appointments may have different qualifications or job duties from their tenure-track colleagues, raising questions about their ability to contribute meaningfully—if at all—to tenure-track hiring, promotion, and tenure decisions. Most problematic is the fact that, by definition, contingent faculty are not protected by tenure and so may be particularly vulnerable to retaliation for actions or positions taken in carrying out governance duties; for the same reason, they may be more susceptible to pressure from administrators or other faculty than are tenure-track faculty.

The difficulties of including faculty who hold contingent appointments in governance activities are

not trivial, and we discuss them in detail in what follows. However, we conclude that, on the whole, the exclusion from governance of faculty with contingent appointments is the greater danger to the integrity of the profession and the quality of higher education. In order for the faculty's voice to be heard and for the faculty to retain its ability to contribute substantially to academic decision making, the expectation of service in governance must be expanded beyond tenured and tenure-track faculty as it has been expanded in the past: a century ago senior faculty members generally were the sole participants in university governance. In what follows, we discuss aspects of faculty participation in governance and make recommendations for how such participation can be broadened.

## **II. Relevant AAUP Policies**

Recommendations for the participation in governance of faculty holding contingent appointments must grow from the circumstances of higher education today, discussed above, and also from AAUP policies and principles, discussed in this section. The AAUP, along with other higher education organizations, has long asserted that academic freedom, due process, and shared governance are indispensable to the mission of colleges and universities to serve the common good. Association policy statements provide the basis for guidelines to enable faculty holding contingent appointments to participate effectively in college and university governance while being protected from threats of retaliation or intimidation.

The joint 1940 *Statement of Principles on Academic Freedom and Tenure*, formulated with what is now the Association of American Colleges and Universities and endorsed by more than two hundred educational organizations and disciplinary societies, identifies the components of academic freedom for faculty as “full freedom in research and in the publication of the results,” “freedom in the classroom in discussing their subject,” and freedom to “speak and write as citizens” (freedom in extramural utterances).<sup>3</sup> The 1940 *Statement* identifies tenure as the means by which academic freedom is best protected and outlines the safeguards of academic due process that tenure affords. Thus, full-time faculty members should serve a probationary period not to exceed seven years; at the conclusion of this period, faculty who have met the institution's stated criteria should be granted “permanent or continuous tenure.” The statement further identifies the procedural safeguards that accompany tenure.

Importantly for this report on faculty holding contingent appointments, the 1940 *Statement* asserts that a probationary faculty member “should have the academic freedom that all other members of the faculty have.”<sup>4</sup> Interpretive Comments appended to the statement in 1970 observe that “the 1940 *Statement* is not a static code but a fundamental document designed to set a framework of norms to guide adaptations to changing times and circumstances.” The fourth Interpretive Comment, concerning extramural utterances, asserts that “[b]oth the protection of academic freedom and the requirements of academic responsibility apply not only to the full-time probationary and the tenured teacher, but also to all others, such as part-time faculty and teaching assistants, who exercise teaching responsibilities.”<sup>5</sup> Thus, the 1940 *Statement* with its 1970 Interpretive Comments is careful to establish its adaptability to changing conditions and to apply its principles to faculty members beyond the full-time tenured and tenure-track faculty.

The *Statement on Government of Colleges and Universities*, jointly formulated in 1966 by the AAUP, the American Council on Education, and the Association of Governing Boards of Universities and Colleges, assigns to the various components of colleges and universities different degrees of authority in institutional governance, depending upon the responsibilities of those components. So, for example, the statement assigns to faculty joint responsibility with the administration and the governing board for the formulation of general educational policy, planning, physical resources, budgeting, presidential searches,

and external relations. However, because of its special responsibilities—and expertise—in the teaching and research functions of an academic institution, the faculty has “primary responsibility for such fundamental areas as curriculum, subject matter and methods of instruction, research, faculty status, and those aspects of student life that relate to the educational process.” Since the faculty has primary responsibility in these areas, its decisions should only rarely be overridden by the administration and only for “compelling reasons which should be stated in detail.” The statement observes that “[a]gencies for faculty participation in the government of the college or university should be established at each level where faculty responsibility is present. An agency should exist for the presentation of the views of the whole faculty.”<sup>6</sup>

The Association’s 1994 statement *On the Relationship of Faculty Governance to Academic Freedom* establishes the reciprocal relationship of faculty governance and academic freedom: “[A] sound system of institutional governance is a necessary condition for the protection of faculty rights and thereby for the most productive exercise of essential faculty freedoms. Correspondingly, the protection of the academic freedom of faculty members in addressing issues of institutional governance is a prerequisite for the practice of governance unhampered by fear of retribution.” The statement warns that faculty must participate in the structures of their governance systems because “if they do not, authority will drift away from them, since someone must exercise it, and if members of the faculty do not, others will.”<sup>7</sup>

