

Retirement incentives not as popular among faculty as for administrators and classified staff

On December 12, 2008, the District announced retirement incentives this year of \$30,000 for full-time faculty whose magic number (age plus years of service) is at least 75, or \$25,000 for full-time faculty with magic numbers between 70 and 74. **As of February 3rd, 9 faculty members (plus 5 administrators and 26 classified staff) had taken the District's retirement incentive.**

Before the District's announcement, the AFT surveyed faculty who might be eligible for early retirement to try to find out what incentives might motivate them to retire this year.

The AFT survey asked faculty the following questions about two basic incentives that the District might have offered and then asked faculty to explain why they would or would not be induced by those incentives.

Would a \$25,000 payout from the District be likely to make you decide to take an early retirement?

Yes - 13 (15%)

No - 76 (85%)

Would the STRS 2+2 option--which adds 2 years to your age plus 2 years to your service credit for calculating your monthly retirement payments--be likely to make you decide to take an early retirement?

Yes - 31 (44%)

No - 40 (56%)

Among the explanations that were given for the above responses, at least 33 faculty members said simply that \$25,000 would not be

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Faculty rights to free political speech must be protected

by Elizabeth Terzakis, AFT 1493 Cañada Chapter Co-Chair

The December 2008 Advocate contained a series of articles and documents relating to political speech



Elizabeth Terzakis

by employees and students of the San Mateo Community College District, including a memorandum to the campus community in which the District administration "reminded" District employees "that under Education Code Section 7054 and Board Policy 2.30, District facilities cannot be used to urge the support or defeat of any ballot measure or candidate."

There is no law that requires a single political event on campus to present all points of view

A.J. Bates' excellent article laid out the practical application of this "reminder": Bates, professor of Chemistry and Gay-Straight Alliance (GSA) sponsor at Skyline College, was told to remove "No on 8" signs from the windows of his office while a GSA-sponsored educational event on gay marriage was threatened with cancellation because of a student complaint that it was "biased."

AFT legal counsel Robert Bezemek presented ample case law disputing the District's interpretation

of the Education Code on the question of political posters, and Bates was able to keep the posters up. But according to Bates' article, although the gay marriage forum ran as scheduled, the District administration is sticking to its position that campus facilities should not be used for events that are "inherently partisan" and that groups wishing to hold such events must represent their opponents' views, pay for the use of venues, and/or restrict themselves to outdoor free speech zones.

District's restrictions are inconsistent with Ed. Code

These restrictions seem inconsistent with both the Education

Code and District policy. There is nothing in Cali-

ifornia law, or in the District's own rules regarding controversial issues, that disallows the use of campus facilities for biased speech acts. The relevant section (7058) of the California Education Code reads as follows: "Nothing in this article shall prohibit the use of a forum under the control of the governing board of a school district or community college district if the forum is made available to all sides on an equitable basis."

Nowhere does it say that "on

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PRESIDENT'S LETTER

Budget reductions to lead to fewer full-time faculty; How will this affect the rest of us?

by Monica Malamud, AFT 1493 President

There is no doubt that our district is feeling the effects of the current economic situation and the state budget. And, in particular, we faculty are being greatly affected too.



For the current academic year, we had negotiated that faculty salaries would be increased by the amount of state funded COLA (Cost of Living Adjustment). This seemed like a reasonable agreement for the fourth year of a four-year contract, one that would allow us to keep up with cost of living increases. But although the statutory COLA has increased by over 5%, we have not received a salary increase since the state is not funding COLA in its budget.

Our colleges have been asked to come up with budget scenarios that will accommodate budget reductions of 3%, 5%, 7% and 10%. It is extremely difficult to trim any further expenses from a budget that is already very lean. At Cañada College, for example, 97% of its Fund 1 (General Fund) is committed to salaries. How can significant budget reductions be accomplished without affecting personnel?

