

MCCCC News



The Official Publication of the *Massachusetts Community College Council* / Vol. 20, Issue 4 / December 2019

Breaking News

Day Contract Funding Passed

In the final hours of December 11th, as this newsletter was being put to bed, and just before a deadline set by the state comptroller, the legislature finally passed the long delayed supplemental budget containing the funding for the MCCC contract.

The compromise bill, according to the *Boston Globe*, “includes \$541 million in spending, a drastic reduction from the versions both the House and Senate had previously passed.” An additional \$587 million will go into the state’s emergency savings account, Rainy Day Fund.

Among the things cut was a controversial corporate tax reduction that was supported by Gov. Baker and the

House, but opposed by the Senate. Extra funding for the T was reduced from \$50 million to \$32 million. Baker said he will come back to the legislature for more funding in January. Speaker DeLeo said that he wanted to see more information first but, “the House re-commits itself to a transportation revenue debate in the coming months.”

Another change made in this budget was moving the state’s 2020 primary election to September 1.

Hard copies of the new, 208-page, orange cover, contract are currently being printed by the MTA print shop. They will be shipped to the chapter presidents at their campuses during semester break. ■



Wishing our members and friends season’s greetings and a prosperous New Year.



Massachusetts Community College Council

Margaret Wong *President*
Rosemarie Freeland *Vice President*
Gail Guarino *Treasurer*
DeAnna Putnam *Secretary*

**Bylaw Proposals Due Feb. 1, 2020 –
send to bylaws@mccc-union.org**

Don’t Delay! MCCC Nominations Now Open

Nominations will be accepted for all MCCC elected positions.

- Officers:
President, Vice President, Treasurer, Secretary.
- Adjunct/Part-time At-large MCCC Directors (2)
- MTA Annual Meeting Delegates
Springfield, MA May 1–2, 2020
- NEA Representative Assembly Delegates
Atlanta, GA, July 2–6, 2020

Nominations Close Thurs., Feb. 6 at 4 P. M.

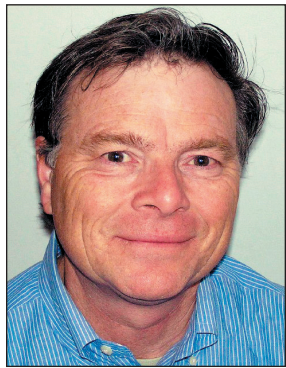
Election will be conducted online. Materials will be mailed out the first week of March with unique member IDs and PINs.

NOTE: Write-in nominations will not be accepted for NEA-RA and MTA Annual Meeting delegates.

Voting will close Thursday, March 26 at 4:00 P. M.

Nomination and Signature Forms will be available on line at the MCCC website:

www.mccc-union.org



Don Williams,
MCCC Communications
Coordinator

Hassles of State Employment

Funding for the Day contract is hung up in a supplemental budget as this issue is being written. Still caught up in a legislative tug-of-war, faculty and staff raises are collateral damage or at least an innocent bystander. Unfortunately, having raises caught in supplemental budgets happens way too often.

Some way should be found to pre-fund contracts by earmarking in the state's main budget. Gov. Baker was adamant that no union should get better than 2 percent per year during this contract cycle. So, it should have been easy to calculate the maximum any contract would cost,

and to allocate that money in the main state budget.

MCCC Day Bargaining Chair, Claudine Barnes puts the blame squarely on the provisions of the state employee labor laws Chapter 150E. "It has to be changed," she said. But changing legislation is a tough road, with many obstacles.

Chapter 150E does give employee unions some rights, but it also limits unions and is more favorable to management. Section 7§c puts higher ed. unions, along with a few other agencies, in a unique funding situation where they have to submit contracts to the governor first, and then the governor may or may not submit them to the legislature for funding. The governor can reject negotiated contracts and send them back for renegotiation.

Union leaders often say, "The governor gets three bites of the apple." First in appointing the people who conduct the

negotiations and in setting the financial and other parameters, secondly, in deciding whether to send a contract to the legislature for funding, which ultimately puts the contract into full force. And, finally, when the legislature passes the funding, the governor can veto the bill. Outside of job actions, there is not much beyond lobbying that union members can do.

At this point there is no political opposition to the MCCC contract funds. There are other, unrelated issues in the supplemental budget that are holding up passage.

But the contract was ratified last June. And members have not had a raise since July of 2017. At this point members are owed a 2 percent retroactive increase back to July 1, 2018 – currently 18 months overdue! Another 2 percent was due last July, compounding the retroactive amounts. And it looks like the budget impasse will go beyond the New Year.

