

Massachusetts Community College Council

Joseph LeBlanc, President
Diana (Donnie) McGee, Vice President
Philip Mahler, Treasurer
Phyllis Barrett, Secretary



Don Williams, Communications
Dennis Fitzgerald, Grievance
Joseph Rizzo, Grievance
Hilaire Jean-Gilles, Research

Minutes of the Board of Directors Meeting
Mechanics Place/Worcester
Friday, November 30, 2007

Present: President Joe LeBlanc, Vice President Donnie McGee, Secretary Phyllis Barrett; Geri Curley (BH), Claudine Barnes (CC), Rosemarie Freeland (G), Pennie Marcus (H), Lois Martin (Ma), Ned McGuire (MB), David Kalivas (Mi), Ellen Madigan Pratt (MW), Steve Proietti (NE), Abe Sherf (NS), Sharron Gillies (Q), Roberta Albano (ST); Sara Satham, MTA Board; Communications Coordinator Don Williams; Operations Manager Phil Kennedy. **Not Present:** Treasurer Philip Mahler (on assignment); MTA Consultants Miles Stern (on assignment) and Katie D'Urso (ill); June Tooley (Be), Catherine Adamowicz (Br), and Clark Grain (R).

Guests: Board of Higher Education Chair Fred Clark; Research Coordinator Hilaire Jean-Gilles; Bylaws Chair Bob Gillies; Sarah Nathan, MTA Communications; Chapter Presidents Susan Dole (BH), Joe O'Neill (MB), Tiffany Magnolia (NS), and Margaret Wong (Q).

President Joe LeBlanc called the meeting to order at 10:40 a.m.

The agenda was adopted, by consensus.

The minutes of the Board of Directors Meeting of October 19, 2007, were approved, by consensus.

REPORT OF THE BYLAWS COMMITTEE

Chair Bob Gillies reported that, based on discussions with consultant Patricia Legault-Frank, the Bylaws Committee has several recommendations for relatively small, mostly housekeeping-type revisions to the bylaws. He shared these with the Board, with the committee's recommendation that they be acted on prior to this year's Delegate Assembly. The other members of the Bylaws Committee are Catherine Adamowicz, Claudine Barnes, and Gail Stuart. *See attachment.*

STRATEGIC DIRECTIONS: MCCC MISSION STATEMENT REVISION

Board members Claudine Barnes and Ned McGuire conducted a small group exercise aimed at generating ideas for revisions to the organization's mission statement. The groups shared their suggestions with the whole committee, and a lively and helpful discussion ensued.

PRESENTATION BY THE BOARD OF HIGHER EDUCATION CHAIR

President LeBlanc introduced the new chair of the Board of Higher Education, Fred Clark. Chair Clark is a graduate of Bridgewater State and a first-generation college student. He described himself as an enthusiastic advocate of affordable, close, and comfortably sized institutions of public higher education. He also said he recognizes the importance of the relationships that are made between faculty and staff and students, noting that he is still in touch with folks at Bridgewater, where he has also served on the Board of Trustees. As a close observer of what has been happening at the Board of Higher Education in recent years, he expressed dismay that the Board seems not to have grasped its responsibility to be, above all else, an advocate for public higher ed. After all, public higher ed serves the vast majority of the state's college students, especially those who stay and work in the Commonwealth after graduation. Despite that fact, Chair Clark pointed out that the state remains near the bottom of the list of states in both tax

revenues directed to public higher ed and in terms of *per capita* funding. He stressed the need to find new sources of operating dollars and said he thinks the BHE is on a good trajectory to lobby for funds, to promote information about what he considers good accountability in the system, and to convene people to talk about the issues. He is visiting all the campuses to familiarize himself with the facilities and cultures; he said he learns a lot from meeting with people at the colleges, especially students.

During a question and answer period, MCCC Board members shared some of their concerns, primarily regarding adequate support to fulfill our mission, especially enough money to support a full-time workforce and to attract and retain faculty and staff. There was also agreement on the need for all the sectors of public higher ed to be unified, rather than fighting each other for the limited pool of resources. Near the end of the discussion, Chair Clark noted that the 50th anniversary of the community college system is coming up next year. He would like to see a major celebration, an opportunity to toot our horn throughout the state. He said he would also like to designate a Public Higher Education Week each year.

REPORT OF THE PRESIDENT

Given the number of guest presentations today, in the interest of time, President LeBlanc will be distributing his written report by email within the next few days.

