

the Advocate

San Mateo Community College
Federation of Teachers
AFT Local 1493, AFL-CIO

Volume 24, Number 2

www.smccd.net/accounts/brenner/advo

November 2000

Class Size, Productivity & the Quality of Education

by John Kirk, CSM, AFT 1493 Chief
Grievance Officer

There has been much talk this semester about increasing the productivity of the faculty. The issue has been on the agenda of many division and department meetings throughout the district. These discussions have centered on increasing class size, cutting small



classes, and in some cases increasing the maximum number of students enrolled in particular classes. It is important for the faculty to know their rights under the law with respect to class size.

Class Size is Within the Scope of Representation

The Educational Employment Relations Act (EERA) is the collective bargaining law that governs the relations between unions elected by the faculty and boards of trustees. According to §3543.2 Scope of Representation:

The scope of representation shall be limited to matters relating to wages, hours of employment, and other terms and conditions of employment.

"Terms and conditions of employment" mean health and welfare benefits ...leave, transfer and reassignment policies, safety conditions of employment, class size...

Continued on page 12

SMCCCD Board Passes Resolutions Against Prop. 38 & Supporting Prop. 39

At its October 11 meeting, the San Mateo County Community College District Board of Trustees took positions on two propositions that will be on the November 7 ballot. The Trustees typically take positions only on ballot measures that they feel will have an impact on the community college system. In two separate votes, the Board unanimously (with one Trustee absent) passed resolutions: a) in opposition to Proposition 38, the school voucher initiative, and b) in support of Proposition 39, which would change the necessary voter approval required to pass school bonds to 55%, as compared to the current 2/3 vote requirement.

In the discussion of Proposition 38, AFT 1493 Executive Secretary Dan Kaplan addressed the Board to point out that the resolution under discussion failed to mention the real harm

the passage of the initiative would have on community colleges because it would essentially eliminate the Proposition 98 funding formula. The Trustees agreed to add additional language to their resolution that would include the impact of Proposition 38 on community colleges in the state.

In the Proposition 39 discussion, several Trustees talked about the District facilities bond that recently narrowly failed because it received just 1000 votes shy of the 2/3 requirement. If Proposition 39 had then been state law, the bond would have overwhelmingly passed. The Trustees urged a Yes vote on Proposition 39 so that the necessary majority vote required in the future will be 55%.

For more info on these important propositions, see pages 10 and 11

IN THIS ISSUE

- Good Pay Raise & Sabbaticals Look Likely in New Contract 2
- National Part Timers Conference Set for San Jose in January 3
- Two More Views on Faculty Hiring & Diversity 4
- Administration's Hiring Checklist Contradicts Board Policy 6
- CFT College Scholarships Available 6
- District's Proposed Electronic Monitoring Policy Halted 7
- How Our Evaluation System Lacks Clear Criteria 8
- AFT Opposes Prop. 38, the Voucher Initiative 10
- AFT Supports Prop. 39, to Reduce School Bond Requirement 11

The Advocate is now available online at:
www.smccd.net/accounts/brenner/advo
Email letters or articles to: brenner@smccd.net

the Advocate

San Mateo Community College
Federation of Teachers
AFT Local 1493, AFL-CIO

1700 W. Hillsdale Blvd.
San Mateo, CA 94402
(650) 574-6491

Editor:

Eric Brenner, Skyline, x 4177

Editorial Board

Eric Brenner, Skyline, x 4177
Dan Kaplan, x 6491

Co-Presidents

Katharine Harer, Skyline, x 4412
Joaquin Rivera, Skyline, x 4159

Vice President

Bess Chandler, Skyline, x 4286

Secretary

George Goth, Skyline, x 4390

Treasurer

Anita Fisher, CSM, x6383

Chapter Chairs

Bess Chandler, Skyline, x 4286
Pat Deamer, Skyline, x 4217
Romelia Thiele, Cañada, x3211
John Searle, CSM, x6607

Executive Committee Reps.

Nina Floro, Skyline, x 4 243
Rick Hough, Skyline, x 4193
Anne Nicholls, Cañada, x 3293
Karen Olesen, Cañada, x 3415
Mary Valenti, CSM, x 6194
Linda Vogel, Skyline, x 4289
Shaye Zahedi, CSM, x 6240

Part-timers Reps.

Carol Hansen, CSM, x 6677 x 9267
Paddy Moran, CSM, x 6677 x 9245
Patricia Palmer, Sky, x 6889 x 9418

Chief Grievance Officer

John Kirk, CSM, x 6386

Executive Secretary

Dan Kaplan, x 6491

New Contract Settlement Is Close: Good Pay Raise Plus Sabbaticals Look Likely

by Katharine Harer and Joaquin Rivera,
AFT 1493 Co-Presidents



photos by Jeanne Angler

Greetings! We are a session or two away from agreeing on a contract settlement for the year 2000-2001. We are looking at a figure of approximately 5.3% with 5% clear on the salary scale, along with an increased benefits cap, a **full** vision care program, an improved life insurance package with added "quality of life" benefits **AND** the reinstatement of a sabbatical leave program. None of this is confirmed as of the date of this column, but it reflects our recent discussions with the District.

