

Special election to decide critical issues Vote Nov. 8: Nix the First Six, Yes on the Rest!

NO on 73

Constitutionally defines that life begins at conception and legislates family relations by requiring parental notice before a teen terminates a pregnancy

NO on 74

Needlessly lengthens K-12 teacher probation from two years to five years during which teachers can be let go without justification.

Does nothing to improve public education or deal with the real problems facing our schools.

Increasing the probation period will make it harder to recruit and retain quality teachers.

There is already a system in place to fire teachers who are not performing in the classroom.

NO on 75

Targets public employees by imposing spending restrictions on unions that don't apply to other groups or corporations so we can't speak out on issues of education, pensions, health care, etc.

Union members already have the

State propositions:			San Mateo County:		
NO	73	74	75	YES	79
	76	77	78		80

right not to contribute to union politics or to opt out at any time.

It targets only public employees and not corporate special interests.

NO on 76

Overturns the Proposition 98 funding guarantee for schools and colleges and gives the governor power to cut the state budget unilaterally

Cuts school funding by over \$4 billion per year – that's \$600 less per student, every year.

Governor Schwarzenegger would get out of repaying the \$2 billion he "borrowed" from our schools last year.

NO on 77

Prematurely mandates new legislative districts be created for 2006 by three unelected and unaccountable retired judges.

Immediate redistricting is unnecessary, costly, and will produce unfair results by using outdated census data.

NO on 78

Codifies the pharmaceutical industry's phony program to "voluntarily" reduce prescription prices

YES on 79

Consumer plan to provide affordable prescription drugs to at least 8 million Californians with state enforcement.

Requires participation by drug companies, saving seniors, families, small business, and the state millions each year.

YES on 80

Consumer plan to prevent energy blackouts and massive fraud by unregulated private energy producers

Talk to at least 10 people about this pivotal election and get them to vote!

Administration's enrollment strategy backfires

by John Kirk,
AFT 1493 Chief Grievance Officer

During the 2002-2003 academic year, the district administration made a major miscalculation. They wagered that within two years the San Mateo County Community College District would become a "basic aid" district. Because of unforeseen events, they lost their bet, and as a result our district's future financial situation is in jeopardy.

A basic aid district receives more money from student fees and

local property taxes than it would receive if it remained dependent on state apportionment. Districts don't have any control over whether they are basic aid; such status occurs automatically when property tax revenues reach a critical level.

If a District does become a basic aid district, its revenue no longer is determined by enrollment. It gets more money each year even if its enrollment declines! The district administration was so

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**San Mateo Community College
Federation of Teachers
AFT Local 1493, AFL-CIO**
1700 W. Hillsdale Blvd.
San Mateo, CA 94402
(650) 574-6491
aft1493.org

Editor

Eric Brenner, Skyline, x4177

Editorial Board

Eric Brenner, Skyline, x4177
Dan Kaplan, x6491

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kaplan@smccd.net



Enrollment miscalculation

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sure that we were going to become a basic aid district that they cut over 500 sections from the Spring 2003 schedule of classes and canceled the 2003 summer session at Cañada. Over 100 part-time teachers were without jobs. As a result, the district's enrollment started to decline-- a 6% decline from 2002-03 to 2004-05. Also contributing to the decline in enrollment during this period was an increase in student fees from \$11 per unit to \$18 (Fall 2003) to \$26 per unit beginning in the Fall semester of 2005.

<u>Year</u>	<u>Actual FTES</u>
2002-03	21,253
2003-04	20,478
2004-05	19,972

“Triple flip” upsets basic aid basket

The district administration had put all of their eggs in the basic aid basket. Then the Governor engineered the “triple flip.” He lowered the automobile registration fee and then took property tax money from the schools and gave it to local government to make up for the loss in auto registration money. Our district then got less property tax money and more state apportionment. This year we will be receiving close to \$20 million from the state which means that we are not going to be a basic aid district anytime in the near future. Non-basic aid districts rely heavily on enrollment for their income.