REPORT OF THE VICE PRESIDENT

Vice President Donnie McGee distributed her written report as well as a copy of her testimony on Social Security Fairness and the GPO/WEP in Washington, D.C. She asked that directors thank members who shared their stories and contributed to the fight on this issue. Regarding legislation, the vice president asked that people become conversant with the agenda of the Strategic Action Committee and the MTA so that they can talk to their chapter members about these important issues. Vice President McGee reported that Lieutenant Governor Tim Murray got the SAC leaders a meeting with David Sullivan from Administration and Finance, an important step, and she noted that Representative Jay Kaufmann's office is looking at other states' models for solving budget and contract funding issues. The vice president expressed her frustration with the power struggle between the executive and legislative branches in Boston. She echoed Chair Clark's observation that what public higher education needs is more revenue.

Middlesex Director David Kalivas thanked Vice President McGee for the incredible level of commitment, energy, and passion she is bringing to these issues.

REPORT OF THE TREASURER

Treasurer Phil Mahler is attending a New England Board of Higher Education conference on College Readiness and Success today. He submitted a written report and the financial statements. Phil Kennedy was present to field any questions.

REPORT OF THE MTA CONSULTANTS

Consultant Katie D'Urso was absent due to illness. Consultant Miles Stern, who is attending an MTA conference on higher education bargaining strategies, submitted a written report. *See attached.*

COMMUNICATIONS REPORT

Coordinator Don Williams reported that the November issue of the newsletter is out. He plans a cover story on Chair Clark's visit today for the next issue.

MTA BOARD REPORT

Board Member Sara Satham reported that the MTA Board is meeting this weekend. Among other things, the Board will discuss the process for replacing retiring Executive Director Ed Sullivan.

HEALTH AND WELFARE REPORT

Trust Board Member Abe Sherf reported that he has been requesting improved dental and eye benefits, given the Board's healthy reserves.

REPORT OF THE RESEARCH COORDINATOR

Coordinator Hilaire Jean-Gilles reviewed his findings on various trends. In looking at the colleges' growing reliance on part-time professional staff, who are often employed in more than one position, he found some individuals working over 1000 hours per year at the same college. Similarly, he identified numerous adjunct faculty teaching four or five courses per semester at one or more colleges in the system. He asked for help in determining if any of these individuals are receiving benefits, since some of them are clearly entitled to them. There are currently 1448 full-time faculty members; after an upturn in recent years, this year's there has been a bit of a decline. Interestingly, since 2005, there has also been a bit of a decline in the number of pure DCE members. However, dual status, those teaching in both units, seems up a bit. Roughly half of all courses system-wide appear to be taught by adjuncts. Coordinator Jean-Gilles' research on full-time enrollment suggests that the level has been fairly stable over the last five years. He also shared information on faculty/student ratios, noting that the highest ratio has been at Mass Bay, followed by Middlesex. Regarding classification, Coordinator Jean-Gilles confirmed that about 60% of new hires are being hired above the grid.

NEW BUSINESS

A. Community College Teaching, Learning, and Student Development Conference

MOTION: Approve payment of \$1000 to co-sponsor the annual Teaching, Learning, and Student Development Conference, being hosted by North Shore this year (Gillies/Curley). **PASSED.**

B. MCCC PAC Motion

MOTION: Approve a contribution of \$2500 to the MCCC PAC (Curley/Gillies). **PASSED.**

c. STCC Chapter Support Motion

MOTION: Pay the Fall 2007 chapter support for the Springfield Tech Community College chapter (Kalivas/Gillies). **PASSED.**

DISCUSSION/ANNOUNCEMENTS

A. Mass Bay Situation

President LeBlanc reported that he and others are engaged in ongoing talks with members of Mass Bay's Board of Trustees. The trustees are also in the process of appointing an "independent commission" to review the union's complaints against the Mass Bay administration. Intervention has been ongoing regarding the crisis in the nursing department as well. President LeBlanc pledged to "push till we prevail" in righting the wrongs at the college, and Mass Bay Director Ned McGuire expressed hope that grievances certified this week will help to bring more of the abuses out into the open.

B. Donations to the Quincy Education Association

President LeBlanc reported that MCCC members and chapters have generously contributed to the strike fund for the Quincy Educators. It looks like the total is more than \$4000—the largest contribution from any individual union.

