

MCCC News



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Distance Ed. Workshop Highlighted Rights

On March 4, MTA Field Rep Bret Seferian lead a training session attended by 60 members over Zoom on the provisions of the Distance Education Agreement (DEA) between the MCCC and the college presidents. The agreement was originally negotiated in 1998 when the colleges were anxious to expand distance learning as new technologies were becoming widely available. While printed in the DCE contract, the agreement applies to both the Day and DCE units.

Faculty have often been confused by some of the DEA provisions, and the ways that the community colleges have responded to the COVID crisis has tested the agreement has further confused things, making the workshop timely. Besides going over the basic provisions of the DEA Seferian put focus on two areas that became critical during the COVID pandemic: Adaptation Fees and Course Ownership.

The presentation opened with the definition of what Distance Education covered by the agreement consists of: "Instruction, education, and training conducted at sites separated by space or time, which may utilize technology to facilitate learning." It is a broad definition that gives faculty a lot of protection.

Adaptation Fees

When a person adapts a course as a distance course for the first time an adaptation fee of \$500 per credit is paid to the faculty member above the normal compensation for teaching the course. (Section 6). If a person develops a second course (i.e. if after developing a Composition 1 course they develop a Composition 2 course) the faculty would receive the full adaptation fee for that second course.

Adaptation fees are **per course**, not per faculty member, so every course that a faculty member adapts and teaches earns an adaptation fee. Additionally, the fee is also **per mode**, so if a faculty member was paid \$1500 to develop a Comp 1 course via Zoom lecture, and subsequently develop the same course (Comp 1) to an asynchronous online version, then the person would be paid another \$1500 adaptation fee.

A faculty member cannot unilaterally adapt a course to distance learning. The college administration must agree to have the member develop the course in order for the adaptation fee to be paid. Colleges cannot assign a faculty member a distance course and then try to not pay you the fee.

In response to COVID shutdowns in the Spring of 2020, the Union and management negotiated an emergency Memorandum of Agreement (MOA) to move courses to "temporary remote" status. Under the MOA faculty would be paid \$80 or \$125 per credit for the adaptation. The college is still obliged to pay the \$500/credit fee if they subsequently adapt that same course to regular distance education. The MOA expired in August of 2021.

The colleges have repeatedly proposed that the fee for a subsequent adaptation be reduced by the amount paid for the original pandemic emergency, thereby reducing the DEA adaptation fee to \$375/\$420 per credit. The MCCC negotiating team fought back these attempts. Section 7 of the MOA stated, "Nothing in this agreement will preclude a unit member from being assigned to adapt a temporary remote course to an online course and being compensated under the Distance Education Agreement at a later date."

But some colleges, especially Holyoke, have taken a position that the "remote" status, where the instructor conducts a class over a live video link is not covered by the DEA, a view that is contradicted by the DEA's definition of Distance Ed.

Claiming fiscal restraints, the Holyoke Community College administration sent the following message to all faculty. "After reviewing varying factors, taking into many considerations and under the advice of the General Counsel, we are no longer able to offer the Remote instructional modality. This was not an easy decision to make. Currently, the Remote modality is not in the current union contract and the MOA that was written to include this modality as a response to the pandemic has expired. If and when this modality is included as an instructional modality under the updated distance education agreement, we will reassess the need to offer it."

Continued on page 3

Run-Off Election

Because of a tie for the office of Secretary, the MCCC is conducting a run-off election. The method will be the same as with the general election.

Ballot materials will be mailed on April 1.

Balloting will close on Sunday April 24.

See page 2 for full election results.

DCE Contract Ratified 710 to 12

The DCE Negotiations Team is happy to announce that the DCE Tentative Agreement has been ratified with 98% voting in favor of ratification. The numbers were: 710 Yes votes, 12 No votes, and 1 Unmarked. Thank you to those who were available to tally the vote.

The team will be coordinating with Management to sign the updated DCE contract and will follow up with members regarding more information about the time frame for when DCE members can expect to see retroactive pay. A retro pay calculator soon will be posted on the MCCC website to help folks figure out what they should expect to see coming to them.