With the publication in 2003 of *Contingent Appointments and the Academic Profession*, the Association addressed the full range of issues posed by the proliferation of non-tenure-track or “contingent” faculty appointments. Among those appointments the statement included full- and part-time faculty, adjuncts, postdoctoral fellows, and graduate-student employees who “undertak[e] independent teaching activities that are similar in nature to those of regular faculty.” The 2003 statement recommends that contingent appointments include “the full range of faculty responsibilities”: teaching, scholarship, and service. Also recommended is the protection of academic freedom through tenure or, for part-time faculty after successive reappointments, the “assurance of

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3. *Ibid.*, 3, <http://www.aaup.org/report/1940-statement>. Another aspect of academic freedom implied in the 1940 *Statement*, but not stated explicitly, relates to faculty members’ role in governance as “officers” of the institution. According to the executive summary of a 2009 AAUP report, which draws upon the Association’s 1994 statement *On the Relationship of Faculty Governance to Academic Freedom* (discussed below), “The academic freedom of a faculty member pertains to both (1) speech or action taken as part of the institution’s governing and decision-making processes (for example, within a faculty committee or as part of a grievance filing) and (2) speech or action that is critical of institutional policies and of those in authority and takes place outside an institution’s formal governance mechanisms (such as e-mail messages sent to other faculty members).” “Executive Summary: Protecting an Independent Faculty Voice: Academic Freedom after *Garcetti v. Ceballos*,” *Academe*, November–December 2009, 64–65, <http://www.aaup.org/report/protecting-faculty-voice>.

4. AAUP, *Policy Documents and Reports*, 4.

5. *Ibid.*, 6.

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6. *Ibid.*, 139, <http://www.aaup.org/report/1966-statement-government-colleges-and-universities>.

7. *Ibid.*, 141, 143.

continuing employment.”<sup>8</sup> The statement recommends extending shared governance responsibilities to “all faculty at an institution, including those appointed to less-than-full-time positions.”

As noted above, the AAUP has described the 1940 *Statement* as “not a static code” but rather a document that sets forth norms that can guide changes in changing circumstances. It views academic freedom and academic responsibility as applicable not only to tenured and probationary faculty members but to “all others . . . who exercise teaching responsibilities.” The 1994 statement on faculty governance and academic freedom articulates the necessary reciprocal relationship between academic freedom and academic governance and urges faculty to participate in governance to prevent the loss of those powers of governance to the administration. The 2003 statement on contingent appointments recommends that such appointments include service as well as teaching and research. The statement also advocates the extension of shared governance responsibilities and opportunities to “all faculty,” including part-time faculty.

Drawing upon these earlier policy documents, we set forth here the principles that form the basis of the recommendations in this report:

1. “Faculty” should be defined inclusively rather than exclusively; faculty status should not be limited to those holding tenured or tenure-track appointments.
2. Faculty members who hold contingent appointments should be afforded responsibilities and opportunities in governance similar to those of their tenured and tenure-track colleagues.
3. Faculty governance must be exercised to be real.
4. Academic freedom and governance reinforce each other. While governance work helps to support faculty status, a secure faculty is a prerequisite for free participation in governance.

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8. *Ibid.*, 99, 104, 106. Regulation 13 (on “Part-Time Faculty Appointments”) of the *Recommended Institutional Regulations on Academic Freedom and Tenure* (2006 revision), <http://www.aaup.org/report/RIR>, sets forth additional procedural protections for holders of part-time appointments. These include a written statement of the terms and conditions of every appointment; a written statement of cause, with an opportunity for a faculty hearing, when the faculty member is to be dismissed before an appointment expires; a written statement upon request of reasons for nonreappointment, with the opportunity for review of the decision by a faculty body; and, for those retained beyond seven years of service, an evaluation potentially leading to tenure where part-time tenure is granted or to a continuing appointment with procedural safeguards against replacement by another part-time faculty member.

5. All faculty members should be afforded academic freedom and due-process protections, whether they hold tenured, tenure-track, or contingent appointments.

### **III. Recommendations**

We make the following recommendations for including faculty members holding contingent appointments in governance.

#### **A. Definition of Faculty**

In some AAUP policy documents, ambiguity results from a tendency to treat the concept of “faculty” as if its definition were self-evident. For example, the *Statement on Government’s* assertion that “[f]aculty representatives should be selected by the faculty according to procedures determined by the faculty” begs the question of who the faculty are. Does a system in which only tenured or tenure-track faculty can decide upon election procedures that apply only to tenured or tenure-track faculty meet the standard of fairness?