MOTION: That the MCCC donate an amount sufficient to make the total contribution of the chapters and the local equal to \$1 per union member, i.e. roughly \$800-900 would be added to funds donated by the chapters (Martin/Barnes). **PASSED.**

C. Campus Round Up

Holyoke is the most recent recipient of a multi-year Gateway Grant, but some of the positions that come with the grant may not jibe with classification job descriptions. Contract enforcement issues at Greenfield, including numerous advisors who are not in the unit, are being addressed by both the chapter and the MCCC leadership. Current issues at Mount Wachusett include a ban on teaching online courses as part of a day workload and multiple committee assignments. Committee overload continues to be an issue at Cape Cod as well. An agreement on nursing salaries at Massasoit has foundered.

On a brighter note, the chapter president and the director from Springfield Technical are on a committee with trustees and administrators discussing classification issues. Director Roberta Albano anticipates a letter from the committee to the BHE chair and the chancellor supporting getting salaries back to the 75th percentile. Such local efforts will dovetail nicely with MCCC and MTA work on this important issue.

The meeting adjourned at 3:30 p.m.

The next Board meeting is scheduled for January 18, 2008.

Respectfully submitted,



Phyllis Barrett, Secretary

Attachments: Proposed Bylaw Revisions
Report of MTA Consultant Stern

MASSACHUSETTS COMMUNITY COLLEGE COUNCIL

PROPOSED BYLAW CHANGES

To change the language in the indicated articles and sections:

PRESENT TEXT:

[None]

Make the following additions, deletions and text changes:

ARTICLE IV Officers

Add “Nominations and elections will be held in accordance with officer elections policy.”
Recommended 4-0

Add after “...May 31st”, the words “or until a successor takes office”
Recommended 4-0

Section B

change to read “No officer shall run or hold...”
Recommended 4-0

Section 4. Secretary

Add section C ...Will carry out such duties as assigned by the President or the Board of Directors...
Recommended 4-0

Section 5. Treasurer

Add section C ...Will carry out such duties as assigned by the President or the Board of Directors...
Recommended 4-0

ARTICLE V—BOARD OF DIRECTORS

Section 1. Membership

Subsection A. Eliminate the word “constitutional.” It was agreed that this word is unnecessary.
Recommended 4-0

Section 4. Quorum and Voting.

Subsection A. Eliminate the word “simple” as unnecessary.
Recommended 4-0

Section 5 Powers and Duties

J. Insert “Vice President” between the words “ the” and “Secretary” and add “The appointee must be a current or former member of the Board of Directors”
Recommended 4-0

ARTICLE VI—DELEGATE ASSEMBLY

Section 2 Add “delegates will be elected for one year terms.”
Recommended 4-0

Standing Rules for Delegate Assemblies

RULE 1: AMENDMENTS TO THE BYLAWS

Section 1. Change the deadline for submission of Bylaw changes from “February first” to “March first”.
Recommended 4-0

RATIONAL:

These recommended changes are designed to attempt to make the Bylaws and Rules of the MCCC conform with Robert’s Rules Revised and improve the present system of operation.

IMPACT STATEMENT:

The recommended changes will bring the bylaws in closer conformity with RRR and extend the Bylaw change proposal deadline by one month.

COST IMPLICATIONS:

No cost

Respectfully submitted,
Robert B. Gillies, Chair
MCCC Bylaws and Rules Committee
30 November, 2007

From: Stern, Miles
Date: November 30, 2007 4:38:36 AM EST
To: J LeBlanc
Subject: Consultant report for 11/30/07 BOD Meeting

Because I am unable to attend today's meeting, I submit the following report, which is in three parts:

1. **Underage student issues**—At a nicely attended summit on this issue in November, representatives from various chapters discussed concerns related to having underage students in classes or even on campus. Beyond identifying the issues, the participants also discussed approaches that we would take to address these varied issues. Most importantly, we recognized that most of these issues are ultimately issues for the employer as well, particularly in terms of liability, and that the employer needs to be clear on training and providing policies in these areas. Many of these issues are not necessarily issues over which the union should be making decisions (like through traditional bargaining), but obviously, the union needs to weigh in on behalf of the members regarding many of these issues. Also, the group affirmed that the general feeling was that there are many positive aspects to having these students in class, and that even many of the home-schooled students have a lot to offer. Concerns mount exponentially, however, when these students are under age 16. We also heard that there are administrators interested in trainings in areas like FERPA and medical privacy laws.

