

HOUSE No. 639

The Commonwealth of Massachusetts

PRESENTED BY:

Paul W. Mark and Eileen M. Donoghue

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act investing in public higher education.

PETITION OF:

| NAME: | DISTRICT/ADDRESS: |
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| <i>Paul W. Mark</i> | <i>2nd Berkshire</i> |
| <i>Eileen M. Donoghue</i> | <i>First Middlesex</i> |
| <i>Daniel Cahill</i> | <i>10th Essex</i> |
| <i>Aaron Vega</i> | <i>5th Hampden</i> |
| <i>Chris Walsh</i> | <i>6th Middlesex</i> |
| <i>Jack Lewis</i> | <i>7th Middlesex</i> |
| <i>Michael J. Finn</i> | <i>6th Hampden</i> |
| <i>Mathew Muratore</i> | <i>1st Plymouth</i> |
| <i>Michael D. Brady</i> | <i>Second Plymouth and Bristol</i> |
| <i>Daniel J. Hunt</i> | <i>13th Suffolk</i> |
| <i>Carmine L. Gentile</i> | <i>13th Middlesex</i> |
| <i>Jose F. Tosado</i> | <i>9th Hampden</i> |
| <i>Jason M. Lewis</i> | <i>Fifth Middlesex</i> |
| <i>William Smitty Pignatelli</i> | <i>4th Berkshire</i> |
| <i>Jay D. Livingstone</i> | <i>8th Suffolk</i> |
| <i>Daniel M. Donahue</i> | <i>16th Worcester</i> |
| <i>Thomas J. Calter</i> | <i>12th Plymouth</i> |
| <i>Frank A. Moran</i> | <i>17th Essex</i> |

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| <i>John W. Scibak</i> | <i>2nd Hampshire</i> |
| <i>Jay R. Kaufman</i> | <i>15th Middlesex</i> |
| <i>James R. Miceli</i> | <i>19th Middlesex</i> |
| <i>Sarah K. Peake</i> | <i>4th Barnstable</i> |
| <i>Denise Provost</i> | <i>27th Middlesex</i> |
| <i>Adrian Madaro</i> | <i>1st Suffolk</i> |
| <i>Frank I. Smizik</i> | <i>15th Norfolk</i> |
| <i>Ruth B. Balsler</i> | <i>12th Middlesex</i> |
| <i>Lori A. Ehrlich</i> | <i>8th Essex</i> |
| <i>Paul McMurtry</i> | <i>11th Norfolk</i> |
| <i>Thomas M. Stanley</i> | <i>9th Middlesex</i> |
| <i>John J. Lawn, Jr.</i> | <i>10th Middlesex</i> |
| <i>John C. Velis</i> | <i>4th Hampden</i> |
| <i>Colleen M. Garry</i> | <i>36th Middlesex</i> |
| <i>James J. Dwyer</i> | <i>30th Middlesex</i> |
| <i>Sal N. DiDomenico</i> | <i>Middlesex and Suffolk</i> |
| <i>Marjorie C. Decker</i> | <i>25th Middlesex</i> |
| <i>Claire D. Cronin</i> | <i>11th Plymouth</i> |
| <i>Kay Khan</i> | <i>11th Middlesex</i> |
| <i>Solomon Goldstein-Rose</i> | <i>3rd Hampshire</i> |
| <i>Joseph W. McGonagle, Jr.</i> | <i>28th Middlesex</i> |
| <i>David M. Rogers</i> | <i>24th Middlesex</i> |
| <i>Mike Connolly</i> | <i>26th Middlesex</i> |
| <i>Paul Tucker</i> | <i>7th Essex</i> |
| <i>Daniel J. Ryan</i> | <i>2nd Suffolk</i> |
| <i>Brendan P. Crighton</i> | <i>11th Essex</i> |
| <i>Barbara A. L'Italien</i> | <i>Second Essex and Middlesex</i> |
| <i>Carole A. Fiola</i> | <i>6th Bristol</i> |
| <i>Thomas M. McGee</i> | <i>Third Essex</i> |
| <i>Bruce J. Ayers</i> | <i>1st Norfolk</i> |
| <i>Carlos Gonzalez</i> | <i>10th Hampden</i> |
| <i>Brian M. Ashe</i> | <i>2nd Hampden</i> |
| <i>Patrick M. O'Connor</i> | <i>Plymouth and Norfolk</i> |
| <i>Antonio F. D. Cabral</i> | <i>13th Bristol</i> |
| <i>James J. O'Day</i> | <i>14th Worcester</i> |
| <i>Natalie Higgins</i> | <i>4th Worcester</i> |
| <i>Louis L. Kafka</i> | <i>8th Norfolk</i> |
| <i>Christine P. Barber</i> | <i>34th Middlesex</i> |
| <i>Paul R. Heroux</i> | <i>2nd Bristol</i> |