Our informal survey asked respondents about which appointments are included in their institution’s definition of faculty and found that while almost all institutions, as would be expected, include in the definition those who hold full-time tenure-track appointments, practice is split on full-time non-tenure-track faculty (84.5 percent include them), part-time non-tenure-track faculty (69.8 percent), graduate-student employees (9.5 percent), and postdoctoral fellows (6 percent). Defining “faculty” is no simple task, given variations in job duties and overlap between academic and administrative duties. Luckily, it has already been attempted, in the joint *Statement on Faculty Status of College and University Librarians*, adopted by the AAUP’s Council in 1973:

Librarians perform a teaching and research role inasmuch as they instruct students formally and informally and advise and assist faculty in their scholarly pursuits. Librarians are also themselves involved in the research function; many conduct research in their own professional interests and in the discharge of their duties.

Where the role of college and university librarians . . . requires them to function essentially as part of the faculty, this functional identity should be recognized by the granting of faculty status. Neither administrative responsibilities nor professional degrees, titles, or skills, per se, qualify members of the academic community for faculty

status. The function of a librarian as participant in the processes of teaching and research is the essential criterion of faculty status.<sup>9</sup>

We base our definition of faculty on the joint *Statement on Faculty Status of College and University Librarians*, adding to it the proviso that participation in the processes of teaching and research must be professional in nature (therefore, for example, a student conducting student-level research would not qualify). The definition clearly includes individuals appointed as teachers, whether full or part time, on or off the tenure track. But a number of difficult-to-classify appointment types still exist, prominent among them graduate-student employees, postdoctoral fellows, and administrators.

The terms and conditions of graduate-student employment vary widely, from staffing a desk to working in a laboratory to designing and teaching one or more courses independently, and several factors play into a determination of which graduate-student employees qualify as faculty: status as a “participant in the processes of teaching and research,” independent exercise of professional judgment, and activity that is not conducted primarily for the graduate student’s own education. Employment consisting of nonacademic tasks does not meet this standard; nor does activity, even if in support of teaching or research, that does not require professional judgment—for example, enrolling subjects in clinical trials or making photocopies for a course packet. Nor does work that is academic but not independent in nature: tutoring undergraduates, grading papers or tests in courses taught primarily by someone else, running discussion sections, and doing lab work requiring skill and judgment in a research project designed and run by someone else. Engagement in teaching and research activities that do require professional judgment may still not qualify the graduate student as a contingent faculty member if the primary purpose of those activities is to educate the student—for example, independently teaching a limited number of courses or receiving financial support (commonly termed a “fellowship”) from the university to conduct research toward a degree. Individuals engaged in these activities may have a claim to representation in institutional governance as students or staff members, but those claims do not fall under the purview of this report. At the other end of the spectrum, as *Contingent*

*Appointments and the Academic Profession* describes it, is “the person who teaches independently, perhaps for many years, but not in a probationary appointment, while he or she completes a dissertation.” The statement clearly identifies such persons as faculty: “To the extent that a person functions in [this] group, undertaking independent teaching activities that are similar in nature to those of regular faculty, the term ‘contingent faculty’ should apply.”<sup>10</sup> By extension, it would also apply to the analogous group among research-oriented graduate-student employees: those who secure funding either from the university or from an outside granting agency to conduct research independently while at the same time providing essential work for a lab.

The 2003 statement also includes in its definition of contingent faculty “postdoctoral fellows who are employed off the tenure track for periods of time beyond what could reasonably be considered the extension and completion of their professional training.”<sup>11</sup> Postdoctoral fellowships, like research-oriented graduate-student employment, are ideally training programs, providing for a brief period of mentored research preparatory to an academic or scientific career. Comprehensive data on length of postdoctoral appointments do not exist, but it is certain that many now continue far longer than required for training purposes and are often exploited for the cheap labor that they provide to universities. According to the National Postdoctoral Association, the average postdoc is in his or her early thirties, works more than fifty hours a week, and earns a median salary of \$38,000 a year (below the median wage of individuals who hold bachelor’s degrees), despite the fact that postdocs, by definition, hold terminal degrees.<sup>12</sup> While postdocs may perform fairly routine laboratory work, they also typically focus at least some of the time on their own research and publications. Many postdocs thus meet the criteria for being defined as “faculty.” These would include the relatively small number of postdocs outside of the sciences, where “postdoctoral fellow” is often another euphemism for “non-tenure-track, short-term faculty member.”

Classification is also difficult when administrative and teaching or research duties overlap in the same

9. AAUP, *Policy Documents and Reports*, 155. The text of the *Statement on Faculty Status of College and University Librarians* was revised in 2012, after this report was written.

10. *Ibid.*, 99.

11. *Ibid.*

12. “About the National Postdoctoral Association,” last modified February 19, 2010, <http://www.rutgersaaup.org/postdoc/postdoc-fact-sheet-2010.pdf>.

individual. In these instances we believe that those individuals who hold such appointments should be defined as “faculty” if their primary responsibility is teaching or research, rather than administration.