We feel very good about where we appear to be in this long and arduous negotiations cycle. There are many loose ends that still need to be cleaned up and some issues, such as Distance Learning and productivity enhancements, will almost certainly be postponed until next year's round of negotiations due to their complexity. (The District/AFT Joint Committee on Technology and Distance Learning has only met two times so far and is just getting started in its work.)

Anonymous Anti-Union Flyers

In the last few months since school started up, a couple of different anti-union flyers have been randomly distributed at the three colleges. These flyers were unsigned, and no one has contacted any AFT representatives to discuss these particular concerns. We invite the writer(s) to call us, meet with us or write an article for the *Advocate*, but with no names attached, it's diffi-

cult to carry out this invitation.

The two flyers critique the AFT's role on a variety of issues and ended with the "catchy" phrase: "Throw The Bums Out!" We tried to address some of the issues from the first flyer in the last *Advocate*. We'd like to offer some clear explanations of the overly simplified information in the second flyer. Here, the contract settlements for two community college districts, Contra Costa and Foothill, were compared to SMCCCD's projected 5.17% increase (as reported in the last *Advocate*).

First of all, the main source of unrestricted monies for community colleges comes from COLA (the state cost of living allowance) and growth. Districts such as Contra Costa and Foothill are growing, unlike our district which is experiencing declining enrollment, and these districts, therefore, receive growth monies from the state. Secondly, Foothill's successful bond measure has also helped improve that district's finances. Finally, looking at the specifics of each of these settlements, Contra Costa added co-payments to their Kaiser plan and this savings was added to their salary schedule, while Foothill's agreement included a restructuring of their salary schedule, which in effect, moved everyone up a step. This step increase was added to their 3.67 COLA increase when calculating their total settlement. Step increases in our district (for all those who receive them this year) are above and beyond our total contract settlement. (Again, we expect our COLA increase to be 5% on the salary schedule).

Electronic Monitoring Frozen

The District's proposed electronic monitoring policy has been put into temporary limbo, and we'd like to think that this was a direct result of the

Continued on next page

Confusing Data on Hiring

There are two technical issues I would like to raise regarding Kate Motoyama's article "Is Hiring Goal Diversity or Equality?" in the September-October issue of *The Advocate*.

a) The numbers in the table are either misleading or simply incorrect. The entries in the 'FT Faculty Hires' column sum to 100%. This is as they should since, if all the races are represented, the sum of the parts should be the whole, or 100%. However, the sum of the entries under the column labeled 'Applicant Pool' is only 86.16%. I can find no simple reason for this (such as a reversal of digits or the dropping of a leading 1), but the effect, in essence, is to make it seem as if the 'White' applicants get considerably more (79%) of the jobs than they deserve if hiring were neutral with respect to race (67%). Since close to 14% of the applicant pool is missing, it could be that 'White' applicants are getting fewer jobs (79%) than they deserve simply on the basis of their percentage of the pool (81% = 67% + 14%).

b) More serious, at least to a physics teacher, is the statement in the paragraph following the table that "it is hard to construe this pattern of hiring - particularly as it pertains to minority staffing - as constituting significant

National Conference on Part-Timers To Be Held in San Jose in January

As reported in the last issue of *The Advocate*, the California Part-Time Faculty Association (CPFA), representing the interests of 30,000 community college contingent faculty statewide, will host a National Conference on Contingent Academic Labor in San Jose, California, January 12-14, 2001. In association with the Coalition of Contingent Academic Labor (COCAL), which has sponsored earlier conferences in Boston and New York, CPFA is organizing the third national COCAL conference, the first such

progress in diversifying the ranks of the full time faculty." It is, in fact, *IMPOSSIBLE* to determine anything about the progress, be it significant, insignificant or backwards. Progress implies some change with respect to time. We have data from only one point in time, November 1999. Unless we are also given data from a time in the past, it is impossible to calculate change. Just because you are someplace, it doesn't mean you know how fast you got there.

George Goth
Science/Math/Technology Division
Skyline College

conference on the West Coast.

The American Association of University Professors (AAUP), UC-AFT Lecturers, and the CFA Lecturer Caucus are already committed as co-sponsors of the Conference, with additional major academic and labor group sponsors to be announced shortly.

Among those expected to speak and/or lead breakout groups are Jane Buck, newly elected President of the AAUP, Gary Zabel who helped organize the successful efforts at UMass Boston, and Joe Berry, organizer in the Chicago area. Also expected will be state and national legislators, representatives from contingent labor organizations, and a few surprises. .

The Conference is thus likely to be the agenda-setter for a true national breakthrough for contingent labor. Future announcements will set out the complete Agenda and Speaker List.

For further information, contact: Mary Ellen Goodwin, Conference Steering Committee Chair, CPFA, 408.378.7888, megsp@earthlink.net or

Chris Storer, Executive Council Chair, CPFA; 650.949.2287, cms2425@tiptoe.fhda.edu

Presidents' Perspectives

Continued from previous page

AFT's and the Academic Senate's protests of last semester. (See article on page 7 for a complete report).

