

**MSCA Board of Directors Meeting
Minutes of the Regular Meeting
September 10, 2004
Framingham State College**

Present: Ambacher, Art, Concannon, Falke, Feldman, George, Hetzel, Hogan, Markunas, McGee, Minasian, O'Donnell, Paolillo, Price, Schlosberg, Seider, Shartin, Stonehouse, Tetrault

Guests: Donna Sirutis (MTA), Maggie Vaughan (Salem State College), Robert Whalen (MTA)

Approval of the Orders of the Day and the Minutes:

The meeting was called to order at 10:00 a.m.

It was moved and seconded to approve the orders of the day. The motion passed.

It was moved and seconded to approve the minutes of the June 4, 2004, meeting. The motion passed.

President's Report:

Introductions:

Maggie Vaughn, Salem Chapter/MSCA, the Interim Grievance Chair, was introduced. The Board welcomed her to the meeting and introductions were made.

MSCA Board Changes:

On behalf of the MSCA Board of Directors, President Markunas welcomed Dan Shartin and Anne Falke, the newly installed president and vice president of the Worcester Chapter/MSCA. Charles Stigliano (Mass Art) has resigned from the Board. Robert Coppolla is the new director at Mass Art. The Board has 20 members, which requires a quorum of eleven members. Under the provisions of the MSCA Constitution, MSCA officers who do not hold a chapter office do not vote but they are included in the quorum count. The MSCA President votes only if that vote affects the outcome.

2004-2006 MSCA Committee Appointments: Proposed Calendar and Procedures:

Distributed to Board members was the proposal for the appointment and election of committee chairs for all MSCA committees for the term 2004-2006. This procedure is identical to the one used in October 2002. Three changes to the original procedure were recommended, by President Markunas, on the second page of the packet.

It was moved and seconded to adopt the MSCA Committee Appointments: Calendar and Procedures.

It was moved and seconded to amend the original motion to the following: *A vice chair **may** be elected for each committee.* The motion passed.

It was moved and seconded to amend the original motion to the following: delete the sentence, *The 2004-06 DGCE Bargaining Committee will not be convened until October 2005.* The motion passed.

The motion, as amended, passed.

President Markunas requested that Chapter presidents submit committee nominations by US Mail, fax or e-mail to her office by September 27, 2004.

Given the problems involved with the AAA's administration of the 2004 MSCA officers' election, it was the expressed wish of the Board that the MSCA Elections Committee be charged with the task of identifying alternative vendors to administer the 2006 MSCA officers election. It is crucial that this work be completed during the current academic year, prior to the campaign period that will ensue next year. President Markunas recommended that chapter presidents give particular attention to this appointment, as it will be an important one on this year.

Fall Conference on Academic Freedom, Privacy and General Liability Issues:

President Markunas handed out the most recent brochures on the conference. The conference is almost completely planned other than the panel on teaching controversial topics and moderators for each session. Board members will see if they can find potential panelists for the teaching controversial topics on their campuses.

The following Board members volunteered to serve as moderators for the workshop indicated: Nancy George, session A; Charlie Hetzel, session B; Anne Falke, session C; Peter Hogan, session D; Jean Stonehouse, session E; and Maggie Vaughn, session F.

Fall Legislative Races:

The most recent issue of the *MTA Today* included information about MTA-recommended candidates with primary races. Information about the targeted Senate races was included in the packet of materials prepared by the MSCA Bargaining Committee. The senate races are very important.

Chapter presidents may urge MSCA members to vote, to work on campaigns, and to read promotional materials. Only MSCA members may be communicated with regarding specific candidates or issues. Even if candidates are winning or comfortable in their races, we need to be involved to remain visible to the candidates. Note: The use of state college property for anything but state college business is prohibited. It is illegal for state employees to solicit money for candidates, anywhere, anytime. MTA General Counsel Ann Clark has advised higher education leaders that e-mail communication to MSCA members on the behalf of candidates, if it is the normal means of disseminating information to MSCA members, is permissible.

Professional Development Monies for AY 2004-2005:

The parties agreed in late August that this per capita amount of money will be \$575. Chapter presidents need to let President Markunas know if there are any problems with the administration of this benefit.