*DeAnna Putnam
(DCE Negotiations Team Chair)*

College Presidents Pull A Fast One

In a move that the MCCC had no idea it was coming, the community college presidents revealed that they were proposing a major legislative change that could radically alter how community colleges operate in Massachusetts.

The proposal would repeal Chapter 26 Section 15A as it applies to community colleges that says that courses in the evening and summer are to be "operated at no cost to the commonwealth." The actual wording of Chapter 26 Section 15A is as follows:

Each public institution of higher education may conduct summer sessions, provided such sessions are operated at no expense to the commonwealth. Each public institutions of higher education may conduct evening classes, provided such classes are operated at no expense to the commonwealth.

The language being requested by

the Massachusetts Association of Community Colleges (MACC), the office of the 15 community colleges, adds as an outside section to the FY 2023 General Appropriations Act reads as follows:

SECTION XX. Section 26 of the General Laws is hereby amended by the following sentence:—This section shall not apply to the community college segment, as defined in section 5.

Outside section is underlined above because it is a process that fast-tracks a piece of legislation by avoiding public hearings. They are printed at the end of the appropriations act, after all of the line items. Being part of an appropriations bill gives the language a much better chance to pass.

The simple deletion of language could cause complex problems in the implementation. The Union is concerned

at not being brought into the discussion earlier. While Joe Nardoni at Middlesex first caught wind of the change in January, the MCCC was formally made aware of the proposal at a Joint Study Committee meeting in February. This committee serves as a statewide MACER.

Nardoni speculated that the change was being led by the MACC's new Executive Director Nate Mackinnon, whom he called "the 16th community college president." Day Contract Negotiations

Continued on page 3

MCCC DELEGATE ASSEMBLY

Saturday, April 23, 2022

To be conducted over Zoom.

Delegates must be elected by their chapters.

MCCC Endorses Fair Share Amendment

MTA Vice President, Max Page addressed the MCCC Board of Directors to enlist the Union's support for the Fair Share Amendment that will be on the November state ballot sponsored by MTA and other organizations in the Raise Up Massachusetts coalition. This amendment to the state constitution would allow for a second-tier income tax rate for personal incomes over \$1 million per year.

Page explained that the amendment calls for dedicating the projected \$2 billion additional revenues would be dedicated to education and transportation infrastructure. The four percent additional levy would only be applied to a taxpayer's income that exceeds a million. So, if someone earned \$1,000,001, they would pay four cents over the regular tax rate. People earning under a million would see no tax increase.

"Since 2009, MTA has been on a mission to increase state revenues," he said. There was a proposed amendment that was developed and was gaining public support when the state Supreme Court ruled in a law suit funded by powerful business groups that some provisions were unconstitutional. The Fair Share Amendment has been crafted to address the court's previous objections.

Explaining how the amendment would benefit higher ed., he listed some of the needs that have been unmet because of lack of money. Things like adjunct pay parity, safe/green college buildings, student debt

Page said that with six months before the election public support looks positive, showing 39 percent saying they will vote "yes" and another 24 percent are leaning towards supporting the amendment. About 27 percent oppose the measure. The objective of the campaign is to solidify that "leaning" group into committed support. Business interests will be expected to

Continued on page 4

MCCC Candidates Night Went Online to Reach Membership

If there is anything positive to come out of the COVID pandemic, it is the expansion of video conferencing like Zoom, Google Meet and Blackboard Collaborate that allow large-scale remote meetings.

On March 10 with Zoom, the MCCC was able to offer all members an opportunity to hear from the candidates for the offices of President, Vice President, and Secretary. With all of the positions contested and only one incumbent, it was important for members to get a chance to hear from candidates and to ask questions. Over 70 members attended.

The MCCC faces extraordinary challenges going forward, and it was important that members had the opportunity to get to know more about the candidates.

In the past, candidates might visit campuses for local meetings, but having 15 colleges, with multiple campuses, spread across the state, that process was daunting. The union does provide candidates with a mailing list of members' addresses, but sending out a mailing to over 3000 members can be expensive. The candidate night gave every candidate a chance to get their messages out.

