



The Commonwealth of Massachusetts

AUDITOR OF THE COMMONWEALTH

ONE ASHBURTON PLACE, ROOM 1819
BOSTON, MASSACHUSETTS 02108

A. JOSEPH DeNUCCI
AUDITOR

TEL. (617) 727-6200

NO. 2006-5123-3S

**INDEPENDENT STATE AUDITOR'S REPORT ON
FACULTY WORKLOAD AT SELECTED
MASSACHUSETTS PUBLIC INSTITUTIONS OF
HIGHER EDUCATION
JULY 1, 2005 TO JUNE 30, 2006**

**OFFICIAL AUDIT
REPORT
SEPTEMBER 19, 2007**

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Chapter 15A of the Massachusetts General Laws establishes and outlines the duties and responsibilities of the Commonwealth's public education system. The system, which is composed of 15 community colleges, nine state colleges, and five campuses of the University of Massachusetts, is funded through state appropriations, trust funds, and student tuition and fees. Each college is regulated by the Board of Higher Education, which is responsible for monitoring each educational institution to ensure that state funds support measurable performance, productivity, and results. In addition, each college has a local board of trustees, which is responsible for establishing those policies necessary for the administrative management of personnel, staff services, and the general business of the institution under its authority. The administration of the colleges ultimately falls to each college president, who is responsible for the quality of the educational programs and the efficient administration of the college.

The colleges, in an effort to meet student needs, provide accessible, affordable, and relevant programs that adapt to meet changing individual and societal needs for education and employment. In addition to offering the traditional daytime classes, the community colleges offer day, evening, and weekend classes through their Division of Continuing Education (DCE), whereas the state colleges generally offer Division of Graduate and Continuing Education (DGCE) classes only in the evenings and on the weekends.

The state and community colleges work under Collective Bargaining Agreements (CBAs) that establish the working parameters between the college administration and the faculty in many areas, such as academic freedom and responsibility, grievance and evaluation procedures, and instructional workloads for full-time and professional staff. In the area of faculty workload the contracts delineate specific minimum requirements that each professor must meet.

In accordance with Chapter 11, Section 12, of the General Laws, and at the request of the Massachusetts Board of Higher Education, the Office of the State Auditor conducted an audit to review and evaluate internal procedures over the faculty work schedule at seven colleges for academic year 2006. Our audit was conducted in accordance with applicable generally accepted government accounting standards for performance audits and, accordingly, included such audit procedures and tests as we considered necessary under the circumstances.

The objectives of our audit were to determine (1) the amount of instructional workload, including alternative professional responsibilities or reassigned time, assigned to each faculty member for each semester for academic year 2006; (2) whether alternative professional responsibilities or reassigned time is properly monitored, adequately documented, and in compliance with the CBAs and applicable laws, rules, and regulations; and (3) the colleges' policies for categorizing day courses as state-supported or DCE/DGCE. Our audit report includes recommendations based on our review that, if implemented, would improve the colleges' internal procedures over faculty work schedules.

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As with the differences between the goals and objectives of the individual institutions and student populations, we found there are significant differences in the agreements that govern the treatment of faculty workload at the state and community colleges. One of the differences in the agreements is the method used to define faculty workload at the state colleges. Article XII, Section A, Subsection A-2b, of the state college CBA defines the annual academic workload of the faculty as follows: "At colleges other than Framingham State College, twenty-four (24) semester hours of credit of instruction shall be considered the normal faculty teaching workload in academic subject areas for the academic year."

The community college CBA, however, defines a full-time faculty workload as a minimum of 29 to a maximum of 35 instructional hours, and an additional 11 non-instructional hours per week for each semester. The faculty's instructional workload is the actual classroom time the instructor spends with students in addition to the preparation time allotted, which varies by the type of course. Preparation time includes "content and pedagogical research, the creation of instruction materials, development of student evaluation instruments and procedures, the evaluation of student performance, and any activity related to the instructional process." Non-instructional time consists of four scheduled office hours and seven hours of college services or professional development activities.

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We reviewed the faculty workload at two state colleges for academic year 2005-2006. However, because the CBA measures faculty workload at the state colleges over the life of the three-year agreement (which extends beyond our audit period), it was not possible to determine whether all faculty members complied with the required contractual workload. We did review faculty instructional hours at five community colleges to determine whether the full-time faculty members were meeting the minimum workload requirements. Our review indicated that at three of the community colleges, 12 (3%) of the 441 full-time faculty members who taught the entire academic year did not meet the required minimum of 58 (29 per semester) instructional hours. These faculty members had total instructional time for the academic year ranging from 41 to 57 hours.

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One area that affects the faculty workload in both the state and community college CBA is the use of faculty to perform certain administrative and other duties as part of their

instructional workload. The college president or his designee may assign these other duties to faculty members in lieu of their teaching responsibilities. These other duties were not always scheduled during specific times during the faculty workday, but were included as part of their normal teaching day. We found, for example, faculty members were serving as department chairs or coordinators, serving on committees, or tutoring or advising students. The CBAs, however, do not provide a framework to monitor these administrative or other duties. Moreover, we found that the colleges do not have a formal procedure to document whether these activities were accomplished or to confirm the number of hours committed to these activities. However, the colleges, in many cases, did provide us with certain documentation for these activities, including reports, advising and tutoring logs, and correspondence from the administration.