Board of Higher Education Issues:

It was moved and seconded to go into executive session. The motion passed.

It was moved and seconded to go out of executive session. The motion passed.

Council of Presidents Issues:

The COP is meeting today in the 1839 Room of the McCarthy Campus Center. President Markunas had a meeting with COP chair Dana Mohler-Faria in August and will meet with the new president at Westfield State College, Vicky Carwein, when she visits Salem State College September 16, 2004.

Recent Press Clippings/Letter to the Editor:

President Markunas alerted the Board of some recent items of note from the *Boston Globe*, along with a letter to the editor that she sent in response.

MSCA Resolution on MTA Contract Courses:

Cathy Boudreau and Kathy Skinner are scheduled to attend the Board's October meeting to report on this issue. The Board recommended that they not only address the issue of contract courses, but also discuss bargaining at this time.

Supplemental Budget:

The state's supplemental budget was passed by the legislature the previous evening and included the following appropriations. \$8.3 million for the first payment of APA and AFSME retroactive contract funding; \$3.8 million for MCCC contract funding; \$2 million for state college fund raising; \$168,700 extra money for the nine state colleges; and \$1 million for the Salem State College School of Nursing for the 2nd degree program and to redo the nursing laboratory.

Vice President's Report:*Confiscation of Files:*

Vice President Minasian wished to alert the Board that ERC files were taken by President Markunas from a closet in the Worcester chapter office without his knowledge or permission and to communicate his anger at this action. President Markunas had alerted MTA General Counsel Ann Clarke that Vice President Minasian had removed all files pertaining to the period of his acting MSCA presidency from the Worcester chapter office to the Department of History at Worcester State College. Vice President Minasian and President Markunas met with Attorney Clarke and agreed to review the materials in question with her and return them to their rightful owners/location. The Acting President's materials were reviewed on September 2nd; the ERC files will be reviewed on September 14th.

It was noted that policies need to be developed regarding the ownership of MSCA materials, particularly sensitive or confidential ones; the length of time materials should be kept and when they should be discarded; and the placement of files into the MSCA Archives.

It was moved and seconded to reprimand President Markunas.

It was moved and seconded to postpone the motion. The motion passed.

Governmental Relations Committee:

The Committee met to strategize and discuss a number of issues. Vice President Minasian reported that he introduced the issue of the need to change the legislative process regarding the funding of collective bargaining contracts to the Committee's agenda.

President Markunas noted that the Legislative Committee should be working on MSCA legislative priorities as well.

It was moved and seconded that the MSCA recommend that the MTA Governmental Relations Committee draft legislation to amend Chapter 150E that would change the funding process for higher education union contracts. The motion passed.

Treasurer's Report:

Treasurer Price distributed her report and noted the recent completion of the audit of MSCA financial records.

Secretary's Report:

President Markunas requested that Secretary George convene ad hoc committee appointed by President Markunas (George, Price, Minasian) to examine electronic means of communication among union leadership and membership. E-Mail communication is of particular concern.

Ad Hoc Committee on Librarian Concerns:

Librarians have contacted the chair as needed to discuss various librarian issues. There are the usual trouble spots, notably, Westfield and Worcester State Colleges. It was noted that librarians are becoming more active within MSCA Chapter executive boards.

The committee will be meeting on October 8, 2004 with other MSCA Committees to convene the group and elect a chair. A meeting will follow.

There still is no word on capital funding for library buildings. As far as Chairperson George knows, a committee to study the future of academic libraries has not been formed by the BHE (note capital money for libraries' building renovation projects is being held by the BHE until a study by this committee is completed). Chairperson George noted that the Association of College and Research Libraries/New England Chapter (ACRL/NEC), of which she is president-elect, is planning a conference titled, *The Future of Academic Libraries*. She suggested that it would be useful for BHE members, in particular the BHE staff, to attend this conference. President Markunas suggested that an invitation from the ACRL/NEC would be appropriate and she would provide BHE names and addresses as soon as possible.

Salary Database Committee Report:

Chairperson O'Donnell requested that all chapter presidents provide him with copies of Appendices O and Q from each campus as soon as they are available.