Class cuts lead to downward enrollment spiral

Since the district cut all the classes in the spring and summer of 2003, we began a downward spiral in enrollment. In order to protect our income for this academic year, the district “borrowed” 900 FTES (full-

time equivalent students) from the summer of 2005 to count toward our enrollment last year. So our funding for the 2004-05 year will be based on a FTES of 20,872 (Actual FTES of 19,982 + 900 borrowed FTES from summer of 2005).

Our financial problems will begin if we can't make up the 900 FTES this year (2005-06). Our funding for 2005-06 will be based on a 20,872 FTES base which is 900 higher than our actual FTES last year. So far this Fall semester it appears as if our enrollment is stagnant.

District may lose \$2 million if enrollment doesn't increase

If our enrollment for this year falls 500 FTES short of our base, we stand to lose approximately \$2 million (500 FTES x \$3,900 per FTES). The district administration suddenly found \$1.5 million and made it available to the Vice Presidents of Instruction. The VPIs were asked to quickly come up with a plan to increase enrollment and to present their plans to the District Committee on Budget and Finance on September 20th. Only one of the VPIs showed up at the meeting and reported that only Skyline had come up with a plan while the other campuses were still working on it.

Ironically, because the district cut so many part-time teachers from the payroll, our district's full-time teacher/part-time teacher ratio has moved from 24th in the state in 1988(63.7%) to 5th in the state in 2004 (72.6%).

Hausman

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must fulfill expectations by providing opportunities suitable to the 21st Century. A former Chancellor said “Community colleges are both the first and last best hope for many.” We must continue to offer hope and provide fulfillment for educational goals.

Know and enforce the maximum size of your classes

Shortly after the September Advocate published John Kirk's article, "Unfair labor practice charge settled; District cannot unilaterally increase class size," AFT started hearing from various sources that, in fact, District administrators were unilaterally increasing the size of classes at our colleges!

We are therefore reprinting a previous article on class size maximums, written by John Kirk, that we initially published in April 2002, and then reprinted in October 2003.

This is an issue that both the Academic Senates and AFT can work on together. This is a clear example of how good working conditions for faculty are very much related to creating the best environment where student learning and achievement can occur.

by John Kirk,
AFT 1493 Chief Grievance Officer

Every instructor should be aware that there are established class size maximums for all classes throughout the district. Those maximums limit the number of students the administration can register into each class. Individual instructors can add more students into their classes, but they don't have to.

Ask to see the Enrollment Report for the division, find the class, and look at the column ENR LIM (enrollment limit).

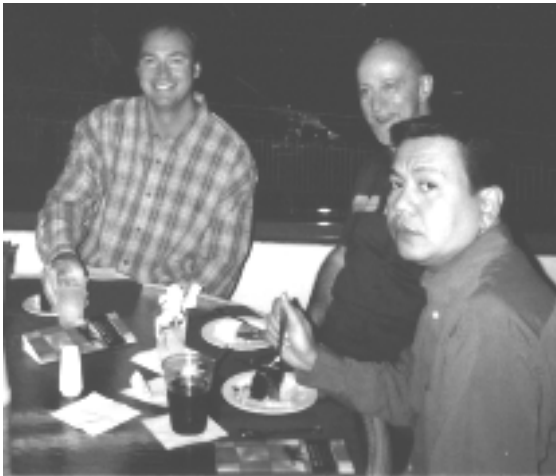
Class size is a mandatory subject for collective bargaining and the ad-

ministration cannot increase class size limits without first negotiating with the union. Under the law, the administration cannot bargain class size limits with individual members of the faculty.

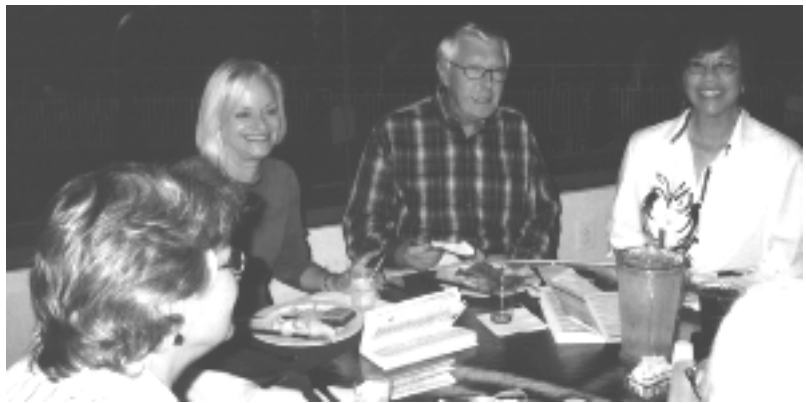
To find out the current enrollment limit for your class, check the print-out with the maximum class size listed for all classes that is available in every division office. Ask to see the Enrollment Report for the division, find the class, and look at the column ENR LIM (enrollment limit).

