Report to Kansas State University Faculty Senate on
Term and Regular Appointment Non-Tenure Track Faculty Position Trends
Senator Amir A. Bahadori and Senator LaBarbara Wigfall
On behalf of Faculty Affairs Committee
28 February 2025

Background

As described in the Kansas State University Handbook Section C: Faculty Identity, Employment, Tenure, Part **C10** Faculty appointments, a number of "faculty ranks can be either regular, term, or adjunct appointments." Defined in Part **C11** Term appointments, "Normally, a term appointment is used only when the need or the funding for the position is finite. A term appointment carries no expectation of continued employment beyond the period stated in the contract". Faculty members who have regular appointments are also entitled to other rights and privileges not available to faculty members who have term appointments (*e.g.*, modified instructional duties described in Kansas State University Handbook Section D: Privileges, Benefits, Responsibilities, Part **D90**). Conversely, faculty members on regular appointments are required to undergo a different periodic review process than faculty members on term appointments (see Part **C60**). Tenure-track faculty (TTF) are exclusively appointed to regular positions, since the principles of tenure and the definition of a term appointment at Kansas State University (KSU) are in direct conflict, although the University Handbook (UHB) paradoxically allows term TTF appointments (see Part **C10**). Furthermore, there are issues with the UHB definition of when term appointments should be used, since arguably the need and funding for *every* position at KSU is finite (*i.e.*, not infinite, or not unlimited in need, funding, or duration). However, a redefinition or clarification of "term appointment" in Part **C11** of the UHB is beyond the scope of this report.

Recently, there has been anecdotal evidence of administrators using term appointments for positions inappropriately. An example of this would be appointing instructors, teaching assistant professors, teaching associate professors, or teaching professors to term positions when their efforts are covered in full by sources other than grants or contracts. Clearly, the need and funding for these positions is commensurate with the need and funding for TTF positions. Another example of inappropriate use of term positions would be intentionally circumventing review by eligible faculty required of a faculty member appointed to a regular position (see Part **C63.1**). Administrators may be motivated to inappropriately utilize term appointments to avoid the required notice of non-reappointment (NNR) period afforded to faculty members on regular appointments.

It is important to note that this report **does not aim to levy accusations** against any particular administrator or group of administrators regarding the inappropriate use of term appointments. However, the Faculty Affairs Committee of the KSU Faculty Senate determined that it would be prudent to request data from the University on recent trends in term and regular non-tenure track (NTT) faculty appointments to better understand whether there have been recent changes in the use of term appointments University-wide. <u>The purpose of this report is to present data on recent trends in term and regular NTT faculty appointments, analyze these data, present conclusions that may be drawn from the data, and suggest possible future efforts related to this issue.</u>

Data Request

On 16 October 2024, Senator Bahadori sent a draft data request to Senator Wigfall and Associate Provost for Academic Affairs (AVPAA) Tanya González for review and input. After AVPAA González met with Associate Provost (AP) and Chief Data Officer (CDO) Bin Ning to discuss the draft data request, it was decided that a meeting to discuss the request was necessary. A Zoom meeting was held on 14 November 2024, with Senator Bahadori, Senator Wigfall, and AP/CDO Ning in attendance. Subsequent to the meeting, on the same date, Senator Bahadori emailed AP/CDO Ning with the following data request.

> *Request deadline: January 31, 2025*
> We request the following information for each of the last 10 years for ==non-tenure track, full-time faculty positions==:
> - Number of new regular appointments
> - Number of continuing regular appointments
> - Number of term appointments
> - Number of NNRs issued (?)
> - Number of regular employees terminated for cause
> - Number of term employees not reappointed
> - Number of term employees terminated for cause
> - Number of term appointments converted to regular appointments
> - Number of regular appointments converted to term appointments
> - Average length of term appointments
> - Average length of service for term employees
> - Average length of service for regular employees
> - Maximum length of service for term employees

Later that day, AP/CDO Ning acknowledged the request without any objection or request for clarification.

The data request was fulfilled via spreadsheet attached to an email from Yuhao Liu from the Office of Data, Assessment and Institutional Research (DAIR) to Senator Bahadori on 10 January 2025. A minor labeling error on the spreadsheet was corrected on 15 January 2025. The only requested item not available was the "Average length of term appointments". This omission, a result of lack of data availability at DAIR, was determined to be incidental to the overall analysis.

Analysis

Raw data are not presented in this report but are available upon reasonable request from and approval by DAIR.

