

PRESIDENTS' PERSPECTIVES

Negotiations continue to progress slowly; District needs to share more in governance

By Joaquin Rivera & Katharine Harer,
AFT 1493 Co-Presidents



As your representatives, we have continued to work on many of the issues raised in the last edition of *The Advocate*. Some, like the issue of adding minutes to classes, have reached a resolution for the time being while others, like negotiations, the mutual respect policy, and class size, are still in contention. We'll give you an update of where we stand in these areas and bring some other concerns to your attention.

Adding Minutes to Classes

To recap: in order to attempt to capture FTES and bring added funding to the District, the VPIs on



all three campuses constructed Fall 2006 schedules adding anywhere from 10-25 minutes to a variety of classes — depending on the campus. They were also planning to start all 8:10 classes at 8:00 a.m. When the AFT got involved, we raised a boatload of issues and concerns, not the least the fact that the District's calculations were off and the 10 additional minutes would fall outside of the contract's provisions for a maximum of 19 FLC's per class. We also brought up issues around childcare, bus schedules, uneven amounts of class

time for students and workload for instructors, and much more. Furthermore, we had serious concerns about the shared governance process — or lack of it — at certain campuses. Many emails and discussions at the District Office between the AFT and the District led to the scrapping of the plan.

A final note: The AFT never came down against the idea, in principle; we were open to discussing it as long as faculty, through the Senates and the union, would have ample input in the decision-making process. But the fact that the District attempted to implement it with virtually no advance communication with the AFT or the Senates (one brief, inconclusive discussion with the AFT) and with inconsistency from college to college and division to division, put the whole issue into a negative light. After receiving many apologies from the District, we can only hope that they've learned something from the mess that was made and the trust that was eroded.

Negotiations: District Cries Poverty

It is nothing new to hear the District cry poor. They've done it every year when we've come to the bargaining table. This year, with a state COLA of 4.3% and an ending balance of \$9 million, it's even



harder to swallow. While the budget shows \$4 million that is encumbered, what about the \$5 million that's left? And for the first time in our collective memory on the negotiations team, the District is telling us that they've already spent the COLA and that there's barely anything left to apply to salary increases, benefits and part-time office hours. We don't buy it. We're also wondering why the unfilled Vice Chancellor of Education position (held by Gus Petropoulos until four years ago) must be filled now — when the District is too poor to provide for faculty needs?

At our last bargaining session in early March the District made a new offer of 3% in total compensation (pay and benefits) for each of two years — 3% for '05-'06 plus 3% for '06-'07. We countered that 11% over two years might be more acceptable to faculty, since the combined COLA for this year and next add up to about 10.5%. The AFT's part-timer office hour proposal is back squarely on the table and the District tells us that it is under con-

sideration. Our next negotiations session is scheduled for March 29 and then we'll meet for two all-day sessions during Spring break on April 10 and 12. We'll keep you posted on any progress.

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Presidents' Column

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Mutual Respect Policy Update

Readers of *The Advocate* know the AFT's position on the District's proposed MRP: in summary, we are against it on the principle that it violates academic freedom and free speech, gives "supervisors" too much authority and opportunities to harass faculty, and sidelines legal processes and the union contract. (Please see the summary of our position on page 6, which we prepared for the District Shared Governance Council and the College Senates.)

As we go to press, the Senates at CSM and Cañada have also both voted not to support the latest version of the document. Skyline's Senate approved it.

However, a new thorn has been implanted in the so-called shared governance process. District Senate President, Nick Kapp, and Chancellor, Ron Galatolo, took a position at the March DSGC meeting that reinterprets the consensus process in section 2.09 of Rules and Regs. in a whole new (and convenient) way. According to 2.09, if one or more constituents in the DSGC votes "E", "I cannot support the recommendation", the said proposal cannot be recommended to the Chancellor to forward on to the Board of Trustees. It is either dropped or it has to be re-issued and the approval process started all over again. However, according to Kapp and Galatolo's new interpretation of the rules, an "E" vote can be construed



as a minority opinion and the proposal can move on to the Chancellor and the Board for approval.

Look at the language yourselves — there's no ambiguity here: 2.09 District Shared Governance Process #4: "Consensus is reached if no members are at level E as

noted above." And — #5: "The Chancellor will forward consensus recommendations to the Board of Trustees." So once again the District—and this time the District Senate President, as well—are undermining a shared governance principle, one that was agreed on in the forum of the DSGC and written into District Rules and Regulations.

