

Discussion Paper on Pro Rata Appointment of Part-time Contract Academic Staff by the Committee on Contract Academic Staff Introduction

Since 1998, the Canadian Association of University Teachers (CAUT) has been committed to improving the contractual rights of part-time Contract Academic Staff (CAS). As an organization we have looked with some trepidation at developments in both Canada and the United States over the last twenty-five years. During that period, under pressure of underfunding, post-secondary education employers have greatly expanded their use of underpaid, part-time CAS with no job security in order to cut their costs and increase their own flexibility and control over academic work. This has been done at the direct expense of well-paid, secure, full-time, tenured academic staff positions. We are now at the point in Canada, thanks in great measure to the commitment of the CAUT and its member associations, in which a large percentage of part-time CAS have been unionized; part-time CAS now bargain collectively for better pay, benefits, recognition of research and service, and academic freedom. We can be proud of our organizing success, but this is, in truth, only a first step.

In 2000 CAUT Council adopted a new Policy Statement on Fairness for Contract Academic Staff which identified a number of objectives. Various committees in turn have been working to develop contract language to guide negotiators in their efforts to achieve those goals. What has become clear over this period is that the preferred bargaining approach would be to define all part-time academic work as a percentage of full-time work – to move in other words to a pro-rata system of employment for CAS members.

Over the last two years a number of model clauses have been adopted by CAUT Council which show how this can be done. We need to redouble our efforts in this area. Only through negotiation can we transform our collective agreements and move from stipendiary appointments to pro rata appointments. This Discussion Paper is designed to outline CAUT's existing Policy Statement on Fairness for CAS, advance the arguments in favour of the pro rata system, and discuss practical means to achieve our goals.

CAUT Policy

The CAUT's Policy Statement on Fairness for Contract Academic Staff (November 2000) built on a number of existing policies and made clear CAUT's commitment to the principle that an academic staff member's basic rights such as academic freedom cannot be denied simply because of their employment status. CAUT has long advocated "secure continuing appointment of career academics." The new Policy Statement reiterates that "underfunding and administrative flexibility are not sufficient grounds for hiring contract academic staff as a substitute for continuing appointments." CAS members have a right to academic freedom, fair and pro rata remuneration, access to appropriate academic ranks, career progress and seniority, equitable work loads, access to professional development opportunities and collegial academic governance.

CAUT, moreover, has long argued that academic work involves both the pursuit of

knowledge and its dissemination through teaching, publication, professional practice, creative performance and collegial governance. All academics need to be actively engaged in research, teaching and service. This definition of the academic job has always been a fundamental characteristic of full-time tenured and tenure-track academic employment. Unfortunately, remunerated research and service time has been denied to those members hired on a per course stipendiary basis, and that denial in turn undermines the academy. This is unacceptable. CAUT policy on Fairness for Contract Academic Staff reasserts CAUT principles that the work of our part-time and limited-term colleagues must include teaching, research, and service.

Most part-time academic staff in Canada currently teach on a stipendiary basis. The stipend is a sum of money, often quite small, that compensates the CAS member for planning, teaching and marking a course or a section of a course. Stipends do not provide CAS with traditional academic ranks, and it is always a struggle to negotiate a career path for CAS that would include better compensation, academic freedom, pensions, health benefits, professional development funds, access to offices and equipment, and so on. More importantly, the stipendiary instructor is not paid to do research nor is she or he paid to do service to the institution or Canadian society at large. Some institutions refer to these as “limited term” contracts while others have styled them as “limited duties” contracts. Despite much rhetoric about the increasing need to bring professorial research into classrooms and the need to better integrate teaching and research, university and college employers have undermined such lofty objectives by adopted employment practices which ensure that an increasing percentage of their academic work force is no longer engaged in research or service except on a purely voluntary basis.

In truth post-secondary employers expect the stipendiary per course employee to remain actively engaged in research and service. When one tries to gain access to “tenure,” employers insist that there be no alteration of criteria which emphasize research accomplishments. When qualified contract academics attempt to transfer to better positions they are subject to the same research criteria as full-time colleagues who had previously been provided with significant research support. If CAS members hope to keep career aspirations alive they must, in effect, subsidize the academy with unrecognized and unremunerated research and service effort.

The situation must be corrected, and there are a number of ways this can be done. We can try to negotiate improved stipends, better seniority entitlements, better job security provisions, better transfer provisions and even remunerated research contracts and service time. From a strategic point of view, however, defining all academic jobs to include teaching, research and service would be far more direct and likely more effective.

In November 2005 CAUT Council amended its Policy Statement on Fairness for Contract Academy Staff to make this commitment explicit. The policy now reads:

All academic appointments should recognize that the nature of academic work includes teaching, research and professional activity and participation in service activities. To achieve this end all limited-term contracts should explicitly recognize the research

components of the job and define workloads as a percentage of full-time work. Collective agreements must provide appropriate protections for contract academic staff to participate fully in an academic career.¹

The pro-rata model is now CAUT policy.