The number of new regular appointments for each year and the number of continuing regular appointments for each year were summed to obtain the number of all regular appointments for each year. The number of term appointments for each year and the number of all regular appointments for each year are plotted together in Figure 1.
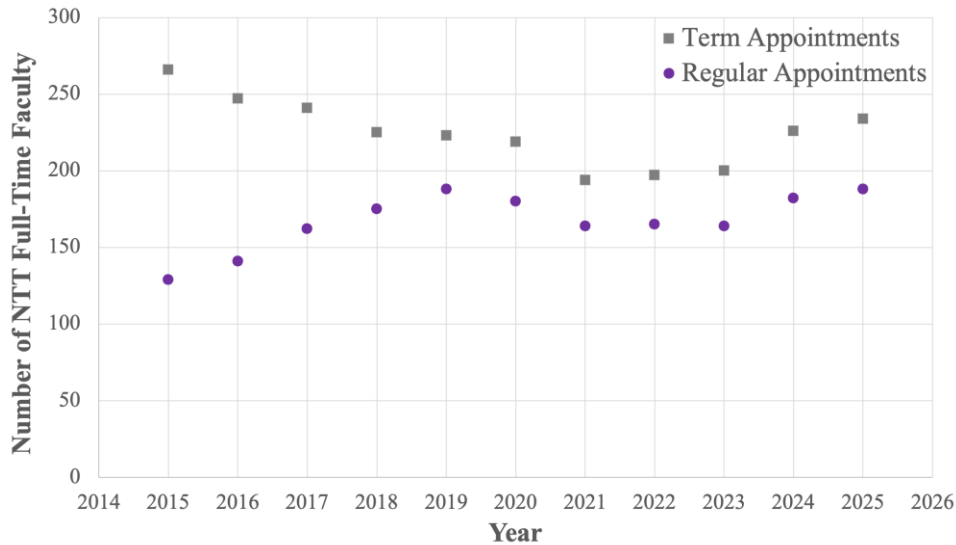
Figure 1. Number of NTT full-time faculty, term and regular, from 2015-2025

From 2015 to 2019, the number of term appointments decreased, while the number of regular appointments increased. From 2019 to present, the number of term appointments and number of regular appointments were highly correlated in time.

To further explore the time-dependent changes in composition of the NTT full-time faculty workforce over the last 10 years, the term fraction of NTT full-time faculty appointments was calculated for each year by finding the quotient of the number of term appointments each year and the total number of term and regular appointments each year. These data are plotted in Figure 2.
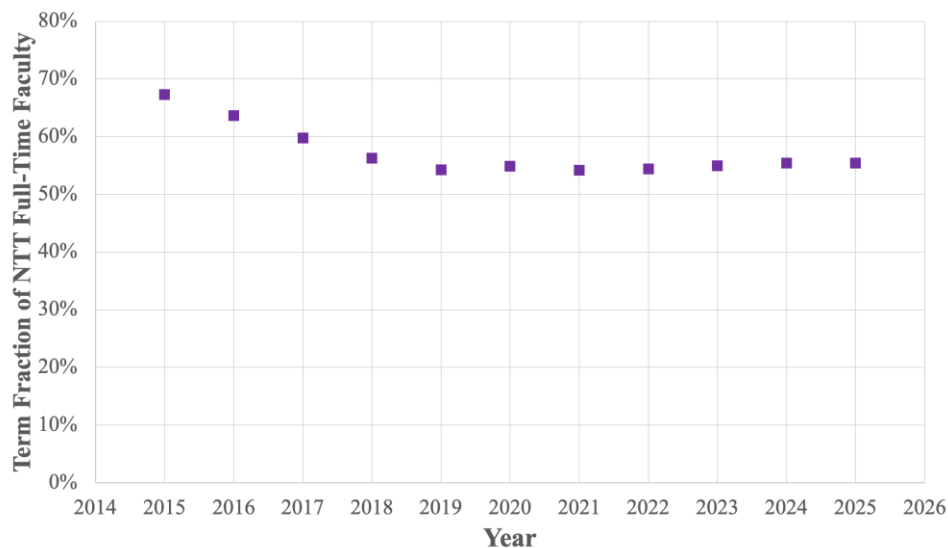

Figure 2. Fraction of NTT full-time faculty appointments that are or were term, 2015-2025

The term fraction of NTT full-time faculty appointments decreased from 67% to 54% in 2019, and since 2019, it is has remained stable at 54-55%. It is unclear why the term fraction has been so stable over the last 6 years.

Termination of employment for cause was found to be rare for both term and regular NTT full-time faculty members. Over last 10 years, two regular employees were terminated for cause. Two NNRs were issued for this employee class over the same period; it appears as though the terminations for cause were completed via NNR. Over the same period, five term employees were terminated for cause. Data are insufficient to determine any meaningful time-dependent trends in employment termination for cause.

