

MCCC NEWS

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Day Contract Sent to Legislature

On Oct. 20, with no announcement, the governor's office submitted an appropriation bill to the legislature to fund the MCCC contract. It was bundled with another higher ed. unit contract and several county sheriff department contracts.

The filing came well before the 45 day period expired. Now it is in the hands of the House and then the Senate to vote on this supplemental budget item. It is expected that the legislature will act on the bill soon. They go out of formal session in mid-November, and the Union hopes that they will take up this bill before they adjourn.

The legislature has been acting expeditiously on other contract funding bills, and there appears to be widespread support for passing this one. MCCC lobbyist Charles Flaherty, MTA lobbyists, and representatives of the college presidents are working to ensure that passage is as rapid as possible.

The BHE has been meeting with all 15 community college HR offices and MCCC representatives to determine how the salary

increases will be distributed. Procedures and schedules have not been finalized. Although all of the raises are payable back to Apr. 1, 2005 or Oct. 1, 2005, the raises for each year will be disbursed in different paychecks.

The first of these will be the payment of the 2003 points. So members with service prior to the 2002-2003, who qualify, will receive 8 points of seniority and 8 points of experience. Tenured members who had a satisfactory post-tenure evaluation in the Fall 2002 will have an additional 10 points added. These 2003 points will be valued at the old rate (\$44.88/point for faculty—varying amounts for professional staff). It is hoped that these will be paid by the winter semester break.

The next payment will be the 2004 points, both seniority and experience along with applicable post-tenure evaluation points. These will be paid at new rates (\$49.37/point for faculty and increasing amounts for professional staff).

In a subsequent pay period the 2005 points will be paid the same as the 2004. It is expected that these payments will include the base pay increase along with the retroactive portion to Apr. 1, 2005.

The payment of the 2005-2006 points will follow. This will be retroactive to Oct. 1, 2005, and it will only include the seniority and experience points but not the post-tenure evaluation points, as these evaluations have not been completed.

New unit members hired prior to the Fall 2005 semester will be receiving "equity adjustments" that will reflect the 2003-2004 increases in base pay rates and point values. There are a number of variables here that are awaiting clarification.

Clearly, the increases will not be fully paid in this calendar year, but there is strong evidence that the increases will at least begin in this year.

Several MCCC chapters have voted to continue Work-to-Rule until raises are reflected in paychecks. ■

NECC and NSCC Celebrate Buildings

Northern Essex and North Shore Community Colleges both held building events in October.

On Oct. 14, North Shore celebrated the naming of its main campus building that opened in 2003 for Senator Frederick Berry. The senator, who is currently Majority Leader, is the longest serving member of the Massachusetts Senate. He represents the communities of Beverly, Danvers, Peabody and Salem.

Senator Berry was born with cerebral palsy and has overcome many obstacles to achieve his current position. His commitment to help the disadvantaged, and his strong support in getting North Shore a permanent campus were cited by NSCC President Wayne Burton.

Continued on Page 4

**As of
Nov. 1, 2005
1,218 Days
Without a Raise**



Northern Essex Community College's new Technology Center.

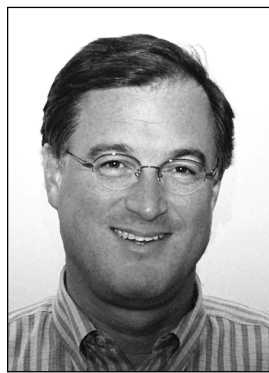


Senator Frederick Berry and his wife, Gail, left, along with NSCC President Wayne Burton listen to Senate President Travaglini's remarks at the dedication of NSCC's Berry Building.

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In-State Tuition Bill Deserves Approval With Veto-Proof Majority



Joe LeBlanc,
MCCC Vice President

More than 400 students recently rallied at the State House to support a bill connected to their future and the Commonwealth's. Their cause is just and they have the support of this union and a majority of

Massachusetts' voters.

The bill (HB1230/SB764) would allow some immigrant students to qualify for in-state tuition rates at public colleges and universities. Students must have attended at least three years at a Massachusetts high school. They must have graduated or received the equivalent of a high school diploma. If the students are not legal permanent residents, they must sign an affidavit

stating they have filed an application or will do so as soon as they are eligible.