**RECOMMENDATION 1:** Institutional policies should define as “faculty” and include in governance bodies at all levels individuals whose appointments consist primarily of teaching or research activities conducted at a professional level. These include (1) tenured faculty, (2) tenure-track faculty, (3) full- and part-time non-tenure-track teachers, (4) graduate-student employees and postdoctoral fellows who are primarily teachers or researchers, and (5) librarians who participate substantially in the process of teaching or research. Those individuals whose primary duties are administrative should not be defined as faculty.

#### **B. Eligibility to Serve on and Vote in Elected Governance Bodies**

The question arises whether restrictions should be placed on the participation of contingent faculty in governance. Reasons advanced in favor of restrictions include the limited knowledge of the institution that contingent faculty are supposed to have because of their short-term contracts; the fact that some individuals may teach “on the side” while having primary careers in another field; the possibility that, either because they teach at multiple institutions or because they hold other jobs, faculty on part-time contingent appointments have looser ties to the institution than their full-time counterparts; the logistical difficulties posed by part-time and short-term appointments; and the possibility that faculty on contingent appointments are beholden to department chairs or administrators for their continued employment and may therefore be likely to seek to please these individuals in the exercise of governance activities.

On the first reason, we note that many faculty members who hold contingent appointments, despite the fact that those appointments are often contractually short term, serve in the same departments for years or decades and may have considerable experience—a good deal more than the recently appointed tenure-track faculty members who are usually permitted to serve in governance. Of course, it is also true that many contingent appointments are genuinely short term, and it may be the case that newly appointed individuals serving in such positions are unable to contribute usefully to certain aspects of departmental or institutional governance.

We therefore see no reason why an institution or a department, if it wishes, should not establish a time-in-service threshold for certain governance activities—for example, one year of service before a new faculty member is eligible to run for the faculty senate. This concern, however, applies equally to all faculty—full and part time, tenure track and contingent—and thus any restriction should apply equally to all faculty as well. If such a requirement for full-time faculty were expressed in calendar time (for instance, a year), it would have to be translated into terms (for instance, two semesters) for part-time faculty, in order to avoid excluding those who teach intermittently. It should also be noted that many contingent faculty have more multi-institutional experience than their tenure-track colleagues and that this experience is valuable in all governance functions as well as in other roles, such as teaching and research.

The second reason (having a primary career in another field) we recognize as the more serious concern, although a rarer case than some suppose. Many faculty members serving in contingent appointments are in fact career academics: retirees from tenured appointments or individuals who have been unable to secure tenure-track appointments but work full time or nearly full time in academia, often by piecing together part-time jobs. The classic depiction of the part-time faculty member as a practicing patent attorney or cellist who offers his or her specialized expertise on the side is a relative rarity. Such cases, however, do exist, and there are institutions or departments where many, perhaps a majority, of the faculty are individuals without much academic experience or interest, who would identify themselves primarily not as faculty but as members of some other profession who happen to be teaching a course. The possible danger, then, is that if faculty members on part-time appointments are granted full participation in governance activities, the faculty whose primary profession is not academic would outnumber and could outvote other faculty.

The third reason (weak ties to and investment in the particular institutions) is predicated on a similar concern. In both of these cases, we conclude that (a) some governance participation is appropriate, (b) the assumption of major leadership roles may be inappropriate but is unlikely to occur, and (c) faculty governance systems have for decades dealt with similar issues as they pertain to full-time tenured faculty, without resorting to barring them from governance service. Since the part-time faculty in question here

do teach courses, they are members of the faculty, are experienced with their courses and their students, and should be involved in curricular planning and similar work. While it would likely not be appropriate for a person who either has another career or teaches at several institutions and has little interest in the one in question to assume a major faculty leadership role, such a person would be unlikely to stand for election to an important governance role and would be unlikely to get elected. Finally, we reiterate that these concerns also pertain to full-time tenure-line faculty. Institutions have found ways to accommodate “star” faculty who come in once a week to teach a graduate seminar, faculty who have little interest in their institution, and faculty with substantial clinical practices or consulting businesses without denying them a role in the system of faculty governance.

The fourth reason, logistical difficulties, is at once trivial and confounding. Such difficulties might include the running of elections with so many individuals whose status keeps changing and about whom information is not reliably available; the possibility that short-term faculty would not be around to see out the work they started (for example, to finish a yearlong committee project or serve a whole term in an elected office); and the challenges of scheduling meetings with part-time faculty members who are on campus only one day a week, or at night, or, in the case of those teaching online, not at all. We conclude, however, that these logistical difficulties should not be used as an excuse to exclude a wide swath of faculty from institutional governance. And the difficulties, while daunting, can be surmounted. Given the variety of governance structures and types of faculty appointments, it is impossible to offer exact prescriptions, but we would suggest that faculty and administrators look at three areas when creating a plan to ensure a governance role for faculty on contingent appointments.