Brian Falter, North Shore Community College Director, set up at the MCCC office in Worcester where the internet connection has much greater capacity to moderate the discussion. ■

MCCC ELECTIONS RESULTS SPRING 2022

MCCC Nominations and Elections Committee made its final election report for the Spring 2022 MCCC Elections. format of this report was approved by the Nominations and Elections Committee. The report was submitted by Chair Andria Schwartz, for members Emily Daly, William Jackson, Wayne Klug, Fayette Reynolds, and Jason St. Pierre.

Because of a tie for the office of Secretary, the Committee recommended that a runoff election be conducted in the same fashion as the general election with a mailing date of April 1, and a closing date of April 24. The election results are below.

Response Rates

Ballots Cast	498
Ballots Possible	3587
Voter Turnout	13.88%

President

Name, Chapter	Votes	%of Votes Cast	Elected
1) Claudine Barnes, Cape Cod	227	47.9915%	Elected
2) Rosemarie Freeland, Greenfield	124	26.2156%	
3) Laura Schlegel, Holyoke	122	25.7928%	
Total	473		

Vice President

Name, Chapter	Votes	% of Votes Cast	Elected
1) Joe Nardoni, Middlesex	266	57.8261%	Elected
2) Latasha Sarpy, Mt Wachusett	194	42.1739%	
Total	460		

Secretary

Name, Chapter	Votes	%of Votes Cast	Tied
1) Colleen Avidikian, Bristol	226	50%	Tied
2) Ellen Pratt, Mt Wachusett	226	50%	Tied
Total	452		

Part-Time/DCE At-Large Director

The following individuals were declared as elected to Part-Time/DCE At-Large Directors, and no election was required.

- 1) Paul Johansen, Berkshire 2) Mark Linde, Massasoit

MTA Annual Meeting Delegates

There were 66 members nominated, which was less that the MCCC delegate allotment, so they were all declared elected.

NEA Representative Assembly Delegates

There were 15 members nominated, which was less that the MCCC delegate allotment, so they were all declared elected.



Brian Falter, Director from North Shore Community College moderated candidate night on March 10 from the MCCC office to use its higher capacity internet connection. Photo by Phil Mahler.

In Solidarity

Taskforce on Race Seeks Permanence



Sharmese Gunn from Mt Wachusett Community College, and a leader of the MCCC's Taskforce on Race, spoke to MCCC Board at its March meeting seeking the endorsement of a Bylaw proposal to make the Taskforce a standing committee.

Sharmese Gunn from Mt Wachusett Community College, who is one of the leaders of the MCCC's Taskforce on Race spoke to the Board of Directors in

March urging support for a Bylaw proposal that would make the ad hoc group a standing committee. That status would give the Taskforce permanence and give it the status of a regular budget to do its work.

Gunn pointed out that the Taskforce was created to look at issues of equity across the Union regarding race and ethnicity. She pointed out that we have a problem with lack of diversity across the system that needs to be addressed, and having a permanent committee to do this work in a consistent way is essential.

She suggested that the MCCC should work on an "equity agenda" starting with having the Research Coordinator gather statistics on the race and ethnicity of all community college employees, from administration on down, to establish a baseline and to monitor the progress in improvement. They would like to get two representatives from every chapter to help involve more members in the process.

Community college students are the most diverse student bodies in the state, and it is vital that the faculty and staff reflect that diversity. Gunn referenced that New Undergraduate Experience (NUE) needs to show students that there are people like them at the colleges and that they all belong.

The Board voted to recommend the Bylaw change to the Delegate Assembly where it would formally voted on for adoption. ■

College Presidents...

Continued from front page

Chair Claudine Barnes said that Mike Murray the Director of Employee and Labor Relations for the Department of Higher Ed. that she negotiates with was not aware of the proposal.

It has long been an MCCC interest to allow full-time faculty some flexibility to teach after 4:00 P.M. And the last contract did expand the definition of evening to 5:00. But if it passes, there are many provisions of our contracts that will have to be renegotiated. "Will people be forced to teach at night or summer?" is the first question that comes to mind, but there will be many more.