We also found that 29% to 35% of the full-time faculty at the two state colleges were given “alternative professional responsibilities,” whereas at the five community colleges, 34% to 69% of the faculty received reassigned time to perform administrative or other duties during academic year 2005-2006. With the exception of Massasoit Community College¹, we found that 50% or more of the college staff’s alternative professional responsibility or reassigned hours were used to perform such duties as department chair, curriculum or program coordinator, and union representative during academic year 2005-2006. In addition to detailing the use of these certain administrative or other duties, we calculated the value of performing these duties in relation to each college’s annual full-time faculty payroll costs for academic year 2005-2006. We found that the seven colleges had expended a total of approximately \$5,059,734, or 11% of the faculty’s total salary, to pay faculty to perform administrative and other duties as part of their instructional workload.

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During our review of faculty workload issues at Massasoit Community College, we noted that the “Partial Study Regarding Profitability of DCE Courses” prepared by Massasoit Community College’s former Chief Financial Officer raised the question of faculty members who were given reassigned instructional hours and were also teaching day continuing education courses. Chapter 15A, Section 26, of the General Laws allows each public institution to conduct summer and evening continuing education courses provided that “such classes are operated at no expense to the commonwealth.” However, during the 1980s, many colleges, over the objections of the Chancellor of the Board of Regents of Higher Education, established continuing education classes that were held during the day in an effort to generate new revenues to offset decreasing state appropriations. We found that the two state colleges generally operate continuing education courses in the evening and weekends. The five community colleges offer a significant number of day continuing education courses taught by adjunct faculty, who are contracted by the college on a course-by-course basis. Two community colleges (Bristol and Massasoit), offered more DCE courses than state-supported courses. Our review of the workload for the full-time faculty who also taught DCE courses and received reassigned hours revealed that four faculty members (one at Cape Cod Community College and three at Massasoit

¹ Our review of reassigned hours revealed that Massasoit Community College would have also been at 50% in these areas as well, if not for a significant number of reassigned hours associated with the accreditation process, which only occurs every 10 years

Community College) did not meet the minimum number of instructional hours as required by the CBA.

In response to our audit report, the Chancellor of the Board of Higher Education indicated that based on our audit, the board was able to clarify issues in the Community College contract during the negotiations for the 2006 – 2009 agreement. Specifically, the “Workload, Work Assignment and Working Conditions” section of the agreement was redrafted in order to clarify the workload expectation of full-time faculty, the workload computation form was redrafted to make the computation of faculty workload easier and more accurate, and the rate that the association [Massachusetts Community College Council] reimburses individual colleges for release time is clearly set forth in the agreement. Representatives from the state and community colleges suggested changes to our report that we considered, and some of these suggested changes were incorporated into our final report.

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INTRODUCTION

Background

Chapter 15A of the Massachusetts General Laws establishes and outlines the duties and responsibilities of the Commonwealth's public education system. The system, which is composed of 15 community colleges, nine state colleges, and five campuses of the University of Massachusetts, is funded through state appropriations, trust funds, and student tuition and fees. The mission of the community colleges is to "assume primary responsibility, in the public system, for offering developmental courses, programs, and other educational services for individuals who seek to acquire the skills needed to obtain an associates degree or program certificate, pursue college-level study or enter the workforce." The state colleges and the university integrate liberal arts and sciences programs with professional education as students pursue both undergraduate and graduate degrees.

Each college is regulated by the Board of Higher Education (BHE), which is responsible for monitoring each educational institution to ensure that state funds support measurable performance, productivity, and results. In addition, each college has a local board of trustees, which is responsible for establishing those policies necessary for the administrative management of personnel, staff services, and the general business of the institution under its authority. The administration of the colleges ultimately falls to each college president, who is responsible for the quality of the educational programs and the efficient administration of the college. Additionally, the president delegates responsibilities through his organization to the various vice-presidents and deans, who are responsible for the administration of the divisional budgets, grants, course schedules, and faculty and professional staff assignments.

The colleges, in an effort to meet student needs, provide accessible, affordable, and relevant programs that adapt to meet changing individual and societal needs for education and employment. In addition to offering traditional daytime classes, the community colleges offer day, evening, and weekend classes through their Division of Continuing Education (DCE), whereas the state colleges generally offer Division of Graduate and Continuing Education (DGCE) classes only in the evenings and on weekends. Tuition is classified as either state-supported or non-state-supported. State-supported tuition is charged for classes that are taught by full-time professors, who are paid through the state appropriation. Non-state-supported tuition is charged for DCE and DGCE courses that are taught by adjunct faculty and are paid by the college with trust fund money, not

through the state appropriation. The colleges keep the tuition that is generated from non-state-supported courses, and these retained revenues allow the DCE and DGCE programs to be self-supporting. However, all tuition collected through state-supported courses must be remitted to the Commonwealth. Under the current funding process, the state and community colleges, as well as the university, are given appropriations to fund operating and administrative costs, with the understanding that all tuition revenue received from state-funded classes will be returned to the Commonwealth as an offset to their appropriations.

As shown in Appendix II, the state appropriation is used to fund various Collective Bargaining Agreements (CBAs), which establish the working parameters between the college administration and the faculty in many areas, including academic freedom and responsibility, grievance and evaluation procedures, and instructional workloads for full-time and professional staff. In the area of faculty workload the contracts delineate specific minimum requirements that each professor must meet. Faculty members are also eligible to teach DCE and DGCE courses, as adjunct faculty, for additional compensation.

The agreement between the BHE and the state college faculty defines the faculty workload as consisting of teaching, preparation for class and laboratory instruction, student assistance and advisement, and “activities undertaken pursuant to his/her responsibilities as a professional instructor.” With the exception of the faculty at Framingham State College, each faculty member is required to complete 24 semester hours of credit of instruction in academic subject areas for each academic year. The faculty at Framingham State College, however, is required to teach six courses of instruction for each academic year. Although the faculty workloads are essentially the same, Framingham State College courses are four credits per course, as opposed to the courses at the other state colleges, which are generally three-credit courses. The agreement also states that with the approval of the vice-president or his designee, faculty members may be granted a reduction from their teaching workload to perform professional responsibilities such as serving as department chair, performing research, coaching, or conducting union activities or other administrative duties, which are calculated as part of the required teaching workload.