Retirement incentives working

One strategy that the District has devised is the Retirement and Voluntary Separation Incentives package. It seems that it has proven to be successful in its goal of reducing personnel: Harry Joel, Vice-Chancellor for Human Resources and Employee Relations, announced on January 28th that the district is limiting this offer to the first 45 employees that contact him, in spite of the original deadline of March 31st.

Between faculty taking advantage of the Retirement and Voluntary Separation Incentives and severe limitations on new hires, there will be a net loss of faculty in our district. The effects of this net loss will be felt by both the district and the faculty. Will our district still be able to comply with the 50% law (which requires that 50% of expenses be for instructional salaries)? Will the district still be able to meet its FON (Faculty Obligation Number) for fall 2009? Or will we end up paying fines to the state for non-compliance?

With fewer full-timers, how will all the work get done?

As for the effect of reductions in the number of full-time faculty members, the colleges can simply continue to offer the same courses by assigning them to part-timers. Although on the surface it may appear that there is no impact to faculty and the colleges, it is naive to believe that the institutions, programs and faculty will not be affected. With fewer full-time faculty members, how will we be able to guarantee that every necessary committee has adequate faculty representation? How will the on-going processes of course and program development and review be completed? With the ratio of part-timers vs. full-timers going in the wrong direction, it gets increasingly difficult to mentor and evaluate part-time faculty. Many departments already have one or no full-time faculty!

Another cost-saving strategy is the reduction of funding for faculty coordinators. Without faculty coordinators, the work they used to do will most likely go undone, which will ultimately hurt our colleges. And when full-time faculty members are assigned to teach courses that were formerly taught by part-timers, some part-timers may suffer a reduction in their teaching assignments.

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Lezlee Ware joins Cañada AFT team as Chapter Co-Chair

by Lezlee Ware, AFT 1493 Cañada Chapter Co-Chair

Ed. note: Starting at the beginning of the Spring semester, Lezlee Ware has joined Elizabeth Terzakis (who has moved from Cañada E.C. Rep.) as AFT 1493 Cañada Chapter Co-Chair. They are replacing Katie Schertle.

I am a strong supporter of equality in the workplace and I value the politico-historical work of unions. I am originally from the Bay Area – born and raised in Palo Alto, California. I took a labor course during my first year at UCLA and continued to follow labor movements (domestically and internationally) throughout my educational career.



I am really looking forward to representing you through the AFT with my co-chair, Elizabeth Terzakis. I have been at Cañada for over 5 years where I have participated as an Academic Senate Division Representative and Treasurer, therefore this is a natural transition to Union Representative.

As a Political Science professor, I really enjoy being part of the democratic process and look forward to serving my colleagues in this capacity.

Cañada faculty can look forward to our

AFT Express Newsletter (first release January 2009) and 30-minute Express Meeting monthly! This is an opportunity to keep you more closely connected to your Union and the Faculty Contract. □

AFT 1493 Calendar

AFT 1493 General Membership/ Executive Committee meetings:

-Wednesday, February 11, 2:15 p.m.
Skyline, room 6205

-Wednesday, March 18, 2:15 p.m.
CSM, Building 12, Room 170

CFT Convention:

- March 20-22
Sheraton Grand Hotel,
Sacramento

Enrollment update

As of February 2 there was an increase in enrollment of 7% District-wide for the Spring semester. Below is a breakdown by college:

	Skyline	Cañada	CSM
Enrollment:	+13%	+6.8%	+2%
# of sections:	+9.4%	+3.0%	-11.5%
Load:	602	544	558
	+8.1%	+8.3%	+17.4%

President's Letter

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Pressure to increase "productivity"

In times of tight budgets, efficiency must be maximized. We have all noticed that our colleges are imposing stricter limits on the number of students that need to be enrolled in a class in order to avoid cancellation. At CSM, the Program Improvement/ Viability process is in progress for four programs that have been struggling with enrollment, in order to see if these programs can improve their enrollments and be viable in the near future.

The PIV process has been used in our district before. For programs that were discontinued, affected full-time faculty were offered re-training in order to add a new FSA and remain employed with the district.