Unshared Governance

Past Academic Senate leaders, including Kate Motoyama, have worked to ensure that the authority of the Senate was upheld in areas that are earmarked for faculty purview. In response to the little scandal around added minutes, she reminds us that the proper terminology defining the Senate's role in academic and professional matters, as written in Title 5, is that of "collegial consultation."

Under the terms of collegial consultation, the Board of Trustees must rely primarily on the advice of the Senate in matters of curriculum and academic standards. The Community College League further advises that if a Board does not accept a Senate's recommendations, they must have a "clear and substantive rationale". Moreover, when the Senate does not exercise its authority and responsibility in the 10+1 areas, our primacy in academic and professional matters may

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Signature gathering for community college ballot initiative to start in April

Initiative would provide \$3.9 billion more to California community colleges over next 5 years



THE INITIATIVE FOR 2006

Keeping the Promise

of California's Community Colleges

As the crucially important California Community College ballot initiative campaign gears up (see the last issue of *The Advocate* for a description of the initiative), we expect to receive an official campaign fundraising and signature gathering information packet by the end of this month and actual signature gathering should begin around mid-April.

The difference between the current Proposition 98 funding formula (which is based on K-12 enrollment) and the dual pot calculation being proposed in the initiative means

nearly \$3.9 billion more for community colleges over the next five years, without taking one dollar from the K-12 system. As enrollment declines in K-12 in these next five years, this proposal can help us to stabilize our funding and avoid the otherwise impending financial crisis for community colleges.

The new Community College initiative campaign website at: www.californiansforcommunitycolleges.com provides an increasing amount of useful information about the initiative, including the estimated financial impact of the initiative on each California community college district, giving the estimated increase in state funding each district would receive in coming years if the CCI passes.

For the San Mateo District, the following numbers are provided. The numbers clearly show why it is in the interest of all faculty, classified employees and administrators in the District to work hard in support of the campaign to pass the Community College Initiative.

We will let you know as soon as the petitions to get this initiative on the November ballot are available.

Projected Fiscal Impact to SMCCD from the CCI Ballot Measure

| Fiscal year | Under Current Prop. 98 | If CCI Measure passes |
|-------------|------------------------|-----------------------|
| 2007-08 | \$119,560,699 | \$120,491,738 |
| 2008-09 | \$125,407,287 | \$132,846,721 |
| 2009-10 | \$131,890,611 | \$145,863,882 |
| 2010-11 | \$138,490,000 | \$159,685,000 |
| 2011-12 | \$145,142,000 | \$175,100,000 |

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be weakened or lost.

As faculty we must be concerned that if the authority of our Senates becomes eroded through the lack of shared governance processes, faculty authority in these matters will slowly be degraded and the "unshared model" — easier and more convenient for administrators — could slip back into place.

Free Financial Planning Conference

The AFT is co-sponsoring a free half-day conference with the Jefferson Union Elementary and High School District unions on Saturday April 1 from 8:30-2:00 at Westmoor High School, 131 Westmoor Avenue, Daly City. Workshops on CalSTRS and CalPERS, retirement issues, financial planning and long-term care will be offered by Mosher Financial, a com-

pany that specializes in working with educators. A continental breakfast and lunch are provided, courtesy of Mosher. To RSVP and/or to get more information, call Dan Kaplan at the AFT office: 574-6491 or email kaplan@smccd.net. We hope to see you there - whether you are close to retirement, in the middle or at the beginning of your career, there will be workshops that address your needs.

Part-timers' seniority rights under attack by District

by John Kirk, AFTT 1493 Chief Grievance Officer



The District administration has begun an egregious attack on the seniority provisions of the contract. As you know, part-time teachers are paid less than 50% of what full-time teachers are paid, they have no tenure rights, they are not paid for office hours, and a very few receive a token stipend for medical insur-

ance. The only thing that protects their job is the seniority clause in the contract. It has been the past practice of the District to rehire each part-time teacher from semester to semester as long as classes are available and the evaluations of the part-timer are satisfactory.

The union fought a major case in 1995 involving a part-timer whose seniority was bypassed. In that case the Dean hired about 15 less senior part-timers and told the senior part-timer that there were no classes for him. The union took the case to arbitration and the arbitrator ruled that:

"...where there is a relatively substantial difference in seniority and relatively little difference in abilities, then length of service should be given greater weight."

The arbitrator stressed the important contractual obligation of seniority.