Among the issues of most concern were:

- **FERPA** (federal post-secondary student privacy rights law)—While this was an area with many issues, and one where the employer who is likely ultimately liable should be training all bargaining unit members, a professional staff representative who works in a registrar's office explained that faculty and professional staff should at the very least be able to refer to and consult with a designated FERPA officer at their college.
- **Is there such a student in my class or office:** Whether we even know who these students are at a given college, and whether all faculty and staff even have a right to know.
- **Safety in schools**—What ability do these students have to sign contracts and liability waivers and participate in certain programs, labs, field trips, or even fields, particularly those requiring CORI (criminal records) checks; how do search and seizure laws apply.
- There was general agreement that protecting younger students from “mature themes” like in sex ed courses and safe sex posters as well as in class content was well-intentioned. Nonetheless, exposure to such is part of being in college; academic freedom shouldn't be trumped by a young student's assumed sensibilities—as hard as this might be in practice.
- However, there are real threats to these students of which our members might be on the hook like mixed-age relationships in the classroom leading to statutory rape. Are members mandated reporters? Do they have to be CORI'd to work with these students (contract issue if so), and how does the college monitor exposure to sex-offenders? pedophilia charges?
- **Orientation for underage students** (and their legal guardians)?—This is already mandatory for dual enrollment students at HCC. Colleges also offer this to certain disabled students/guardians
- are high school programs for which these students are eligible? Do underage students need ability to benefit level on placement tests?
- **Extremely young/home schooled issues:** Should a 12 year old be taking classes? The MCCC might want to take a position, and we might need to do a legal request on home schooling law.
- **Discrimination:** Some colleges have explained that a college can't discriminate based on age—even for the 12-year-old. To what extent is this even true?

I am now focusing on our next four steps, and have commenced drafting some of the following:

1. Letter to Haidee Morris, Esq., labor counsel for the colleges—should we start joint trainings, should we put together joint report, shouldn't the employer be addressing certain areas?
2. To MCCC—How do we address 12 year-old student issue? Home school students relying on members for their education.
3. MTA Legal requests (home schooling issues, discrimination based on age exceptions, CORI on faculty)
4. Information request to the employer on numbers, policies, etc.

2. **Division of Labor Relations (DLR)** and the CERB (Commonwealth Employment Relations Board). Through Article 87 legislation (Massachusetts Constitutional article allowing governor to restructure agencies through an up or down vote of the legislature without ability to amend within 60 days of filing), Governor Patrick has officially restructured the state's three public employee labor dispute agencies, the Board of Conciliation and Arbitration (BCA), the Labor Relations Commission (LRC), and the Joint Labor-Management Committee (JLMC—for police and firefighters) into the Division of Labor Relations. The plan behind the merger was to reduce inefficiencies, like the gigantic backlog at the LRC, where we file unfair labor practice charges and unit clarification petitions.

See http://www.mass.gov/?pageID=pressreleases&agId=Agov3&prModName=gov3pressrelease&prFile=070914_labor_relations_legis.xml, http://www.mass.gov/?pageID=pressreleases&agId=Agov3&prModName=gov3pressrelease&prFile=070914_labor_relations_legis.xml and <http://www.mass.gov/dol/byrnes-lrc-chair-8-07.pdf>.

The Division came into existence in mid-November of this year. The newly reconstituted agency will be reviewing two charges we filed on behalf of MassBay alleging that the employer violated state labor law and interfered with the union and intimidated union leaders and refused to provide necessary information to the union. Because the charge was made before the transition, they will be using the old procedures to investigate these charges. We are awaiting a response from the employer. Under the new procedure where the DLR does an investigation upon docketing a valid charge by a party, we are filing a charge on behalf of a member at another college alleging that the employer retaliated against this person one week after that member filed a grievance by taking them off a committee thus changing their schedule for the upcoming year.

3. **CAS Petitions**—We received a long-awaited draft decision regarding numerous CAS petitions that the union and employer submitted to a mediator. CAS petitions are unit clarification petitions filed at the LRC (now DLR) where we argue that a particular position posted as “non-unit” should actually be in the MCCC. We feel that we might be able to resolve many of these petitions, including numerous petitions just put on hold by the DLR, to see if we can resolve them directly with the employer. I have been waiting to file some petitions based on the idea we are developing a process and consensus around particular positions with the employer. Continue to let Dennis know if you see a posting for a “non-unit” position you suspect should be in the bargaining unit. I hope that we can report true progress by January, and would like to thank Dennis and Michelle Gallagher for their continued hard work trying to resolve these multitudinous petitions.

Also in early November, I participated in the Ad Hoc Adjunct Committee meeting.

Miles B. Stern
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