Don't let administrators unilaterally raise class size

The AFT has recently received reports that some class sizes have been unilaterally increased by the administration. This violates state law: EERA (Educational Employment Relations Act) establishes that class size is a man-

datory subject for collective bargaining. If you experience this situation please contact your campus rep or the AFT office immediately.

Finally, I would like to ask you to act as an advocate for education and for the community college: let legislators know what community colleges do for people and the economy, explain why we need adequate levels of funding. After all, in times of economic crisis, community colleges play a very important role in helping with the recovery process, but we cannot do our job without appropriate funding. □

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an equitable basis” means “at the same time,” which seems to be the assumption of the District. I have encountered this attitude when organizing events at Cañada College as well. During the planning of both an anti-death penalty forum and a teach-in on immigration, I was told by the administrator who signed off on the facilities request that there were “complaints” or “concerns” that the programs would be one-sided. Each time, I responded that the event would be one-sided, but that there would be plenty of time for audience response, and that if the folks on the “other” side wanted to have a one-sided forum of their own, I would not ask the administration to stop them.

I should also note that neither event was threatened with cancellation, and that the anti-death penalty forum was attended by a member of the Board of Trustees, suggesting that Bates is probably correct in suggesting that the District’s actions regarding the gay marriage forum were more a reflection of an unwillingness to counter homophobia than of the District’s stance on free speech in general.

A threat to one group is a threat to all groups

But since a threat to the free speech of one group promoting civil rights is a threat to the free speech of all groups promoting civil rights, a closer look at the Education Code seems in order. Fortunately, the California Education Code sections on “Political Activities of School Officers and Employees” (7050-7058) seem much more concerned with preventing abuse of power with regard to hiring and firing and abuse of funds than with silencing educational employees. The relevant section for students’ “Exercise of Free Expression” (76120) dictates that school districts may only establish rules and regulations regarding speech that “shall not prohibit the right of students to exercise free expression including, but not limited to, the use of bulletin boards, the distribution of printed materials or petitions, and the wearing of buttons, badges, or other insignia, except that expression which is obscene, libelous or slanderous according to current legal standards, or which so incites students as to create a clear and present danger of the commission of unlawful acts on community college premises, or the violation of lawful community college regulations, or the substantial disruption of the orderly operation of the community college, shall be prohibited.”

While the section on student use of facilities (48930) places more power in the hands of the individual district—

“Any student body organization may be granted the use of school premises and properties without charge subject to such regulations as may be established by the governing board of the school district”—the District’s own policy on this question mirrors section 7058 as quoted above: “The administration, the faculty, or student organizations may sponsor speakers of any opinion.” (SMCCCD Rules and Regulations 6.38).

“Policy setting by complaint”

Based on an examination of the relevant sections of the Education Code and the District’s Rules and Regulations and in light of the District’s actions around the “No on 8” posters and the GSA gay marriage forum, it seems fair to argue that neither faculty nor students should rely on the District either for legal interpretations or for protection of free speech. It also seems that, since the District is, as Bates puts it, “resorting to policy setting by complaint,” those of us who are interested in promoting the free exchange of ideas will have to put as much work into protecting it as these invisible “complainants” are putting into squashing it.

This seems a particularly important lesson given the current economic and political moment. Given the enormity of impending budget cuts, many of us are likely to be made to feel vulnerable over the next months and years.



In doing what we think is best for our schools and community, we should keep in mind the other sections of the Education Code, the ones that the District did not cite. For example, Section 7056, which states, “(a) Nothing in this article prevents an officer or employee of a local agency from soliciting or receiving political funds or contributions to promote the support or defeat a ballot measure that would affect the rate of pay, hours of work, retirement, civil service, or other working conditions of officers or employees of the local agency. These activities are prohibited during working hours. In addition, entry into buildings and grounds under the control of a local agency for such purposes during working hours is also prohibited.