First, poor institutional practices should be remedied. Examples include inadequate record-keeping systems that would make it difficult to determine eligibility for governance service or to contact part-time faculty at an institution, many short-term contracts resulting in a high faculty turnover, and such abysmally low compensation that part-time faculty cannot afford to add another duty.

Second, the institution or department should look at how similar logistical difficulties have been surmounted to accommodate the busy schedules of tenured and tenure-track faculty. For example, what has happened when a tenure-track faculty member

goes on leave midway through a multiyear committee project?

Third, the institution or department should consider systems that have been developed at other institutions specifically to incorporate large numbers of part-time faculty into governance.

The final reason often advanced for excluding faculty on contingent appointments from governance—that they may feel beholden to the department chairs or administrators who hire and reappoint them and thus may not exercise independence in governance matters—should be taken seriously. Therefore, as we discuss below, the hiring, reappointment, and firing of such faculty should not be invested in a single person without provisions for due process. And all institutions should be fully committed to the processes that ensure academic freedom for all faculty.

In sum, the basic requirements for and means of participating in governance activities that apply to contingent faculty should be as parallel as possible to those that apply to full-time tenure-track faculty. Participation on some governance bodies, such as committees responsible for awarding research grants or establishing a graduate-level curriculum, may require particular expertise that not all faculty—whether tenure track or contingent—possess. Service on such committees may thus be dependent on expertise but not on whether a faculty member holds a contingent or a tenure-track appointment. The details of how parallels between the treatment of contingent and tenure-track faculty can best be maintained should be left to the faculty in each institution, but with the participation of all faculty, as defined in recommendation 1.

A corollary to this argument is that there should be no need to reserve special seats in governance bodies for contingent faculty. Reserving seats might be an appropriate transitional mechanism designed to ensure that contingent faculty have at least some representation in governance, but it will be unnecessary when they are included as full participants. However, we recognize that most institutions and departments have not yet begun to achieve full parity; thus, for some institutions, reserving a certain number of seats for faculty on contingent appointments may be a necessary step forward.

This report seeks to define faculty and to determine eligibility for participating in governance by describing faculty members’ functions. As noted earlier, the AAUP states that librarians have faculty status insofar as they share the “functional identity” of teaching and



scholarly research. This report consequently defines as having faculty status and being eligible to participate in governance bodies those persons who teach and conduct research at a professional, scholarly level. This report similarly defines as having faculty status those graduate-student employees who participate as teachers or academic researchers, who exercise independent professional judgment, and whose activities are not primarily directed toward their own education. A corollary of our definitions is that an individual whose appointment and activities are primarily administrative should not be considered a member of the faculty for governance purposes.

Thus, this report has carefully defined faculty using AAUP criteria. No AAUP policy or document that refers to faculty does so in a way that recommends a differential authority to one group of faculty over another. Therefore, accepting fractional voting for contingent faculty participation in shared governance could set an unfortunate and discriminatory precedent in the AAUP. As noted above, the fourth Interpretive Comment to the 1940 *Statement* asserts that all faculty members should have the same protections of academic freedom and the same academic responsibilities as tenure-track faculty members. AAUP annual election rules allot full voting rights to part-time and non-tenure-track faculty as well as to tenured and tenure-track faculty. Yet the allocation of governance seats in many faculty governance bodies, as reflected in our survey of faculty senates, commonly gives one or two seats to all faculty on contingent appointments regardless of their numbers or their professional qualifications, undermining equity and invidiously reducing those faculty members to second-class status without regard to any specific professional function that they might serve or qualifications that they might possess as faculty members.

**RECOMMENDATION 2:** Eligibility for voting and holding office in institutional governance bodies should be the same for all faculty regardless of full- or part-time status. Institutions may wish to establish time-in-service eligibility requirements; if the eligibility requirement for full-time faculty is expressed in calendar time (for instance, a year), it would have to be translated into terms (for instance, two semesters) applicable to part-time faculty in order to accommodate those who teach intermittently.

**RECOMMENDATION 3:** While reserving a specified number of seats for contingent faculty may be adopted

as a transitional mechanism to ensure at least some contingent faculty representation in institutional governance bodies, ideally there should be no minimum or maximum number of seats reserved in institutional governance bodies where representation of contingent faculty is appropriate, as described elsewhere in this report.

**RECOMMENDATION 4:** All members of the faculty, defined on the basis of their primary function as teachers or researchers and assuming that they meet any time-in-service requirements, should be eligible to vote in all elections for institutional governance bodies on the basis of one person, one vote.