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| <i>James M. Cantwell</i> | <i>4th Plymouth</i> |
| <i>Peter V. Kocot</i> | <i>1st Hampshire</i> |
| <i>Robert M. Koczera</i> | <i>11th Bristol</i> |
| <i>David Paul Linsky</i> | <i>5th Middlesex</i> |
| <i>Brian Murray</i> | <i>10th Worcester</i> |
| <i>Jennifer E. Benson</i> | <i>37th Middlesex</i> |
| <i>Gerard Cassidy</i> | <i>9th Plymouth</i> |
| <i>Jennifer L. Flanagan</i> | <i>Worcester and Middlesex</i> |
| <i>Tricia Farley-Bouvier</i> | <i>3rd Berkshire</i> |
| <i>Ann-Margaret Ferrante</i> | <i>5th Essex</i> |
| <i>Gailanne M. Cariddi</i> | <i>1st Berkshire</i> |
| <i>Walter F. Timilty</i> | <i>Norfolk, Bristol and Plymouth</i> |
| <i>Kenneth I. Gordon</i> | <i>21st Middlesex</i> |
| <i>Joan Meschino</i> | <i>3rd Plymouth</i> |
| <i>Steven Ultrino</i> | <i>33rd Middlesex</i> |
| <i>Mary S. Keefe</i> | <i>15th Worcester</i> |
| <i>Joan B. Lovely</i> | <i>Second Essex</i> |
| <i>James B. Eldridge</i> | <i>Middlesex and Worcester</i> |
| <i>Sean Garballey</i> | <i>23rd Middlesex</i> |
| <i>Harold P. Naughton, Jr.</i> | <i>12th Worcester</i> |
| <i>Bud Williams</i> | <i>11th Hampden</i> |
| <i>Alan Silvia</i> | <i>7th Bristol</i> |
| <i>Tackey Chan</i> | <i>2nd Norfolk</i> |
| <i>John J. Mahoney</i> | <i>13th Worcester</i> |
| <i>James M. Murphy</i> | <i>4th Norfolk</i> |
| <i>Anne M. Gobi</i> | <i>Worcester, Hampden, Hampshire and Middlesex</i> |
| <i>Russell E. Holmes</i> | <i>6th Suffolk</i> |
| <i>Michelle M. DuBois</i> | <i>10th Plymouth</i> |
| <i>Michael O. Moore</i> | <i>Second Worcester</i> |
| <i>RoseLee Vincent</i> | <i>16th Suffolk</i> |
| <i>Stephan Hay</i> | <i>3rd Worcester</i> |
| <i>Linda Dean Campbell</i> | <i>15th Essex</i> |
| <i>Michael S. Day</i> | <i>31st Middlesex</i> |
| <i>Julian Cyr</i> | <i>Cape and Islands</i> |
| <i>Jonathan D. Zlotnik</i> | <i>2nd Worcester</i> |
| <i>Dylan Fernandes</i> | <i>Barnstable, Dukes and Nantucket</i> |
| <i>Paul A. Schmid, III</i> | <i>8th Bristol</i> |
| <i>James E. Timilty</i> | <i>Bristol and Norfolk</i> |

