

Administrators Teaching in DCE

From November DCE Grievance Report by Joe Rizzo



Joe Rizzo,
MCCC DCE Grievance Coordinator

There seems to be confusion at some colleges regarding changes in the new contract around provisions regarding administrators teaching in the Division of Continuing Education. What follows is from MCCC DCE Grievance Officer Joe Rizzo's November report.

The MOA ii was part of the initial contract that took effect in the fall of 1990 and reads as follows:

"Any employee who hires and/or fires and/or who conducts classroom evaluation(s) and/or completes comprehensive evaluation(s) during any continuing education session shall not be eligible to teach during that session."

This provision excluded college employees from teaching in DCE in that term if their responsibilities include the hiring, firing or evaluation of DCE faculty. The purpose of this exclusion was to ensure that the individual who assigned courses could not act in conflict of interest by assigning themselves the more desirable courses, days, and times. The language does not specify employees by title but rather by function. This was due to the fact that different colleges assign the DCE hiring, firing, and evaluating responsibilities to various job titles. It was not uncommon that some colleges would hire full time or DCE faculty who taught in DCE to evaluate or hire other DCE faculty.

The exclusions as described above took effect in the spring semester of 1991. Shortly thereafter, the MCCC found that a number of administrators at a several colleges, mostly division chairs (now often called deans or assistant deans) were teaching in DCE. Most paid agency fee or dues but some claimed they were managerial/confidential employees and were not unit members. Grievances ensued and the case was in litigation for 2 years with nine days of arbitration hearings.

In general, the Employer claimed that all the individuals involved in the DCE hiring process were eligible to teach since they merely made hiring recommendations to a superior. Therefore, only the person at the top of the pyramid could not teach. It was also claimed that high level managers could teach and not be unit members under the terms of article 1.01 since they had access to confidential information.

The union argued that division chair-like positions had effective hiring power. With the exception of those who may advise on the qualifications of applicants, the rest of the hiring chain of command would be ineligible to teach. The union also asserted that article 1.01 excludes confidential employees from the unit and consequently cannot teach in DCE.

The arbitrator's decision was issued in the fall of 1992 and was effective for the spring 1993 semester. It awarded the MCCC \$30,000 in damages. The decision concurred with the union concerning the ineligibility of those who were in a hiring-firing role. Effective hiring, firing authority in

DCE excluded these individuals from teaching in DCE. The decision also applied this principle statewide so that the Vice President at on college could not teach in another community college. The Employer prevailed on the article 1.01 issue. There are 2 known individuals in this situation that teach in DCE but are not unit members. As such, they have no contractual rights.

Since that time, the MOAii has been rigorously enforced as described above. However, this has been an extremely difficult task given the nature of the language, and the ever-changing organizational structure at each college. There are many non-contested administrators who teach in DCE and are MCCC/MTA members.

The MOA ii has now been modified as follows:

"The parties agree that no employee who hires and/or fires and/or who conducts classroom evaluation(s) and/or completes comprehensive evaluation(s) during any continuing education session shall be eligible to teach a course during that session unless all eligible faculty, as determined by Articles 10.02 and 10.03 in the work area shall have been offered the opportunity to teach. For purposes of this provision only, opportunity to teach means being offered a course which the College has determined will run."

With this change, the formerly ineligible administrators will be allowed to teach a course per term under certain circumstances. Namely, all faculty in that work area who have the right to teach, must have not only an assignment, but a course that is not and will not be cancelled. Although the new language could be seen as a gain for those administrators that were excluded from teaching in DCE, this new provision is also a tremendous gain in job security for faculty with reappointment rights. Until this point, reappointment rights assured one the right to an assignment. Prospectively, an administrator as defined above teaching in one's work area will provide unit member with a right to work. Consequently, assuring faculty that their course actually runs before any administrator, who hires, fires or evaluates, is scheduled to teach a course in the same work area, has enhanced unit members' rights. ■

Visit the MCCC Website

<http://www.tiac.net/users/mccc/>

The MCCC website is the best and most up-to-date source for late breaking developments. Additional documents of interest and import to Day and DCE unit members have been added.

Details of job descriptions for the new Research Coordinator position, increased coverage of members' benefits, news of campus activities, and information for the Jon Butler and Raymond C. Lemieux Awards (deadline for nominations February 15) are recent additions to the page.

The MCCC Webpage is a valuable resource for MCCC updates, job opportunities and linkage to the NEA and MTA resources available to MCCC unit members. Calendars of MCCC meetings, and committee assignments may be found there.

The new Day Contract is available in downloadable (Acrobat Reader) format. Other Agreements, including the Distance Learning Agreement are also downloadable. Updates on the campaign to fund the day agreement will be posted as news breaks.

Information about the local chapter leadership may be found on the page. Links to our healthcare insurance providers are also available.

Additionally, MCCC events and news are available, as well as "old news" in the form of archived newsletters. Frequent updates on negotiations, links to other higher education sites, and contact information for MCCC officers is also available.

