

ADOPTING ROLLING THREE-YEAR CONTRACTS AS THE DEFAULT CONTRACT STRUCTURE FOR ALL NON-TENURE TRACK FACULTY AT THE UNIVERSITY OF FLORIDA

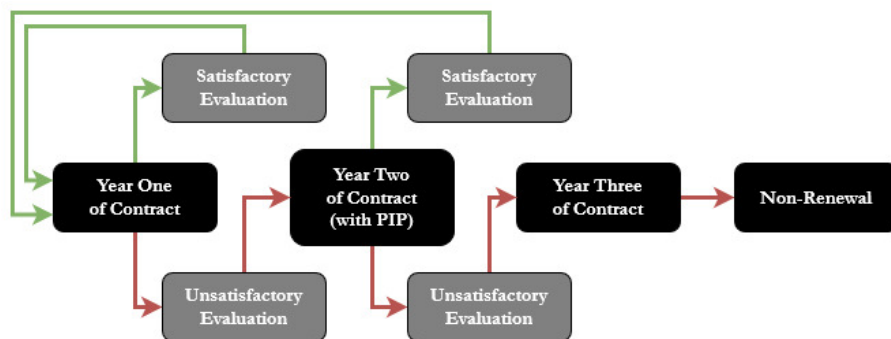
Preamble

This resolution advocates that the University of Florida adopts “rolling three-year contracts” as the default contract structure for all non-tenure track faculty. To understand how these contracts work, let’s consider the example of a hypothetical faculty member, Dr. Rolling. If hired on a rolling three-year contract, Dr. Rolling would begin their time at UF in year one of their three-year contract. If Dr. Rolling completes the year with a satisfactory evaluation, their contract would reset to year one for the following academic year. In fact, so long as Dr. Rolling maintains a satisfactory evaluation, they would remain in year one of their contract.

If, on the other hand, Dr. Rolling finishes any academic year with an unsatisfactory evaluation, they would then create a Performance Improvement Plan (or PIP) and move on to year two of their contract. Should Dr. Rolling meet the goals of their Performance Improvement Plan, their contract would reset to year one for the following academic year. However, if Dr. Rolling does not meet the goals of their Performance Improvement Plan during the second year of their contract, they would finish out year three of their contract before being non-renewed and leaving the University.

For a visual depiction of this contract structure, please see Fig. 1 below.

Figure 1: The Structure of a Rolling Three-Year Contract



Resolution

WHEREAS 81.4% of respondents to a Fall 2020-Spring 2021 survey of University of Florida faculty¹ indicated that the “use of multiyear contracts” would help “improve fair and equitable treatment for non-tenure track faculty”;

¹ This survey was developed in collaboration between the College of Liberal Arts and Sciences Faculty Council and the Compensation & Equity Committee. It was reviewed and administered by the UF Bureau of Economic and Business Research. Of the 5,351 faculty members who were invited to participate, 1,488 completed the survey, for a response rate of 30.3%.

- In this survey, respondents were asked to select which of eight issues would “improve fair and equitable treatment for non-tenure track faculty.” The use of multi-year contracts ranked higher than any other option, including “Representational Peer Reviewers for Promotion” (68.1%); “Representation in Governance” (68%); “Title Changes” (66.3%); “Representation on Committees” (66.1%); “Same Access to Service Opportunities as All Faculty” (62.3%); “Same Access to Grant Opportunities as All Faculty” (62.2%); and “Representational Peer Reviewers for Annual Reviews” (56.8%).

WHEREAS 94.2% of respondents to the UF survey referenced above indicated that “the use of multi-year contracts will provide a more stable opportunity to hire and retain non-tenure track faculty”;

WHEREAS 18.5% of non-tenure track respondents to the UF survey referenced above indicated that they are already employed on a multi-year contract;

WHEREAS the rate of non-renewal for non-tenure track faculty is consistently low, with the University non-renewing an average of 14 faculty for performance-related reasons per year between the 2011-2012 and 2020-2021 academic years;²

WHEREAS the presumption of continuing employment, barring budgetary constraints or misconduct, has for more than a century been considered a cornerstone of academic freedom³;

WHEREAS historically underrepresented groups, including women and people of color, represent a disproportionate share of non-tenure track faculty, relative to their tenure-track colleagues⁴;

WHEREAS at Florida Gulf Coast University, a fellow Florida public university with an exclusively non-tenure track faculty, rolling three-year contracts have long been the default faculty contract structure;

- This contract structure is therefore a known quantity for both Florida university administrators, the State University System Board of Governors, and collective bargaining agents. UF stakeholders could draw on this experience to anticipate administrative issues with this contract structure and ensure a successful roll-out.