The agreement between the BHE and the Massachusetts Community College Council defines the workload for full-time faculty as instructional and non-instructional time. Instructional time includes teaching, course preparation, and assessment of student performance, and the instructional

workload is to be a minimum of 29 hours per week and a maximum of 35 hours per week. Non-instructional time, which is to be 11 hours per week, consists of four scheduled office hours and seven hours of college services or professional development activities.

The agreement also states that the college president or his designee may grant a reduction to a full-time faculty member's teaching workload to perform administrative or other duties. This reduction in the teaching workload is referred to as "reassigned" or "released" time. The amount of workload reduction or reassigned time, which is part of the total instructional workload, is dependent upon the duties performed (e.g., department chair, course coordinator, program coordinator, union representative). The faculty contract, Article XII, Section 12.03, B1(f) states:

The President of the College or the President's designee may upon mutual agreement assign a faculty member non-instructional activities such as course, program or curriculum development, professional development activities or administrative duties; provided that the faculty member is qualified to perform such activities in lieu of a proportional number of instructional units.

Our audit was initiated based upon a request from the BHE and in addition, we discussed information provided to us by the former Chief Financial Officer (CFO) of Massasoit Community College (MCC), who performed a study and prepared a report titled, "Partial Study Regarding Profitability of DCE (Division of Continuing Education) Courses." The intent of this study, although not complete, was to determine whether the DCE program at MCC was generating sufficient revenue for its enrollment and to investigate the cost of reassigned time worked by full-time faculty members. This report examined faculty member workload based on a per-credit hour basis as opposed to instructional hours.

An independent auditing firm was engaged by MCC to assist in evaluating instructional workload issues for the 2004-2005 and 2005-2006 academic years. The firm evaluated and calculated the full instructional workload, which includes reassigned or released time, according to the provisions of the CBA for faculty members at MCC, and reviewed the requests for faculty release time and the documentation that release time was performed. The firm recommended that MCC develop formal procedures for requesting, evaluating, and documenting the reassigned or released time. The firm also identified the distinction in classifying courses as either day or day DCE courses, defined the number of day and day DCE courses offered, and reviewed the instructional day workload for those

faculty members who taught day DCE courses. During the period of its review, the firm found that two faculty members who taught day DCE courses did not maintain a full instructional workload.

Audit Scope, Objectives, and Methodology

In accordance with Chapter 11, Section 12, of the General Laws, the Office of the State Auditor conducted an audit to review and evaluate internal procedures over the faculty work schedule at seven colleges for academic year 2006. Our audit was conducted in accordance with applicable generally accepted government accounting standards for performance audits and, accordingly, included such audit procedures and tests as we considered necessary under the circumstances.

The objectives of our audit were to determine (1) the amount of instructional workload, including alternative professional responsibilities or reassigned time, assigned to each faculty member for each semester for academic year 2006; (2) whether alternative professional responsibilities or reassigned time is properly monitored, adequately documented, and in compliance with the CBAs and applicable laws, rules, and regulations; and (3) the colleges' policies for categorizing day courses as state-supported or DCE/DGCE.

Our audit scope and methodology encompassed the following:

- Interviewing college administrators and staff at selected colleges, including Cape Cod Community College, Massasoit Community College, Bristol Community College, Mount Wachusett Community College, Quinsigamond Community College, Fitchburg State College, and Westfield State College, to gain an understanding of each college's process for assigning faculty instructional time.
- Reviewing each college's established internal control system to monitor and document faculty instructional time.
- Obtaining and reviewing the supporting documents for the colleges' calculation of full-time faculty workload, including reassigned time.
- Obtaining faculty payroll information for academic year 2006.
- Obtaining from each community college the number of state-supported and day DCE courses offered, full-time faculty teaching day DCE courses, and full-time faculty with reassigned time teaching day DCE courses.
- Reviewing documentation concerning the issue of community colleges' offering day DCE courses and the practice of allowing full-time faculty to teach these courses.

- Meeting with an independent audit firm to discuss their findings and observations contained in its report regarding issues relating to the faculty instructional workload at Massasoit Community College.
- Meeting with the former Vice-President/Chief Financial Officer of Massasoit Community College regarding the study he prepared titled, “Partial Study Regarding Profitability of DCE Courses.”
- Meeting with the attorneys that represent the community colleges to discuss faculty CBAs.

At the conclusion of our audit, we met with representatives for the community colleges, the Chancellor, and members of the BHE to discuss the contents of our report.

Our audit report includes recommendations based on our review that, if implemented, would improve the colleges’ internal procedures over faculty work schedules.

Based on our review of the areas tested, we have determined that, except for the matter discussed in the Audit Results section of the report, the seven colleges we reviewed were managing their faculty work schedule in accordance with the terms of their faculty CBAs.

AUDIT RESULTS

FACULTY INSTRUCTIONAL WORKLOAD: ISSUES AND COMPLIANCE WITH COLLECTIVE BARGAINING AGREEMENTS

During our audit, we reviewed faculty workload issues at five community colleges and two state colleges. Specifically, we reviewed (a) the differences in the colleges' CBAs, (b) faculty compliance with CBAs, (c) administrative and other duties as part of the faculty workload, and (d) faculty who taught day DCE classes in addition to their instructional workload.

a. State and Community College CBA Differences Regarding Faculty Workload

As with the differences between the goals and objectives of the individual institutions and student populations, we found there are significant differences in the agreements that govern the treatment of faculty workload at the state and community colleges. One of the differences in the agreements is the method used to define faculty workload at the state colleges. Article XII, Section A (2)(a), of the state college CBA defines the annual full-time faculty workload as follows:

At Colleges other than Framingham State College, twenty-four (24) semester hours of credit of instruction shall be considered the normal faculty teaching workload in academic subject areas for the academic year; provided, however, that every member of the faculty may be required to teach not more than ninety-six (96) semester hours of credit of instruction during the four (4) academic years 2003-2004, 2004-2005, 2005-2006 and 2006-2007.