"...the (contract) language also means that the contractual requirements to prepare a seniority list and to consider seniority (among other factors) for retentions and assignments are significant contractual obligations, and that the consideration of this contractual factor must be meaningful. This is particularly true where, as here, there is strong evidence that the parties have an established practice of retaining senior faculty."

As a result of finding the District guilty of violating the contract, the arbitrator ruled:

"The appropriate remedy is to restore Grievant's seniority, and to make him whole for all lost income and other contract benefits caused by this violation."

In the most recent case, a part-timer with seniority stretching back to 1989 was bypassed by a part-timer first hired in 2000 to teach a survey course in the discipline. Imagine working at a college in the District for over 15 years, helping to develop the program and modify curriculum and then being shunted off to the pasture. The original reason given by the administration for not rehiring the more senior faculty member was that he hadn't taught at the college for the past three semesters and therefore, according to the contract, his name had been removed from the seniority list. The reason he hadn't taught during the previous three semesters was because the department he taught in had been put on hiatus. The contract specifically

states that a teacher does not lose his or her seniority if the program they teach in is reduced because of financial exigencies.

The administration then changed the reason for not rehiring the teacher—he hadn't taught the class before. The instructor has a Master's degree in the field and the course is a survey course.

Another case, which is currently scheduled for an expensive arbitration, involves a part-time teacher who failed two

students (See *Advocate* article from September 2005). The students complained to the administration. An investigation was conducted by the District administration. The teacher fully documented the basis for the failing grades and the administration agreed: "All documentation supports your decision to issue a grade of 'no pass' to the two students. I find the grade of 'no pass' to be fairly awarded."

The following semester the instructor in this case was not offered a class, while a number of less senior part-timers were given classes and one or two new instructors were hired. The union filed a grievance based on a violation of the seniority clause in the contract. The College President turned the grievance down. The union appealed the case to the Chancellor and he turned down the grievance. The union lawyer was consulted and recommended that the case should be taken to arbitration. He said the case was a very strong case and that it affected the rights of all part time teachers in the district. The AFT Executive Committee discussed the case and voted to take the case to arbitration. A hearing is scheduled for arbitration on April 20, 2006.



CSM Senate raises concerns about District's Vice Chancellor of Education position

by Tom Diskin, CSM Academic Senate President



On February 7, the CSM Academic Senate Governing Council held a special meeting to consider a proposal to hire a Vice Chancellor of Education at the District Office. This is a position which has previously been staffed, but hasn't been filled for the past several years, since the retirement of Gus Petropoulos. Earlier this year, Chancellor Ron Galatolo met with the District

Academic Senate to get input from District faculty on this position, and told faculty he felt it was important that "education have a voice" in the District office.

At the meeting, Academic Senate President Tom Diskin framed the discussion by saying that, first of all, we very much need a Vice Chancellor of Education in the District office, and that faculty needs a voice in the District office. He also stated that no additional District monies would be spent in this position, since another District administrator would be retiring soon and that position would be modified to incorporate the Vice Chancellor of Education position.

Also in attendance at the meeting was District Academic Senate President Nick Kapp. The members of the Governing Council agreed with Kapp's concern that we need an educator's point of view in the District office; it is generally felt that our District does a good job of running the business, but there isn't an educational vision. However, Council members were disturbed that the position announcement lacked a requirement for substantial teaching experience at the university or community college level, and also lacked a requirement for experience in scholarly research for the purpose of obtaining grants for educational programs. It was also felt that we need someone who can strengthen the communication between the District and educators on all three campuses, which currently is a significant problem. Rather than these important emphases, the duties in the position announcement mostly had to do with compliance with laws and regulations, and helping the Chancellor and Vice Chancellors do their jobs, rather than about educational vision. Council felt there is a big disconnect between the District, which is doing a good job in many ways, and what we do as educators and how the District serves us as educators and through us, our students.

After much lengthy discussion on all these topics, Kapp agreed to take our comments and criticisms to the District office, and to the search committee, for further discussion. Council felt the job announcement should be withdrawn and rewritten with the provisions included as we have suggested.

Want new Union leaders? Run for an AFT position!

Would you like to contribute to the process of making some positive changes for faculty in this District? Have you ever considered taking an active role in the Union, the organization that represents the interests of all faculty in this District?

If you are a member of the Union, why not run for a position in AFT Local 1493? We are about to hold elections to determine our leadership for the next two years.

Union office entails various different kinds of tasks and responsibilities. Some released time is provided for certain Union positions.