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| <i>Kevin G. Honan</i> | <i>17th Suffolk</i> |
| <i>Paul Brodeur</i> | <i>32nd Middlesex</i> |
| <i>Stephen Kulik</i> | <i>1st Franklin</i> |
| <i>Joseph A. Boncore</i> | <i>First Suffolk and Middlesex</i> |
| <i>Elizabeth A. Malia</i> | <i>11th Suffolk</i> |
| <i>Patricia D. Jehlen</i> | <i>Second Middlesex</i> |
| <i>Thomas A. Golden, Jr.</i> | <i>16th Middlesex</i> |
| <i>Jeffrey N. Roy</i> | <i>10th Norfolk</i> |
| <i>James Arciero</i> | <i>2nd Middlesex</i> |
| <i>John H. Rogers</i> | <i>12th Norfolk</i> |
| <i>Jonathan Hecht</i> | <i>29th Middlesex</i> |

HOUSE No. 639

By Representative Mark of Peru and Senator Donoghue, a joint petition (accompanied by bill, House, No. 639) of Paul W. Mark and others relative to public higher education. Higher Education.

The Commonwealth of Massachusetts

**In the One Hundred and Ninetieth General Court
(2017-2018)**

An Act investing in public higher education.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. There is hereby established and set up on the books of the commonwealth a
2 separate fund to be known as the Faculty Restoration and Equity Fund, hereinafter referred to as
3 the fund. The fund shall provide resources to institutions of public higher education in the
4 commonwealth to: (1) Increase the number of undergraduate courses taught by tenure and
5 tenure-track faculty members at each institutional department; (2) ensure adequate support staff
6 at each institutional department; and (3) ensure that part-time and other non-tenure track faculty
7 receive fully comparable pay and benefits to full-time tenure and tenure-track faculty according
8 to the provisions of section 2 of this act. The department of higher education shall determine
9 funding allocation, with priority given to institutions with the highest utilization of part-time and
10 non-tenure track faculty.

11 SECTION 2. Chapter 15A of the General Laws, as appearing in the 2014 Official Edition
12 , is hereby amended by inserting, after section 16, the following new section:-

13 Section 16A. There shall be a Finish Line Scholarship Program to provide scholarships to
14 cover the entire cost of tuition and fees for one year other than the first, in a program leading to
15 an associate's or bachelor's degree at a Massachusetts public college or university. The
16 scholarships will be available to residents of the Commonwealth in need of financial assistance
17 whose family income is less than one hundred seventy five percent of median family income in
18 Massachusetts.

19 The Department of Higher Education shall establish guidelines governing said program,
20 which shall include but not be limited to eligibility requirements, selection criteria (such as
21 acceptable grades and an academic plan for timely degree completion), and other guidelines
22 designed to help meet the department's goals, such as increasing overall student success and
23 graduation rates, and lowering achievement gaps for high-risk students; provided, further, that no
24 funds from this scholarship program may be used to pay the tuition or fees for any course or
25 program offered or administered by a non-public entity and that no student shall be eligible to
26 receive a scholarship from this program more than one time.

27 The funds for the program are meant to supplement and not supplant existing scholarship
28 funds; funds for this program shall not be derived from existing financial aid programs the
29 Commonwealth administers.

30 The department shall provide the Joint Committee on Higher Education of the General
31 Court a report analyzing the usage, achievements and costs of this program, together with
32 recommendations for its future, no later than 120 days following the program's first year of
33 operation.

34 SECTION 3. Section 3(2)(d) of Chapter 32, as appearing in the 2014 Official Edition, is
35 amended by adding the following new paragraph:

36 For purposes of this section and notwithstanding the provisions of this chapter or any
37 other general or special law, rule or regulation to the contrary, any faculty who teach the
38 equivalent of at least two three credit courses per semester or four three or more- credit courses
39 per calendar year at one or more state higher education institution, including a division of
40 continuing education, regardless of funding source, including but not limited to subsidiary
41 account CC, shall be considered an employee eligible for membership in the state employees
42 retirement system and shall earn creditable service for such time.