Moreover, Article XII, Section A (1)(a), of the CBA outlines the expectations and requirements of the full-time faculty workload, as follows:

Faculty workload shall consist of: (1) teaching workload; (2) preparations for classroom and laboratory instruction; (3) student assistance, including academic advising; (4) continuing scholarship (as described in the provisions of Article VIII); and (5) activities undertaken by a faculty member pursuant to his/her responsibilities as a professional and the terms of this Agreement, including those in the following areas:

- *Participation as a professional in public service;*
- *Participation in and contributions to the improvement and development of the Academic programs or academic services of the College*
- *Participation in and contributions to the professional growth and development of the College Community*

In addition to the foregoing, during the academic year, faculty members have the obligation to carry out committee assignments; to participate in scheduled orientation

and registration programs; to attend College functions, including commencement, faculty, committee and departmental meetings and convocations; to assist in the recruitment and screening of candidates for departmental positions in accordance with Article VI; and to undertake, pursuant to their responsibilities as professionals, such other activities as are of the kind described in the preceding paragraph. Subject to the foregoing provisions, members of the faculty may participate voluntarily in co-curricular activities, and may participate voluntarily in any student orientation period and registration period scheduled to fall outside the academic year.

Unlike the state college CBA, the community college CBA defines a full-time faculty workload as a minimum of 29 to a maximum of 35 instructional hours and an additional 11 non-instructional hours per week for each semester. The faculty's instructional workload is the actual classroom time the instructor spends with students in addition to the preparation time allotted, which varies by the type of course. Preparation time includes "content and pedagogical research, the creation of instruction materials, development of student evaluation instruments and procedures, the evaluation of student performance and any activity related to the instructional process." Non-instructional time consists of four scheduled office hours and seven hours of college services or professional development activities.

Article XII, Section 12.03, Subsection A, of the community college CBA defines instructional and non-instructional workloads as follows:

Faculty workload shall consist of:

1. *Instructional workload, which includes:*
 - a. *teaching in both traditional and non-traditional learning modes*
 - b. *instructional preparation*
 - c. *assessment of student performance*

2. *Non-instructional workload shall consist of:*
 - a. *student assistance/advisement*
 - b. *office hours*
 - c. *college service, which includes:*
 1. *servicing as advisor to student activities*
 2. *servicing on governance, ad hoc, college standing committees, system-wide task forces or committees, or labor-management committee;*
 3. *preparing grant proposals*
 4. *participating in college, division, department or other related college meetings and/or activities*
 5. *participation in the improvement and development of academic programs and resources including recruitment*
 6. *servicing as a department chair*
 - d. *college recognized community service, provided that such service is not compensated by an outside funding source*
 - e. *professional development activities, which include:*
 1. *related graduate study*

- 2. related in-service training*
- 3. research and other College recognized contributions to a faculty member's area of competence*
- 4. participation in College recognized professional associations, including teachers' organizations*

b. Review of Faculty Workload Compliance with the CBAs

We reviewed the faculty workload at the two state colleges for academic year 2005-2006. However, because the CBA measures faculty workload at the state colleges over the life of the three-year agreement, which extends beyond our audit period, it was not possible to determine whether all faculty members complied with the required contractual workload.

We reviewed faculty instructional hours at the five community colleges during academic year 2005-2006 to determine whether full-time faculty members were meeting the minimum requirements. Each semester the administration of each community college computes the instructional hours using a specific calculation established within Article XII, Section 12A.01, of the CBA. This calculation takes into consideration the number of hours each professor prepares for a class and the number of “contact” hours the professor has with their students. The community college CBA requires a minimum of 29 to a maximum of 35 instructional hours per semester, and Article XII, Section 12A.01 (B) (7)(c) allows for an adjustment to the faculty workload over two academic semesters (however, the instructional workload shall not exceed 70 hours for any academic year). During our review of the five community colleges, we found that 12 (3%) of the 441 full-time faculty who taught the entire academic year did not meet the required minimum of 58 instructional hours. One faculty member at Bristol Community College had 49 instructional hours, 5 faculty members at Massasoit Community College had 56 instructional hours, and six faculty members of Cape Cod Community College had total instructional hours ranging from 41 to 57 for the academic year.

Cape Cod Community College officials stated various reasons why the faculty members did not meet the minimum CBA instructional hours, including the following:

- Errors in the calculation and management of one faculty member’s workload by a Dean that created a shortage of instructional hours. The college indicated that it is working with the faculty member to correct this issue in the 2006-2007 academic year.

- Although one professor taught five sections of the same course and another professor taught three four-credit language courses, neither faculty member's workload equated to the minimum instructional hours.
- Another faculty member, in addition to being a department chair and coordinator, worked in the advising center and on a mentoring program during the academic year; however, that faculty member's instructional workload did not meet the minimum contractual requirements.
- One faculty member was performing duties that were not documented or calculated as instructional hours, and another faculty member was not assigned sufficient courses to meet the minimum instructional workload.