And what about adjuncts? In the presidents' rationale they cite the "complicated administrative burden" of accounting for how they are paying for adjunct sections out of their revenues and not the state's. They clearly state that the legislation will most likely result in the end of a separate DCE contract and inclusion of adjunct faculty into the Day contract.

In their rationale for the change, the presidents say that the traditional college scheduling is outdated for community colleges in the 21st century, citing the fact that 2/3 of our students attend part-time. Students taking courses in the evening should have the full range of faculty available to them.

The strongest rationale for the change is the idea that there are many students who want to attend evenings, particularly for high demand health programs whose accreditation requirements require full-time faculty staffing and leadership. But another factor is that some full-time faculty do not have enough daytime courses for their workload, and opening up evenings would preserve these positions and to hire more full-time faculty in cases where it would benefit the students and increase equity to do so.

Funding was another issue addressed. The presidents maintain that it would not result in an increased expenditure from the state, and that increasing the academic day would not affect the overall appropriations. However, in slight contradiction, they have also called for a new provision that would allow fees and tuition to be retained by the colleges to ensure that there is no loss in funding to the community colleges in this change. Currently fees from both Day and DCE are retained, but tuition from students in classes taught by full-time faculty go to the state.

MCCC Vice President Freeland and the Strategic Action Committee are carefully monitoring this legislation, The Union is not taking a position on the change at this point as there are both positive and negative aspects to it. But given the widespread change it could bring, the Union's basic position is to slow down the process in order to carefully assess the ramifications. Members may be asked to take action as the process rolls out. ■

Distance Ed. Workshop...

Continued from front page

Holyoke's mistaken position has pitted some faculty members, who like the "remote" mode as the college defines it, against the Union position. They would prefer to have the mode available as the college determined it and accept the reduced fees. President Wong had said, "They don't understand the value of the Distance Agreement."

Many of the community colleges have not been paying the appropriate adaptation fees after the expiration of the

MOA last August. Chapters have been encouraged to file grievances over distance courses adapted after that time. If someone developed a distance/remote course under the COVID MOA and then continued to teach that course in the same mode beginning in the Fall 2021 semester, they are entitled to the full DEA adaptation fee of \$500/credit. Even if a person missed filing a grievance in a past semester, they are eligible to file for the next semester when you teach that course.

Greenfield chapter president Trevor Kearns told the group, "I filed dual chapter grievances (one for Day, one for DCE) because GCC was not paying the DEA stipends for some Fall '21 courses. Administration agreed to our remedy (pay people, and provide a full account of faculty eligibility as well as payments). So far, it looks like 15 sections and 11 faculty members across DCE and Day units were eligible, but were not compensated. Significant numbers at a school as small as ours. The takeaway: file grievances!"

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Ownership

Ownership of distance courses is another condition of the DEA that is sometimes misunderstood. Seferian pointed out that one of the reasons that faculty at other colleges envy our DEA is that we own the materials that we develop as long as we teach the course at least twice.

If a faculty member has taught a course they have adapted twice, and they no longer wish to teach the course, and if the college wishes to use those materials and give them to another faculty member, then they must pay the originating faculty a fee of \$500 to use the course for three years. They can pay the faculty member \$500 to use the materials for additional three-year periods. The college cannot buy materials if the faculty member wants to continue teaching the course.

At some colleges the administration had encouraged faculty to sell their courses while they continued to teach them in order to quickly offer a number of sections with multiple instructors of the same course online. Furthermore, the college giving a faculty member someone else's materials does not abrogate the college's obligation to pay an adaptation fee to that new faculty member under Article 6.

The workshop closed after almost two hours with questions from participants. Seferian urged members to read the DEA. It is only four pages long and can be found on page 35 of the DCE contract, which can be found on the MCCC website mccc-union.org. ■

MOVING?

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Call the office at
1-877-442-MCCC toll free
or go online at
[http://mccc-union.org/
ChangeMyAddress/](http://mccc-union.org/ChangeMyAddress/)

Fall 2021 Membership Trends Researched

MCCC Research Coordinator Hilaire Jean-Gilles gave his regular report on employment and membership trends from the Fall 2021 semester at the February Board of Directors' meeting.