Meanwhile, the state collects interest on the money that has not gone to employees, yet the employees don't get any of that value.

What a terrible way to treat employees. Management dragged out negotiations over some ridiculous issues like the half-baked requirement for mandatory LMS usage, with pitifully small, non-negotiable cap on raises. Holding these up for a year gave management a powerful edge, and they used the year to stall and delay, which enhanced their leverage.

After a hard fought contract negotiation, it really is an insult to wait months to get the agreed upon pay. From his days in the Weld administration, Charlie Baker has not been a friend to public employees, and Chapter 150E gives his office a lot of influence in higher ed. negotiations. But the problem now is with the Democrat-controlled legislature that gets strong support from unions like ours. ■

Report Cites DCE Grievance Trends

Management overreach was the central theme of MCCC DCE Grievance Coordinator, Joe Rizzo's, Fall report to the MCCC Board of Directors' November meeting.

Declining enrollments was an overarching issue. The impact varies between campuses as a chart Rizzo included showed. While student numbers have dropped along with the number of courses, overall MCCC DCE faculty numbers have not declined significantly. But unit members who have been used to having multiple courses are now receiving fewer.

Course Assignment Problems

What constitutes a course assignment has been contested at a number of colleges. Rizzo recounted two recent cases at Middlesex and MassBay where faculty were offered courses via email and accepted them. The colleges later claimed that the emails did not represent an official offer, which would come as a more formal document.

The Middlesex case was resolved in arbitration with the grievant receiving a \$4,000 award to compensate for the lost course. In a negotiated settlement, the MassBay grievant was approved to engage in course development training with a payment for creating an online course along with an additional \$3,900 to cover the lost course.

Disciplinary Actions

Disciplinary actions are a major area

for grievances, and Rizzo described a few of the significant ones for the Board's edification. Some were cases where the unit member did something questionable. For example, cases at MassBay and Roxbury had members charged with violating FERPA privacy rules by using a spouse in one case, and a student in another case, serve as teaching assistants.

Another case found that a full-time faculty member encouraged students to enroll in his DCE course to increase numbers so the course would run, and then drop the course in time for a refund. The member retired as a response.

But other cases clearly show management overreaching. At Bristol a DCE faculty member was concerned about a student's agitated behavior after class, and walked the student to campus security desk. The college claimed that she didn't follow proper procedure to take the issue to the college "CARE" team instead of security. The grievant accepted an offer to resign with a neutral reference, a clean file and a payment of \$4,000.

An even worse case at Bristol, a DCE instructor requested an online course assignment. The Dean assigned him another face-to-face course and assigned herself the online section. The face-to-face course was cancelled due to low enrollment, and under a DCE Contract provision the Dean could not teach in DCE. The Dean then made a specious claim that

Continued on page 4



Joe Rizzo gave his DCE Grievance report at the November Board of Directors' meeting. (Photo by Don Williams)

Visit The MCCC Online! www.mccc-union.org

The MCCC website is the best and most up-to-date source for late breaking developments important to Day and DCE Unit members in addition to being a valuable resource for MCCC contact information, bargaining and legislative updates, contracts, committee assignments, bylaws, local chapter leadership, calendar of meetings and events, and the MCCC News newsletters (current and past).

Find links to NEA, MTA and MCCC on Twitter and Facebook.

Bookmark the site for frequent referral.

There is a "Members Only" area with additional information. You log on to that with the same credentials as your MTA Members account. Don't have an account? Create one using your membership card info at MassTeacher.org.

OER Working Group Reports Out

High textbook costs has long been an issue in higher education. Over the past decade publisher consolidation and technical advances have changed the landscape significantly.

Open Educational Resources (OER) has been a topic of discussion in higher education circles for several years now. And, partly prompted by student advocates, Commissioner of Higher Education Carlos Santiago created a working group to investigate policies related to OER in October of 2018 and the group issued its report last month.

The group's charge was to:

- a) address the growing legislative interest to identify lower cost educational resources for Massachusetts students;
- b) address public higher education "Big Three" goals through broader utilization of OER;
- c) identify and address the issue of equity of access and participation in higher education for underserved, low-income, and first-generation students, especially students of color;
- d) foster instructional effectiveness while lowering costs for students.

The Working Group adopted the definition and rationale for OER from the United Nations Educational, Scientific, and Cultural Organization (UNESCO).

Open Educational Resources are teaching, learning and research materials – digital or otherwise – that reside in the public domain or have been released under a open license that permits no-cost access, use, adaptation and redistribution by others with no or limited restrictions.