The Academic Calendar Committee has proposed a calendar that's a virtual roll-over for 2001-2002 with continued research into new and different approaches to the school year for the future. The calendar committee could use more input from faculty; if you're interested in getting involved, or just giving input, contact Bess Chandler at Skyline, our AFT representative to the committee.

Election Help Needed

And — as the election draws nearer, we urge you to help with two campaigns that directly impact education: No on Prop. 38, the Voucher Initiative and Yes on Prop. 39, the School Bonds Initiative. We have colorful buttons, flyers, and opportunities for you to help with phone banking through the San Mateo Labor Council (free dinner and good company guaranteed!). Please offer your help — public educators can't afford not to.

Last, but certainly not least, we're looking for an AFT Coordinator for Part-Time Issues. Kathleen de Azevedo

Feinblum has had to step down from the position because of time conflicts. This is a job that is essential for the representation of part-timers; the part-time coordinator advocates, networks locally and statewide, and helps with negotiating part-time concerns. There is a respectable stipend attached to the position as well as substantial support from the AFT office. If you're part-time, concerned and would like to be more involved in the union, please call Dan Kaplan at 574-6491 and let us know you're interested in the position. ■

VIEWPOINT

Two More Faculty Views on Diversity and Hiring Processes

by Walter Owyang and Jacqui Phillips,
Cañada

As faculty who have been involved in a wide-range of committee processes on campus and in the District, we wish to address the issues presented by Paul Roscelli, a Cañada College faculty member, in the [San Francisco Chronicle](#) on August 28, 2000. (A different version of Roscelli's piece was printed in the last issue of *The Advocate*.—Ed.) Events that occurred in 1999 during the selection process for a faculty member were well within the spirit and the letter of the Selection Procedures for Faculty adopted by our District. The "diversity" issue in that process was not one of "color or gender". The committee reviewed all the applications that were submitted a second time, not just those identified as "diverse," and the committee and the past-president at the time heard Paul's concerns. Finally, a person selected by the committee in the first review of the applications was to be offered the job had they not already taken a job elsewhere.

Since we know this to be true, we can only assume that Paul's concerns printed now about an incident that happened more than a year ago during the tenure of a very different administration really refer not to that event as such but to the general concept of affirmative action in hiring. Paul seems to think that, when our hiring processes respect the contribution of the "whole person" to our faculty and the needs of our students as "whole people," we are in danger of losing "merit" in our faculty hires. We do not believe that this is true.

We have developed these viewpoints together, but in the hope of not "committeefying" them by trying to write one document, we have decided to include both of our statements. We hope that they make a positive contribution to the continued discussion

about the merits of diversity and the hiring practices that the California State Community College System, the San Mateo County Community College District and Cañada College follow.

Diversity Has Merit

by Walter Owyang, Cañada

I have been teaching psychology full-time in the District since 1970, and have experienced the ebb and flow of trends and policies. Changes have occurred with the student population, college budgets, the makeup of surrounding communities, political climate, etc. One of the strengths of Cañada is its multicultural environment, by which I mean the presence of significant numbers of women and persons of color at every staff level. We may not mirror exactly our student mix or the South County mix, but there is representation. Related to this point, the U. S. Census Bureau reports that, for the first time, California is 50.1% Non-White and 49.9% White in ethnic heritage. Perhaps some citizens find this fact disturbing, and become resentful about "all those minorities" populating the state. In fact, there is nothing disturbing about this growing diversity. Instead there are numerous reasons why diversity in many areas—not just gender and ethnicity—has merit.

In the natural world, diversity abounds. The beauty of the forests, mountains, oceans, all life forms, and the skies above provide ample testimony to unique and delightful variations. Nature abhors uniformity. Only production lines praise sameness.

On the last occasion when you went out to lunch or dinner, did you patronize the same restaurant or savor the same cuisine as the previous time? Not likely. Why? Because you or your fellow diners wanted to try something different. The Bay Area is blessed with

so many interesting and colorful places to eat that you could dine at an unusual setting each night for a year and not exhaust your choices. Variety is spice.

In the business world, corporations very rarely rely on one product to generate profits. As success builds for an item, executives wisely explore new product lines for wider customer loyalty and to keep one step ahead of competitors. It is just good business sense to expand and grow one's enterprise. Diversify, diversify. Hamburgers today, chicken sandwiches tomorrow!

As an investor—whether in a 403(b)(7) plan, IRA, Keogh, or non-retirement plan—you should not put all your money in one asset class. This is a cardinal rule. Depending on your age, financial goals, health, tolerance for risk, among other things, the long-range investor will put his eggs in different baskets and in different amounts. Good financial planners always advise their clients to diversify their money.

In academic life, we cannot be provincial and ignore the global economy. Our children, our students, and we ourselves have been affected by worldwide events, ranging from border disputes to investor panic. By adding skilled faculty and staff who reflect the women and ethnic cultures surrounding our local, state, and wider communities, we are preparing our students well, not only for academic excellence, but also for intercultural competency. We are not hired to teach a particular segment of the student body. No, we teach all students and share the knowledge in our disciplines, the lessons of our cross-cultural experience, and an attitude of tolerance for differences. Diversity does have merit, it is part of life, it is stimulating, it is prudent, and it is good for education.