The Pro Rata Model

The outlines of a bleak future for the Canadian higher education system are visible early in the new millennium. There are governments and administrators who want to create a hierarchy of institutions, from “world-class, research-intensive” to “teaching-oriented” institutions. Within all these institutions some academic staff will do research and provide service, whereas many others will effectively be “teaching drones,” who will be provided no compensation or facilities to contribute outside of teaching narrowly defined. In the vision of some administrators, these institutions will be increasingly commercialized, will be less publicly-accountable, and will be increasingly controlled by business-oriented governing boards. The ability to do pure rather than applied research will be undermined. This would make Canadian higher education the servant of short-term, narrow economic and political interests.

It is in the interests of all of the individuals represented by CAUT to resist this narrow vision. Like the creation of full-time “teaching-only” positions, unfair treatment of stipendiary academic staff is a keystone to those advancing this agenda precisely because it is a main means through which a “teaching-only” professoriate can be created. Just as full-time teaching-only jobs must be resisted in order to preserve our vision of the full-time, continuing academic appointment, stipendiary teaching must be resisted for the same reason. It is therefore in the interests of everyone in the post-secondary sector to move from stipendiary to pro rata appointment. There are many reasons why we should work to move to pro rata appointments.

Pro rata appointments, by their very nature, make it impossible to exploit “teaching-only” contract academic staff.

Pro rata appointments remove the financial incentive to use less-than-full-time appointments.

Pro rata academic staff will have better access to job security, will have their academic freedom better protected and will be given the opportunity to do research and creative activity and service. They will, as a result, become full participants in our institutions.

Pro rata academic staff improves conditions for full-time continuing staff who must carry heavy service responsibility not performed by stipendiary staff. Pro rata colleagues can

¹Article 2 ©), “Policy Statement on Fairness for Academic Staff,” approved by Council in November 2005.

be expected to contribute fully to the research, teaching and service missions of their programmes and departments. Academic staff on pro-rated appointments can be expected to supervise student theses as well.

Moving to pro rata contracts will allow our post-secondary institutions to live up to their social promise. These institutions receive funding from private and public sources to teach, do research and provide service to students and society at large. Pro rata is not only fairer for individuals, but over time will ensure that everyone's talents are fully developed, and that the post-secondary education system will thrive.

Pro rata appointments are fairer for students who pay the same fees regardless of the nature of the instructor's contract, and should be taught by academic staff who have equal access to facilities, professional development, and fair compensation for their work.

There is much discussion of a pending "shortage" of academic staff in Canadian higher education. Moving to pro rata appointments will help part-time academic staff compete for continuing, full-time positions. It will also undermine claims by some administrators or governments that we need to abandon immigration rules that have allowed us over the last 35 years to Canadianize the Canadian higher education system.¹

How do we get from here to there?

The first challenge in implementing this vision is to ensure that everything the CAUT does encourages the pro rata model over the stipendiary model. Although we continue to provide advice to our members based on the stipendiary reality facing the majority of part-time contract staff, we should ensure that new policies and model clauses that come forward to Council, such as those approved in May 2006, provide a preference for pro rata model. As CAUT reviews its existing policies every five years, these should be updated where appropriate to take into account the importance of moving to a pro rata system. CAUT Conferences, such as those addressing collective bargaining, should consider strategies to win greater rights for part-time academic staff. The organization can also consider the importance of pro rata in its publications, including the *Bulletin*, as well as bargaining advisories and other materials.

CAUT members can take action on these issues in the near future. In the next round of bargaining individual associations must put pro rata proposals on the table and be prepared to bargain hard for improvements. New Model clauses on "Appointments," "Job Security, Seniority and Conversion for Contract Academic Staff," "Sabbatical," and "Workload," adopted by Council in May 2006 provide a comprehensive vision with clear, workable contract language for the implementation of the pro rata model in our collective agreements.

Our vision of the academy and the protection of rights for all academic staff can only be ensured through collective action. This involves both collective action of members in their local associations and collective action of member associations in CAUT.

Conclusions

There is a shared common interest among Canadian academic staff to preserve a system of higher education that is inclusive, equitable and based on the centrality of academic freedom. However, in our efforts to include part-time CAS in this vision, we must recognize that transitional arrangements are necessary. It should be clear that there are many long-term CAS teaching on a stipend basis who may, for a variety of reasons, need to continue with “limited duties” appointments. After many years and decades of being denied the compensation and resources to undertake research and/or creative activity, a minority of CAS may have a well-founded reluctance to try to meet new standards of performance in research and creative activity. Having been excluded for so long, they may not trust the tenure and promotion processes at their own institutions.

While these teaching-intensive appointments are undesirable from the perspective of our institutional health, we must recognize that existing CAS teaching on a stipendiary basis must not pay the price for improving this system. Therefore, as we negotiate new rules we must be sensitive that individual CAS who are now unable to compete must be allowed to opt out of pro rata rights and obligations for the rest of their careers, or until they are able to take on these obligations. Over the decades, “teaching-only” positions may have undermined the career prospects of those who have been forced to accept these terms. As a system we have a moral obligation to them to provide terms of employment that are fair and reasonable. We also have a moral obligation to CAS who have, for years, done everything asked of them and more, but who have not been compensated for all the work they have done. The time has come to right the wrong, and ensure that injustices are not perpetuated.

1 This point reflects CAUT policy on this issue, as provided in the “Policy Statement on Canadianization,” approved by Council in April 2005.