

MCCCO News

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Tenure Process in Trouble

The latest in a long list of challenges by management on MCCC members' contractual rights has touched a sensitive spot. The latest challenge has been to the process of granting tenure.

Most MCCC contractual rights are subject to the arbitration process for final adjudication as agreed to by both the union and management. But in recent years the labor attorneys for the college presidents, James Brown and Carol Wolfe-Fallon, have been appealing arbitrations that are resolved in favor of the union to the state courts. They keep appealing the issue until they win or run out of courts to appeal to.

In this latest case out of Roxbury Community College, they took it all the way to the State Supreme Court. The

court's decision not to uphold the arbitrator's decision shocked the MTA attorneys who represented the MCCC in the case. Lee Weisinger, MTA's General Counsel and Attorney Will Evans, who presented the case in court, came to the MCCC Executive Committee to explain the decision.

The case involved a faculty member who was up for tenure in his sixth year as called for in the contract. As the first step in the process, the grievant's personnel file was reviewed by the chapter's Unit Personnel Practices Committee (UPPC). This committee is made up of MCCC union members who are charged with reviewing specific elements of the file to make their recommendation for or against tenure. They recommended against tenure.

The committee was formed without the contractual procedure, and they were not trained on the process. They considered information outside of the personnel file that has been characterized as hearsay and "chatter" heard in the hallways. There also may have been personal issues between members of the committee and the grievant.

The decision by arbitrator Marsha Greenbaum, who is nationally recognized in the field, did not recommend tenure for the grievant because that would exceed her authority. But her decision did direct the college to reform the UPPC, train the new members

in the contractual procedure, and have them render an unbiased tenure decision.

The college presidents' legal counsel took the arbitrator's decision to the Supreme Judicial Court and the SJC did not reverse the arbitrator's decision, but stated that the employer is not bound to implement the remedy. Therefore, we now have an unenforceable arbitration decision.

Weisinger said that the entire legal department was "dumbfounded" that the Supreme Court stated that the employer is not bound to follow and arbitrator's award in tenure cases. Her assessment is that the judges are sim-

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Mark Your Calendar

MCCC
Fall Conference

Wed. Oct. 23
4:00 - 9:00PM

Best Western

Royal Plaza Hotel
181 Boston Post Road West
Marlborough, MA 01752
(508) 460-0700



MTA General Counsel Lee Weisinger (right) and Attorney Will Evans explained the recent state Supreme Court decision that vacated an arbitrator's decision regarding tenure procedures.
(Photo by Don Williams)

To Comply with IRS, Adjunct Hours Will Be Reported

Adjunct faculty will see a new entry in their first pay advice for the fall semester. Previously there was no entry in the "Hours" column, but adjuncts will now find a number there.

As explained by NSCC VP Madeline Wallis, the Department of Higher Education is preparing for implementation of provisions of the Affordable Care Act (ACA - "Obama Care") that would require health insurance for part-time workers who exceed a certain number of hours per week.

Members will be credited with hours based on the credit hours of the courses being taught at the individual colleges. For example, if the faculty member is

teaching one 3-credit history course at a college, the member would see 3 hours per week credited. Wallis said that this was not meant to be the final hours calculation, but the credit hours number is known and it allows the DHE to go forward and test the system.

The Internal Revenue Service is responsible for tracking compliance with the ACA. The IRS has told colleges that they should be reasonable in calculating the hours per week worked by adjunct faculty, but as yet there are no specific guidelines.

The MCCC Day contract has very specific language for calculating the instructional workload on a class-by-class

basis. Essentially, in the example of a 3-credit history course, the member would be credited for three hours of contact time and four hours of preparation time (1 1/3 hours per contact hour). So that course equates to seven hours per week.

The MCCC DCE contract has no specific calculation for hours. The pay has always been calculated on a credit-hour basis.

As the ACA implementation deadlines approach, discussions will have to take place among and between the IRS, the college administrations—both public and private—and the employee groups. At this point it's not clear when those discussions will take place. ■

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MTA Changes Higher Ed. Services

MTA's Division of Higher Education has several consultants who are assigned to assist the different higher ed. locals, like the MCCC, with contract enforcement, negotiations and organizing.

Over the summer two long-serving consultants retired. MTA has been refocusing its activities more towards organizing members. In keeping with that intent, MTA Director of Higher Ed. Joey Hansen has proposed a new approach to providing services to higher ed. locals.

Replacing the retirees has been delayed while Hansen's plan is being discussed with the various higher ed. locals and the MTA Board of Directors.