If you think that the class size maximum has been changed for your classes, please give the union a call (x6491.) We will investigate each case.

Partying the night away at the races



Good food, fun and plenty of enjoyable socializing was the theme on Friday night, Oct. 14, at Bay Meadows Race Track. Faculty and friends (including Chancellor Ron Galatolo, at back in photo at left) from all three colleges attended the gathering, which was co-sponsored by AFT 1493 and the Academic Senates.



District's proposed Mutual Respect Policy is flawed and should be opposed by faculty

By Ernie Rodriguez, AFT 1493 Vice President

"R-E-S-P-E-C-T, Find out what it means to me"
Aretha Franklin

As documented in previous editions of the *Advocate* (Dec. 2004; Feb 2005), the District administration has proposed approval and implementation of a new Mutual Respect Policy (MRP). The District Shared Governance Committee (DSGC) will soon be considering a revised MRP proposal.

The original impetus for this proposed policy came from Dean Paula Anderson who attended a conference that discussed a 1998 Supreme Court decision in the case of *Oncale v. Sundowner Offshore Services, Inc.* In response to this workshop, which apparently considered implications of this Supreme Court ruling, Dean Anderson wrote, "We were advised to review our policies and to develop a stand-alone civility/conduct policy instead of imbedding conduct standards in discrimination policies."

District's basis for adopting an MRP is unfounded

Upon studying this ruling, it is clear that Dean Anderson's statement misleadingly implies that there is something in the *Oncale* ruling that requires the District to adopt a MRP. It is very clear, from even cursory review of the written Supreme Court decision, that this is not the case and that, in fact, the opposite is true. At the time that this policy was first proposed, Kate Motoyama, District Academic Senate Past President, correctly identified this ruling as applying exclusively to same-sex harassment (Dec. 2004 *Advocate*). Justice Scalia, writing for the majority in the *Oncale* ruling, stated, "Title VII does not prohibit verbal or physical harassment in the workplace; it is directed only at discrimination because of sex (ChicagoLegalNet.com)."

AAUP policy opposes MRPs that attempt to regulate free speech

Efforts to implement civility codes on college campuses are not a new development. Apparently, a wave of sentiment in support of campus civility policies swept the nation in the 1990s. Efforts to develop such policies led the American Association of University Professors (AAUP) to issue an official policy statement in June 1992 in strong opposition to such policies (see excerpt in box at right). The AAUP opposed any such policies which directly or through implication attempted to regulate free expression of speech.

A cursory internet search produced only one adopted MRP among Bay 10 community college districts. Foothill-DeAnza adopted such a policy in 1993.

Proposed MRP leaves many unanswered questions

The current District-led effort to formulate an MRP based on misapplication of the *Oncale* Supreme Court ruling, has led to a confusing and chaotic process in service of the District administration's desire to implement a new policy. If such a policy is to be adopted, there are many questions that must be thoroughly debated by all interested parties and that are deserving of clear answers. Creating new policies in such a sensitive area must be approached with great care in order to avoid undermining free speech, academic freedom and the fundamental mission of higher education (again, see the AAUP statement). In fact, a careful review of the proposed policy suggests that implementation of a new MRP is both unwise and

From the AAUP Policy Statement on Freedom of Expression and Campus Speech Codes:

