

MCCC News

208

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Student Grievance Procedures

Changes in Student Grievance Procedures (SGPs) are underway with some troubling implications for faculty and professional staff. The new SGP written by the Office of the Community College Counsel in communication with the President's Council will be implemented by actions of individual campuses' Boards of Trustees. Chapter leaders are urged to acquaint themselves with the issues outlined in the following article and to address local Trustees when they consider the recommended revisions.

Unit members might benefit if the new SGP meant clarity and standardization in processing student grievances. The current lack of uniformity in processing student complaints has resulted in confusion and potential harm to our members according to commentaries by

both our Day and DCE Grievance Officers, Dennis Fitzgerald and Joe Rizzo, respectively.

When the MCCC sought to negotiate student grievance procedures in the 1970's the Massachusetts Labor Relations Commission ruled that because Student Grievance Procedures (SGP) predated the MCCC's complaint, those SGP were not negotiable.

As a consequence, existing practices in processing student complaints vary widely within and between the community college campuses. While a system-wide Student Grievance Procedure, dating back to 1987, exists on paper, it is not honored consistently in practice. Presently students may elect to use the Student Grievance Procedures, as well as any inside or outside forum. Internal,

non-SGP complaints are processed by the employer, and complaints, signed or unsigned, are being placed in unit members' files, according to reports heard by Day Grievance Officer Fitzgerald.

Due process may be entirely lacking, or not uniform. There are often no informal discussions prior to insertion of the complaint in the file. Arbitrations have revealed instances where administrators have conducted covert investigations of faculty and staff.

This Spring, 2001, in preparation for negotiations, Day Grievance Officer Fitzgerald reviewed the colleges' Students' Rights documents. These documents, though similar, are inconsistent from college to college. On the issue of the deadline for providing a syllabus, for instance, some Student Rights documents vary from stipulations of the MCCC/BHE Agreement.

The MCCC has most recently been engaged in discussions with the counsel for the Office of Massachusetts' Com

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2001 MCCC Delegate Assembly

104 delegates attended the 2001 MCCC Delegate Assembly convened at Marlboro Best Western Saturday, May 12. The count by chapter is elsewhere in this issue. North Shore had the largest contingent at 15. Berkshire's Chapter President, Charles Weinstein, had the longest drive.

After due deliberation of participants, a FY2002 budget of \$707,518 was approved by the assembly representing a MCCC dues increase to full-time members of \$28, raising the '02 MCCC dues to \$218. The rate for DCE will go to \$65, an increase of \$8.50. The DCE rate is 30% of the day rate. Agency fee payer rates will be adjusted accordingly.

The meeting was opened by President Mahler and was followed by reports of the officers, including a detailed presentation of the budget, and reports from the Strategic Action Committee and the Bylaws Committee.

President Mahler noted the ratification of the Day and DCE contracts, implementation of the Classification study, and funding efforts had made the past year a very busy one. He thanked the numerous elements of the organization for their efforts in achieving these victories. He noted that the unionization of the MCCC coordinators, and the first time hiring of a lobbyist by the MCCC were other major developments for the organization.

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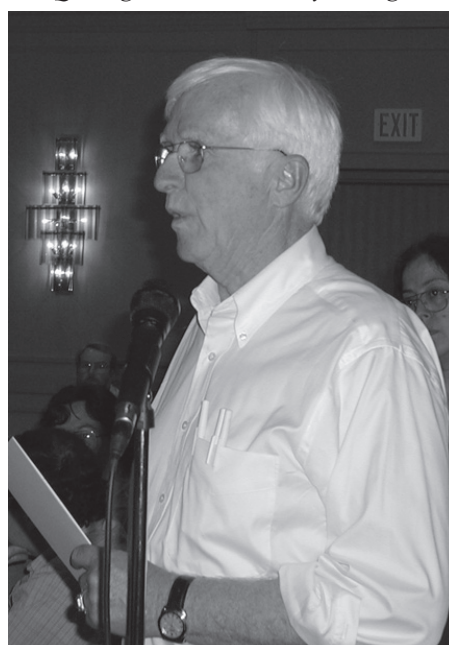
Bunker Hill Community College Chapter President's, Ted Ridout, Michael McSweeney, Paula Velluto, and Susan Dole



Dagne Yesihak, Chapter President, Quinsigamond Community College



Finance Committee Members, Estella Carrion, Lois Martin, Allan Peck, and Geri Curley



Brooks Smith, Strategic Action Committee, Cape Cod Community College

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Members are the DCE Grievance Representative at each chapter.