He started with employment figures for full-time, non-unit administrators with a twelve-year lookback at all 15 community colleges. Full-time faculty numbers were presented along with ratios for comparison. The numbers were striking at some campuses.

Five colleges were in the range of 60 percent administrators at the low end. But four were over 100 percent. The worst offender was Mount Wachusett with 90 full-time administrators to 63 full-time faculty between 2020 and 2021 that came out to average 153.95 percent ratio. Overall the number of administrators across the 15 campuses increased by 4 percent.

The numbers for faculty and professional staff went in the opposite direction. Full-time faculty only increased at two colleges between 2020 and 2021:



MCCC Research Coordinator Hilaire Jean-Gilles made his report on the Fall 2021 membership trends.

Mt Wachusett and Northern Essex. The other colleges saw declines with Greenfield having the greatest at 12 percent. Showing steady decline over the past five years, overall full-time faculty employment declined in just the last year by 3 percent.

Professional Staff Unit members (PSUMs) had held steady over the previous years at about 750 full-time members, but had spiked to 811 in 2020 only to drop to 777 in 2021. Jean-Gilles speculated that COVID affected this change but did not have data on how. For the last year PSUM employment dropped by 4 percent.

DCE faculty were clearly impacted by COVID. The number of DCE sections offered by the colleges had shown a slight decline from Spring 2016 (12989 sections) to Spring 2020 (12006 sections), but in Spring 2021 the number dropped precipitously by 27.93 percent (8653 sections).

The number of adjunct faculty had also gone down. Using statistics from Fall semesters, there was a significant drop from 3280 unit members in 2019 to 2601 in Fall of 2020. Fall 2021 numbers did improve slightly to 2616.

Jean-Gilles' also looked at Union membership versus non members. The DCE Unit took a big hit after the Janus decision when non-members no longer had to pay a fee. Membership now represents about 60 percent. The Day Unit has always had stronger membership numbers, and while there has been a slight decline, over 85 percent belong to the union.

The last statistics reported were about part-time faculty and staff under the Day Contract. He said that part-time staff had been declining steadily over the last four years. There are only five colleges that employ Day part-time faculty and those numbers stayed relatively consistent. ■

Know Your Day Contract

April 2022

April 6 Dean's leave of absence recommendations due (p. 30).

April 15 Dean's tenure recommendations due (p. 46).

April 15 Title changes announced (p. 68).

April 18 Patriots Day holiday (p. 25).

May 2022

May 1 President's tenure recommendations and sabbatical notification due (pp. 28-46)

May - Last Day of classes Faculty submit college service and student advisement form (p. 60).

May 21 Tenure decisions due (p. 46).

May 30 Professional staff College service and student advisement forms (p. 61).

May 30 Memorial Day observed (p. 25)

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. Cited page numbers are from the 2018–2021 Agreement.



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

MCCC Endorses Fair Share Amendment...

continued from page 2

spend significantly more in opposition, but supporters can fight that by organizing at the grass roots.

In the discussion that followed Page's presentation, the major question that arose was "what's to stop the legislature from cutting existing education funding if here is a huge infusion of new earmarked revenues?" His response was that supporters will need to continue advocacy and hold the state to the spirit of the amendment.

The MCCC Board voted to endorse the Fair Share Amendment and to join in campaign activities to increase public support for the ballot measure. ■



MTA Vice President Max Page spoke to the MCCC Board seeking support for the state revenue enhancing Fair Share Amendment on the November ballot.

Play Ball!

For the second year, MCCC President Margaret Wong is generously donating **two Worcester Red Sox season tickets** to MCCC members; the "WooSox" are the AAA affiliate of the Boston Red Sox. This year's tickets will be right next to the tunnel where the players walk out, a few rows closer to the field than last year.

If you would like to attend a home game this season, please complete this survey: www.surveymonkey.com/r/WooSox2022. You may choose more than one game, but preference will be given to members who have not yet been given tickets.