In response to verbal assaults and use of hateful language some campuses have felt it necessary to forbid the expression of racist, sexist, homophobic, or ethnically demeaning speech, along with conduct or behavior that harasses. Several reasons are offered in support of banning such expression. Individuals and groups that have been victims of such expression feel an understandable outrage. They claim that the academic progress of minority and majority alike may suffer if fears, tensions, and conflicts spawned by slurs and insults create an environment inimical to learning. These arguments, grounded in the need to foster an atmosphere respectful of and welcome to all persons, strike a deeply responsive chord in the academy. But, while we can acknowledge both the weight of these concerns and the thoughtfulness of those persuaded of the need for regulation, rules that ban or punish speech based upon its content cannot be justified. An institution of higher learning fails to fulfill its mission if it asserts the power to proscribe ideas — and racial or ethnic slurs, sexist epithets, or homophobic insults almost always express ideas, however repugnant. Indeed, by proscribing any ideas, a university sets an example that profoundly disserves its academic mission.

unnecessary. The following questions highlight some of the difficulties with the current MRP draft.

1. Why create a new policy when existing policies are adequate?

In the absence of a clear mandate directing the District to formulate a stand alone policy, why develop a new policy when existing harassment/discrimination policies already govern offensive behavior? Perhaps the District should focus energy on education and enforcement related to existing policies. The formulation of a new policy suggests a law and order approach to promoting the desirable goal of maintaining respectful learning environments. The AAUP policy statement is critical of policies, such as the proposed MRP, which confound speech with behavior. In opposing the development of civility policies, the American Association of University Professors (see the full AAUP policy statement on the AFT 1493 website) offers five strategies for supporting the development of civility and respect on college campuses.

2. Does the proposed MRP affect faculty rights and working conditions?

Yes, potentially the proposed MRP runs the risk of creating a “witch hunt” atmosphere that unfairly targets individual faculty members. Current policies require that individuals who feel that they have been victimized by harassment or discrimination file a complaint before an investigation is initiated. The proposed MRP encourages the reporting of offensive behavior by apparently any party to any District supervisor or administrator for investigation, monitoring and possible disciplinary action by the District. Such a process could occur independent of a formal complaint, without a hearing of the facts and would bypass currently supported due process. The proposed MRP creates a process that circumvents officially adopted faculty supervision and evaluation procedures. This policy has the potential to allow officially sanctioned, yet arbitrary, harassment of faculty, staff and students for the expression of ideas that are deemed to be presented in a harassing, threatening, uncivil or disrespectful manner. Because this proposed policy potentially modifies faculty rights, it should be negotiated through the collective bargaining process. In the February 2005 *Advocate*, the AFT position was clearly stated, “AFT will demand negotiations over any proposed policy which may subject faculty to disciplinary action

3. Does the proposed MRP conflict with existing legal requirements?

The current MRP draft proposes the following enforcement process: step 1 requires a supervisor to investigate and monitor behavior; step 2 requires a supervisor to refer offending parties to counseling and/or training; step 3 states that behavior that is deemed threatening or physically/verbally abusive and contin-

ues beyond interventions in step 1 and 2 **may** be cause for disciplinary action. Such a procedure would be in direct violation of laws requiring immediate reporting to legal authorities of any behavior that may constitute assault or present a threat to public safety. Does the District really wish to produce a policy that potentially avoids immediate reporting of dangerous behavior to appropriate legal authorities?

4. Are supervisors sufficiently trained to effectively evaluate and monitor behavior?

The proposed policy empowers supervisors to investigate, monitor, and initiate disciplinary action. There are many different types of supervisors in the District with many different levels of training. In general, supervisors in the community college system are not trained to investigate complaints. The proposed policy seems to assume that supervisors will be fair and impartial and not be themselves the source of inappropriate behavior. Who monitors the supervisors? It appears that the proposed policy eliminates any semblance of independent review. The provision that allows supervisors to investigate, monitor and refer staff for disciplinary action reveals a desire to further privilege and empower District administrators and supervisors.