A number of state legislatures have proposed bills that encourage OER in various ways. Hawaii, Iowa, Texas and West Virginia have pending legislation. Texas is proposing a repository of OER materials. Virginia's governor signed a bill into law that requires public institutions of higher education to clearly designate which courses are using no- or low-cost materials. And bills have been filed in the Massachusetts legislature to investigate the use of digital technology to reduce costs.

The Working Group consisted of 24 members from various positions within state higher ed. Five were full-time faculty, all from community colleges, including MCCC President Margaret Wong. One was a bookstore manager who was also an adjunct at Middlesex. Two were students. And the rest were a collection of deans, directors, and a business representative. The co-chairs were Marilyn Billings of UMass Amherst's Office of Scholarly Communications, and Susan Tashjian, Northern Essex Community College's Coordinator of Instructional Technology.

With a year-long study period, they were able to get ahead of any potential legislative action with input from educational professionals. They conducted research on OER use by largely contacting deans and directors. Their report set out three stages of recommendations: Short-, Mid-, and Long-term. This article will primarily address the Short Term recommendations.

The first step was to accept a definition of OER, which is shown above. And, while a comprehensive framework will eventually be needed, The Group set out some guiding principles:

- Ensure that policies are designed to support OER use, and not mandate or pressure it;
- Consider speaking to faculty leaders in advance to communicate the intent to respect academic freedom; and
- Consider including language that recognizes that legislation should not be construed to infringe on academic

freedom or the right of faculty to select course materials.

A second recommendation was to set up a statewide advisory council with representatives from each of the 28 state public higher ed. institutions that would advise on OER policies, advocate for the use of OER materials, and assist the other campuses with OER implementation. They advised creating an office/person at the DHE to convene the advisory group and coordinate with other state, regional and national OER organizations.

As some colleges are already doing, the Working Group advocated to have OER courses designated in the course management systems, so that "the use of OER can be encouraged by faculty and students, and tracked and reported." This can already be problematic, as competition

for students may give an enrollment edge to instructors whose courses have low or no-cost materials.

The last of these recommendations, the Group urged that the DHE continue to work with student groups to advocate for OER. So far, students have been prime movers for mandating use of OER. And MassPIRG has been a strong partner for them. That group opposes the current bills before the legislature because they do not go far enough.

The Mid-term recommendations lay out ideas for developing a repository of OER materials and sharing and encouraging using their use.

One of the Long-term goals was to address technical

Continued on page 4

HIGHER EDUCATION

Powered Up

2020



Sheraton Springfield Monarch Place Hotel
One Monarch Place, Springfield, MA 01144

Our 18,000 MTA members in higher education are facing enormous challenges in 2020. Every MTA higher ed local is heading into contract bargaining, and the fight continues for equitable funding for public higher education.

At this conference, MTA higher education locals will join forces with other campus unions, student organizations and allies to develop strategies to attain college affordability, equity, good jobs and excellence in Massachusetts public higher education.

The Higher Ed Conference on Friday, Jan. 10, will focus on creating a successful campaign strategy around the issues affecting members in higher education. Caitlin Zaloom, author of *Indebted*, will be the guest speaker at the Jan. 10 dinner program.

The MTA Union Skills Winter Conference workshops on Saturday, Jan. 11, will strengthen our capacity to win on our issues.

Presenters for both days include leaders of our bargaining coalitions, activists involved with adjunct organizing, racial justice on campus, student debt and other higher education policy issues.

For more information
and to register, visit:

massteacher.org/highered

DCE Grievance Trends

Continued from page 2

the faculty member violated FERPA rules in a previous semester. Fearing repercussions at his full-time job, the instructor resigned. After considering the Dean's motive, the member tried to rescind his resignation. The college refused, but through a grievance the member received a \$4,000 award.

A number of these cases show a tendency of management to harass DCE faculty into resigning, or suspending them and then not reappointing. Rizzo said this may be a way that the colleges are responding to the enrollment crunch by reducing the rolls. It is often senior faculty who are facing these attacks.

Mandatory and Voluntary Training

The DCE Contract requires that required training be paid and that voluntary meeting attendance and training sessions are not paid. Scheduling training for DCE faculty is difficult given that they often have other jobs and obligations. Although some colleges pay adjuncts for voluntary training, most do not.

Rizzo set the example of active shooter training that is required for

full-time faculty but voluntary for DCE instructors. Benefit of this training would not be available for the adjuncts who make up the largest percentage of faculty members. Last year Bristol Community College non-reappointed 57 adjunct faculty for not participating in required Title IX training.