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Strategic Action Committee: A Recipe For Success

By Joseph LeBlanc, Strategic Action Committee Co-chair

The speedy funding of our latest contract was no accident, and it wasn’t pretty either. Bismark’s remark seems to fit: “Persons who love the law or good sausage should not watch either one being made.” The process began last summer. After intense last minute lobbying, the first year of the contract was funded in the deficiency budget in late July. Next, a joint task force was formed with the college presidents and their lobbyists, the chancellor and other representatives of the Board of Higher Education, and the MCCC president and the Strategic Action Committee’s co-chairs.

After an initial task force meeting in September, meetings were arranged with Speaker of the House Finneran and Senate President Birmingham, thanks to Holyoke CC President Bartley, MTA Executive Director Eddie Sullivan and others. A supplemental bill was soon filed by the governor, costed out by A and F and House Ways and Means, which reported the bill out favorably. Over the next few weeks, the bill was read three times by both branches before it was engrossed and then enacted into law.

Sounds simple, doesn’t it? In reality, the supplemental funding bill kept many of us on edge last semester. Finneran and Birmingham supported funding our contract, but matters grew more complicated as the bill grew in size to include a variety of other collective bargaining agreements. Differences arose about the bill’s specifics. Some of us began to wonder if the bill would be enacted before the holidays when MCCC President Phil Mahler received a call from former House Speaker Charles Flaherty (doing some pro bono work on our behalf) who finally told him when our contract would be funded.

If this sounds scary and confusing, that’s because it is. But it’s even more frightening to think about what might have happened without the MCCC’s and SAC’s intensive lobbying campaign, which contacted a majority of legislators, along with the governor and other key people in the executive branch.

While we may never have the State Police union’s clout or its 5 percent annual salary increases over the last decade, this union is doing several things to maximize its influence on Beacon Hill.

1. SAC is doing better grassroots lobbying. If the MCCC hopes to wage successful campaigns for part-timer pension and health care, early and other retirement bills, it must routinely reach legislators, who tend to act very differently when “bird-dogged” by their constituents. The MCCC Board of Directors and Delegate Assembly recently approved a budget request (giving SAC its first budget ever) to provide regional coordinators reassigned time to better allow a core group of SAC activists to organize our efforts more effectively. Our success in future legislative campaigns depends on our ability to hit the legislature with letters, phone calls and timely information.

2. More professional lobbying help. While the MTA tracks bills, attends committee hearings, writes legislation and engages in other political action activities, it often just isn’t enough. Too often we seem to get lost in an organization, which is overwhelming represented by K-12 union members.

In an effort to strengthen our clout on Beacon Hill, the MCCC Executive Committee and Board of Directors recently hired Flaherty to help SAC lobby for our four legislative current legislative priorities:

- Keep our health care contributions at 15 percent
- Boost college budgets
- Provide health care benefits for part-timers
- Increase pensions benefits for part-timers

By hiring the former Speaker of the House, this union is saying it’s time we learned to develop and flex our political muscle in lobbying the right people at the right time. It’s time we became better informed about the way things really work on Beacon Hill. It’s time we used this knowledge to empower our union.

SAC’s efforts, combined with those of Flaherty and the MTA’s Division of Governmental Services, will better our lives. It’s time our budget reflected the importance of strong political action. The ingredients of that “good sausage” must meet the MCCC’s health standards or we’ll all be suffering from an unnecessary case of political food poisoning. ■

Kathleen McDonough Recognized as Outstanding Prof. Staff Member at Holyoke Community College



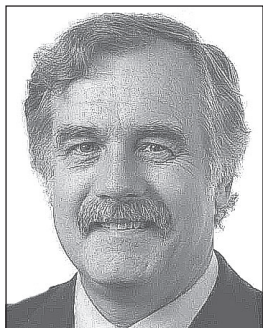
Those nominating Kathleen cited her expertise and graciousness in responding to the needs of all of the library’s patrons, whether students, faculty, or members of the community. In addition, several faculty members noted that Kathleen has been an invaluable collaborator in their Honors courses and learning communities. Individuals who served with Kathleen on one of the sub-committees that worked on the college’s recent re-accreditation effort also lauded her writing and organizational skills in that endeavor.