### **C. Participation in Evaluation**

The *Statement on Government of Colleges and Universities* asserts that faculty status and related matters are primarily a faculty responsibility; according to the statement, “this area includes appointments, reappointments, decisions not to reappoint, promotions, the granting of tenure, and dismissal. . . . Determinations in these matters should first be by faculty action through established procedures.”<sup>13</sup> Faculty have both a right to be evaluated by other faculty and a responsibility to evaluate their peers (“evaluation” is used here in its broadest sense, referring to all procedures used to determine the employability of a faculty member). This standard is widely implemented in the academy for selection, reappointment, tenure, and promotion decisions relating to full-time tenure-track faculty; deviations from this standard often signal major violations of shared governance in institutions of higher learning. However, it is quite common for faculty serving in contingent appointments to be hired by department chairs or administrators without the participation of faculty bodies and neither permitted to participate in the evaluation of other faculty nor thoroughly evaluated themselves. It is worrisome that in many instances the evaluation of contingent faculty is performed with little or no input from any faculty body. The Association’s *Statement on Teaching Evaluation* speaks directly about this: “Evaluation of teaching in which an administrator’s judgment is the sole or determining factor is contrary to policies set forth in the *Statement on Government of Colleges and Universities*. . . . Faculty members should

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13. AAUP, *Policy Documents and Reports*, 139.

have a primary, though not exclusive, role in evaluating an individual faculty member's performance as teacher. . . . [T]he faculty's considered judgment should constitute the basic recommendation to the next level of responsibility."<sup>14</sup> Worse than evaluation conducted solely by one chair or administrator is the not-uncommon case of contingent faculty who are evaluated entirely on the strength of student-satisfaction surveys; here, the decision makers are essentially students. These practices clearly do not conform to AAUP-supported standards. We conclude, then, that the basic requirements for and means of evaluation of faculty should be as nearly parallel as possible for contingent faculty and full-time tenure-track faculty. Indeed, faculty serving in contingent appointments should participate in evaluating their peers (other faculty serving in contingent appointments) in the same fashion that full-time tenure-track faculty participate in the evaluation of their peers.

Reasons that have been advanced against allowing contingent faculty to participate in the evaluation of their peers include their possible dependence on department chairs and administrators for continued employment (which might undermine their ability to exercise independent judgment) and possible conflicts of interest stemming from competition for work. With regard to the former, we argue that if procedures for the hiring and reappointment of contingent faculty mirrored those that apply to full-time tenure-track faculty, this dependence would be diminished, since reappointment would be based on objective criteria, not the will of a single individual. With respect to the latter, conflicts of interest exist among both the full-time tenure-track and the contingent faculty and should not be used as a reason to bar just one group from participating in evaluation. Participation in evaluation of peers should be based not on tenure status but on the expertise necessary to carry out the assigned duties. Very often, the expertise necessary to competently evaluate contingent faculty belongs primarily to other contingent faculty, because the stratification in many departments results in contingent and tenure-track faculty teaching, on the whole, different kinds of courses.

If changes to a curriculum affect contingent faculty who teach, say, English composition, the effects of those changes can best be communicated by those who have experienced them. Many of the best evaluators of teachers of these courses will be other teachers of these

courses, regardless of faculty status. Again, the details of how the parallels between the evaluation procedures for faculty holding contingent and tenure-track appointments can best be maintained and the establishment of appropriate criteria for contingent faculty to participate in the evaluation of their peers should be left to the faculty in each institution—with the participation of all faculty, as defined in recommendation 1.

Whether faculty serving in contingent appointments should contribute to the evaluation of tenure-track faculty—by, for example, sitting on a promotion and tenure committee—is a different question. According to the *Statement on Government*, “The primary responsibility of the faculty for such matters is based upon the fact that its judgment is central to general educational policy. Furthermore, scholars in a particular field or activity have the chief competence for judging the work of their colleagues.”<sup>15</sup> At some institutions, the job duties of faculty serving in contingent and tenure-track appointments differ little, and participation of the former in the evaluation of the latter might be entirely appropriate. For example, at some community colleges where the majority of faculty, regardless of status, primarily teach and teach the same sorts of classes, there would seem to be no reason why a contingent faculty member could not usefully contribute to promotion decisions. At other institutions, however, the job duties associated with the two types of appointments may differ considerably, with tenure-track faculty expected to engage in substantial research and scholarship activities in which faculty serving in contingent appointments have no official responsibilities. While we note that (a) many contingent faculty might still be active researchers and well able to judge the research efforts of their tenure-track colleagues and (b) the degree of specialization in some research institutions means that it is not uncommon for tenure-track faculty to judge scholarship that they are not particularly well equipped to understand, we still conclude that it is reasonable for institutions to restrict faculty on contingent appointments from participating in the evaluation of tenured and tenure-track faculty.