Administration officials at Massasoit Community College stated that three of the professors listed "teach four-credit/five-contact-hour science courses only" and that the other two professors taught four classes that had a low number of preparation hours, which contributed to their not meeting the minimum instructional hours. The college added that these professors would have had a significant overload or exceeded the required hours if they were given an increased course load.

The administration of Bristol Community College acknowledged that two DCE courses were included in the calculation of instructional hours during academic year 2005-2006 for the faculty member in question. The college indicated that it increased the faculty member's instructional hours during the following year to make up for the difference and bring the faculty member into compliance with the CBA.

c. Administrative and Other Duties as Part of the Faculty Workload

One area that affects the faculty workload in both the state and community college CBA is the use of faculty to perform certain administrative and other duties as part of their instructional workload. The college president or his designee may assign these other duties to faculty members in lieu of their teaching responsibilities. Although these other duties were not always scheduled during specific times during the faculty workday, they were included as part of the faculty's normal teaching day. We found, for example, that faculty members were serving as department chairs or coordinators, serving on committees, or tutoring or advising students. However, the CBAs do not provide a framework to monitor the number of weekly hours worked in administrative or other duties. Moreover, we found that the colleges do not have a formal procedure to document whether these activities were accomplished or to confirm the

number of hours committed to these activities. Nevertheless, the colleges often provided us with some form of documentation for these activities, including reports, advising and tutoring logs, and administrative correspondence.

Article XII, Section D, of the state college CBA describes the time established for “alternative professional responsibilities” as follows:

Any member of the bargaining unit who, whether pursuant to Article XIV of this Agreement or otherwise, and whether at the request of the administration or otherwise, volunteers to perform professional responsibilities of the following kind, namely, institutional research, service to the College community, coaching, research and publication or the performance of administrative or other duties pursuant to the terms of any federal or other grant, may, if the Vice President approves of the performance of such responsibilities, be granted a reduction of his/her teaching workload to facilitate the same, which reduction if so granted shall be in an amount determined in each case by the Vice President. . . .

As described in the chart below, 29% to 35% of the full-time faculty at the two state colleges were given “alternative professional responsibilities” as described in the CBA.

	<u>Fitchburg</u>		<u>Westfield</u>	
	<u>State College</u>		<u>State College</u>	
	Fall	Spring	Fall	Spring
	<u>2005</u>	<u>2006</u>	<u>2005</u>	<u>2006</u>
Full-Time Faculty	168	168	179	179
Full-Time Faculty with Alternative Professional Responsibilities	50	49	53	63
Percentage of Full-Time Faculty with Alternative Professional Responsibilities	30%	29%	30%	35%

Similarly, Article XII, Section 12.03(B)(f), of the community college CBA describes the reduction of the faculty teaching workload as “reassigned time” by stating, in part:

The President of the College or the President's designee may upon mutual agreement assign a faculty member non-instructional activities such as course, program or curriculum development, professional development activities or administrative duties; provided that the faculty member is qualified to perform such activities in lieu of a proportional number of instructional units.

In addition, as shown in the following chart, we found that at the five community colleges during academic year 2005-2006, 34% to 69% of the faculty received reassigned time, which is a reduction of their teaching workload to perform administrative or other duties.

	Bristol Community College		Massasoit Community College		Cape Cod Community College		Mount Wachusett Community College		Quinsigamond Community College	
	Fall	Spring	Fall	Spring	Fall	Spring	Fall	Spring	Fall	Spring
	<u>2005</u>	<u>2006</u>	<u>2005</u>	<u>2006</u>	<u>2005</u>	<u>2006</u>	<u>2005</u>	<u>2006</u>	<u>2005</u>	<u>2006</u>
Full-Time Faculty	101	101	127	125	61	62	70	71	110	109
Full-Time Faculty with Reassigned Time	63	70	76	68	21	24	24	25	45	44
Percentage of Full-Time Faculty Reassigned	62%	69%	60%	54%	34%	39%	34%	35%	41%	40%

At each of the colleges, we summarized the total number of hours of “alternative professional responsibilities or reassigned time” and their uses (see Appendix III). The total hours for alternative professional responsibilities for the state colleges represent the number of annualized credit hours assigned to each category. The hours (listed by category as reassigned time for the community colleges) are calculated in accordance with Article XII, Section 12A.01, (E), of the CBA and represent the annualized credit hours for items that required a workload reduction, multiplied by two to arrive at the total reassigned hours for academic year 2005-2006.

As outlined in the chart below, with the exception of Massasoit Community College, we found that 51% to 85% of the faculty’s alternative professional responsibility or reassigned hours were used to perform such functions as department chair, curriculum or program coordinator, and union representative during academic year 2005-2006. However, a review of reassigned hours revealed that Massasoit Community College would have also been at 50% in these areas if not for a significant number of reassigned hours associated with the accreditation process, which only occurs once every 10 years.

<u>College</u>	<u>Total Alternative Professional Responsibility or Reassigned Hours</u>	<u>Total Dept Chair/Coordinator</u>	<u>Total Union Representatives</u>	<u>Total Dept Chairs/Coordinators and Union Representatives</u>	<u>Percentage</u>
Fitchburg State College	7,358	4,488	288	4,776	65%
Westfield State College	7,880	3,808	192	4,000	51%
Bristol Community College	21,152	10,960	384	11,344	54%
Massasoit Community College	22,928	8,992	1,024 ²	10,016	44%
Cape Cod Community College	5,088	3,552	192	3,744	74%
Mount Wachusett Community College	6,592	5,056	384	5,440	83%
Quinsigamond Community College	17,824	14,848	384	15,232	85%

In addition to detailing the use of these administrative or other duties, we calculated the value of performing these duties in relation to each college's annual full-time faculty payroll costs for academic year 2005-2006. Because the state and community colleges define their academic workload differently, a value could not be calculated for these administrative or other duties the same way. The CBA for the faculty at the state colleges defines the faculty workload in terms of credit hours, whereas the CBA for the community colleges defines it in terms of instructional and non-instructional hours.