Stalled for months as supporters work to get a "veto-proof" majority in the House, the time has come to move this bill. Both the House and Senate should pass this measure before formal sessions end in mid-November. Enacting this bill into law is a right and smart course of action for a state that is increasingly relying on immigrant labor to fuel its economy.

In a report titled "The Changing Face of Massachusetts," non-partisan research institute MassInc writes, "Our state faces a serious human capital shortage," and immigrant workers are a key to the state's economic future. The following facts support this assertion:

- As of 2004, 14.3 percent of Massachusetts residents were born in another country. In 1980, 9.4 percent were foreign born.

- From 2000 to 2004, 172,054 new immigrants entered the Commonwealth. Without these immigrants, Massachusetts population would have decreased.

- Since 1980, the share of immigrants in our labor force has nearly doubled to 17 percent.

The bill would provide significant economic benefit to the state. During the 1990's, only New York was more dependent on immigrant labor in its labor force growth. With college level skills and training, immigrant labor can fill the gap created by the loss of tens of thousands of young people in the 1990's.

The bill grants no special favors. It allows immigrant students to pay the same rate for tuition and fees as Massachusetts citizens. If they are not allowed to pay the in-state rates, many will be shut off from college. This is unfair and unwise for a state so dependent on its highly skilled workforce.

These students and their parents already pay taxes. They support others who attend public colleges, but too often they cannot afford to send their own children to even the local community college.

Voters have made the connection. They

see the importance of a well-educated workforce to the state's future. They realize that public colleges are already recruiting these students so no one will be displaced. They appreciate the fact that the bill would bring in more than \$1 million in new tuition and fees to our under-funded colleges. Opinion polls show that 63 percent of those surveyed on Sept. 19-27 support the bill.

It's time to enact the bill and override Gov. Romney's veto if necessary. House supporters like Rep. Marie St. Fleur and Rep. Byron Rushing know they are in for a fight and as of press time the two-thirds majority isn't there. Call your representative and senator today and ask that they give our immigrant students a chance to enroll at a public college. By doing so, you will set these students on the road to success and help insure a healthy economic future for the Commonwealth. ■

Editor's note: Legislative contact information is available at this link:
<http://www.mass.gov/legis/legis.htm>

Day Grievance Report: "I Can't Believe It Happened to Me!"



Day Grievance Coordinator Dennis Fitzgerald reports to the MCCC Board of Directors.

Dennis Fitzgerald, MCCC Day Grievance Coordinator made his regular report to the Board of Directors on Oct. 21. The theme of his presentation was, "I can't believe it happened to me!"

The report focused on several cases where MCCC members were unjustly threatened with termination. Fitzgerald pointed out an alarming trend of management asserting rights that the Union maintains are not provided by the contract.

One faculty member received unsubstantiated student complaint. The college required the faculty member to respond to the complaints, but the college refused to use the student grievance procedure, refused to allow the faculty member the names of the students who signed the complaints, refused to allow the faculty member to face his accusers, and would not allow the faculty member to discuss the student concerns directly with the students.

In addition, the complaints with the names of the students deleted were placed in the personnel file without providing a copy to the faculty member. The grievance was resolved in the faculty member's favor when the college expunged the complaints from the personnel file, but the faculty member was devastated by both the process and the unsubstantiated complaints.

A unit member who had previously taught in K-12 with tenure, had been at Quinsigamond for 13 years with tenure, and who subsequently accepted a faculty position at Bunker Hill was denied tenure and issued a terminal contract. There was

no warning, no negative comments in the personnel file, no suggestions for improvement in any of the evaluations. In fact, all evaluations completed by three different supervisors were positive and there were numerous letters of praise from the students in the personnel file.

The college denied tenure and issued the terminal contract using the rationale that there was an unacceptable low success rate in the Developmental Math class. The BHCC Professional Association Executive Committee, with the support of its membership, wrote a letter to the President of the college voicing its concern regarding the college's assault on tenure and just cause. The case is still pending in mediation.

The most egregious case was the long-running saga of Professor Chandrakant Panse and his colleague Professor Bruce Jackson at Mass Bay Community College. Both professors in the award winning Biotechnology Program at Mass Bay were dismissed by former College President Lindsay Norman.