The recruitment, screening, inter-

Continued on next page

VIEWPOINT

How Our Hiring Procedures Benefit Us All

by Jacqui Phillips, Cañada Academic Senate President

As we all know, the California Community College system of which we are a part is committed to following affirmative action guidelines in hiring (**Title 5, # 53000-53012**). Procedures approved by our Board also follow these guidelines (**Selection Procedures for Faculty, San Mateo County Community College District**), but should we be? I suppose a court somewhere may decide the legality of our policies in the future. In the meantime, we are here, doing our job, making every effort to hire the best faculty we can and to prepare our students for the best lives they can have in our world today. Whatever decisions are made in the courts, I believe that following hiring policies which assure diversification of our employees is an ethical and moral choice that we make for our students, ourselves, our colleges and our communities. Following guidelines that assure fairness does not compromise our hiring process or the quality ("merit") of the faculty that we hire, but enhances it.

Helping people to learn is complex and involves much more than presenting discipline information. Faculty must motivate community college students to attend class, to read, to write, to listen to and research varying viewpoints, to examine their own values, biases and learned responses, to stretch their own experiences and values and to both adjust to change and to

change themselves. Our teachers need to be both discipline experts and role models in this entire process of life-long learning.

The issues that really need to concern us are how we meet the needs of our students now and in the future. And who are our students? What should they expect from a quality community college education? How can we meet the challenges that face us in offering them the education that they deserve? The answers to these questions change as we continue to fulfill our role in our community. Our responses to these questions are what really make a difference in the lives of our students.

However, no matter how we answer these questions, the fact still remains that all of us must learn to respect and honor difference—in nature, in ideas, in approaches—in fact, difference in all things. And we must do more than learn. We must practice honoring cultural, linguistic, sexual, physical and ideological differences in our schools, workplaces and communities. What better place to begin this process than in classrooms with a faculty rich in differences. Everything we do and are is reflected in our classrooms, our workplaces, our communities and our democratic society. Isn't this part of what we are also trying to teach our students?

I truly believe that we hire faculty at Cañada College because they are the most qualified to fill the positions that we have available. Because we realize that education is an exchange between a faculty member as a whole person and a student as a whole person, we also realize that hiring is a complex responsibility. Selection committee members are also whole people who bring not only their expertise, but also a wide-range of personality traits into the hiring process. Let's not kid ourselves. Each of us carries our pasts, our conscious efforts, our subconscious

tendencies, our biases—the whole breadth of who we are—into the process when we read the applications that are submitted to us in the selection process. We are all "imperfect" in some very perfect and human ways. Therefore, we all need to ask ourselves and be asked to examine our choices carefully when deciding who is going to be interviewed for faculty positions. I believe this examination is essential because we are not really choosing for us, our selfish selves, but for our students. It is our students who must sit with the people we hire, and with them do one of the hardest jobs there is—learn.

Certainly, choosing faculty to fill the few positions that we have is a responsibility and learning experience that we take on as faculty. While members do not always see eye-to-eye, every effort is made to reach consensus and a common ground in our selection processes. I acknowledge that this is tough, and that sometimes members do not always feel that they "get their way." Although people have legal rights within approved policies to act as they do, their actions are not always easy to swallow. However, we are all human and I believe that we do the best that we can.

Finally, it practically goes without saying that there is always room for improvement in our hiring. We have all heard examples. It is common knowledge and has been for some time that our hiring needs to be reviewed and overhauled. In fact, Barbara Beno, Acting Assistant Chancellor, Employee Relations and Human Resources, has been leading an effort since July to review all of our Human Service policies, procedures and practices for all employees in the district. She is currently interviewing faculty, attending meetings at our colleges and taking all the steps necessary to insure that revisions take place through our established consultation processes to correct

Continued on page 6

Diversity Has Merit

Continued from previous page

viewing, and hiring processes in the District may not be without flaws, but in the main these have permitted highly competent employees to join us as educators. There is always room for improvement in these procedures. My thirty-first year with the District will continue to be, well, diverse.

Administration's Hiring "Checklist" Contradicts Approved Procedures

by Mike Williamson, Skyline Academic Senate President

The Skyline Academic Senate (AS) has continued to pursue clarification of the faculty hiring process and practice. In the May 2000 issue of *The Advocate*, Tom Sullivan of the Language Arts Division documented a hiring process gone awry. For the duration of that semester and in meetings during the summer it became clear that faculty and some administrators were speaking a "different language" with regards to hiring practice. That different language was different documents with contradictory procedures. The Board approved "Selection Procedures for Faculty" was well known to faculty serving on screening committees, but some administrators were referring to a document titled, "Applicant Selection Procedures: A Checklist". This checklist differed from the Board approved policy in both spirit and content. The District Human Resource Department in June of '98 apparently had written that checklist.

Hiring Process Benefits Us

Continued from page 5
problems.