43 SECTION 4. Section 4(2)(b) of Chapter 32, as appearing in the 2014 Official Edition, is
44 amended by inserting the following in line 459 after the word “membership;”:

45 provided, that in the case of any faculty employed at one or more state higher education
46 institution, the board shall credit as at least one-half year of service, actual service teaching the
47 equivalent of at least four three- credit courses per calendar year;

48 SECTION 5. Section 4(2)(c) of Chapter 32, as appearing in the 2014 Official Edition, is
49 amended by adding the following paragraph:

50 For faculty employed at one or more state higher education institution, the board, in
51 accordance with the provisions of this section, shall allow credit for any previous period of
52 service equivalent to teaching at least four three- credit courses per calendar year at one or more
53 state higher education institution, including a division of continuing education, regardless of
54 funding source, including but not limited to subsidiary account CC.

55 SECTION 6. Section 1 of Chapter 32, as appearing in the 2014 Official Edition, is
56 amended by inserting the following sentence in line 457 after the word “fund”:

57 In the case of part-time faculty employed at one or more state higher education
58 institution, the full salary and wages received for teaching credit courses at one or more state
59 higher education institution, including a division of continuing education, regardless of funding
60 source, including but not limited to subsidiary account CC, shall be regarded as regular
61 compensation and shall be included in the salary on which deductions are to be paid to the
62 annuity savings fund.

63 SECTION 7. Section 2(e) of chapter 32A of the General Laws, as appearing in the 2014
64 Official Edition, is hereby amended in line 117 by inserting after the word “hours” the
65 following:-

66 or faculty who teach the equivalent of at least two three or more- credit courses per
67 semester or four three or more- credit courses per calendar year at one of more state higher
68 education institutions, including a division of continuing education, regardless of funding source,
69 including but not limited to subsidiary account CC, and regardless of the term of employment

70 SECTION 8. Notwithstanding any law or regulation to the contrary, all part-time or non-
71 tenure track faculty member employed at a public institution of higher education who are
72 enrolled in the Commonwealth’s SMART Plan, as permitted by the federal Omnibus Budget
73 Reconciliation Act of 1990, shall contribute at least 6.5% their gross compensation per pay
74 period to the SMART Plan and the state employees retirement system shall contribute an amount
75 equal to not less than one percent of each employee's regular compensation.

76 SECTION 9 . Notwithstanding any law or regulation to the contrary, all part-time and
77 adjunct faculty shall, subject to collective bargaining with the exclusive representatives of the
78 full-time and part-time faculty at the public institution of higher education, receive pay that is
79 equal, on a pro rata basis, with that of full-time, non-tenure track faculty of comparable
80 qualifications doing comparable work.

81 SECTION 10. Notwithstanding any law or regulation to the contrary, each public
82 institution of higher education shall establish a process under which part-time and other non-
83 tenure track faculty, after successful completion of a probationary period, receive timely notice
84 and priority consideration, consistent with other institutional and state policies, for part-time and
85 non-tenure track teaching assignments. The provisions of this section are subject to collective
86 bargaining between the public institutions of higher education and the exclusive representatives
87 of part-time and non-tenure track faculty

88 SECTION 11. Notwithstanding any law or regulation to the contrary, each public
89 institution of higher education shall create a process for ensuring that qualified non-tenure track
90 faculty members receive full and fair consideration in attaining a tenure-track position when one
91 becomes available, consistent with department needs, institutional and state affirmative action,
92 and other personnel policies. This process shall ensure that non-tenure track faculty: (1)
93 accumulate seniority; (2) are notified of job openings prior to the job being posted outside of the
94 institution; and (3) are interviewed during the search and screen process. The provisions of this
95 section are subject to collective bargaining between the public institution of higher education and
96 the exclusive representatives of part time and non-tenure track faculty.

97 SECTION 12. Nothing in this legislation shall be construed to either limit or reduce
98 salaries, benefits or hiring rights in existence at any public institution of higher education at the
99 time this legislation passes into law.