The dismissals occurred on Aug. 2, 2002, each on the basis of a single student complaint. The reasons given for dismissal were similar, as they involved practices both professors used in teaching their lab sections since 1993. The College alleged that they were not present in their lab sessions: they were always in their offices across the hall. The College alleged that they did not adhere to the course description: they taught their courses as team-based, research approach.

Dr. Panse was also accused of inappropriately changing his class times. He did change class times in order to expand them and make it easier for working students to participate in their studies.

The arbitrator found that in all cases these were reasonable and pedagogically sound practices; although, Dr. Panse should have notified the college of the change in class hours. The arbitrator found that the College was arbitrary and capricious in that these were long standing practices, and that if the College found them unsatisfactory, then it should have notified the faculty members of that and given them the opportunity to make changes.

The Panse saga has been covered in this publication over the past year. In November of 2004 an arbitrator issued a decision that Dr. Panse was unjustly terminated. The college denied the decision and remanded it to the arbitrator, who upheld the decision as binding. The college appealed the arbitration decision to the Superior Court, which upheld the arbitrator's decision in September, 2005.

Fitzgerald speculated that the attorneys for the college presidents have been attempting to overturn long standing contract provisions that protect Union members' "just cause" rights by taking the issues to the courts, despite the fact that

both sides had agreed to the provisions in negotiations.

Fortunately, the new Mass Bay president, Dr. Carole M. Berotte Joseph, decided not to appeal the Superior Court decision to the state Supreme Court. While maintaining that the faculty members' practices were not acceptable to the college, she stated, "That it is not in the best interests of the College to expend further resources litigating this matter," the dismissals were rescinded.

Both Professors Jackson and Panse will return to teaching in the Spring 2006 semester. They will be receiving a back pay settlement as well.

In the Jackson case alone, there were 23 days of arbitration hearings. Fitzgerald estimated that these cases cost the MCCC between \$8,000 and \$20,000. Because MTA provided the attorneys for these cases, its costs were between \$100,000 and \$200,000. When members question where their dues go, they should keep these figures in mind.

Fitzgerald urged that members consider protecting their hard won rights when evaluating new contract proposals, and not just look at the pay packages. He said, "Most people think it couldn't happen to them, 'I'm a good teacher or counselor,' but it can." The examples he presented are clear examples. ■



Members of the MCCC Nominations and Elections Committee met on Sept. 15 to finalize dates and procedures for the 2006 elections. Committee members Sharon Gillies (Quinsigamond), left, and Roberta Passenant (Berkshire) are joined by MCCC Treasurer Phil Mahler. Member Geri Curley (Bunker Hill) was unable to attend.

Directors' Notes

At the October meeting of the MCCC Board of Directors the following actions were taken.

- The Board approved a new policy for reimbursement of travel of chapter officers who are invited by the president to attend Executive Committee and Board of Directors meetings.

- The Board approved a new policy for an election waiver if the number of candidates for MTA delegates is less than or equal to the number allotted. A ballot process for write-in candidates will be conducted.

- The Board voted to make a \$1000 contribution to the American Association of Community Colleges' Hurricane relief fund.

- The Board voted to urge chapters to participate in Campus Equity Week activities. ■

Proposed Bylaw Changes

The deadline for submitting proposed changes to the MCCC Bylaws and Standing Rules is no later than Feb. 2, 2005. Proposals should be in printed format, double spaced (not hand written). They should include the following information:

- rationale for the proposed change;
- name of the maker of the proposal;
- campus (or MCCC committee/group) of the member making the proposal.

Proposed changes should be sent to
Bob Gillies
6 Wheelock Street
Oxford, MA 01540-2110 ■



*New MCCC Membership Coordinator
Meg Kennedy*

MCCC Welcomes Its Newest Employee

Meg Kennedy (no relation to Phil Kennedy) joins the MCCC as the new Membership Coordinator. She replaces Aaron Poirier who left on Sept. 13 to work for a computer services company in Atlanta, Ga.

Meg comes to the MCCC with a background in billing and customer service that will come in handy in her new job. She will work principally on DCE membership where there are many members who are cash payers of dues.

Meg has already demonstrated her skills by getting the fall DCE membership lists organized in near record time.

She will be working along side Mamie LeBlanc who primarily deals with full-time member membership.

