

8-29-13
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MEMORANDUM OF UNDERSTANDING
United Academics PROPOSAL TO SMALL GROUP
University's 8-29-13

BETWEEN: United Academics (UA)

AND: University of Oregon (UO)

RE: One-time Reclassification of Adjunct Faculty

RECITALS:

A. UA is the exclusive representative of a bargaining unit comprised of faculty of the University of Oregon (except for those faculty excluded by law or agreement). UO is the employer of the faculty.

B. UA and UO are negotiating the first collective bargaining agreement (CBA) which will include an article defining the classifications and ranks for bargaining unit faculty members and the use of adjunct faculty. In general, faculty members are employed in specific positions. The positions are classified; the faculty members holding them are ranked. All positions will be classified according to the system described in Article 2, Classification and Rank. All faculty members must be identified with a classified position and hold a particular rank within that classification.

C. The parties intend this MOU to govern a one-time reclassification of positions and current adjunct faculty members upon the implementation of the parties' first CBA.

AGREEMENTS:

1. As soon as practicable after the effective date of the CBA, the head of each department or unit will examine the position held by each bargaining unit faculty member in the department or unit classified as adjunct according to the following:

a. Review of short term appointments: If the bargaining unit faculty member has held her or his position for all or part of AY 2011-12 and AY 2012-13 ~~at an average of 0.4 FTE or more~~ and has been issued a contract for all or part of AY 2013-14, then the position held by that faculty member will be classified as ADJUNCT unless the head and bargaining unit faculty member agree that the intention of the appointment was that it would be an ongoing appointment. If the faculty member and head so agree, then the position and faculty member will be considered under the review of long-term appointments (b) below.

b. Review of long term appointments: If the bargaining unit faculty member, currently classified as ADJUNCT, has served in the same position for three academic years at an average of 0.4 FTE or more prior to AY 2013-14 and has been issued a contract for AY 2013-14, then her or his position and appointment to that position will be considered as follows:

(1) If the head determines that the position is ongoing without substantial changes in assigned work and that the faculty member has performed in that position to the standards

of the unit as published or practiced, then the head shall define the position as a CAREER position according to Article 9 and the incumbent shall be directly appointed to that position at the lowest rank in the classification. If the unit head determines that the position will substantially change in assignment or FTE, then (3) below applies.

(2) If the head, utilizing the department or unit's established review process, determines that the position is ongoing but that the incumbent has not performed to the standards of the unit as published or practiced, then the position shall be defined as a CAREER position according to Article 2 and the incumbent will be appointed to that position for the remainder of the contract year. The faculty member will be reviewed prior to contract renewal in accordance with Article 12. If she or he is not renewed, she or he will receive the notice as required by Article 2.

(3) If the unit head determines that the position is not ongoing beyond the current (AY 2013-14) contract, then the position will remain classified as ADJUNCT. Since the retained adjunct position will have exceeded the three year duration allowed under Article 2 (based on the cases defined by (a) and (b)), the position will be eliminated at the end of the AY 2013-14, unless it is being continued as an adjunct position for pedagogical or programmatic reasons as defined in Section 7 of Article 9. If the work formerly assigned to the eliminated position is made part of a new position, the new position may combine responsibilities formerly assigned to more than one adjunct position but cannot be classified as ADJUNCT except for ~~compelling~~ pedagogical or ~~compelling~~ programmatic reasons as defined in Section 7 of Article 9. If the reviewed position is ongoing, but will change substantially in work assigned or FTE, then the position will be replaced with a new, Career NTTF position reflecting the changes.

New positions created as a result of this process may be filled through either internal or external searches at the discretion of the head and with the approval of the appropriate dean or Vice President and the Provost or designee.

(4) If the faculty member disagrees with the decision of the unit head in (2) regarding whether the faculty member's position was ongoing, she or he may challenge the head's decision through the grievance process (Article 15). Decisions about contract renewal beyond AY 2013-14 will be governed by Articles 9, 12, and 25.

c. Other appointments. For faculty members and positions not included in (a) or (b), these positions will be classified as ADJUNCT and their incumbents appointed according to Article 2.

2. All reclassifications to CAREER positions are retroactive to July 1, 2013 (for 12-month appointments) or September 16, 2013 (for 9-month appointments).

3. Department or Unit Restructuring. Following the initial reclassification process in which all positions are classified according to (1), units may choose to take no further action (and so will continue the slate of CAREER positions established during the process and will continue or eliminate adjunct positions according to the CBA). Units may instead choose to restructure non-tenure track positions (e.g. by combining positions into higher FTE positions or by converting remaining adjunct positions into career positions). In this case, the unit or department shall develop a plan describing the changes and

1 establishing a timeline for implementation. Any changes to CAREER positions must be done according
2 to Articles 2, 9, 12, and 25. Plans will be developed by the unit head in consultation with all departmental
3 faculty.

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5 4. Promotion Review. The appointment of faculty to newly reclassified positions will be at the lowest
6 rank of the classification. Prior service to the University in either ADJUNCT or CAREER positions will
7 count toward a faculty member's eligibility for promotion. Faculty members with six or more years of
8 service prior to AY 2013-14 with an average appointment of at least .4 FTE will be eligible to be
9 considered for promotion to the next rank during AY 2013-14 following Article 12. Faculty members
10 who are successfully promoted to the next rank within their classification who have more than six years
11 of service at .4 FTE or greater may count these additional years toward their eligibility to be considered
12 for promotion to the next highest rank. For example, if a faculty member has nine years of service as an
13 adjunct and is appointed to a CAREER position, then she or he may be considered for promotion
14 immediately. If the faculty member is promoted, then she or he will have three years toward promotion to
15 the next level and so may be considered for the next promotion in the third year following the first
16 promotion. Faculty members considered under this MOU with fewer than six years of prior service may
17 count these years toward future promotion eligibility.
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