**RECOMMENDATION 5:** While faculty on contingent appointments may be restricted from participating in the evaluation of tenured and tenure-track faculty, faculty on contingent appointments should have the opportunity to contribute to the evaluation of other contingent faculty.

14. *Ibid.*, 202–3, <http://www.aaup.org/report/teaching-evaluation>.

15. *Ibid.*, 139.

#### **D. Requirement of and Compensation for Service**

So far, this report has focused mainly on the eligibility of faculty on contingent appointments to serve in governance roles. With a few limitations, we have concluded that they should be allowed to so serve. There is an additional caveat. Permissible participation in governance can easily become expected or presumed to be expected. That is, faculty on contingent appointments may be pressured to participate by the assumption that participation is a hidden qualification for advancement. Thus, it is essential that department bylaws or guidelines, as well as the contracts of faculty on contingent appointments, make clear the voluntary and unremunerated nature of participation.

We now take up the other side of the question: whether faculty on contingent appointments should be expected or required to serve in such roles. The primary objections to such an expectation are (1) that faculty on contingent appointments may not wish to serve; (2) that, where academic freedom is inadequately protected, they might put themselves at risk when freely expressing opinions in governance activities and that the dependence of contingent faculty on chairs or administrators for their continued employment might undermine their ability to make independent judgments for the good of the department or university; and (3) that the pay structures of part-time appointments, in particular, rarely include compensation for service.

The first of these considerations is relatively trivial. There is no reason to suppose that a disinclination to participate in governance activities is any more widespread among faculty holding contingent appointments than it is among those holding tenure-line appointments. AAUP policy holds that certain aspects of institutional governance are properly the responsibility of the faculty, so faculty must fulfill those responsibilities.

The second consideration is very serious and has implications both for the faculty themselves and for the integrity of the governance system. Since contingent faculty by definition have little job security, they are at greater risk than others of retaliation if their speech or actions in the context of governance displease administrators or other faculty members. In addition, faculty on contingent appointments, particularly part-time faculty, often have no recourse if they believe they have been subject to retaliation. Because of these precarious working conditions, they may be susceptible to pressure, whether real or imagined, to

vote or act in a certain way, thus compromising the integrity of the governance process.

Despite the seriousness of these considerations, the solution is not to bar some faculty from service but to better protect the academic freedom of those serving in governance roles. And, indeed, this is the path advocated by the AAUP with regard to other groups of faculty. Like contingent faculty, tenure-track (but untenured) faculty may be susceptible to retaliation and pressure, but the AAUP does not advocate excluding them from governance activities. In light of the 2006 US Supreme Court decision in *Garcetti v. Ceballos* and subsequent court decisions that threaten the exercise of academic freedom in governance activities at public universities (by ruling that the government can restrict speech related to “official duties”), the Association’s recommendation has been that institutions adopt specific policy language designed to ensure the continued protection of academic freedom and shared governance.<sup>16</sup> This policy language should protect the academic freedom of all faculty serving in governance roles, whether they hold tenure-line or contingent appointments. In addition to adopting policies in this area if none exist, the AAUP further recommends that institutions examine existing policies to make sure that they explicitly extend protections for academic freedom to all faculty, regardless of status or appointment category.

The third consideration, compensation, is also serious. Both full- and part-time contingent appointments typically carry lower compensation than do tenure-line appointments, and part-time faculty compensation is often very low and explicitly tied only to classroom hours.<sup>17</sup> Suddenly requiring faculty

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16. “Protecting an Independent Faculty Voice: Academic Freedom after *Garcetti v. Ceballos*,” *Academe*, November–December 2009, 67–88. Also see related material on the AAUP website at <http://www.aaup.org/get-involved/issue-campaigns/speak-up-speak-out>.

17. The AAUP’s Annual Report on the Economic Status of the Profession consistently finds that annual compensation for full-time contingent appointments is lower even than that of assistant professors, though some faculty on full-time contingent appointments may have more job seniority than associate or full professors. In the most recent survey, 2011–12, the combined averages were as follows: assistant professor, \$66,564; no rank, \$61,939; lecturer, \$54,202; instructor, \$47,847 (AAUP, “A Very Slow Recovery: The Annual Report on the Economic Status of the Profession, 2011–12,” *Academe*, March–April 2012, 21. The National Institutes of Health establishes “stipend” levels for postdoctoral fellows (<http://grants.nih.gov/grants/guide/notice-files/NOT-OD-11-067.html>), which are followed by many institutions; in 2011, they ranged from \$38,496 for a beginning postdoc to \$53,112 for a postdoc with seven