Bookmark the site for frequent referral. ■

MCCC Receives NEA Grant to Build Database

The MCCC has been awarded an \$8000 grant from the National Education Association to grant to build and expand its membership database, particularly the Division of Continuing Education portion. The grant was submitted by MCCC Treasurer M. Estela Carrion, and MTA Consultant to the MCCC Michelle Gallagher.

Currently the MCCC relies on the MTA's database management system for mailing lists for the newsletter and voting, and billing to some degree. The MTA in turn compiles lists requested by the MCCC from the database maintained by the NEA in Washington. The NEA's database is created from MCCC reporting to the MTA. The MCCC data is collected on paper from the individual colleges that each maintain their lists in an ideosyncratic manner, reporting to the MCCC on paper, and with widely varying regularity. The colleges have resisted any move to uniform electronic reporting.

In 1998 the MCCC began to feel an organizational strain from the ever-increasing number of members with diverse work assignments. In an effort to respond the MCCC underwent an extensive organizational audit. The outcome of the audit assisted the MCCC immensely by providing a clear roadmap of organizational reform tailored to meet the new challenges of the organization. The plan detailed in the grant request came from the suggestion made during that audit.

In recent years the MCCC has successfully organized all full time and part time faculty and professional staff in one unit (the Day Unit) and all faculty teaching credit courses in a second unit (the DCE Unit). As has been the experience across the country, the MCCC has experienced an enormous expansion in the number of part time faculty it represents with membership beginning at 1000 now reaching 3500.

In addition to this enormous expansion, the DCE Unit is unique to other states in

that the workforce is continually requiring membership solicitation as employment is contingent - on a semester by semester basis. This expansion has been exacerbated by a sharp increase in the number of distance education courses now offered across the state in the Community College system.

The contingent nature of employment for the 3500 DCE Unit members requires the MCCC to solicit membership three times a year. The administrative challenge has been overwhelming for the MCCC.

As stated in the grant application, the membership organizing goals of the MCCC are:

- To create a membership database that will allow contact with members

- To collect demographic membership information that can be updated in a timely fashion

- To assist the MCCC in keeping an increasingly large and fragmented DCE Unit in touch with their union, their representatives, and their services

- To enhance the ability of the MCCC to organize distance education faculty

The following objectives will be implemented in order to accomplish the above stated goals of the MCCC:

- Create the necessary organizational infrastructure to establish and maintain up to date membership data:

- Purchase the necessary software and/or equipment to provide continuous data collection and update

- Train MCCC staff to assure the ability to maintain the new management information system and maximize the capacity of the MCCC to monitor and organize membership

Treasurer M. Estela Carrion and MTA Consultant Michelle Gallagher will be responsible to oversee the implementation of the membership project, distribution of grant monies, and reporting to the NEA. The grant is renewable. The establishment of the database will be a long term project. ■

Technology Grievances

Adapted from the October Day Grievance report by Dennis Fitzgerald

The advent of computer technology, and its recasting of the nature of faculty and professional staff work, and working conditions, has spawned grievances of a new ilk. Ownership, privacy, facilities maintenance, and compensation are typical themes of the new technology related genre of grievances. The resolutions of these sorts of disputes is significant because of the role of precedents in future determinations.

The October report of Day Grievance Officer Dennis Fitzgerald presents two such grievances, of the several pending at the fifteen community colleges. The newer of these relates to who decides who gets access to an on-line course, while the second, which has been resolved concerns the control of the PC environment. Each of these cases is rather novel, yet both resonate with existing contact frameworks.

At Bristol CC, a faculty member who teaches a distance learning on-line history course discovered that, without his permission, the college released course access information. The faculty filed a grievance stating that his Web course is his classroom in a real sense—education occurs there; ideas are exchanged there, and just because his classroom exists in virtual reality, it should not be accessible to anyone who feels they have the power to compel access. The faculty alleges violations of his academic freedom and intellectual rights.

At Cape Cod a class action grievance was filed by 30 unit members when the college unilaterally changed working conditions and diminished existing facilities by configuring the computer workstation system so that faculty would have no con-

trol over their PC environment. The new policy effectively prevented faculty from using their office computers for academic work. After a discussion with Chapter Grievance Coordinator Brooks Smith, a resolution was reached in which the college will 1) reconfigure the computer system so that the faculty will be able to use both Windows NT and Windows 95/98, and 2) will allow faculty to load software related to their academic responsibilities with the assistance of the Administrative Computing department, and 3) will seriously study migrating to a single operating system which will serve both administrative and academic requirements. ■

Proposed Bylaw Changes

The deadline for submission of proposed changes in the Bylaws and Standing Rules of the MCCC must be received no later than February 1, 2000.

Proposals should be in printed format, double spaced, not handwritten. They should include:

- (1) a rationale for the proposed change
- (2) the name of the maker of the proposal

- (3) the campus (or MCCC committee/group) of the member making the proposal

- (4) Proposed changes should be sent to:

Carolyn Tetrault
19 D Mansion Woods Drive
Agawam, MA 01001-2366