Kathleen is also a unit representative on the college’s MACER committee. She is active in the Unitarian Society of Northampton and plays the violin in the Holyoke Civic Orchestra. She and her husband and two teenage daughters live in Easthampton.

Linda Celi, secretary of the Arts and Humanities Division at the college, was recognized as the Outstanding Staff Member at the reception. Linda, an AFSCME unit member, was described by her supervisor, Division Dean John Field, as “one of the most competent individuals I have ever known,” and the division’s faculty concur. She is currently taking courses at the college and hopes eventually to complete a four-year degree. ■

President's Message

Summer 2001... What's Up



Philip Mahler,
MCCC President

Implementing this new day contract has been a real challenge to the BHE, and as a result, for the MCCC. Although the future of our system of classification should be much simpler to maintain, the initial implementation is complicated and challenging.

We have worked, with the BHE, to get our junior members classified quickly. DMG, the consultant so instrumental at this stage, was not under state contract until mid-March. The piles of work are daunting and the challenge remains. I wish I could present firm dates for much of this work, but that is in fact not possible.

For our most senior members we worked on improving their retirements, and the retirements of our members who retired since 1997. For many of these people this work will add thousands of dollars to their retirement pay every year of their retirement.

We may see an extraordinarily large number of retirees this year. The MCCC Board of Directors discussed the fact that this may present an opportunity to take a special look at our long time adjuncts. Many of our full-time members come from these ranks. I hope that our hiring committees might make a special effort now, and anytime actually, to look at those part-time colleagues who deliver the goods in a quality manner.

Meanwhile I do hope that all of our unit members, full and part time, faculty, librarians, counselors, and other professional staff, will find this a good summer, and that we all find time to enjoy this time of year - New England's best. ■

Please Pick Up the Phone

Full and Part-Time Issues

Phil Mahler, MCCC President

Legislative Issues

House 354 AN ACT RELATIVE TO GRANTING CREDITABLE SERVICE FOR RETIREMENT PURPOSES FOR PART-TIME FACULTY OF INSTITUTIONS OF HIGHER EDUCATION is a bill which would give our adjuncts participation in the state retirement system if they taught at least four courses per year, on any combination of campuses or colleges in the public higher education system. It would also allow them to buy back previous service into the retirement system. This would apply to our full-time members that started out as adjuncts, too. See <http://www.state.ma.us/legis/bills/house/h00354.htm>.

Senate Bill 1425 AN ACT RELATIVE TO ELIGIBILITY FOR STATE GROUP HEALTH INSURANCE is a bill which would give our adjuncts health insurance coverage if they taught at least four courses per year, on any combination of campuses or colleges in the public higher education system. See <http://www.state.ma.us/legis/bills/st01425.htm>.

1. You are asked to call your State Representative about House 354 and support it.
2. You are asked to call your State Senator about Senate 1425 and support it.
3. Please contact your State SENATOR about increased support for college budgets and for increased library funding. The House budget does NOT adequately fund public colleges and would be a step backwards for public higher ed. It's your concern that your Senator has to hear. The House budget was less than the Governor's request!

4. Please voice your concern on the potential to increase your health contribution by 67% (15% to 25%). This would amount to taxing state employees, and only state employees.

Check out <http://congress.nw.dc.us/cgi-bin/stateindex.pl?dir=nea&state=ma> if you need to find contact information for, or even the name of, your state legislators. You can find all sorts of good information at <http://www.state.ma.us/legis/> including the name of your state legislators, committee members, even the text of most bills.

The bills above are VERY IMPORTANT to our adjuncts and to the MCCC. The Strategic Action Committee and the Board of Directors has made these two bills two of our four legislative priorities for this legislative session.