For the state college faculty, we obtained their annual salaries and the total number of credit hours of instruction for the academic year. We then added six additional credit hours for the required faculty office hours to the total hours of instruction to arrive at the total number of faculty credit hours for the year. Using the annual salary for faculty who performed alternative professional responsibilities, we calculated a per-credit-hour rate and multiplied this amount by the number of hours each professor performed these alternative responsibilities to arrive at a total value for this time.

For the community colleges, we obtained the salaries for the full-time faculty paid during the academic year and divided this amount by the total number of weekly hours worked, both instructional and non-instructional. For faculty members who had reassigned time, we multiplied the hourly rate by the number of reassigned hours.

² The college was reimbursed by the Union for 768 of these hours pursuant to Article 2.05 of the CBA.

We found that the seven colleges had expended a total of approximately \$5,059,734, or 11% of the faculty's total salary, to pay faculty to perform administrative and other duties as part of their instructional workload. The following details each college's full-time faculty expenditures and the approximate value of alternative professional responsibility or reassigned time for academic year 2005-2006:

	Full-Time Faculty		Full-Time Faculty Payroll	Faculty with Alternative Professional Responsibility or Reassigned Time		Approximate Value of Alternative Professional Responsibility or Reassigned Time	Alternative Professional Responsibility or Reassigned Time as a Percentage Of Total Full-Time Faculty Payroll
	Fall 05	Spring 06		Fall 05	Spring 06		
Fitchburg State College	168	168	\$10,846,490	50	49	\$ 1,007,357	9%
Westfield State College	179	179	9,766,376	53	63	988,628	10%
Bristol Community College	101	101	5,247,207	63	70	816,495	16%
Massasoit Community College	127	125	7,636,401	76	68	1,033,923	14%
Cape Cod Community College	61	62	3,585,470	21	24	223,411	6%
Mount Wachusett Community College	70	71	4,315,928	24	25	260,281	6%
Quinsigamond Community College	110	109	<u>6,403,762</u>	45	44	<u>729,639</u>	11%
Total			<u>\$47,801,634</u>			<u>\$5,059,734</u>	11%

d. Full-Time Faculty Teaching Day DCE Courses

During our review of faculty workload at Massasoit Community College, we noted that the "Partial Study Regarding Profitability of DCE Courses" prepared by Massasoit Community College's former Chief Financial Officer raised a question concerning faculty members who were given reassigned instructional hours and were also teaching day continuing education

courses. Chapter 15A, Section 26, of the Massachusetts General Laws allows each public institution to conduct summer and evening continuing education courses provided that they “are operated at no expense to the commonwealth.”

During the 1980s, many colleges, over the objections of the Chancellor of the Board of Regents of Higher Education, established continuing education classes that were held during the day in an effort to generate new revenues to offset decreasing state appropriations. In August 1988, the Chancellor, in a memorandum to the community college presidents, stated he felt the practice of allowing day continuing education classes “was not in the best interest of maintaining equity in our Community Colleges.” He further stated, in part:

Clearly, it could not have been the legislative intent to allow our colleges to offer sections of a course in the same building, on the same day with one group of students attending a state-supported course and another group attending a self-supporting course with a higher tuition. Effectively, we would be operating a quasi-private college within our public institutions.

However, in a December 15, 1988 memorandum to the Chancellor, the Board of Regents General Counsel stated, “there appear to be no compelling legal reasons why institutions may not conduct Division of Continuing Education courses during the day.” A similar legal opinion was issued in October 1979 by the Board’s former General Counsel in which he stated “I am unaware of any statutory prohibition against conducting DCE classes at times other than evening hours or summer session.”

In August 1989 the Chancellor reiterated his concerns of a year earlier regarding the offering of Day DCE courses in a memorandum to the state and community college presidents. The Chancellor concluded his memorandum by stating, in part:

While I applaud your emphasis on serving students which is fundamental to the mission of the Community Colleges, the way in which we provide education must be consistent with the intent of those who fund our programs. With that in mind, I am once again requesting that each institution meet its obligations to as many students as possible without resorting to the practice of offering identical sections of courses during the regular day sessions.

Notwithstanding the concerns of the Chancellor, and with no definitive legal opinion concerning this issue, and in the absence of any explicit statutory prohibition, the community colleges have offered day continuing education courses for the last 30 years as a mechanism for the colleges to provide needed courses in light of state budgetary reductions. Recently, the Legislature has

proposed a special commission to investigate and study the feasibility of eliminating the provisions of Section 26 of Chapter 15A of the General Laws relating to summer and evening courses and programs conducted at no expense to the Commonwealth. The study shall include, but not be limited to, a determination of the cost to the Commonwealth for such a change in legislation.

During our review of the seven colleges, we found that the two state colleges generally operate continuing education courses in the evening and weekends. The five community colleges offer a significant number of day continuing education courses taught by adjunct faculty, who are contracted by the college on a course-by-course basis. At two of the community colleges (Bristol and Massasoit), there were more day continuing education courses (Day/DCE courses) being offered than state-supported courses. The chart below details the number of state and Day/DCE courses at the community colleges included in our audit.