To investigate trends in non-reappointment of term NTT full-time faculty, the non-reappointed fraction of term NTT full-time faculty each year was calculated by finding the quotient of the number of term NTT full-time faculty not reappointed each year and the number of term NTT full-time faculty appointments each year. These data are plotted in Figure 3.
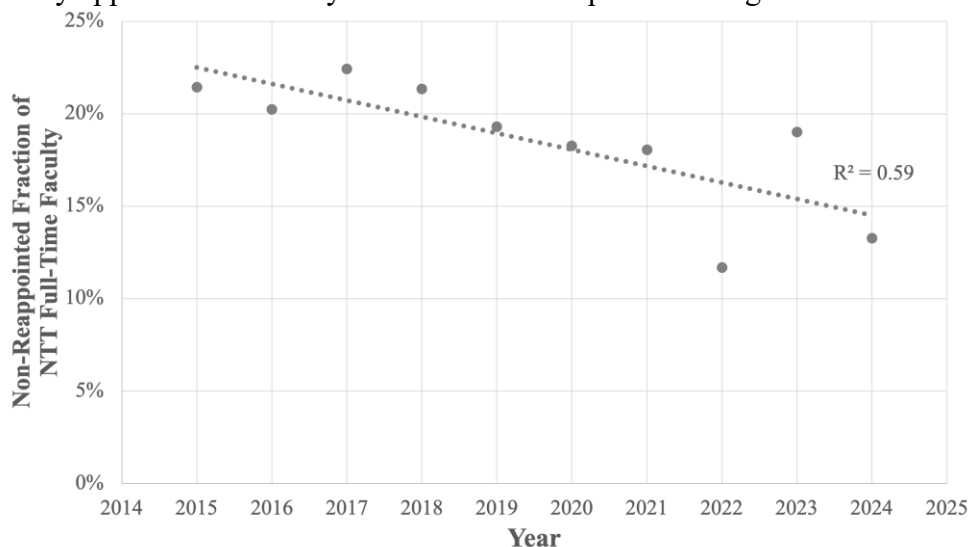

Figure 3. Fraction of term NTT full-time faculty not reappointed, 2015-2024

A linear fit to the data indicates a decreasing fraction of term NTT full-time faculty not reappointed, with the line of best fit decreasing from about 22% in 2015 to about 15% in 2024. Therefore, the vast majority (more than 80%) of term NTT full-time faculty are reappointed annually.

From 2015-2024, 63 NTT full-time faculty positions were converted from term to regular appointments, while 15 NTT full-time faculty positions were converted from regular to term. More NTT full-time faculty positions were converted from term to regular appointments in nine of these 10 years.

The length of service for term and regular NTT full-time faculty members provides some insight into changes in these two segments of the KSU workforce. As shown in Figure 4, from 2015 to 2018-2019, the general trend was a decrease in the average length of service for regular NTT full-time faculty members and an increase in the average length of service for term NTT full-time faculty members. Coupled with observations from Figure 1, it is implied that the decrease in term appointments was driven by departures of NTT faculty members earlier in their careers, while the increase in regular appointments was driven by hiring of NTT faculty members earlier in their careers. Since about 2019, the average length of service for term NTT full-time faculty members has remained roughly constant, while that of regular NTT full-time faculty members has increased by nearly 2 years.
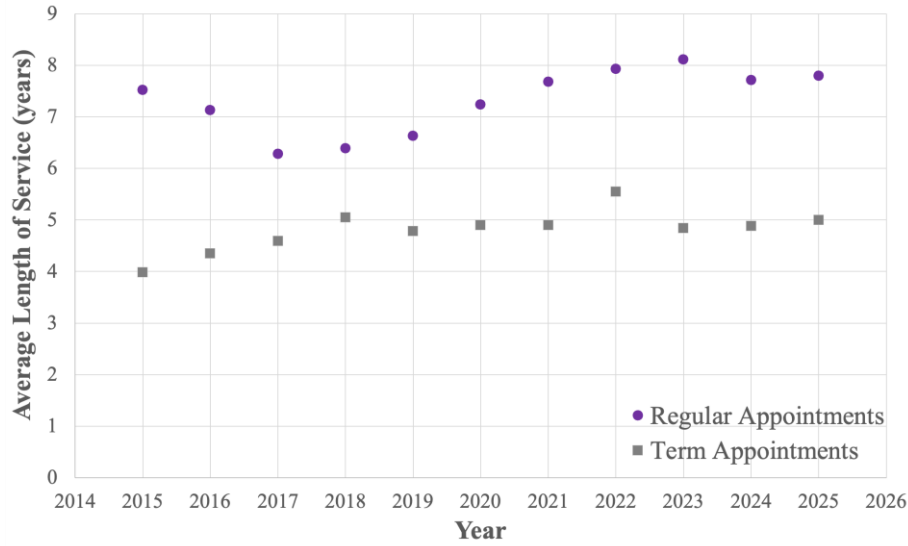
Figure 4. Average length of service for term and regular NTT full-time faculty members, 2015-2025