Retirements and Hiring

We may see an unusually large number of retirements of full-time members this year. There was discussion and support at the last Board of Directors for paying special attention to our adjuncts in our hiring committees, especially this time. This is a chance to recognize the long service of many of our colleagues. You may not see them often because of the nature of their positions, but I sincerely hope you will look long and hard at their applications (now and always) and remember of course that the MCCC is committed to hiring our adjuncts whenever appropriate - which is partially your call. Please do give some special thought to this issue - as many of us always do. ■

Know Your Day Contract

June, July and August 2001

| | |
|-----------|--|
| June 1 | Applications for sabbaticals for spring 2002 |
| June 1 | Professional Staff summary evaluations due |
| June 15 | Sabbatical requests to committee |
| June 15 | Student evaluation data tabulation reported |
| June 30 | Last day for Professional staff pre-evaluation conferences |
| June 30 | Evaluation of Part-time faculty in third appointment |
| July 1 | Classification Market Data Adjustment (delayed) |
| July 1 | Professional Staff Work Assignment received |
| July 15 | Sabbatical Committee Recommendations for Spring |
| August 1 | Part-time teaching assignments due |
| August 15 | Seniority list of part time faculty, professionals to MCCC/MTA |
| August 29 | Earliest a professional day can be assigned |
| Sept. 3 | Labor Day |

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. ■

Letters to the Editor

"03" Buyback Plan Urged

Mark Palermo, NECC (mpalermo@box.com)

Many MCCC members are in the same boat as I am.

I was full-time teacher when it suited the system, and a "non-employee" when it didn't. At the present time, it is expedient once again for me to be a "non-employee."

I was hired at Northern Essex Community College in 1985 as an "03 full-time type" employee. After a protracted grievance process and arbitration which lasted eight years, I was instated as an 01 employee in 1993.

From 1985 to 1993, when I was a "non-employee," I was held to all the contractual obligations of full-time employees including course load, office hours, mandatory attendance at staff meetings, college service, evaluations, etc. I was promoted from instructor to assistant professor and even granted *tenure*.

At the end of each year, however, a wage and tax statement would arrive at my home addressed to "Mark Palermo-non-employee of Northern Essex Community College." (tenured 03 non-employee of Northern Essex Community College?)

I hadn't thought much about those lost years until I read an article in MTA Today magazine in which a court ruled that the retirement board could not deny a unit member a pension buyback simply because the town he worked for called him a "non-employee" while he was doing a full-time job. Another article appeared in MTA Today last year describing another similar case.

I wrote a letter to the BOR petitioning a buyback. I received the standard cookie-cutter response, namely that 03 employees cannot buy back time; only full timers are eligible. (Once they hear the utterance "03", it is as if all discernment stops abruptly and they can't or won't listen any further).

But from the articles published in MTA

Today, it is obvious that some former 03 employees, with the help of the MTA, are indeed buying back time. One retirement board employee remarked to me that the Mass Teacher's Retirement Board is inclined to be more liberal with buybacks than the BOR. (The MCCC is under the auspices of the BOR) I don't know if that is true or not, but there is only one law - Chapter 32 M.G.L. - and it should be interpreted according to objective legal standards, and not in accordance with the caprices of either retirement board.

We teachers have given education the best years of our lives, forsaking financial rewards that come with other professions. We can be sure that administrators will be well taken care of in their old age. There never were any "03-full time type" administrators working without benefits.

But what about us?

There seems to be a growing political will toward resolving this issue. A bill currently being studied by the legislature would grant all 03 employees one year of pension vestiture for every two years of service. A praiseworthy effort to be sure, but still an unsatisfactory one for those who worked full time as "non-employees." We want a full year of vestiture for the time we worked full time. Therefore there are really two issues under the umbrella of this 03 question.

Apart from classification, which has largely been resolved, this is the biggest issue for the MCCC, and it will grow in importance in the coming years. The legislature will need to be prodded. Looking back, it is obvious what happened when we were not proactive. We should be looking ahead. We can't afford to be screwed out of a decent retirement. We deserve it. We should all fight for this. ■

Editorial Comment

Sea Change by Peter Flynn

Based on the 12 unit members retiring from my college, an estimated 180 of our full time faculty and professional staff are retiring this spring, owing to the hard won three years of retroactive classification monies, and the allowance to count three years at that wage to establish retirement base. Most of these members have thirty years or more service in the secondary education of our Commonwealth's citizens. They began their careers in a glow of optimism in newly constructed buildings in a neophyte community college system. It is, perhaps, good karma that their lifetime of toil be rewarded by an upbeat event like the resolution of the Classification campaign.

