Committee on Non-Tenure-Track Faculty
Meeting Minutes
Tuesday, March 19th, 1:00 to 2:00 PM
LSC 300 and Microsoft Teams

Attendance: Olivia Arnold, Chris Becker, Sean Bryan, Ryan Brooks, Tom Conway, Ann Hess, Cassandra Puletapuai, Jennifer Reinke, Karen Thorsett-Hill, Mary Van Buren

Guest: Richard Eykholt – CSU Grievance Officer

1) **March 5th meeting minutes unanimously approved.**

2) **CHAIR ANNOUNCEMENTS & UPDATES**
   a) Meeting Minutes: Cassandra Puletapuai
   b) Budget Model Redesign
      - Discussion about metrics and governors for aligning budgets with past and future growth, and new opportunities.
      - Discussion about the importance of strategic decision making, regardless of the model.
      - Breaking into subcommittees to prepare and propose model metrics and governors to technical committee
      - Planning Open Forum for April 3

   c) Faculty Success Report Timeline: Onboarding and Mentorship
      - Input from Departments/Colleges due March 22nd – last push if needed
      - Subcommittee reports due April 12th
      - Present final draft at April 16th meeting

3) **ACTION ITEMS / DISCUSSION**
   (1) Discussion with Richard Eykholt

3/19 Meeting Takeaways
- Raising the issue of contract language
- Education with changes or function of contracts
- Pursuing more contracts
- Specific on what is or is not grievable, NNTF and TTF grievances
- President approves termination
- More clarity on at-will status
- Next steps for addressing contract language and practices

(Introductions of members)

Ryan: Richard is here to speak about the contract language, length of time, details, and any experience with nontenure track faculty.

Richard: My background is serving as a grievance officer, chair faculty council, and manual language expertise.

Ryan: We *(CoNTTF)* are trying to create conversations on the language surrounding contracts. How do we garner support?

Richard: The standing contracts are NOT contracts, given the language in them. I have tried to address it with the appeals process. Committees can make recommendations, but the President decides. Another problem is not having a good review process for changes made to the contracts. The issue here to raise is the language of the contracts, not insufficient funding. *(Picks up the contracts and summarizes a specific line from the contract.)* A person remains hired until we do not have the resources to meet the obligations, which does not make this a contract. Get rid of this line. *(Looks through the contract again.)* Adequate performance is fair. It is the university's obligation for them to find something for you to do. *(Places the contract down and begins to engage the group.)* There are a small number of contracts issued, and we should be able to move individuals to keep them working under contract. I have been working on this issue for a while. You all should make this line a priority for correction.

Ryan: The excuse used too often is we *(university/depts/units)* do not have money.

Mary: Is this clause related to the unit or university? How does this play out?

Richard: The language is okay with referring to individuals having adequate resources. *(Picks up the contract again to read a specific line.)* Weakness: "Your contract will continue with satisfactory performance...adequate support for the position..." I am thinking of unrolled positions. They need to move you to another place under contract. This is not a contract. We created the appeals process, but this instance may not be grievable. Contracts may be terminated early, but not sure. *(Points to the contract.)* The language is not appropriate.

Tom: Are you aware of Place? Are you aware of the situation?

Richard: They are considered employees working at will, and the situation is not grievable. They are not on contracts. I made Sue James aware of the circumstances. They are not on contracts.

Tom: This *(Place issue)* relates to back to contract offers.

Richard: Yes, and goes back to Dan Bush. Joyce was trying to make changes to the budget model where funding was tied to people, not departments. It would allow flexibility for people to move around the campus. It has fallen apart with her dismissal. There ought to be more contracts. The contracts should be the highest priority to maintain. The concept was overturned amid the dismissal, and why this has not gone the way it should.

Mary: What is the language to protect jobs?

Richard: I do not know. The General Council will fight and protect the university, not us. Taking the line out *(Referring to the adequate support clause previously read.)* is my recommendation. OGC, just advises. We can work with the administration by seeking middle-ground positions.

Mary: How does it *(contracts)* affect tenure track?