Fortunately, MCCC Day Grievance Coordinator Dennis Fitzgerald and DCE Grievance Coordinator Joe Rizzo, both of whom have retired from full-time state service, have been hired by MTA on a temporary basis to serve as consultants to the MCCC. Former consultants to the MCCC Katie D'Urso and Bob Whalen have been reassigned.

Fitzgerald and Rizzo bring decades of experience with the MCCC and its two contracts to their new roles. They have worked closely with the MTA consultants over the years and have thorough understanding of the responsibilities. ■



Joe Rizzo (left) and Dennis Fitzgerald are temporarily serving dual roles as MTA consultants to the MCCC along with their traditional duties as DCE and Day contract grievance coordinators. (Photo by Don Williams)

Tenure in Trouble . . .

Continued from front page

ply unfamiliar with, and don't understand, labor law.

Directing her comments to the management of the community colleges and their labor counsel, Weisinger went on to question the character of the leaders of our institutions. How can the union trust the people they negotiate with if those people challenge in court the very provisions they have agreed to? She wondered if the

college presidents have even read the decision their agents achieved.

At this point the tenure process is still in the contract, and while the Supreme Court's decision has weakened the language, members should pressure their college presidents to honor the contractual provisions that both the union and management have agreed to.

The Unit Personnel Practices Committee is supposed to be elected by the Union members at each campus by Nov. 25. Members at each chapter must insist that the committee is elected by the membership, and that the elected members follow the contractual process. ■

Write Us

The MCCC News Welcomes Contributions.

Letters to the Editor

Only submissions by MCCC unit members will be accepted. Letters should be no more than 200 words in length. The author must include name and chapter affiliation, which will be published with the letter. Authors must provide the editor with contact information in the form of either email address, mailing address or telephone number. Letters will be published on a space available basis and may be edited for length and appropriateness. Not all submissions can be published.

Guest Columns

Guest Columns should be no more than 400 words in length. Columns by authors who are not MCCC members may be accepted. The author's name and affiliation will be published with the column.

Mail to:

Donald Williams
North Shore Community College
1 Ferncroft Rd., Danvers, MA 01923

Or email:

Communications@mccc-union.org

Visit The MCCC Online!

<http://mccc-union.org>

**Toll Free Phone:
877-442-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.

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.

Additionally, MCCC events and news are available, as well as "old news" in the form of archived newsletters. Bookmark the site for frequent referral.

Unemployment Insurance Remains A Problem for Adjuncts

Contrary to the upbeat tone of the recent article ("Unemployment Insurance Record-keeping Goes Digital"), online services have done little to improve the plight of those seeking Department of Unemployment Assistance benefits. Yes, original filings should now be simpler; they can presumably be initiated online. Otherwise, however, things are now even worse.

My summer section concluded on June 13th; I posted grades the 14th and was clearly "unemployed" the following week. However, I received payment from the college during the week of the 17-23, and got another check (extra work also completed before 6/14) three weeks later. Thanks to "improved computerization," I was denied benefits both weeks. The ONLY way I could appeal was via telephone; online service was absolutely useless. It took me over six hours to get through; I was thereafter on "hold" for one hour, 48 minutes. I was eventually paid for the week ending July 20, but still haven't been paid for June 17-23.

UI Online hasn't really helped. I've found the online option user-unfriendly (antagonistic!). "Important," "urgent" hyperlinks lead to meaningless files, and no "contact" option exists. Adjuncts (and others) deserve better!

Respectfully,
Lenny Cavallaro, Northern Essex Community College



MCCC Secretary Claudine Barnes and Treasurer Phil Mahler experiment with equipment that will allow people to participate in meetings remotely by using Skype. (Photo by Don Williams)

Separate and Unequal: Community College Renaissance Requires Bold Action

The door of educational opportunity is closing for half of America's college students. So asserts The Century Foundation in a report titled, "Bridging the Higher Education Divide—Strengthening Community Colleges and Restoring the American Dream."



Joe LeBlanc,
MCCC President

Co-chairs Anthony Marx, president of the New York Public Library, Eduardo Padrún, president of Miami Dade College, and a broad-based task force argue that America's public and private higher education systems have become separate and unequal.

President Obama's goals for higher education cannot be achieved in such an environment. We've dropped to 14th in the world in percentage of college graduates. To reverse course and become number one, at least 60 percent of our 25-34 year olds must earn a degree or certificate by 2020. This will require 8 million new college degrees, including 5 million from community colleges.