However, affirmative action guidelines will and should be followed. The fact remains, whether some folks like it or not, that the experience of living, learning and participating in life successfully in the Bay Area not only requires people with many differences from many different cultures to share their differences and their power, but requires them to compromise and face change. The degree that we do not do this diminishes us all. The degree that we do it and help our students learn to do it is our true "merit." Faculty members who bring a wealth of diversity with their many other qualities enrich not only our students, but us all. ■

Connie Beringer, Skyline College AS Vice President, and I brought up these discrepancies in meetings with President White, at College Council, and during writing of standards for the

The District Academic Senate passed an emergency resolution requesting "use of the checklist be terminated immediately"

Accreditation Self-Study. The District AS, at our first meeting, discussed the issue and passed an emergency resolution requesting "use of the checklist be terminated immediately". President White has assured the Senate that the checklist will not be used in hiring new faculty. She also assured me that Barbara Beno, Acting Assistant Chancellor, Employee Relations and Human Resources, had been asked to look into hiring process and practice discrepancies. She attended the Sept. 27 Skyline College Council meeting to update members. At that meeting I perceived her timelines and methods for soliciting input as unrealistic. I invited her to the District AS meeting of Oct 9 so that we could articulate our specific concerns over what had transpired and also state in no uncertain terms that any changes in policy must involve the shared governance process.

As of this writing, I am not assured that I have actually seen an original, accurate and signed Board Policy on Faculty Hiring.

Suggested Steps Toward Resolution

My suggestions are:

- Call for a meeting of all stakeholders. This must include College Presidents, AS, Union and District HR folks. The original Board approved policy on

CFT College Scholarships Available to Members

The Raoul Teilhet Scholarship was established by the CFT at its 1998 State Convention. Scholarships are available to high school graduating seniors (whose parents or guardians are AFT/CFT members) planning to attend community colleges, four year colleges or universities, and trade, technical or art schools. The award grants for the 2001-2002 academic year will be a maximum of \$1000 for students attending two-year schools and \$2000 for those attending four-year colleges. The award is for one year only.

Awards are based on factors which may include academic achievement, financial need, special talents and skills, participation in extra-curricular activities, community service, and the required essay.

The Scholarship competition for this year will open October 1, 2000 and close January 31, 2001. All applicants will receive notice of their status by April 20, 2001.

Applications may be obtained by calling the AFT office at x6491. You can also obtain a copy of the application from the CFT website at: <http://www.cft.org>. ■

hiring procedures and any board approved Rules and Regulations pertaining to hiring must be distributed. We all need to be speaking the same language!

- After all groups are clear what is Board approved policy, if, and only if, it no longer meets legal requirements or all groups agree that changes need to be made, send it through the shared governance process.

- We must also insure that practice follows procedure and that practice is consistent throughout the District.

My thanks to the Skyline Language Arts Division for their persistence with this issue. ■

District Finally Withdraws Proposed Surveillance Policy

by Dan Kaplan, AFT 1493 Exec. Secretary

At the November 1, 1999, meeting of the District Shared Governance Council, the administration distributed a draft of proposed revisions to the District's "Policy on Use of District Communications Systems". Included in the proposed revisions to the District's communications policy was the following language: "Electronic communications are not private. In the course of network maintenance or monitoring, the activities of individuals using the electronic communications systems may be monitored. The District reserves the right to conduct audits involving employee use of electronic communications systems." The District's proposed new policy also stated: "Anyone using the electronic communications system expressly consents to such monitoring and is advised that, if such monitoring reveals possible evidence of criminal activity, authorized personnel may provide the content of such monitoring to law enforcement and national defense agencies as appropriate."

Changes in Communications Policy Should Be Negotiated

Shortly after the proposed revisions became public knowledge at the November Shared Governance Council meeting, both the AFT and the CSM Academic Senate made their views known. The AFT argued in the pages of the December *Advocate* that the proposed policy "directly undermines our academic freedom and right to privacy in its policy on 'random monitoring' of faculty electronic communications." The AFT further informed the District that the proper place to discuss the proposed revisions to the District communications policy was under the purview of contract negotiations.

Kate Motoyama, then Academic Senate President at CSM and now District Academic Senate President,

drafted a concept paper, "Proposal to Revise Policy on Use of District Communications System: An Academic Senate Perspective." This paper "expresses two concerns of the Academic Senate" regarding the proposed revisions: "first, the proposed policy's effect on academic freedom and privacy rights; and, second, the need for appropriate consultation on the proposed policy prior to seeking Board approval." The concept paper also states that the AFT should "be consulted...to ensure contract language which creates and implements due process that deals with confidentiality...and the effect of technology on privacy."

AFT & CSM Senate Both Protest Proposed New Policy

The threat of "random monitoring"—what would amount to electronic surveillance of the faculty and staff in this district—brought the AFT and CSM Academic Senate into quick agreement on how to proceed. On November 23, 1999, the CSM Academic Senate voted to unanimously endorse Motoyama's concept paper, which stated in its introduction: "The Governing Council of the Academic Senate of College of San Mateo and our faculty union colleagues, AFT Local 1493, agree that the proposed policy changes affect academic, professional, and collective bargaining matters and require significant faculty discussion and consultation".