“(b) Nothing in this section shall be construed to prohibit any recognized employee organization or its officers, agents, and representatives from soliciting or receiving political funds or contributions from employee members to promote the support or defeat of any ballot measure on school district property or community college district property during nonworking time. As used in this subdivi-

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State budget remains unclear

The state budget picture remains uncertain. The governor and top legislative leaders are meeting under a “cone of silence,” and rumors abound. What is clear enough, though, is that they need to hear from you in order to do the right thing and preserve public education and other vital services. Nearly two thirds of the funding for K-12 and community college classrooms emanates from the state budget. The CFT is working in coalition with other education and labor organizations to pressure the legislature to hold the line. California ranks 47th in the nation in per pupil spending. No more cuts. Only progressive tax policies offer a realistic solution. Tell your legislators to return top income tax brackets (on taxpayers making \$250,000/year or more) to what they were under Governor Pete Wilson, and close corporate tax loopholes. And plan to attend local rallies and events on March 13, and a statewide protest in Sacramento on March 16. We will provide updates as more information becomes available.

March in March

Rescue Education Rally - March 16, 2009

10:00 AM to 2:00 PM

Sacramento: Raley Field to the State Capital

Express your support for the California Community Colleges! Students, faculty, staff, administrators, and all other supporters are gathering on March 16 to make their voices heard. Let's keep student fees low and keep the doors open to our community colleges!

Visit: www.StudentSenateCCC.org for more information.

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sion, ‘nonworking time’ means time outside an employee’s working hours, whether before or after school or during the employee’s luncheon period or other scheduled work intermittency during the school day.”

Perhaps we should test the District’s interpretation of these sections by petitioning before and after class and during our lunch breaks for a ballot proposition calling for simple majority rule for the state legislature to be able to pass the state budget rather than the current requirement of two-thirds of the vote. That way the proponents of tax cuts for the wealthy would not be able to hamstring the entire state, undermine our students’ educations, and threaten our quality of life. □

CFT and state Academic Senate disagree with ACCJC about including SLOs in faculty evaluation

Full documents available at: aft1493.org

The November 2008 issue of the *Advocate* published an October 13, 2008 letter from California Federation Of Teachers (CFT) President Marty Hittelman to the Accrediting Commission for Community and Junior Colleges (ACCJC) that called on the Commission to amend its accreditation standard that requires student learning outcomes (SLOs) to be included in faculty evaluations. Hittelman explained that this standard (III.A.1.c) intrudes on negotiable evaluation criteria and violates principles of academic freedom. On December 2, 2008 Lurelean Gaines (Chair) and Barbara Beno (President) of the ACCJC replied to Hittelman’s letter. In their reply, they stated that “The Commission appreciates your comments with respect to the issues you raise, and we will attempt to address each of them.” They took issue with numerous points in Hittelman’s letter, but a key argument they make is that the law gives the bargaining agent the right to negotiate “‘procedures to be used for the evaluation of employees,’ not the ‘criteria and standards’ to be used for evaluation.” Hittelman, however, then responded to Gaines and Beno on December 12, 2008, stating (among other points) that, “You are completely wrong in your analysis of collective bargaining law in California... The PERB has ruled repeatedly that the evaluation criteria are negotiable.” The full text of these three letters are accessible on AFT 1493’s website, aft1493.org. Click on: “What’s New,” and then on: “Documents on SLOs and Accreditation.”

The state Academic Senate has also taken a position on the ACCJC’s Standard III.A.1.c. At the Fall 2008 Plenary of the Academic Senate for California Community Colleges (Nov. 8, 2008), the Senate leaders adopted a resolution titled, “Opposition to Using SLOs in Faculty Evaluation.” The resolution affirmed the Senate’s “opposition to including the attainment of student learning outcomes as an aspect of individual faculty evaluations” and called on the Senate to “work with the Accrediting Commission for Community and Junior Colleges and with other concerned statewide faculty organizations to ensure that accreditation recommendations do not use student learning outcomes in any manner that would undermine either local bargaining authority or the academic freedom of individual faculty members.” The full text of this resolution is also accessible on the AFT 1493 website (aft1493.org) from the “What’s New” page. (Click on: “Documents on SLOs and Accreditation.”) □