If you are interested in taking an active role in the decision-making process for the Local, the Executive Committee is the place to do it! The EC meetings are open to all AFT members and all faculty are encouraged to attend and participate in the meetings on a regular basis.

The Chapter Chairs at each of the colleges bring the concerns of their members to the monthly meeting of the EC. Work as a Chapter Chair (or Co-Chair) is a good place to begin your work in the Union. Each of the colleges also has elected representatives that serve on the Executive Committee. There are also part-timer reps from each college who represent the adjunct faculty on the EC.

During a two-year term as a member of the Executive Committee, a faculty member would have a good chance to develop or improve their leadership skills and become informed about many of the ins and outs of how our District is run. They would also have a chance to get to know a group of committed, concerned, and friendly people!

It takes many people to make this Union work well as the representative of all of the faculty in this District. Please consider running for a Union position, and together we can all make this a better Union and a better place to teach and work.

This is important because the job position announcement is legally binding, and cannot be changed once the interview process has started. Council felt that it is very important that faculty have adequate opportunity to participate in the process of finalizing the job position announcement before we can support the position.

Since the meeting, Kapp did take our comments and suggestions to the District office and the search committee. The following day, the position announcement was withdrawn for revisions and all candidates who had previously applied were notified that the position announcement was being modified. At the following Governing Council meeting, all members felt that in the end we had been listened to and our concerns had been heard.

AFT and Cañada and CSM Senates do not support District's proposed Mutual Respect Policy

The summary below of AFT's position on the District's proposed Mutual Respect Policy (MRP) was distributed at the March 6 District Shared Governance Council meeting as well as to College Academic Senate Governing Councils.

The following is a summary of the AFT's main objections to the MRP. Our purpose in distributing this handout is to clarify the seriousness of our position on the MRP — regardless of how it is worded. We understand that our Classified colleagues have been in favor of the MRP because they feel that it would help them address some of their needs in the workplace. We empathize with this position, but we believe that there are other means to address these issues that do not carry the fundamental problems that come with an MRP.

- An MRP, even though it may be well-intentioned, proscribes ideas and threatens free speech and academic freedom. Policies restricting speech on campuses have been ruled unconstitutional because they violate the First Amendment.
- The MRP confuses speech and behavior. There are district policies in place that govern behavior. Free speech is guaranteed by the First Amendment.
- The MRP bypasses the legal requirements for reporting behavior that presents a threat to public safety to the

appropriate legal authorities.

- The MRP creates opportunities for harassment by administrators and does not carry with it any form of independent review, allowing supervisors the ability to investigate, monitor and refer staff for disciplinary action without any monitoring of their actions.
- The MRP is a modification of faculty rights in that it subjects faculty to disciplinary action and therefore must be negotiated through the collective bargaining process.

OPINION

“We can't impose respect”

In my opinion, we should look to the statement of academic freedom, derived from the American Association of University Professors (AAUP) position paper, as our source document. Now, the District is asking that we consider including a mutual respect policy. I would urge you do not adopt it, for doing so would place us in a position of contradicting our commitment to academic freedom.

My reading of the mutual respect policy is that we would seek to impose a condition—respect—when we are able only to encourage it. This is because even offensive speech is constitutionally protected. We cannot, through a mutual respect policy, protect people from being offended; we can protect them, however, against violent or hateful acts. In an academic setting, based on freedom of thought and expression, we are obliged to protect expression of all ideas—even those hateful to us. To counteract ideas that are hateful, we need more speech—not less of it.

Clearly, this applies to those of us who are faculty. Those who are staff or administrators should also be guided by the college's commitment to academic freedom (that includes the governing board, too). In fact, the AAUP calls academic freedom the “precondition” to the academic enterprise.

Kate Motoyama, Former District Academic Senate President

Cañada Senate cannot accept the proposed MRP

Cañada's Academic Senate Governing Council voted on March 9 to not support the District's proposed Mutual Respect Policy (MRP) and to take the “Level e” consensus position (District Rules and Regs 2.09.4) at the District Shared Governance Council (DSGC), which means “I cannot accept the recommendation.”

Regarding the MRP, the Cañada Senate's draft minutes for the March 9 meeting stated: “Some changes in the wording of the Policy have been made; however, the same issues still

remain: it is a speech code, which violates free speech, it is unenforceable, it is unclear, other District rules and regulations cover the issues. It was suggested that interested parties may want to focus more narrowly on the specific groups who feel the need for this policy, i.e. the issues could be brought up under contract negotiations.”