On January 19, 2000, AFT Local 1493's attorney, Robert Bezemek, sent the District a legal argument that maintained that the District's proposed changes in their communications policy were entirely negotiable, and that failure to meet this obligation could result in the filing of an unfair labor practice charge with the Public Employees Relations Board. (The text of this letter may be found on *The Ad-*

vocate webpage at www.smccd.net/accounts/brenner/advo.) The District, in turn, asked County Counsel for her response to the AFT's legal argument.

Since the AFT's letter was sent to the District last January, the AFT has been waiting for a response from the District. Since that time the communi-

the District still refuses to state explicitly that electronic communications are private and confidentiality is assured when using the District's systems

cations issue has been discussed from time to time in the District Shared Governance Council, but always briefly and in the context of waiting for County Counsel's response to AFT's legal argument. More than once, it was stated that a response would be forthcoming soon.

Now, finally, after a wait of almost 9 months, the AFT has received the District's response to the January 19 letter. But the response did not come from County Counsel. It came from the District in a September 27 letter from Dean of Special Projects Paula Anderson to AFT 1493 Executive Secretary Dan Kaplan. The letter states, in part: "Our Internet provider, 4CNet, is in the process of revising their provider policy. There is a possibility that the revised policy may require subscribers to have an Electronic Communications Policy that meets 4CNet requirements." (Actually, 4CNet already has an "acceptable use policy" concerning email that raises serious concerns about academic and personal privacy issues, and apparently the District signed on to this at the time they became a "customer" of 4CNet—even though this "acceptable use" policy is

Continued on page 8

How Our Evaluation System Lacks Clear Criteria: An Illustration

by Bob Hasson, CSM

A Dialog Illustrates Flaws in the Evaluation System

An instructor has been given an evaluation of unsatisfactory. The following fictional dialog takes place between the chairman of the peer review committee and an advocate for the evaluatee.

Advocate for the evaluatee: What were the community criteria for incompetence that were used by the committee?

Committee chair: There are no community criteria. However, the questionnaire filled out by the peer observer does have categories of performance. So does the questionnaire students are given to evaluate the instructor.

Advocate: Has our college community ever discussed the content of the peer observation form or the student evaluation form and come to some sort of consensus?

Chair: Not in my memory.

Advocate: Was the committee ever given any clear charge to use either the peer observation form or the student evaluation form as a basis for evaluation criteria?

Chair: No.

Advocate: Then I would say that these forms do not define incompetence or competence. Then it seems that our college community has no public definition of incompetence or competence. Why is that?

Chair: The faculty community has never discussed it.

Advocate: So the evaluatee was not evaluated on the basis of community based criteria, correct?

Chair: That is correct.

Advocate: Then what criteria did the committee agree upon for the evaluation of the evaluatee?

Chair: We never agreed on a set of criteria. Our system doesn't do that. Each committee person simply works from his or her own personal criteria after viewing the observation form, the student evaluations, and the instructor

portfolio. Then we try to negotiate the choice between a satisfactory or unsatisfactory rating.

Advocate: Then committees from different years may come to completely different conclusions from the same evidence just because of the different personnel, correct?

Chair: Yes.

Advocate: When during the evaluation was the evaluatee informed of any criteria for competence/incompetence by which s/he would be judged by the committee?

Chair: S/he wasn't. After the observations (peer, student evaluation, portfolio), the committee put a couple of comments in the official note of evaluation that indicated what we agreed we didn't like.

Advocate: But the evaluatee had no way of knowing ahead of time what you felt was important, true?

Chair: S/he is a professional teacher. S/he should just know.

Advocate: Even though the community has never put forth public standards and has never even discussed the issue? Even though the committee never told the evaluatee about what constitutes incompetence?

Chair: I think so.

Advocate: Suppose someone gave you an exam in a subject but no one told you until after the exam what it was that constituted a correct or acceptable answer. And suppose anyway there was no public community consensus about the definition of a right or wrong answer. And suppose also, a small group of people used the results of the test to determine whether or not you got to keep your job and continue your career. Would you consider such a test to be fair?

Chair: Of course not.

Advocate: Yet this is how your evaluation system works. How can this be fair?

Surveillance Policy Withdrawn

Continued from page 7

not now in the District's Rules and Regulations!) The District letter to the AFT continues: "Once 4CNet announces and disseminates their revised policies, we will take under consideration their requirements and our options. Based upon that analysis the District will act accordingly and use appropriate consultation/approval processes." In other words, AFT will not receive a response from County Counsel to its January 19, 2000 letter because the District has decided at this time to withdraw its proposed revisions to its communications policy. As the District letter to the AFT puts it: "At this time there is nothing to pursue."

There is no question that the District decision to back off from attempting to make any changes to its current communications systems policy is a positive development. But what is most unfortunate is that the District still refuses to state explicitly to the faculty, staff, and students in this District that, in fact, electronic communications are private, that confidentiality is assured when using the District's communications systems, and that no random monitoring of faculty, staff, and student use of this communications system will be allowed. These are critical issues at this time because web-based registration is set to begin in November. What assurances of privacy and confidentiality can the District now offer to those who plan next month to use this new electronic option? ■

Continued on next page

Flaws in the Evaluation System

Continued from previous page

Chair: Teachers should just know what constitutes incompetent teaching.