Administrators' salaries should be in line with faculty salaries

I am writing about some thoughts I have concerning faculty salaries. I retired from CSM in 1993 (astronomy), after a 30 year career at CSM. I have long felt a keen sense of injustice at the disparity between faculty and administration salaries. In our current national and state economic calamity one aspect that has received attention is the obscene compensations given to CEO's and other administrative personnel, and the ruin it has contributed to their corporations. Adding to the sense of outrage is the injustice of executive salaries when compared with that allowed to the workers.

Buying into the CEO-business model

Even though I am now long retired--it doesn't feel that long to me!--I have always felt that we have not done ourselves any good by accepting the salary disparity between our faculty and our administration. I have always felt that what faculty contribute to our colleges is at the very least equal to what the administration does, and that it has served us ill when we tacitly accepted the concept that the administration's work is more valued than our work. For this is certainly what we have been doing all the years that we have been buying into the CEO-business model of the salary schedules at SMCCCD. Had we adopted the attitude that the top faculty salary should be scaled to the salary of the top administrator -say \$1 more-it would have been far better than our fashion of seeing what the Board gives to the administration and then fighting for some percentage of that.

As to the argument that this is the way things are in the corporate world... well, the corporate world is WRONG to think that way and it has led them to ruination and the reward of incompetent people. Indeed, only in the US is the salary disparity as high; other countries get along just fine with a different salary philosophy. Further, there is no reason or need for an academic institution, or its faculty union, to aid and abet the corporate model, whether it is right or wrong, and especially when it is wrong from the get-go. Our basic philosophy should be an insistence on salary equity and fairness, and all our future salary negotiations should be on that basis.

And as for the contention that they must pay CEO salaries or they would lose the talent it buys, well, paying less for faculty hasn't lost them the talent that we have. (... or maybe the Board doesn't think we have talent??).

I assure you that being retired has not dimmed my sense of unfairness on this question. Each month when I receive my fairly modest STRS pension check I think of how much more our retired administrators are getting for even fewer years of service than I had, and my sense

of injustice is rekindled anew. I find myself thinking of how little the work that I did is valued by the system compared to the work that was done by our administrators, and of how well compensated their retirement has been when compared to mine. Now, with CEO salaries becoming front page news, I am prompted to write to you in hope that AFT might wish to address itself to this matter and to correct the feeling of injustice that, I assume, many others must feel too.

Now is the time for AFT to act

I write now because I think that AFT should make the decision to do something about it. The time is propitious. There will never be a better time to make that argument, when the CEO costs to businesses have contributed to bringing them down. It is sort of like the idea that the CEO's should share some of the wealth that was given to them in the past at this time of very limited money for salaries.

I think an equivalent example is that when Reagan through Bush told us that giving the wealthy more money would benefit us all by the trickle-down effect that their greater skills would create for all of us. But that is now revealed to be the fraudulent nonsense that it always was -which is Obama's point about raising taxes on those making so much while others are earning so little by comparison. Now in the case of faculty salaries we were told that putting the administration on a pay scale significantly higher than the one for faculty would ensure a better educational program. Well, has it? I think it is clear that the answer is the same for SMCCCD as it has been for the country, namely that the strength of an organization is dependent upon the skills of those who serve it, not just those whose job it is to administer it.

Sincerely,

Michael Chriss

Retired CSM Astronomy Professor

Retirement incentives not very popular among faculty

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enough to make them want to retire. One typical respondent said: "\$25,000 is nothing, especially before taxes." Another common response, given by at least 18 respondents, was also straightforward: "I'm not ready." Some said they were too young, love their work too much or "STRS is not enough to live on yet." Beyond those two most common explanations, other reasons given by numerous faculty for not taking the incentive were the lack of a good assured post-retirement contract, inadequate healthcare, and the bad economy. □

DART (District Association of Retired Teachers) meets to learn about retiree health care and to socialize

by John Searle, DART President

Back in December, the twelfth to be precise, the local DART (District Association of Retired Teachers) organization met for a celebration of life, choosing to meet in the "Clubhouse" at the College Vista complex to enjoy some company, conversation, and good food and wine, not necessarily in that order.