CSM Senate cannot support the proposed MRP

On March 14, CSM's Academic Senate Governing Council also voted DSGC consensus level e that “we cannot support the recommendation at this time.” Members said they cannot support the MRP in its present form, but perhaps could if procedures were developed at the same time as policy. The minutes summed up the CSM Senate's position: “While committed to fostering an environment of respect, we cannot support the recommendation at this time. We are unable to evaluate the policy independent of the procedures for its implementation.”

District retirees' group to be revived

by John Searle,
CSM AFT 1493 Executive Committee Rep.



I write this article as a recently retired teacher; mind you, not fully retired, more teaching on a reduced load, courtesy of the "post retirement contract" three-year option. I had originally hoped that it would be a seamless (using that fashionable word) transition to the expected delights of full retirement when one spends all day contemplating one's navel. For a variety of reasons, this is not the case.

The first reality check came a week into the summer when my e-mail address disappeared. An error, as it turned out, because I continue to teach in the District. But in the course of correcting this problem, I was informed by the District that from their point of view, their legal and financial obligations finished on my last day of teaching (i.e. the last day of finals) of spring semester. There is some irony here, because as a teacher I continue to write letters of recommendation on

behalf of students long departed from CSM, and it is by e-mail that they contact me.

Years ago, as a "young" AFT member attending executive committee meetings, I would listen to the "report" from the retired faculty, courtesy of Herman Bates, who seemed cognizant of all the new developments taking place in the political arena in Sacramento, and how these events might impact teachers at CSM, and retirement benefits. Herman was a founding member of DART, the District Association of Retired Teachers, which has represented retired teachers in our district. Herman was president of DART for a number of years and it was an active organization during his tenure. Of course, Herman Bates moved on out of the area, and has not been replaced. As a consequence, I sense the concerns of the retired faculty from the District get lost in the shuffle. The Executive Committee ponders the big decisions of the day—pay increases for the faculty, office hours for the part-timers, the "cap" for the health insurance, and of course class loads. No mention of issues of interest connected to retirement.

Schwarzenegger certainly trig-

gered an interest in retirement when he floated the idea of replacing the concept of a "fixed benefit" retirement by one based on members' private savings accounts: but of course most of us, although shocked by the idea, assumed we would be grand-fathered in. This last fall, the *Sacramento Bee* published an article suggesting the STRS program is suffering the same fate as the Social Security program, one of under-funding, and would need to abrogate the automatic 2% cost of living increase to an individual's pension.

At the local level, I find out that no one represents the contingent of retired faculty; the AFT represents solely full-time, part-time, and post-retirement teachers (i.e. teachers that are part of the bargaining unit). DART has been sort of hibernating. There seems (to me) to be a need for the retired faculty to have a forum to articulate their views to both the present faculty, and to the administration. The AFT would like to see the resurrection of the DART chapter for the retired faculty, and plans to hold a meeting some time in May to discuss if there is sufficient interest to make a go of it. Look for an announcement sometime soon.

CSM's new science building moving forward



CSM science faculty, staff and students are looking forward to the completion of the new Building 36, a Science building with state-of-the-art Earth Science Lab, three Physics Labs, Observatory and Planetarium, Anatomy/Physiology Lab, Botany Lab, Zoology Lab, Micro-Biology Lab, Anatomy Prep Room, Biotech Cell Room, Botany Prep Room, Cadaver Room, Micro Support/Autoclave Room, Zoology Prep Room, and two Chemistry Laboratories.

Skyline student art adds culture to construction zone



The artwork above is one of numerous student art pieces that now adorn the fences surrounding Skyline's extensive construction projects. This particular piece was inspired by the Gandhi quotation which won a college-wide contest last year and is now inscribed on the outside wall of Skyline's new student center building: "You must be the change you want to see in the world."

Bay Area Students & Educators

to Stop The War!



Saturday, April 22

Mission High School, San Francisco

On April 22, 2006, at Mission High School in San Francisco, CA, Bay Area students and educators will host a conference with the goal of uniting and empowering ourselves around a common goal of stopping war and working towards a world where education and human rights are the top priority.

This conference, building on the success of the March 5, 2005 conference of Educators to Stop the War in New York, and the November 19, 2005, Stop the War Conference in Los Angeles, is endorsed by a variety of unions/labor councils, community organizations, and student organizations.

The registration fees will be \$15 (general) or \$5-10 (students, seniors), but no one will be turned away.

For more information, go to www.basetostopthewar.org or call the AFT 1493 office at 574-6491.