MSCA Day Bargaining Report:

It was moved and seconded to go into executive session. The motion passed.

It was moved and seconded to go out of executive session. The motion passed.

It was moved and seconded to report out the following motion adopted in executive session. The motion passed.

It was moved and seconded to express our appreciation to and confidence in Donna Sirutis for her exemplary service to the MSCA. The motion passed unanimously.

As of September 10, 2004, the MSCA was 438 days without a contract.

Grievance Committee:

Chairperson Vaughn gave the Board a brief verbal report. There are 100 grievances in active status. Due to extreme scheduling difficulties, most notably in Mark Peters' office, it is very difficult for grievances to be heard. The slowness with which cases are heard is particularly problematic for those employees who face termination of employment.

This situation needs to be rectified as soon as possible so that grievances proceed through the grievance process in a smooth, timely fashion. The newly convened MSCA Grievance Committee will consider these issues at its meeting scheduled for October 8th.

Legislation Committee:

Chairperson Minasian noted his remarks under the Vice President's report.

BHE/MTA Health and Welfare Trust Committee:

There has been no activity to report.

MTA Reports:

MSCA DGCE Bargaining Unit – Bob Whalen:

On September 24, 2004, at Worcester State College, Fallon Room, 10:00 a.m., is the first DGCE contract organization meeting. All chapter presidents have received notice. Individuals from each campus are invited: one administrator and two MSCA members as chosen by the chapter president.

MSCA Day Bargaining Unit – Donna Sirutis; Massachusetts State Ethics Commission, Conflict of Interest Opinion EC-C01-04-02.

Consultant Sirutis reported on the print copy of an e-mail distributed to Board members dated August 9, 2004 with the subject heading of *Massachusetts State College and University Professors and the Assignment of Textbooks They Have Written*. Due to the *Commonwealth of Massachusetts State Ethics Commission, Conflict of Interest Opinion EC-C01-04-02* faculty must notify their college president before assigning a book/item written by them that will yield royalties. Permission must be granted by college administration before the book may be required to be purchased by students.

Although this issue might be covered by Article V, Academic Freedom, this might have bargaining implications. Since it is outside of the contract, the ability to grieve might be jeopardized. It is also unclear what the penalties to faculty, by college administration, might be. The issue will go to ERC for discussion. It was also noted by Consultant Whalen that if language covering this issue is bargained, that Day and DGCE Bargaining need to have consistent language.

Consultant Sirutis will prepare a piece for the *MSCA Perspective* on this issue.

Local Chapter President's Reports:*Bridgewater:*

The chapter had an excellent opening meeting with positive responses from faculty/librarians.

Fitchburg:

A good opening meeting was held, with a unanimous vote to set up a Crisis Committee to recommend actions.

Framingham:

The first meeting of the year has not yet occurred. Robert Martin, formerly a dean at Westfield State College, is now the Academic Vice President at Framingham.

Mass. College of Art:

The chapter held its first meeting and went over the documents provided to chapters by the Bargaining Committee. They drafted a list of action items. There will be protest activities on September 29, 2004. President Schlosberg will meet with the Board of Trustees on September 20, 2004, and the Student Government Association on September 21, 2004. The president of Mass Art has been invited to attend a meeting with faculty/librarians to discuss bargaining and the contract proposal.

Mass. College of Liberal Arts:

There has been no meeting with faculty/librarians yet.

Mass. Maritime Academy:

There has been no meeting with faculty/librarians yet. Chapter President O'Donnell reported that administrative pay increases would be granted at the Board of Trustees meeting held on the same day.

Salem:

There will be a meeting with faculty/librarians on September 13, 2004. Chapter President McGee will be asking faculty/librarians to boycott certain college events.

A new residence hall was opened this past month that contains two apartments for faculty members.

Westfield:

At the first faculty/librarian meeting a Crisis Committee was formed and will be taking actions on campus. The president of Westfield is newly appointed and was not involved in writing the BHE/COP contract proposal. However, actions are being planned for the presidential inauguration scheduled for October 22, 2004.

Worcester:

A membership meeting was held and actions will be considered.

The meeting adjourned at 3:23 p.m.

Respectfully submitted,

Nancy George
MSCA Secretary