Advocate: If the community itself doesn't or can't voice what competence/incompetence is I can't see how the teachers should know.

Another point: suppose the committee and the evaluatee have different ideas about teaching. For example the evaluatee believes in using cooperative groups and the committee doesn't like the use of groups. Or suppose the committee doesn't like the use of open book tests under any circumstances and the evaluatee uses them. Could an unsatisfactory evaluation simply indicate a difference in teaching philosophy between the evaluatee and the committee?

Chair: Yes.

Advocate: Sounds like one more consequence of no community criteria. How would the teacher know ahead of time that his/her teaching philosophy would rub the committee the wrong way and result in an unsatisfactory evaluation?

Chair: Well... I guess s/he couldn't know.

Assertions About Problems with the Evaluation System

The above dialog illustrates the following assertions that I make about the evaluation system:

Assertion 1: There are no real criteria for evaluation in the system. The supports for this argument are:

Our college community has never discussed any definition of incompetence. As a result our college community has never agreed in any sense upon any definitions of competence or incompetence. This is true in spite of the content of the peer observation form and the content of the student evaluation form.

When I chaired the tenure review

committee in my division several years ago, there were no criteria for evaluation given to us by our college community. I believe this to be typical.

Tenure review committees can, of course, consult with the tenure review oversight committee, but this committee also has not been charged by the community with any definition of incompetence or competence.

Assertion 2: Because each different evaluation committee must make up its own criteria without consulting known community standards (there are none) nor any past history, there are no reasonable controls on uniformity of evaluation over time. The likelihood that two committees from different years would come to different evaluation results based on the same evidence is too high.

Assertion 3: The lack of agreed upon criteria for incompetence or competence increases the chances that an unsatisfactory evaluation will largely reflect a difference in teaching philosophy between the evaluatee and the evaluation committee.

Assertion 4: Evaluatees are not informed before or during the evaluation process as to what activities and qualities are considered by the community, or even the committee, to be competent or incompetent. This makes it impossible for the evaluatee to accurately predict the impact of his/her teaching actions on the outcome of his/her evaluation.

Assertion 5: Because of Assertions 1 through 4, I believe it is difficult to defend any unsatisfactory evaluation as fair.

The present evaluation system is supposed to be formative, for the purposes of helping faculty improve their teaching. Yet an unsatisfactory evaluation is a step along the path to dismissal from employment. I assert that a system that is loaded so heavily with serious consequences cannot be formative in nature.

Also, I argue that it is impossible to have a formative system of evaluation without clear criteria and standards that are known to the evaluatee and the evaluators. A system is formative only if the evaluatee can see what performance s/he is aiming for so that s/he can judge the gap between actual performance and desired, and then adjust.

Recommendations for a Formative Evaluation Process

There are implications to this last point. It means to me that, if the community is actually serious about improving teaching through a formative process, then the community needs to:

1. Formulate evaluation standards and criteria and examples of performances that satisfy these standards and criteria. These examples might take the form of written vignettes or video clips.
2. Hand the criteria, standards, and examples to evaluatees at the beginning of the evaluation process.
3. As a part of the evaluation process, help evaluatees to see where they fall short and then give them another shot — as a part of the process and before assigning a satisfactory / unsatisfactory judgement.

Short of a program like the above, it is hard for me to believe our community is yet serious about making evaluation a formative process.

To conclude, the present system of evaluation is flawed because it lacks any real criteria or standards for judging performance. The present system is also flawed because it is not structured to be formative — to give teachers the information they need to improve in time to change their performance and head off a summative, and career threatening judgement of unsatisfactory. I assert that we need to change the system to make criteria and standards clear and public and to make the system truly formative. ■

How Would Prop. 38 Hurt Community Colleges?

Proposition 38

would provide \$4000 vouchers for use in private elementary schools and high schools. But that doesn't mean that Proposition 38 would affect only K-12 education in California.

Proposition 38 would drastically alter the funding system for California education, including community colleges. If the national average for spending in K-12 education is reached—and estimates are that it quickly would be—funding levels for community colleges are no longer guaranteed.

Here's how that would happen. Proposition 38 says that once K-12 is funded at the national average, Proposition 98, which now guarantees minimum levels of funding for both K-12 and community

colleges, as well as for child development and state special schools, is suspended. Community colleges will then compete for funding with other higher education systems and everything else in the state budget. And the amount over which they're all competing will be reduced by the \$3 billion or so necessary to pay for vouchers for students already in private schools.

"When it comes to funding education, community colleges always seem to come last," says California Federation of Teachers President Mary Bergan. "Sacramento's high praise for the indispensability of our programs is rarely matched by funding levels for our colleges. What will happen when our dollars are in the same pot with

everyone else's?"

Most community college folks faced with a decision on school vouchers rally instinctively to the side of public education. But they see it as someone else's fight.

Defeating Proposition 38 is everyone's fight. Please help by donating your time, energy and/or money.

Why Should California Voters Support Prop. 39?

