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Testimony for the Record

Submitted to the

U.S. House of Representatives Committee on Education and the Workforce  
for the November 14, 2013 Hearing on “The Effects of the *Patient Protection and  
Affordable Care Act* on Schools, Colleges, and Universities.”

Good morning, Chairman Kline, Ranking Member Miller, and members of the committee on Education and the Workforce. My name is Maria Maisto, and I am the president of New Faculty Majority and the Executive Director of its affiliated Foundation. We are the only national nonprofit organization dedicated exclusively to improving the quality of higher education by improving the working conditions of the majority of faculty who work in temporary, precarious positions while teaching over half of all undergraduate courses in higher education. This majority is now 75% of the faculty, or over a million professors, often known as "adjuncts," working on contingent appointments—that is, appointments that are contingent on budgets and enrollments and can be terminated with little or no notice.

Just over 50% of college faculty -- more than 800,000 college professors -- are assigned to positions that are classified by college administrations as "part-time". These "part-time" classifications have traditionally been defined not by the number of hours worked but by the number of courses -- or credit hours -- taught. At community colleges, 70% or more of the faculty are classified as "part-time." Indeed, at the community college where I teach this semester, Cuyahoga Community College in Cleveland, 10% of the faculty were hired into part-time positions in 1995, whereas 76.3% were hired into these positions in 2009. "Part-

time" and "temporary" faculty in these contingent positions are paid by the course, and the national average compensation for such faculty is \$2700 per course. Most part-time faculty teach the equivalent or more of a full-time teaching load and make less than \$25,000 per year. (One of my students has told me that when he worked full-time as a manager of a fast-food restaurant as a high school dropout, he made that same salary.)

College employers rarely provide health benefits to their part-time faculty -- only 22% according to a 2010 survey by the Coalition on the Academic Workforce. College employers rarely provide paid sick leave (in fact most adjuncts, like me, are penalized for sick leave by being docked pay for any absences). College employers provide minimal or no retirement benefits to adjunct faculty. And they frequently block access to unemployment compensation. A survey that the NFM Foundation did with the Center for the Future of Higher Education two years ago showed that anywhere from 30-60% of faculty in these positions are assigned courses with three weeks or fewer to prepare, with scant access to the resources they need to teach -- resources like course materials, computers, permission to be involved in curriculum decisions, and offices in which to meet students. These part-time and temporary contingent faculty teach every day with the threat of at-will dismissal and with little recourse to due process rights we typically expect professionals to have.

I am here today to talk about the impact of the Affordable Care Act on these educators and their students. Thanks to the Affordable Care Act, many contingent faculty members will have healthcare, or more affordable healthcare, for the first time since they started teaching. As a result, they will have one fewer obstacle to their efforts to provide the highest possible quality education to students.

As you may know, since the Affordable Care Act has become law, some college and university administrations have been in the news for using the law as an excuse to reduce pay for part-time and temporary faculty by reducing their work assignments or by redefining their work according to formulas that, they claim, amount to a work week of less than 30 hours, the threshold at which they would be required to provide insurance. Some people would have us believe that the Affordable Care Act is giving the managers of colleges and universities no choice

but to enact these policies, which hurt faculty and students. I am here to correct that misperception.

It is not the Affordable Care Act but rather college and university administrations' interpretation of and response to the law that is hurting contingent faculty and their students. College and university administrators have lots of choices, and unfortunately for their students, they have chosen not to support or invest in faculty. If anything, they have attempted to circumvent the Affordable Care Act in increasingly destructive ways. For example: many colleges have adopted a definition of faculty work as comprising one hour outside of class for every hour a faculty member is in the classroom. This definition's sole purpose is to avoid the employer mandate. It is based on 10 year old data from a survey that was never intended for the purpose of determining the amount of time faculty do -- or should -- spend on the grading, preparation, research and mentoring that are required for high quality teaching.

Unfortunately, this kind of policymaking -- one that values misguided notions of labor productivity and managerial control over the educational mission at the core of higher education -- is increasingly typical of the way that colleges and universities operate. It is the reason the Association of American Colleges and Universities has called the employment of faculty in predominantly precarious, contingent positions "the 'elephant in the room' for American higher education." It is the reason the president of Colorado State University has made a public commitment to improving the working conditions of contingent faculty on his campus. It is the reason contingent faculty are now unionizing in rapidly growing numbers at campuses all across the country and are organizing as the new faculty majority to demand the professional conditions they deserve and that their students need them to have.

Too many managers of higher education institutions have been making harmful choices for decades in deciding to balance their budgets on the backs of faculty and the students they serve. Students have noticed, and they are not happy about it, not least because of the debt into which they go in order to get a college education. In a recent Public Agenda survey, community college students reported that faculty members "who offer support and guidance that is accurate, accessible, and tailored to students' educational and career goals are in high demand and can be hard to come by." They are hard to come by because too many institutions have created

working conditions that place significant obstacles to their ability to be accessible to their students. Instead these institutions have come to expect these faculty to donate their time, resources and expertise to compensate for the support that their employers have chosen not to provide.

Our organization is four years old and our growing membership includes faculty, staff, administrators, students, parents, and other community members who understand our operating principle that faculty working conditions are student learning conditions. In fact I helped start this organization not just because I have taught English Composition to first year college students for more than fifteen years, but because I have three children, all of whom, I hope, will have access to a high quality college education as I and my generation did. I, like so many of my colleagues, students, and fellow citizens, am concerned that the quality of the education students receive is being eroded by the working conditions of the majority of faculty who teach them.

Access to healthcare is a crucial component of the working conditions of the majority of the faculty, and is therefore a crucial component of the quality of the student learning experience. The faculty members who do not have access to healthcare through the colleges they work for -- or to the other professional supports that all faculty need in order to do their jobs consistently well -- are being set up for failure, as are their millions of students. That so many contingent faculty do their jobs so well in spite of their working conditions rather than because of them is a testament to their professionalism and dedication. We hope that the light that has been shined on this dark secret of higher education as a result of the passage of the Affordable Care Act will continue to grow brighter and will lead to the reforms that these faculty, their students, and our country urgently need in order to ensure that American higher education is truly of the highest quality possible.