	Bristol Community College		Massasoit Community College		Cape Cod Community College		Mount Wachusett Community College		Quinsigamond Community College	
	Fall	Spring	Fall	Spring	Fall	Spring	Fall	Spring	Fall	Spring
	<u>2005</u>	<u>2006</u>	<u>2005</u>	<u>2006</u>	<u>2005</u>	<u>2006</u>	<u>2005</u>	<u>2006</u>	<u>2005</u>	<u>2006</u>
State Courses	328	314	404	398	204	200	291	268	406	349
Day/DCE Courses	<u>550</u>	<u>475</u>	<u>489</u>	<u>441</u>	<u>165</u>	<u>154</u>	<u>248</u>	<u>232</u>	<u>300</u>	<u>252</u>
Total	<u>878</u>	<u>789</u>	<u>893</u>	<u>839</u>	<u>369</u>	<u>354</u>	<u>539</u>	<u>500</u>	<u>706</u>	<u>601</u>
Percentage of Day/DCE Courses	63%	60%	55%	53%	45%	44%	46%	46%	42%	42%

Another issue that arose during the 1980s was whether instructors were prohibited from teaching courses at an additional per-course stipend (day continuing education courses) during their normally scheduled day. The issue relates to Chapter 268A of the General Laws and the definition of a “special state employee,” more specifically, whether an employee who occupies a position that, by its classification in a state agency or by the terms of their contract or employment, permits personal or private employment during normal working hours.

In 1983, the definition of a “special state employee” was amended to require certain disclosures. In a letter dated March 28, 1983 to all public college and university presidents, the Chancellor of the Board of Regents stated, “Chapter 612 [of the Acts of 1982] requires that disclosure of such

[position] classification or permission [be] filed in writing with the State Ethics Commission prior to the commencement of any personal or private employment.” A department head may send a letter to the State Ethics Commission listing those people in his agency who are permitted to have private employment during normal working hours. The Chancellor filed with the State Ethics Commission a list that included instructor, assistant professor, associate professor, and professor at all the public colleges and universities that classified the positions as being “permitted personal or private employment during normal working hours.”

At the five community colleges during academic year 2005-2006, as outlined below, we found full-time faculty who were teaching day continuing education courses in addition to their state-supported courses and reassigned hours.

	Bristol Community College		Massasoit Community College		Cape Cod Community College		Mount Wachusett Community College		Quinsigamond Community College	
	Fall 2005	Spring 2006	Fall 2005	Spring 2006	Fall 2005	Spring 2006	Fall 2005	Spring 2006	Fall 2005	Spring 2006
Full-Time Faculty Teaching Day/DCE Courses	30	26	54	49	16	17	8	8	37	43
Full-Time Reassigned Faculty Teaching Day/DCE Courses	22	20	40	35	11	9	3	7	22	25
Percentage of Reassigned Full-Time Faculty Teaching Day/DCE Courses	73%	77%	74%	71%	69%	53%	38%	88%	59%	58%

While reviewing the workload for the full-time faculty who also taught day continuing education courses and received reassigned hours, we found four faculty members (one at Cape Cod Community College and three at Massasoit Community College) who did not meet the minimum number of instructional hours as required by the CBA. The community college CBA specifies, “full-time employment by the employer (the College) shall be considered the primary employment of each faculty member.” Therefore, although teaching day continuing education courses is allowable, faculty members should meet the minimum instructional hours required in the CBA.

Recently, the Legislature has been examining the issue of tuition retention at state and community colleges. Specifically, it is considering allowing the colleges to retain all tuition and

removing any distinction between state-supported and continuing education courses. Under the current funding process, the state and community colleges and the university are given appropriations to fund operating and administrative costs, with the understanding that all tuition revenue received from state-funded classes will be returned to the Commonwealth as an offset to their appropriations. State-funded classes are taught by faculty members whose salaries are paid from the annual state appropriation. As stated previously, the colleges also offer continuing education courses, which are taught by adjunct faculty and are paid by the college out of trust fund money, not through state appropriations. The colleges, to offset costs associated with this program, keep tuition that is paid for courses taught by continuing education faculty. Continuing education programs must, by law, be operated at no expense to the Commonwealth. Should the Legislature allow the colleges to keep all tuition earned, this may affect the current distinction between the state supported and the continuing education courses.

Recommendation

Each college's administration has the responsibility of meeting the programmatic and educational needs of its students. To achieve this goal, faculty members may perform administrative and other duties outside the classroom environment, a process that is delineated in the state college and community college CBAs. However, to better evaluate, document, and control the use of alternative professional responsibilities or reassigned time; ensure that instructors are fulfilling their instructional time requirements; and assess the cost implications of these matters, we recommend that each college:

- Continue to monitor faculty to ensure all faculty members are meeting the minimum instructional hours required in accordance with the CBA.
- Measure and monitor, in conjunction with its Board of Trustees, the use of alternative professional responsibilities or reassigned time to determine the necessity, cost impact, and cost effectiveness of reassigned time as they develop and structure their programs.
- Review and strengthen, as necessary, procedures to monitor alternative professional responsibilities or reassigned time and establish internal procedures to verify that the activities are completed and hours are documented to ensure that all faculty members are in compliance with the CBA.
- Monitor and ensure that faculty are meeting the minimum instructional hours required by the CBA before they are allowed to teach day continuing education courses.

If proposed legislation to establish a special commission to investigate and study the feasibility of eliminating the provisions of Chapter 15A, Section 26, of the General Laws does not pass, alternative legislation should be considered to clarify this issue.

Auditee's Response

In response to this issue, the Chancellor of the Board of Higher Education stated, in part:

Aware that the Office of the State Auditor was conducting an audit of faculty workload, during the negotiations for the 2006-2009 Agreement [Community Colleges], the Board of Higher Education was able to clarify several issues referenced in the audit.

First, Article XII "Workload, Work Assignment and Working Conditions" was redrafted in order to make the workload expectation of full-time faculty more clear and easily understood.