Proposition 39 will fix the way our schools spend money AND fix our schools. The people of California are willing to invest in building and repairing schools. But they need and deserve assurance that school bond funds are spent wisely and effectively, not wasted or mismanaged. Prop 39 does both! If passed, Prop 39 will implement strict provisions that hold administrators directly accountable for the spending of local school bond funds. These accountability requirements will help ensure that every penny of voter-approved school bonds is spent directly on building and repairing classrooms — and not on administration or bureaucracy.

How Will Prop. 39 Fix the Way Schools Spend Money?

If passed, Prop 39 would impose strict accountability requirements governing the way administrators spend voter-approved school bond funds. These requirements:

- Prohibit using funds for administration or bureaucracy;
- Require local school administrators to provide voters with a specific list of school construction projects to be financed by a proposed bond;
- Cap and limit how much property taxes can be raised by a local school bond;
- Require school districts to undergo two rigid, independent financial and performance audits every year to en-

sure funds are spent only on voter-approved projects and that all bond proceeds are accounted for;

- Mandate independent citizen watchdog committees comprised of local parents, taxpayers, homeowners, seniors, and business leaders to make sure money is not wasted;
- Prohibit these bond votes except during regularly scheduled elections.

Who Supports Prop. 39?

A diverse, bi-partisan coalition including Governor Gray Davis, former Governor Pete Wilson, California State PTA, California Teachers, AARP, California Chamber of Commerce, California Labor Federation, AFL-CIO, Consumer Federation of California, California Association of REALTORS®, UC and CSU systems, and more than 200 local and statewide community groups and leaders.

Class Size, Productivity & the Quality of Education

Continued from page 1

District Must Negotiate Class Size Changes with the Union

The EERA states in §3543.3 Negotiations:

A public school employer or such representatives as it may designate... shall meet and negotiate with and only with representatives of employee organizations selected as exclusive representative of appropriate units upon request with regard to matters within the scope of representation (class size).

Thus, the district must negotiate with the union and cannot negotiate with individual faculty members on matters within the scope of representation (class size). That is the law.

If the administration changes the maximum number of students beyond the limit set for each class without negotiating that change with the union, it has committed an unfair labor practice. §3543.5 states:

It shall be unlawful for a public school employer to:

- *Deny to employee organizations rights guaranteed to them by this chapter*
- *Refuse or fail to meet and negotiate in good faith with an exclusive representative*

Class Size Maximums Are Set

Class size maximums are listed in the column labeled "lim" on the enrollment report in each division office. The label "lim" stands for class size limit. As students register for classes, the computer system enrolls students up to that limit and then adds students to a wait list. Changes in those class size limits can only legally be altered by negotiating with the union. In the past, when individual deans have unilaterally raised class size limits and the union found out about the change and immediately raised an objection, the increases were rescinded. Individual instructors can add more students to

their classes, but they don't have to add more than the limit. The administration can only add students up to the limit. Class size maximums can be changed through negotiations with the union.

Minimum Class Size May Vary

Board Rules and Regulations §6.08 entitled Small Class Guidelines states:

The District's Colleges will organize classes in as efficient a manner as possible consistent with good instructional practices. Classes with fewer than 20 students will normally be cancelled or merged with another section; however, certain classes with enrollments under 20 (for example, required sequential courses, single sessions required for a major, and classes in facilities which will not accommodate 20 students) will be carefully reviewed and, if offered, will be balanced against large classes.

Generally small classes are not canceled until after the first week of classes in order to give the instructor the opportunity to recruit students into the class. Occasionally deans have cut small classes before the semester begins. This practice was carried to the extreme five years ago when the CSM administration in November canceled between 60 and 80 classes which were in the already-published Spring Schedule of classes (Skyline had similarly cut 37 classes). These cuts were made before students even began to enroll in classes! AFT vigorously protested and most of the classes were reinstated.

Productivity and the Quality of Education Are Not Necessarily Compatible

The attempt to increase productivity by increasing class size is justified by the administration as a cost cutting measure necessary because of declining enrollment. Economies are in many cases necessary, but to cut costs by lowering the quality of education is

false economy. Larger classes reduce the flexibility of the teacher. Essay exams are used less. The quantity and quality of classroom discussion diminishes. The institution becomes increasingly impersonal. One significant way in which community colleges differ from four-year colleges is the small class size and greater individual contact between teacher and student at the community college. It makes greater educational sense to make the four-year college more like the community college than the reverse. Indeed, one never hears the argument that the quality of education increases as class size increases. ■

Would You Like to Be AFT 1493's Part Time Faculty Coordinator?

Two years ago, AFT Local 1493 made the decision to hire a part time faculty member from within the District to help the Local in its efforts to more effectively represent part time faculty. A short time later, other AFT Locals within the CFT also began the practice of hiring part timers to serve as organizers of their part time faculty colleagues.

Kathleen Feinblum has been our part time faculty coordinator since the position was created. In that capacity, you have read her fine columns in the Advocate. But Kathleen has now stepped down from her position as Local 1493's Part Time Faculty Coordinator to pursue other opportunities.

We are now accepting applications from any part-time faculty member interested in working with AFT to better represent the interests of part time faculty in the San Mateo Community College District. This is a paid position. Please call Dan Kaplan at the AFT office (574-6491) for more information or to schedule an interview. ■