The maximum length of service for term NTT full-time faculty members is shown in Figure 5. From 2015-2022, this value increased by 1 year annually, indicating that this represents the length of service for a single employee. That employee retired after 2022, and from 2023-2025, the value again increased by 1 year annually, representing another employee. The maximum length of service ranged from 19 years to 26 years during this period.
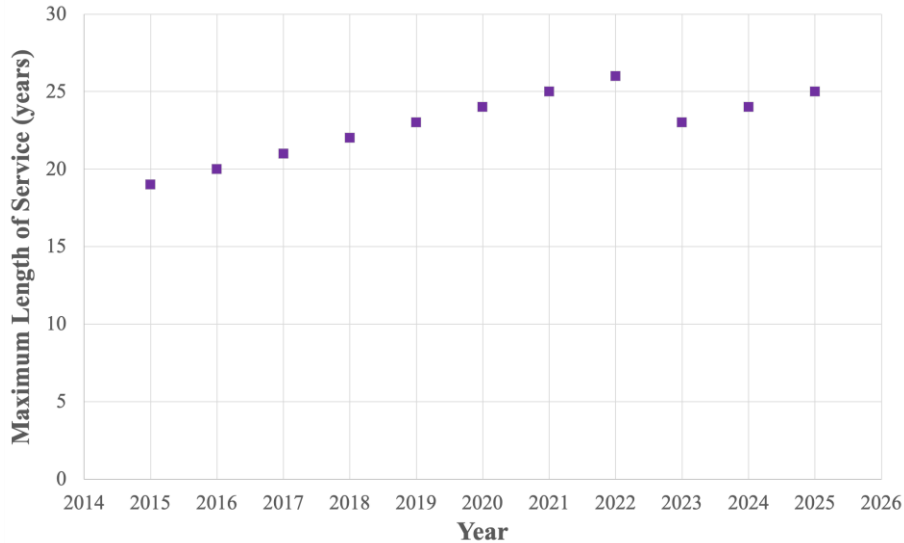

Figure 5. Maximum length of service for NTT full-time faculty members, 2015-2025

Conclusions

The following conclusions may be drawn from the preceding analysis:
1. There is no evidence for a recent University-wide trend away from use of regular NTT full-time faculty positions. In fact, the term fraction of NTT full-time faculty positions decreased from 2015 to 2019 and has since remained relatively constant.

2. No conclusions can be drawn regarding college-specific use of term and regular NTT full-time faculty positions. It is possible that increasing use of term appointments in one college has been offset by increasing use of regular appointments in another college.
3. A large fraction of the term NTT full-time faculty workforce is reappointed annually. Even if half of the term NTT full-time faculty positions were converted to regular positions, it is likely that less than 30% of the term positions would not be reappointed the next year.
4. The average length of service for term NTT full-time faculty has remained essentially constant since 2018, indicating a steady-state workforce (i.e., there has not been a large influx of NTT full-time faculty at the beginning of their careers with term appointments). Over the same period, the average length of service has increased by nearly 2 years for regular NTT full-time faculty, indicating a substantial graying of this workforce.
5. The maximum length of service for term NTT full-time faculty members has ranged from 19 to 26 years over the last 10 years. It is difficult to envision how this service length can be defended as "finite" as per UHB Part **C11**.

Future Efforts

This analysis and associated discussions suggest the following near-term efforts:
1. The UHB definition of term appointment in Part **C11** should be made more objective to provide better guidance to administrators on the proper use of this appointment type.
2. Given the KBOR-mandated changes to the NNR advance notice period from 1 year to 90 days, the University and Faculty Senate should examine whether there is still a need for term appointments or limiting use of term appointments to graduate students only.
3. The authors of this report are unaware of any central database listing the rights, privileges, and responsibilities associated with term appointments and regular appointments. This presents a problem in that prospective employees are not fully informed on the conditions of their employment, calling into question whether they are entering into employment agreements with free and informed consent. Such a database should be created; it is unreasonable to expect employees to hunt for this information in the UHB, PPM, etc.
4. Individual colleges should examine their policies on use of term appointments to ensure that they are compatible with the intent of the UHB.
5. HR should require clear and convincing justification for use of term appointments in lieu of regular appointments.
6. Term employees should be provided a formal mechanism to request that the employee's position be converted from term to regular, with justification. The corresponding administrative decision should be grievable.

Summary

The ethical principle of justice requires that equals be treated equally. KSU currently employs an appointment structure that has the potential to treat equals unequally (in the context of appointment type), largely driven by the loose definition of term appointment in the UHB, which has led to the perception that administrators have abused this appointment type. Although data do not indicate this is occurring University-wide, there is substantial evidence that a large fraction of term NTT full-time faculty appointments could be converted to regular appointments with minimal risk to the University and the employee. Future efforts to better align the definition and use of term appointments with our University's values are suggested.