There remain amongst us, again by extrapolation, approximately 180 DCE/part-timer, long term, multiple course instructors. Many yearn for a full time appointment. Many have applied once twice or more for full time positions only to have been passed over. Many of these have been teaching the equivalent of a full course load or more for a decade or more.

"If these folks have been rehired over such a period, surely they are well qualified to hold a certified full time version of the position they have held in fact for so long?" It's a query heard perennially

on each of the fifteen campuses as this issue emerges in regard to the occasional full time opening.

At a recent board meeting, participants sought to determine the best way to encourage management to hire as many as possible of these deserving *de facto* full timers. Recognizing the final determination in hiring is a management prerogative, and the affirmative action considerations and multifarious factors make every hiring situation unique, it as decided to leave the communication informal. These informal avenues will include MACER, Statewide Joint Study, and other high level meetings.

There are both moral and morale arguments in the case for hiring these intrepid workers. The successful organization of part-timers at Emerson, the progress part-timers have made in winning health benefits and more secure status at UMass and the state colleges, and the voices of these part-timers have become louder with the publication of *Ghosts in the Classroom*, and the national activities and agenda of the Coalition of Contingent Academic Labor (COCAL) are all indicators that the proportion of part-time faculty in higher education has reached critical mass. ■

Report Your Medical and Dental Insurance Concerns

Anyone having concerns about the GID Indemnity plan or Delta dental should report them to:

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Address!

Nahum Abe Sherf
402 Paradise Road • Swampscott, MA 01907
Fax or phone 781-592-1330

New
Address!

Student Grievance Procedures...

Continued from Page 1

munity Colleges regarding proposed revisions in the Student Grievance Procedure in use since 1997, with discussion intensifying from January until March 2001, according to Chair of the Day Negotiating Team and MCCC Vice President Rick Doud . “We recently received a letter from General Counsel to the Community Colleges, Attorney Kenneth A. Tashjy, stating that negotiations are at impasse,” reported Doud. Some of the colleges have already begun to publish and implement a revised student grievance procedure, “the last best offer.” According to Massachusetts Public Law 150E governing collective bargaining, the “last best offer” may be implemented by the employer when negotiations are formally declared at impasse.

This new recommended process is problematic in on three key points, according to Team Chair Doud, in a June 15, 2001, report to the MCCC Board of Directors.

One concern is the extension of time limits on student grievances to 30 days after the course ends, rather than 30 days after the student reasonably should have known that a violation of their rights may have existed. These policies seem to violate existing provisions of the BHE/MCCC contract. The reporting of grievances up to thirty days after the semester ends violates superceding language in the existing contract setting the limit at thirty days after a person would reasonably have known a problem existed.

A second concern regarding the new SGP is the final standard of proof. At Step Four, or the formal level, where a committee reaches a decision on culpability of the responding party, the standard of proof is that the evidence need be “fair and reasonable.” Our negotiators would have preferred a standard of “clear and convincing evidence.” The “clear and convincing” standard has more legal precedents, while the “fair and reasonable” standard is largely subjective, according to Joe Rizzo, MCCC DCE Grievance Coordinator.

The third concern, according to Doud, is the Student Grievance Committee Hearing Procedures. “The old SGP allowed each party to examine and re-examine witnesses. The

new SGP permits each party to question witnesses only through the Student Grievance Committee.”

Another significant, if uncontroversial, change in the new SGP is the removal of incidents of sexual harassment and physical assault complaints from the jurisdiction of the student grievance process. These situations are covered by state or federal laws.

The MCCC would like to see a more uniform policy for processing student grievances in the interest of fairness to both its members and the students they serve. Some student grievances may have merit, but lack of a uniform procedure of redress of complaints suggests inherent unfairness, and leaves the processing of grievances in such a quagmire that a complaint is at risk of failing to be processed with fairness and equanimity.