Aaron had been with the MCCC for over five years, starting part-time at the old Auburn office. He was very skilled with computers and did wonders in setting up the systems and integrating the MTA and MCCC membership lists in conjunction with the states HRCMS system.

Aaron's skills will be missed, but he received a warm send off from the entire MCCC Board of Directors, who congratulated him on his move to pursue further career opportunities in computer systems. ■

Building Celebrations...

Continued from Page 1

The ceremony was attended by a wide group of current and former state and local officials. Speakers included Congressman John Tierney, Chancellor of Higher Education Judith Gill, Chairman of the Board of Higher Education Stephen Tocco and Senate President Robert Travaglini.

Berry was joined by many family members including his wife Gail, who he noted is his favorite NSCC graduate.

On Oct. 21 Northern Essex celebrated the opening of its new Technology Center, The \$5 million building is the first new construction since the campus opened in 1971. The facility features computerized classrooms, a conference center and offices for faculty.

The opening celebration was attended by state and local officials and representatives of the board of higher education. ■

Report Your Dental Insurance Concerns

Anyone having concerns about the Met Life dental plan should report them to:

Abe Sherf
402 Paradise Road
Swampscott, MA 01907
Fax or Phone 781-592-1330

DCE News

Know Your DCE Contract

Reappointment Rights and Seniority

You earn reappointment rights after teaching five courses over three consecutive fiscal years at the college. These courses do not have to be in the same department. Two or more courses per year in a work area at the college earns one-year seniority. One course in one area and one course in another area in a year provide one-year seniority in each work area. Loss of accrued seniority results after a two-year break in service at the college. Canceled courses do not count toward a break in service.

Salary

Independent of the calculation of seniority rights, you will move from the step one salary to the step two salary upon teaching your sixth class and move to step three upon teaching your eleventh class. You will advance to step 4 effective upon attaining 8 years of seniority at the college. New faculty at the college start at step one, but may start at step 2 or 3 of the salary schedule based on degrees, qualifications and experience.

For courses taught summer 2005 through the summer 2006.

- Step 1 - \$774
- Step 2 - \$829
- Step 3 - \$891
- Step 4 - \$936

The laboratory component of a course will be paid at the rate of 1.5:1 (1.5 contact hours per week during a regular semester = 1 credit salary).

Appointment

Faculty with reappointment rights will be provided a course interest and availability form. A tentative appointment for one course shall be assigned first to those unit members with the longest seniority. You should, under normal circumstances, be notified of your tenta-

tive assignment five weeks prior to the beginning of classes. You should be given a contract indicating the course(s) and salary to which you have been assigned. Your course must run in the event that an administrator who hires, fires, or evaluates DCE faculty is teaching a course in DCE.

Course Material

Faculty must submit the course syllabus within one week of the beginning of classes. This should include the items appearing on the course material checklist contained in the collective bargaining agreement. Note, however, that faculty enjoy academic freedom which provides for professional latitude in fulfilling one's contractual obligations in this regard.

Instructors have the right to choose the text book(s). The exception to this is when it is a departmental selection and you are given an opportunity to participate in the decision making process, or when the appointment is made as the semester is to begin.

Evaluation

A classroom observation must be conducted prior to the unit member attaining reappointment rights. Student evaluations are to be conducted during the second or third to the last week of the course. Classroom observations can only be conducted after that point for stated written reasons.

Professional Development

DCE Faculty have the opportunity to participate in a number of professional development activities. Check with the Professional Development Office on your campus.

If you have any questions on the DCE contract, call DCE Grievance Coordinator Joe Rizzo at 603-898-6309 / Grievance-DCE@mccc-union.org ■



MCCC DCE Grievance Coordinator makes his Fall report at the October Board of Directors meeting.

Know Your Day Contract

November 2005

- Nov. 21 Unit Personnel Practices Committee established p. 30
- Nov. 24 Thanksgiving Holiday
- Nov. 30 Tentative Spring assignments to faculty (p.32)

December 2005

- Dec. 1 Applications for sabbaticals for Fall 2005 due (p.17)

N.B. Dates may vary depending on the first day of classes. Most of these dates are "last date" standards. In many instances the action can be accomplished before the date indicated. ■



MCCC News

<http://mccc-union.org>

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