Community college students aim high, but come up short. Nationally, more than 80 percent say they want to earn a bachelor's degree, but only 11.6 percent graduate from a four-year college in six years. Retention and graduation rates are too low. Popular programs like nursing are often filled, driving some students to more expensive and sometimes ineffective for-profit institutions.

Our students work in an environment of economic and racial isolation. In the Commonwealth, community colleges enroll a majority of the students of color. Our colleges serve half of the students in the public higher education system with about a quarter of the state aid.

"The increasing economic stratifica-

tion of colleges and universities is troubling because largely separate educational systems for mostly rich and white students, and for mostly poor and minority students, are rarely equal," the task force writes. "Racial and economic stratification is connected to unequal financial resources as well as to unequal curricula, expectations and school cultures.

"Low-income and working class people generally wield less power in our political system, and institutions serving them are often short-changed on resources. For example, between 1999-2009, per-pupil

total operating expenditures increased by almost \$14,000 for private research institutions, while community colleges saw just a \$1 increase (in 2009 dollars)."

Higher education funding gaps undermine student performance. Poor outcomes—low retention and graduation rates and difficulties in transferring community college credits to 4-year colleges and universities—are "unacceptable given that community college is often the only realistic option ... for low income students."

The task force argues for outcomes-based funding that would boost aid based on student needs. "We need K-12 Title I type program for higher education, coupled with considerations of student outcomes, such as job placements, degrees earned, and transfers to four-year institutions," they write.

Seamlessly connecting community colleges and four-year institutions will reduce racial and economic stratification. The Task force calls for "connect[ing] what are now separate two- and four-year institutional silos." They argue for guaranteed transfer policies, financial incentives for four-year colleges that accept

economically disadvantaged community college transfer students, and a commitment by elite institutions "to accept community college transfers for five percent of their junior class."

The report recommends "significantly boosting aid to honors programs and making these programs larger, more inclusive and a magnet for talented high school students from a range of backgrounds.

They also argue for federal support for early college programs, "some of which allow talented high school students to take advanced courses at community colleges and may provide a way of

attracting high-achieving, and middle class populations to community colleges that are racially- and economically-isolated."

High performing schools are rare in poor neighborhoods. The task force cites a University of Wisconsin study that "found that high-poverty schools were 22 times less likely to be high performing than low poverty schools." Put low-income students in a high performing school and they will do well, however. Since it isn't possible to send every poor student to a wealthier school district, policy mak-

ers advocate for additional resources to make up some of the difference in the achievement gap.

Peer norms and academic expectations matter. Students are more likely to succeed in a college with high academic expectations. In my undergraduate years, I worked in a well-funded academic setting where learning was cherished. Every student was expected to succeed. I never doubted I would graduate. Our students work in colleges with fewer resources, inadequate support staff and too high student-to-faculty ratios. Underpaid and under-appreciated adjuncts teach a majority of our courses. Most of our students fail to graduate.

Our separate and unequal system is inefficient. Factoring in the high attrition rates, the spending per degree at public community colleges is more expensive than at 4-year institutions: \$73,940 at community colleges, \$65,632 at public research institutions, and \$55,358 at public master's institutions (Delta cost Project, 2009).

Our separate and unequal system isn't working. The Commonwealth has an obligation to fully develop the potential of every student from every race and economic background. A great education levels the playing field for everyone. Every single community college student has the potential to succeed and restore the American dream. ■

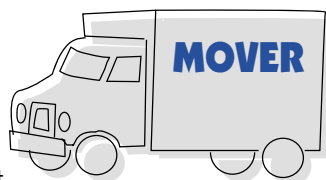
Racial and economic stratification is connected to unequal financial resources as well as to unequal curricula, expectations and school cultures.



North Shore Chapter President Norene Gachingnard and Massasoit Chapter President Paul Weeden socialized at the Higher Ed. Social held at the MTA Summer Conference at Williamstown, Aug. 5-8. (Photo by Don Williams)

MOVING?

Please make sure the MCCC has your correct mailing address. This affects receiving the newsletter, elections, important mailings and notices.