The MCCC is pursuing continued discussions with the Office of the Community Colleges on the issues outlined herein. There is hope that some of the areas of disagreement may be ironed out, however, it is a concern that some campuses have already taken measures to adopt the SGP revision. ■

The MCCC Fall Leadership Meeting

Monday, September 10, 2001 has been set as the date for the MCCC Fall 2001 Leadership Meeting. Positive reports about last year’s meeting at the Best Western Royal Plaza Marlboro resulted in that location being chosen to serve for this next Leadership Meeting as well. The Best Western is most readily accessible from 495, exit 42b west on Route 20, Marlboro.

This annual meeting invites 4-6 chapter leaders to an academic year kickoff that includes updates and some training for key chapter roles. The agenda is not yet set for this Fall, but Chapter Presidents are advised to start lining up their teams for the meeting. Numbers of attendees from each chapter will be sought in August. ■

Delegate Assembly...

Continued from Page 1

Co-chairs Joe LeBlanc and Sandy Cutler presented for the Strategic Action Committee. They thanked the membership for support of SAC’s recent activities, and stressed the role of coalition of the BHE, college presidents, and the MCCC in achieving contract funding.

Motions altering composition and operations of the Day and DCE Grievance Committees were considered and failed, but substitute proposals on these matters passed. One member of the executive Committee will serve on the DCE Grievance Committee as a non-voting member. The day grievance Committee shall be composed of one representative per chapter, determined by the chapter, the Day Grievance Co-ordinator shall be the chair of the Day Grievance Committee, and one member of the executive Committee will serve on the Day Grievance Committee as a non-voting member.

Subsequent motions for bylaw changes were voted down consistent with the recommendations of the Bylaws and Rules Committee and the Board of Directors.

Under New Business, Yoav Elinevsky of Mount Wachusett proposed a motion asking the MCCC to support six positions. The motion passed. What follows are the six positions:

- The MCCC calls upon the Congress of the United States to make prison inmates eligible to receive Pell Grants to allow them to enroll in community colleges and universities to help them transform themselves into productive members of our society.
- Until the federal government acts,

Continued Next Column

Scenes From April 27-28 Classification/Retirement Workshop at Quinsigamond Community College



BHE Director, Peter Tsfarras and MCCC Vice-President, Rick Doud



Dr. Bob Marsh, Data Management for Classification Study



Attending Classification/Retirement Workshop, Joan Hagopian, NECC; Jeannine Press, NECC; Sarah Hovsepian, QCC

the MCCC calls upon the state of Massachusetts to provide grants for inmates in the state to take courses at our community colleges.

- Students and/or parents with income below the median income should be able to deduct 100% of their tuition and fees for courses at the state community colleges from their taxable income.
- Students at the state community colleges should be granted an extension of the time they are allowed to stay on welfare.
- Students at our community colleges whose income is below the poverty line should be given vouchers to enable them to have free public transportation to and from the college and day care services.
- The MCCC endorses legislation that would count education towards the work requirement for welfare recipients.

Michael Dubson, author of Ghosts in the Classroom, was the last speaker. He listed recent victories for adjuncts at UMass Boston and at state and private colleges, urging that community colleges to be next. He mentioned pending legislation of importance to adjuncts, including the pension bill due to come up in the legislature next week. His goals include

half-time appointments for long time adjuncts; pro-rated pay; health insurance and pension options; professional development opportunities; and on-campus facilities. He noted that adjunct elevation should not threaten full timers. “If teaching is a profession, then all teachers need to be treated as professionals, and all teachers need the resources and the support to do the work,” he argued, to the enthusiastic applause of the delegates.

Count of delegates to the MCCC 2001 Delegate assembly by College

- Berkshire - 1
- Bristol - 5
- Bunker Hill - 5
- Cape Cod - 3
- Greenfield - 3
- Holyoke - 7
- Massachusetts Bay - 4
- Massasoit - 11
- Middlesex - 9
- Mount Wachusett - 8
- North Shore - 15
- Northern Essex - 8
- Roxbury - 3
- Quinsigamond - 11
- Springfield Technical - 11 ■

MCCC News

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

- Editor: Peter Flynn
- President: Philip Mahler
- Vice President: Richard Doud
- Secretary: Phyllis Barrett
- Treasurer: Estela Carrion

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