² Non-renewal data was provided by UF Human Resources. During this same period, an average of 10 non-tenure track faculty were non-renewed annually for financial reasons. The average annual performance-related non-renewal rate during this period was 0.47% of all non-tenure track UF faculty and the overall annual average non-renewal rate, including both financial and performance-based non-renewals, was 0.66% of all non-tenure track UF faculty.

³ In its 1940 Statement on Principles of Academic Freedom and tenure, the American Association of University Professors declared that “[t]enure is a means to certain ends; specifically: (1) freedom of teaching and research and of extramural activities, and (2) a sufficient degree of economic security to make the profession attractive to men and women of ability. Freedom and economic security, hence, tenure, are indispensable to the success of an institution in fulfilling its obligations to its students and to society.” While this resolution does not call for the granting of tenure to non-tenure track faculty, it nevertheless calls for a greater degree of freedom and economic security for contingent faculty, both of which are as indispensable to the success of the academic enterprise today as they were in 1940. For the full text of this statement, see: <https://www.aaup.org/report/1940-statement-principles-academic-freedom-and-tenure>

⁴ As of Fall 2020, 24.7 of tenured and tenure-track faculty were non-white and 37.2% were women; during the same semester, 35.5% of non-tenure track faculty were non-white and 49.29% were women. Source: <https://ir.aa.ufl.edu/uffacts/workforce/>

WHEREAS this contract structure balances faculty members' desire for job security with the University administration's desire for performance accountability;

- On the one hand, faculty members who receive satisfactory evaluations can rest assured that, barring budgetary constraints or misconduct, they remain at least three years from potential non-renewal. On the other hand, the contract structure's built-in review process ensures that the University can discipline and ultimately terminate faculty who consistently fail to perform at a high level.

WHEREAS the presumption of continuing employment for non-tenure track faculty is increasingly the norm at peer and aspirational peer institutions, with many non-tenure track faculty at the University of Michigan, for instance, enjoying ongoing status and/or "presumption of renewal"⁵ and many non-tenure track faculty in the University of California system enjoying "Continuing Appointment Status" after six years of meritorious service⁶;

THEREFORE BE IT RESOLVED that, in accordance with its collective bargaining obligations, the University of Florida shall move all non-tenure track faculty, who are currently on a one-year contract and whose position is not primarily funded by "soft" money,⁷ to a rolling three-year contract, according to the following provisions:

- All current non-tenure track faculty who meet the criteria above and who have completed three or more years of service shall be moved to a rolling three-year contract immediately.
- All current non-tenure track faculty who meet the criteria above and who, at the time of the adoption of this resolution, are in their first, second, or third year of service, shall be moved to a rolling three-year contract after completing their third year of service;
- All non-tenure track faculty who meet the criteria above and who are hired after the adoption of this resolution shall be moved to a rolling three-year contract after successfully completing their progress-to-promotion process.⁸

BE IT FURTHER RESOLVED that any non-tenure track faculty member currently on another type of multi-year contract shall have the ability to transition to a rolling three-year contract if they so choose.

⁵ See the Collective Bargaining Agreement between the Regents of the University of Michigan and the University of Michigan Lecturers' Employee Organization (July 13, 2018—April 20, 2021, which remains in effect as negotiations are ongoing): <https://hr.umich.edu/sites/default/files/lecturers-employee-organization-agreement-2018-2021.pdf>

⁶ See the "Memorandum of Understanding, Non-Senate Instructional Unit," for University of California Faculty: <https://ucnet.universityofcalifornia.edu/labor/bargaining-units/ix/mou/introduction.html>

⁷ As defined in University Regulation 7.013 (2) (b) (3) and Article 13.3 (a) (1) of the 2021-2024 Collective Bargaining Agreement.

⁸ This resolution should not be interpreted to suggest that faculty on a rolling three-year contract will be locked into a particular level of compensation for three years at a time. Neither should it preclude non-renewal based on a budgetary shortfall nor dismissal for cause.