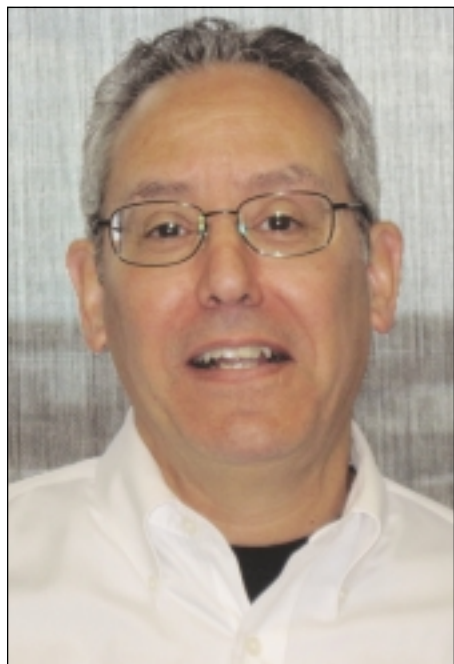


Call the office at
1-877-442-MCCC toll free

or go online at

<http://mccc-union.org/ChangeMyAddress/>

Dental Insurance Problems?



To report any problems with the Met Life Dental Plan contact Rick Ponticelli, the MCCC representative to the Health and Welfare Trust, at rpontice@northshore.edu. ■

Adjunct Unemployment Assistance Beset by Delays And Cost Over-runs

A host of problems have arisen with the June implementation of the new on line application process for the Department of Unemployment Assistance (DUA). This has affected many MCCC adjunct faculty who qualify for assistance between semesters.

The system, created by Deloitte Consulting, has been plagued by delays and cost over-runs before implementation, and now is plagued with glitches as eligible people applied for benefits. Because the way adjunct faculty are employed, they do not fit the typical profile of an unemployed worker, and therefore may have tested the software's limits more than other workers.

The state administration is stepping in to force Deloitte to rectify the program. MCCC DCE Grievance Coordinator Joe Rizzo has collected a list with over a dozen types of complaints members have had with the system. And the MTA Legal Dept. is intervening to make sure that the issues regarding adjunct faculty are addressed.

If an MCCC adjunct faculty member has problems with the DUA's on line system, they should contact Joe Rizzo at grievance-dce@mccc-union.org. ■



Demolition and construction has been moving along as the MCCC expands the Curley Meeting Room into the newly acquired space inside 29 Mechanic St. Worcester. Besides expanding the meeting room, the new space provides an additional small meeting room. The work is expected to be completed by early October.

(Photo by Phil Mahler)

DCE Negotiating Team Delivers Progress Report



(Photo by Don Williams)

DCE Negotiating Team Chair Linda Grochowalski and Vice Chair Mark Bashour reported on the progress made on the DCE contract over the summer. The team composition has changed because of three resignations. Harry Bowen and Betsy

Smith resigned for different reasons, while former chairperson Carol Gray is not teaching in the Mass. Community college system this year as she works on a Fulbright grant in Canada. Three members of the MCCC Board of Directors were appointed

as replacements—Gail Guarino (CCCC), Tom Kearns (MaCC), and Candace Shivers (MtWCC). The team felt that good progress has been made, but there is no concrete information to announce at this time. ■



MCCC News

<http://mccc-union.org>

Editor:

Donald R. Williams, Jr.

President:

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The MCCC News is a publication of the Massachusetts Community College Council. The Newsletter is intended to be an information source for the members of the MCCC and for other interested parties. Members' letters up to 200 words and guest columns up to 400 words will be accepted and published on a space-available basis. The material in this publication may be reprinted with the acknowledgment of its source. For further information on issues discussed in this publication, contact Donald Williams, North Shore Community College, One Ferncroft Road, Danvers, MA 01923. e-mail: Communications@mccc-union.org

Do You Belong?

Adjunct faculty and part-time staff will be renewing their MCCC memberships as the new academic year begins. You have two membership options: Non-member agency fee or Union member. Everyone working in a faculty or professional staff position in a Massachusetts community college is a member of the MCCC Unit. Because the union works to negotiate and maintain the collective bargaining agreements, everyone is required to pay the agency fee. We hope you will consider the option of full MCCC union membership. Belonging has value.

There are pragmatic advantages to union membership

- A \$1 million NEA Professional Liability Insurance policy.
- MTA Legal Assistance, if needed, for employment related incidents.
- Discounts on insurance, financial services, travel, and wellness through MTA.
- Discounts at museums, theater, sports events, and lodging throughout Massachusetts and New England using your MTA membership card.

And there is value in just belonging

We are your professional association. Over 98 percent of the full-time faculty and staff belong to the union. About 3,000 adjunct faculty and part-time staff belong. They've recognized the importance of a unified voice in preserving the rights of community college faculty and staff. They've recognized the vital need for advocacy on a state-wide level.