on part-time appointments to put in many additional hours for the same low pay is indefensible. However, again we must conclude that the appropriate response is not to keep contingent faculty from carrying out governance responsibilities but to provide adequate support so that they can do so. One way of doing this, in line with the piecemeal manner in which most part-time faculty are currently paid, would be to pay directly for governance work—a faculty member earning \$2,000 apiece to teach two courses would be awarded a further specific sum to serve on a committee or in the faculty senate. This approach has drawbacks, however: the difficulty of determining the relative cash values of different governance tasks, the possibility that faculty would be drawn to particular committees or to stand for election to the faculty senate out of financial need rather than a true inclination to do the work, and the possibility that faculty would be inclined to vote in accordance with the wishes of whoever appointed them in order to increase the chance of keeping the position or being reappointed. In the 2003 statement *Contingent Appointments and the Academic Profession*, the Association recommended that “faculty appointments, including contingent appointments, . . . incorporate all aspects of university life: active engagement with an academic discipline, teaching or mentoring of undergraduate or graduate students, participation in academic decision making, and service on campus and to the surrounding community.” The statement continues: “[T]his participation should be supported by compensation and institutional resources and recognized in the processes of evaluation and peer review.”<sup>18</sup> We reaffirm these recommendations and further recommend that the best way to provide compensation is by structuring appointments to include an expectation of and compensation for service, but without tying a particular dollar amount to a particular service task, with the

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or more years of experience. Comprehensive national data on compensation for part-time faculty are not available, but smaller surveys and publicly available information such as collective bargaining agreements and published institutional salary information indicate that pay is typically much lower than the corresponding portion of a full-time salary at the same institution, and access to substantial benefits programs is rare. Part-time faculty are often explicitly compensated just for teaching or for classroom hours. Available information suggests that graduate-student-employee compensation often exceeds compensation for part-time faculty at the same institution, but many graduate-student employees already report working more than the number of hours suggested by their institutions as the norm.

18. AAUP, *Policy Documents and Reports*, 103–4.

understanding that the basic principle of equal pay for equal work and for work of equal value should be the goal.

**RECOMMENDATION 6:** All faculty members, regardless of their status or appointment type, should, in the conduct of governance activities, be explicitly protected by institutional policies from retaliation in the form of discipline, nonreappointment, dismissal, or any other adverse action. Such institutional policies could include incorporation of appropriate language into faculty handbooks, bylaws, or other regulations. All faculty members should be able to vote or abstain freely, without compulsion and without the necessity of defending their decision to vote or to abstain.

**RECOMMENDATION 7:** Faculty holding contingent appointments should be compensated in a way that takes into consideration the full range of their appointment responsibilities, which should include service. Where such compensation does not exist, its absence should not be used to exclude faculty on contingent appointments from voluntarily serving in governance. Faculty on contingent appointments should not be required, expected, or pressured to participate in activities that are not included as compensated responsibilities under the terms and conditions of their appointments. The Association discourages compensation for service tasks that are not explicitly a component of an appointment.

**RECOMMENDATION 8:** Where service is explicitly a component of the appointment, participation in service should be included as part of the evaluation of a faculty member on a contingent appointment. If service in a governance role is not explicitly a component of the appointment, it may be recognized as an additional positive factor in the evaluation if the faculty member voluntarily participates in it, but a lack of service should not be considered a negative factor in the evaluation.

#### **IV. Conclusion**

We recognize that as long as a significant portion of the faculty has virtually no security of employment and many are involuntarily employed part time, the question of how to include all faculty in governance, especially as elected or voting representatives, is one without a fully satisfactory answer. This is especially true in nonunionized situations where no enforceable contract exists that prohibits retaliation for protected

activities. However, faculty members should not be excluded from participation in governance because of the appointment conditions over which they have little control. The inclusion in governance roles of faculty who hold contingent appointments has problematic aspects, but it is crucial to establishing strong faculty governance. The governance system must be protected by the most rigorous possible commitment in spirit, in writing, and in fact to prevent retaliation against all those who voice opinions in the governance process that may offend those with more power.

Full and meaningful integration of faculty in shared governance is possible only where academic freedom is protected by tenure or tenure-like terms and conditions of employment. Thus, efforts to implement the recommendations put forth through this statement will ideally go hand in hand with efforts to convert contingent faculty appointments into appointments that are tenured or tenure track or that involve eligibility for continuing service, regardless of whether the faculty member's assignments are full or part time, teaching or research intensive.<sup>19</sup> The faculty must be able to exercise its collective voice freely and fully if it is to effectively determine the course of higher education. Toward this goal, democracy and active voluntarism must be combined with a culture of faculty solidarity across all ranks and classifications. ■

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19. The following AAUP documents address conversion of contingent to permanent status: *Contingent Appointments and the Academic Profession* (2003); Regulation 13 of the *Recommended Institutional Regulations* (2006); and *Tenure and Teaching-Intensive Appointments* (2010), <http://www.aaup.org/report/tenure-and-teaching-intensive-appointments>.