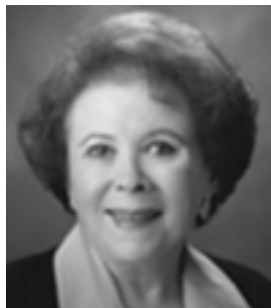
District seems to be rushing the process

The District process of developing an MRP has been conducted in a hurry-up fashion. AFT representatives have experienced pressure to rush the process to closure. One is left to wonder about the motivation behind this pressure. As the wonderful Aretha Franklin reminds us, it is important to understand that respect may mean different things to different people. The impossibility of legislating attitudes and respectful behavior has long been recognized. In the absence of a clearly defined and directed legal mandate, why go there? Existing laws and policies already regulate inappropriate behavior. There is nothing that constrains the District from promoting respect through implementation and training related to currently existing policies. Devoting a major expenditure of valuable time and energy pursuing a questionable and potentially highly problematic policy is counterproductive. Valuable faculty, staff, student and administrative time could be better applied to address more immediate and substantive issues. It is important that faculty unite to oppose a policy that undermines free speech and faculty rights.

AFT 1493 recommends Hausman & Holober for College Board

Below are statements from San Mateo Community College Board incumbent candidates Helen Hausman and Richard Holober, both of whom are endorsed by AFT Local 1493.

Helen Hausman



Education has been the focus of much of my life. I received a B.A. in Education from George Washington University and am a former school teacher.

Prior to being elected to the San Mateo County Community College District Board, I served on the Sequoia Union High School District Board for three terms and was involved as a parent and as a board member during challenging times of court ordered desegregation.

The San Mateo County Community College District is one of the most innovative districts in California. I take pride in having been part of the innovations that were implemented. These accomplishments include the University Center at Cañada College enabling us to provide Baccalaureate and Masters degrees for students in our community. Our transfer students do well at four-year institutions.

The passage of our previous bond measure is allowing us to modernize our facilities for our staff and our students. Changes in technology and the ages of our buildings have made this updating a necessity. In that light I also support Measure A on the November 8 ballot which will allow us to complete updating our facilities. I am especially pleased by the Grand Jury's commendation which we received for the manner in which we handled our Bond.

Our provision for careers which educate nurses, police officers, and firefighters reflect the needs of our community. We must continue to assess needs and provide career opportunities. The biotechnology program at Skyline College with Genentech made a difference when United Airline em-

Richard Holober



It has been a privilege to serve on the Community College Board since 1997. I enjoy working with our outstanding certificated and classi-

fied employees to provide innovative and excellent higher education. I greatly value my close relationship with Local 1493.

We have much to be proud of in the San Mateo County Community College District. We rank near the very top statewide in student success, measured by rates of degree completion and transfer to four-year colleges.

We have pioneered exciting new programs. These include our University Center, which makes us the first community college district in California where one can receive a bachelor's degree. We have responded to upheavals in the local economy. When airlines downsized, we quickly re-trained laid off workers for high wage jobs at local biotech firms.

ployment changed. We can and must be flexible. We are on the cutting edge educationally with programs such as computer forensics and robotics at College of San Mateo. I take pride in our housing solution which will enable us to attract employees to our district.

I feel passionate about education. Accomplishments during my tenure and the challenges ahead are reasons for my wish to continue as a board member. I have been available to visit the colleges and become acquainted with programs and staff. I have also enjoyed sharing events marking accomplishments in our district. As I look ahead, growth and financial sta-

Our facilities modernization program will allow our faculty to teach in modern classrooms and laboratories, with renovated offices, libraries and student support facilities. Please work with me to win passage of Measure A.

Our district is both student centered and one that honors its staff. As your Trustee, I have stressed that our administration must treat our employees with respect. We have made extra efforts to reward the certificated and classified staff who are the heart and soul of our colleges. Shared governance is a great goal - but one that requires constant vigilance to make sure it is a reality.

As a union organizer and activist for over two decades, Local 1493's endorsement is especially important to me. Thank you for your support.

I am always available to talk with the local union and with faculty members. Let's keep working together on behalf of education.

Richard Holober,
Consumer Federation of California,
holober@consumerfedofca.org
(650) 589-3135

bility are most important to our future. Assessing community needs and providing for those needs, partnerships with the business community and advocating for our requirements in Sacramento are all key to success and must be part of our future. Successful advocating in Sacramento allowed us to establish the University Center.

We have an excellent staff and must continue to provide competitive wages and working conditions to maintain quality. My vision for the future includes continued collegial relationships and understanding with all of our district's constituencies. We

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