

To: Temporary Faculty
From: APSCUF Adjunct Faculty Committee
Date: September 2018
Subject: Clarification of Conversion Clauses in the CBA

The Collective Bargaining Agreement can be difficult to parse. To aid in your navigation of key sections of the CBA the APSCUF Adjunct Committee is offering a series of memos. We hope this proves useful. Please reach out to your local Adjunct or Temporary Faculty Committee if you have questions or concerns

Below are some clarifications to Article 11 of the CBA. Article **11G**. addresses the *faculty member*, while Article **11H**. addresses the *position*. Article 12 refers to both tenure-line and temporary faculty. Further note that the conversion clause in the CBA does not apply to grant-funded faculty.

Conversion of Temporary Faculty into Tenure-line Faculty

According to **11.G.1**, in the spring of each year administration will provide each department with a listing of temporary faculty who have worked 5 full, consecutive academic years full-time (including the current academic year) **no later than March 1**.

Next, the regular faculty in the department will take a vote no later than **April 15** to determine whether to recommend tenure-track status for any full-time, temporary faculty on the aforementioned list.

Contractually, each department *must* hold a vote regarding conversion of fifth-year temporary faculty.

In the case of a vote in favor of conversion, the faculty member “shall be offered placement in tenure-track status,” meaning the administration *must* take this action.

Article 11.1. tells us that the temporary faculty member may accept or decline the tenure-track offer without impact upon eligibility for rehire as a temporary.

Some positions justify the use of temporary faculty and a change to a tenure-line is not the answer.

In the case of a no vote, the temporary faculty may still return to a temporary position in the next year. A vote against conversion does NOT disqualify a candidate from teaching at the university in a temporary position.

If the department votes no, or if the department votes yes to convert and the temporary declines that temporary faculty member would still be eligible for conversion the following year, if eligible under the consecutive academic year.

The APSCUF Adjunct Faculty Committee encourages transparency, urging departments to share their voting processes and results with the affected faculty.

According to 11 G.2., converted faculty *may* count some of their time towards the tenure clock. Further, affected faculty may opt out of counting time towards tenure. The APSCUF Adjunct Faculty Committee encourages departments to make recommendations for time towards tenure in writing to both the administration and the affected faculty.

Conversion of Temporary Positions into Tenure-line Positions

According to **11H.**, each fall the department shall—*shall* meaning *must*— survey its use of temporary faculty retroactive for 3 years (in addition to the current year) and identify the courses and responsibilities within the disciplinary specialization which have been performed by temporary faculty members in that department. So, the department will look over the courses or responsibilities within the disciplinary specialization over the 8 semesters to determine if it amounts to a full-time faculty member.

Article 11.H does not *automatically* trigger a change, as a positive conversion vote in 11G does.

The department, after surveying the 8 semesters, “shall determine,” and may forward a determination that a full-time, tenure-line faculty position is needed to the President. Some positions justify the use of temporary faculty and a change to tenure-line is not the answer.

The President then decides whether or not to convert a temporary position into a regular full-time position.

If the President decides favorably, a search will be held for that position. A temporary faculty member *can* continue to work in the position until a search is successful.

If the President denies the conversion, he or she must provide a response explaining the denial to APSCUF.

The CBA further states that these courses or responsibilities shall NOT be taught by temporary faculty for two years from the denial, unless approved at Local Meet & Discuss.

This means that either those courses would be taught by existing tenure-line professors, or that the schedule of offered courses would need to be adjusted to use the available staff. The President will presumably consider this in his or her decision.

Reappointment of Temporary Faculty

Article 11.I allows for years of service to be considered, under very specific circumstances, when reappointing temporary faculty.

Specifically, in cases where the temporary faculty being considered for reappointment are “relatively equally qualified,” a temporary faculty member “who has been employed for a cumulative total of at least 60 workload hours at the same University and received satisfactory evaluations at every level shall have preference in decisions concerning appointment to a temporary position in the same department....”

In the case of two equally qualified candidates who also share the 60-workload hour preference, “the determination of which faculty member is appointed will be made at the sole discretion of the President or his/her designee.”