The key component of the afternoon was a talk by Mino Arum (recently SMCCD Human Resources staff person) on health care as applied to retired teachers in the district. Maybe more stimulating was the question/answer period that followed. The turnout mustered about thirty people that included retired faculty as far away as Nanaimo and local "celebrities." The consensus was that the victuals added to the festivities, though in all fairness, it should be noted that coffee, caffeinated and decaffeinated, was also provided.

The next meeting of DART will be June 3, 2009: same location, with a featured speaker discussing the idea of safe money/safe investments in these current unsafe times.



Mike Chriss, old CSM astronomer, talking to our new treasurer elect Elaine Burns



Mino Arum



Some of the attendees at the December 12, 2008 DART meeting

photos by John Searle

Come Out!

By A.J. Bates, Professor of Chemistry & Gay-Straight Alliance Sponsor, Skyline College

I am addressing this piece to my LGBTQ colleagues, but I hope that our allies and others will read on as well.

My message is simple – come out!

Years of hard work by the gay civil rights movement earned us the recognition of our right to be out at our jobs. But what I am going to talk about here is our responsibility to be out as lesbian, gay, transgender, bisexual, or queer.

We are role models

As educators, we are role models. Whether we choose that capacity or not, it is ours. As such, we have a responsibility to our students to be out. We are part of a diverse community of staff and students with respect to race, ethnicity, gender, physical ability, religion, and sexual orientation. Each group we consider ourselves a part of has experienced discrimination, persecution, and worse in

our history. The challenges of overcoming prejudice and achieving equality and acceptance in the larger society is unique to each group, and in most cases, ongoing. As LGBTQ individuals and educators, we are in a unique position. Unlike people of many other minority groups, we can hide our difference. That is why we must come out.

Our LGBTQ students deserve role models they can relate to. Even in our

open community, our students may not easily find them. LGBTQ youth often do not have the shared experience of their difference with their families, churches, and others in the community that students of minority groups might have. And, unlike students of other minority groups, LGBTQ students may not be able to easily identify the faculty who are like them. Often, our students are still struggling with coming out. Many may feel shamed by their own families, their faiths, and their communities. They need to see us as very accessible examples that LGBTQ people are an important and productive part of our society.

Our function as role models and the impact that we have by being out is not limited to our LGBTQ students,

connection with a person they know is gay, lesbian, bisexual, transgender, or queer, it breaks down prejudice and hate, and invites acceptance and the recognition of rights. It becomes easier for them to question the prejudices and bigotry of others and to vote for equality.

Education includes learning to work in a diverse community

Our coming out may cause discomfort for some of our students, some of our colleagues, and even for some of us. However, an important aspect of the educational experience is learning to work in a diverse community. By being out as gay, lesbian, bisexual, or transgender, we are giving students and colleagues the opportunity

to recognize that diversity and to learn to work with us, respect us, and to appreciate and accept our differences. For some of us, coming out may not be easy. We may want to keep what is a very



A.J. Bates (center) with some members of the Skyline College Gay-Straight Alliance

photo by Eric Brenner

but extends to our straight students and our colleagues as well. This past November, the recognition of our right to civil marriage was put up to a vote. While we lost, the numbers demonstrates a continuing move toward acceptance and equality. In 2000, we lost in a 60-40 vote. In 2008, the vote was 52-48. We strive to build a rapport with all of our students and to earn their respect. When our students and colleagues have that sort of

personal aspect of who we are private and separate from our professional life. But who we are is not private. Some groups have worked hard to put our personal lives, our love, and our rights up for a public vote. Those same groups would like us, especially LGBTQ educators, to be silent and to keep who we are hidden. Our greatest power to change minds and to promote openness, acceptance, and equality is being OUT. □