Richard: Tenure track receives an appointment letter with great protections. They are renewed one year and three months before the appointment expires. The dept. head and P&T committee have to agree to tenure renewals. During serious financial problems, we *(university/depts./units)* do not get rid of pre-tenure track faculty. They will cut other places before they dismiss pre-tenure track faculty.

Mary: Does non-tenure track faculty need to be told one year in advance?

Richard: Kind of...it is not required for you to be told you are going to receive a renewal. They tell you they may not, which gives a year warning. You may be told your contract will be renewed one year in advance, but the contract does not say it. It is grievable if you are told you would be renewed, and it didn't happen. You do not have a right to a new contract or employment.

Tom: They can offer five-year contracts but is there a reluctance to not do so? Should we push for that in general council?

Richard: The university has and can offer long-term contracts. It should be a discussion with the faculty council. They may need to pass a resolution for more contracts. Make this *(long-term contracts)* a top priority with the faculty council as they are a major support for change.

Ryan: How do we *(CoNTTF)* approach this *(Make a concrete argument/present the issue)*?

Richard: The individuals working in HR do not understand contracts. They issue contracts and terminate employees. They do not understand the language around continuing contracts and treat them as contracts with end dates. I am talking with Sue James a lot about it. We need to make sure HR understands the policies. They are listed as temp employees, and the system has been abolished. This tactic was used to get around adjunct appointments. Sue James and I are working on it. We need a mechanism to educate everyone when changes are implemented.

Ryan: It is a fill the void and then let them go, when necessary, system.

Mary: It is a problem with HR and department heads not effectively communicating changes.

Richard: We cannot grieve a policy. Another issue lies in promotions. Richard gave an example of a singular Department that was using CCAF promotion in a similar fashion to tenure and stating that an employee would be terminated (only the President may terminate) if you did not receive the promotion you applied for. The termination is not grievable. If that was the case, why would you ever apply for a promotion?

Ryan: Do at will employees need a valid reason for termination even with good reviews?

Richard: State law says you can be terminated for any or no reason at all unless the reason is considered illegal. CSU is better. You have to be told and given a chance why you are terminated by meeting, writing, or both. The President makes the final decision. Be sure to put everything in writing. The President may want a reason, but it does not have to be given. It is a rubberstamped process. It needs to be more of a conversation, as the President may not pay close attention.

Ryan: Any concerns that come across your desk?.

Richard: I have concerns from CCAF, AP, and NNF. I do not have many grievances from at-will employees because they feel insecure for reasons of retaliation. How can we make the grievance process more secure for them?

Ann: What are the grievances for Tenure track?

Richard: (1) Annual evaluations, poor ratings, (2) letters of reprimand and not fair, (3) salary and equity issues, not good raises while new hires receive great packages, (4) imbalance on time teaching 12 months versus 9 months (5) what is considered valued measures, ex. grant winning not recognized.

Tom: What is our agency with contracts? Should we make a push on Faculty council?

Richard: Mendy Smith and Joesph DiVerdi are the individuals to meet on how to proceed. Have a succinct package together to move forward as the administration worries about the budget.

Sean: Are they *(university)* getting rid of continuing? What do you think?

Richard: No, they are not because CSU does not know their budget well enough. It is a mistake with adjunct for a one-year contract. It needs to be two years. One year is not enough time to judge performance. Two years gives more time.

Sean: So, they *(university)* are not getting rid of continuing?

Richard: No, it looks bad to the federal government.

Mary: Can we use this as a bargaining chip?

Richard: I find continuing will stay, and we need to pursue more contracts. Contracts need to be taken more seriously. It has to be done at a departmental and university level.

Mary: We should think about embedding more responsibility at the departmental level.

Richard: Great point as the college is more at a budget level and not seeing the individual level. We need to have these discussions with the senior levels and the Faculty Council. *(Richard bids farewell and departs the meeting.)*

Ryan: The next meeting regards the budget model discussion on the metrics and sharing the data. What can we measure? What is too difficult to measure? We are wrapping up the onboarding and faculty success information and data. We have about 16 departments that have participated. The subcommittees' report will be due by the 12th. Jennifer Martin and a CCAF individual asked about tenure being used as a credential and qualification. They suggested language for experience instead of tenure to open more positions for nontenure track faculty. We will discuss this at our next meeting.

Meeting adjourned.