Training on violence and harassment are obviously important, but other topics such as dealing with disruptive students and pedagogy are also important. Not participating in voluntary training may still put an instructor in jeopardy of poor evaluation or disciplinary action. This is an increasingly important problem that Rizzo is working to find a resolution to.

DCE Unemployment Assistance

Challenges to claims for unemployment between semesters have been declining, and in fact no claims were challenged in 2018. Colleges had contested the idea that DCE instructors had no assurance of reemployment after a semester break. Between new federal guidelines regarding reasonable assurance of future employment, and the more frequent class cancellations due to low enrollment, the major basis for claim denials has disappeared. Members can still get legal assistance from MTA if they have claims denied.

OBRA Deductions

State law requires that part-time public employees must participate in the OBRA retirement plan with a 7.5 percent deduction in lieu of Social Security. But people who are members in the Mass. State Retirement System (MSRS) are not required to contribute to OBRA. So full-time faculty and staff in Mass. higher ed. along with other state employees in MSRS, including retirees, do not have to participate.

Last summer there were two cases of adjunct faculty, who were MSRS participants, having OBRA deductions taken out of their pay. This sometimes comes about when an employee or retiree from one college gets a part-time position at another college and the deduction gets set automatically. Rizzo urged chapter leaders to confirm with their HR departments that they accurately determine the pension status of new hires. ■



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[mccc.union](http://mccc.union.org)



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Know Your Day Contract

December 2019

Dec. 22 Last day fall semester can end (p. 52). 49

Dec. 24 **Last Day of classes** Faculty submit college service and student advisement form (p.57). 55

Dec. 25 Christmas (p. 25). 23

Dec. 30 Professional staff submit documentation of performance of duties and responsibilities including, but not limited to a log of student advisement, if appropriate, and college service activities (p. 59). 56

January 2020

Jan. 15 Sabbatical recommendations from committee to president. (p. 25) 25.

Jan. 20 Martin Luther King Jr. Holiday (p.21).

Jan. 29 Course materials (Form XIII-E2) for Spring semester must be distributed to students and submitted to supervisor before end of drop/add period. (p. 57) 54.

NOTE: 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. Cited page numbers in parentheses are from the 2015-2018 Agreement, the numbers after that are from the 2018-2021 that is currently being printed. ■

OER Working Group Reports Out

Continued on page 4

and access issues. Students will need to have electronic access both on campus and at home to use online materials. They advocated for state funds to be appropriated to improve capacity. Having access to hardcopy versions of these materials was also mentioned. Ellen Pratt, MCCC Board member and a librarian from Mt Wachusett said that, "We did a survey of students on campus, and they overwhelmingly said that they prefer

printed materials rather than reading from a screen."

But the final recommendation was chilling. They suggested that to encourage more adoption of OER, it is advisable to make it a component in faculty tenure and promotion. A link was provided to the University of British Columbia, where this has already come about due to student advocacy. Academic freedom will need to be something carefully protected as the move to OER progresses. ■



Cherishing Higher Ed as a Common Good
The opening session will focus on the opportunities and crises higher education union members face in 2020 and on our campaign to reverse disinvestment in public higher education. Lunch is included.

Breakthroughs and Goals for Contract Bargaining
Discussions will focus on advancing bargaining goals in each segment of higher ed: community colleges, state universities, and the UMass system. Members will share good ideas about contract proposals, plan for coordinated action dates, and touch on anticipated challenges we will face in upcoming bargaining.

Critical Issues for Higher Ed: Building a United Front in 2020
These sessions will feature discussions about how to unite community and labor strength in a campaign for good contracts and funding for higher education. Presenters will share inspiring stories from recent wins by adjunct and nontenure-track faculty.

Dinner Program with Speaker Caitlin Zaloom, Author of *Indebted*
The Princeton University Press called *Indebted* "superbly written and unflinchingly honest," adding, "*Indebted* breaks through the culture of silence surrounding the student debt crisis, revealing the unspoken costs of sending our kids to college."



Higher Education Breakfast with Guest Speakers

9 a.m. – 4 p.m.
Union Skills Workshops
Choose from a wide variety of relevant union skills curriculum. Higher ed-specific workshops include:

- » Higher Ed Bargaining 101
- » Advanced Bargaining Skills
- » Contract Enforcement
- » The Union Representative Role
- » Growing Membership
- » Contract Campaigns
- » College Affordability & Student Debt
- » Fund Our Future & the *Cherish Act*
- » Taking Control of Professional Development

For more information and to register, visit:
massteacher.org/highered

MCCC News

<http://mccc-union.org>

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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. email: Communications@mccc-union.org