Second, the workload computation form appended to the Agreement was redrafted in order to make the computation of faculty workload easier and more accurate for both the individual faculty member and the Chief Academic Officer.

Third, the rate by which the association [Massachusetts Community College Council] shall reimburse individual colleges for release time is clearly set forth in the agreement.

Representatives for the state and community colleges suggested changes to our draft report that we considered, and some of these suggested changes were incorporated into our final report.

APPENDIX I**List of Audited Colleges**

Dr. Robert Antonucci, President
Fitchburg State College
160 Pearl Street
Fitchburg, Massachusetts 01420-2697

Dr. Daniel Asquino, President
Mount Wachusett Community College
444 Green Street
Gardner, Massachusetts 01440-1000

Dr. Gail E. Carberry, President
Quinsigamond Community College
670 West Boylston Street
Worcester, Massachusetts 01606

Barry M. Maloney, Interim President
Westfield State College
577 Western Avenue
Westfield, Massachusetts 01086

Dr. John Sbrega, Ph.D., President
Bristol Community College
777 Elsbree Street
Fall River, MA 02720

Dr. Kathleen Schatzberg, President
Cape Cod Community College
2240 Iyanough Road
West Barnstable, Massachusetts 02668

Dr. Charles Wall, President
Massasoit Community College
1 Massasoit Boulevard
Brockton, Massachusetts 02302

APPENDIX II**List of Collective Bargaining Agreements in Effect
During the Audit Period**

Agreement between the Board of Higher Education and The Massachusetts Teachers Association/National Education Association-Massachusetts State College Association – Contract Term July 1, 2004 to June 30, 2007

Agreement between the Board of Higher Education and the Massachusetts Community College Council – Contract Term July 1, 2003 to June 30, 2006

Memorandum of Agreement between the Board of Higher Education/Massachusetts Community College Council Massachusetts Teachers Association/National Education Association for the Division of Continuing Education – Contract Term July 1, 2005 to May 31, 2008.

APPENDIX III

Alternative Professional Responsibilities or Reassigned Time for Academic Year 2005-2006 Detailed Hourly Summary by College

	<u>Bristol Community College</u>	<u>Cape Cod Community College</u>	<u>Massasoit Community College</u>	<u>Mount Wachusett College</u>	<u>Quinsigamond Community College</u>	<u>Fitchburg State College</u>	<u>Westfield State College</u>
Department Chair	4,576	1,344	6,688	4,000	-	3,864	3,088
Coordinator	6,384	2,208	2,304	1,056	14,848	624	720
Union	384	192	1,024	384	384	288	192
Program Review/Proposal	288	384	-	576	288	-	-
Advising Center/Club Advisor	48	384	960	384	-	-	288
Connect Program	576	192	96	-	-	-	-
Tutoring	816	-	2,864	-	96	-	-
Curriculum	96	192	800	-	32	1,094	-
Orientation	-	-	320	-	-	-	-
Accreditation	-	192	2,944	-	-	-	96
Lab Preparatory	240	-	896	-	-	-	-
Liaison	-	-	448	-	-	-	-
Grants	64	-	-	-	-	480	1,152
Center for Teaching & Learning	2,304	-	-	-	-	-	-
Center for Entrepreneurship	384	-	-	-	-	-	-
Luso Centro	192	-	-	-	-	-	-
Teacher Education Council	-	-	-	-	-	96	1,208
Culinary Arts Supervision	-	-	512	-	-	-	-
NECIT	-	-	384	-	-	-	-
Radio/TV/Theater	-	-	768	-	-	-	-
Journal Editor	192	-	-	-	-	-	96
Senate	-	-	256	-	-	-	-
Professional Development	-	-	-	-	960	-	432
Additional Advisees or Office Hours	560	-	-	-	-	-	-
Writing Lab	864	-	-	-	-	-	-
Technology Support	96	-	864	-	192	240	96
Testing	-	-	128	-	-	-	-
Research	96	-	-	-	-	576	-

APPENDIX III (continued)

**Alternative Professional Responsibilities or
Reassigned Time for Academic Year 2005-2006
Detailed Hourly Summary by College**

	<u>Bristol Community College</u>	<u>Cape Cod Community College</u>	<u>Massasoit Community College</u>	<u>Mount Wachusett College</u>	<u>Quinsigamond Community College</u>	<u>Fitchburg State College</u>	<u>Westfield State College</u>
Workforce	-	-	672	-	-	-	-
Presidential Fellow	1,536	-	-	-	-	-	-
Faculty Mentor	288	-	-	-	-	-	-
Committees	384	-	-	-	-	-	-
Leadership Academy	-	-	-	-	-	96	-
Faculty Athletic Representative	-	-	-	-	-	-	16
Director	-	-	-	-	-	-	400
Manufacturing Engineering Tech	528	-	-	-	-	-	-
Grad Symposium	-	-	-	-	-	-	96
Learning Community	-	-	-	192	-	-	-
Fast Track Program	-	-	-	-	768	-	-
DHY Project (Dental Hygiene)	-	-	-	-	256	-	-
Volunteer Income Tax Assistance	192	-	-	-	-	-	-
Field Work	64	-	-	-	-	-	-
Total Alternative Professional Responsibility/Reassigned Hours	21,152	5,088	22,928	6,592	17,824	7,358	7,880

Note: The total hours for alternative professional responsibilities for the state colleges represent the number of annualized credit hours assigned to each category. The hours, listed by category as reassigned time for the community colleges, are calculated in accordance with Article XII, Section 12A.01(E), of the CBA and represents the annualized credit hours, for items that required a workload reduction, multiplied by two to arrive at the total reassigned hours for academic year 2005-2006.