

**Massachusetts State College Association
Delegate Assembly
April 28, 2007
Massachusetts College of Art**

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

A moment of silence was called for the victims of the shootings at Virginia Polytechnic Institute and State University. Special recognition was given to the five faculty members who lost their lives in this tragedy: Christopher James Bishop, Jocelyne Couture-Nowak, Kevin P. Granata, Liviu Librescu, and G.V. Loganathan.

President Markunas introduced the MSCA officers; Catherine Schwenk, the Parliamentarian; Suzanne Hebert, the Recorder; Katherine Sloan, President, Massachusetts College of Art; and guests from the MTA, Donna Sirutis and Bob Whalen. Special thanks were expressed to Jane Fiste, Chris Melin, and Ruth Battalia for their work in making the arrangements for this meeting and help at registration; and Sam Schlosberg, MSCA Chapter President and Rick McDermott, APA Chapter President, for their work in helping with the on-site arrangements. Thanks were given to all delegates who gave up the traditionally beautiful last Saturday in April to represent their colleagues and conduct the business of the union.

Massachusetts College of Art President Katherine Sloan delivered greetings to the Assembly on behalf of the Massachusetts College of Art.

Prof. Sam Schlosberg delivered the welcoming comments to the Assembly on behalf of the Mass Art/MSCA Chapter.

First Report of the Credentials Committee:

Jean Stonehouse, Bridgewater/MSCA Chapter, delivered the first Credentials Committee Report: 44 registered delegates, 8 guests. It was moved and seconded to adopt the report. The motion passed.

Standing Rules/Agenda/Minutes of the 2006 MSCA Delegate Assembly

It was moved and seconded to adopt the standing rules as distributed. The motion passed.

It was moved and seconded to adopt the agenda for the Assembly.

It was moved and seconded to amend the agenda for the Assembly to include under New Business, a section allowing for a motion to be presented on the opposition of the insertion of language from the Academic Bill of Rights Movement in the Federal Higher Education Act. The motion to amend passed.

It was moved and seconded to amend the agenda for the Assembly to include under New Business, a section allowing for a motion to be presented on the support of legislation to block any further funding of the war in Iraq and to provide funds only for the immediate and safe withdrawal of United States Armed Forces from Iraq. The motion to amend passed.

It was moved and seconded to amend the agenda for the Assembly to include under New Business, a section allowing for a motion to be presented on the support of impeachment of President Bush and Vice President Cheney. The motion to amend passed.

The motion to adopt the agenda, as amended, for the Assembly passed.

It was moved and seconded to accept the April 29, 2006 Delegate Assembly Minutes. The motion passed.

MSCA Officers' Reports

President's Report - Patricia Markunas

“As has been true throughout our history as a union, the Massachusetts State College Association has experienced some significant successes over the past twelve months, but for the first time in 16 years, the future seems brighter.

“Our greatest success this year, without a doubt, was the election of a Democratic governor who has pledged to be a champion of public higher education in our state. Many MSCA members were working on the Deval Patrick campaign when his chances to be elected seemed far-fetched. The governor-elect's first public meeting was with the higher education community at the University of Massachusetts at Amherst and it was very exciting to be included in that event in December.

“More recently, I have been honored as an appointee to the governor's task force on higher education, a body where state college supporters are well represented. Unlike four years ago, when I was forced to get the Romney plans for reorganization from the rumor mill and the fourth estate, it was great to be at the table where the discussions about public higher education and possible reorganization were taking place. We expect a public announcement of these plans during the month of May. It was terrific to be working again with Presidents Mohler-Faria, Antonucci and Grant and the presidents' former executive officer, Fred Clark, on issues of importance to the state colleges.

“The challenge, of course, is the continuing negative effects of ill-conceived tax cuts and short-sighted tax loopholes granted under the previous Republican administrations. It is past time for this state to establish revenue levels to support the state and local services that citizens of the Commonwealth want and deserve.

“Our members' efforts in the fall elections have changed the landscape for spring legislative activity. There is no need to lobby legislators to preserve current state employee health insurance premiums. More importantly, it appears that the state's new health insurance law not only covers our part-time faculty but also will require the Group Insurance Commission to pay a pro-rated portion of the insurance premiums for our part-time faculty. MTA Attorney Brian Riley has been assigned to assist us on getting these crucially important benefits for our hundreds of part-time faculty members.

“On the negotiations front, I am happy to report that we settled a new DGCE contract last fall and have begun negotiations for the successor day agreement. I regret that I could not be as involved in these negotiations as I wanted, but I never had a moment's doubt that, under the new leadership of C.J. O'Donnell, the DGCE team was fully staffed and actively involved throughout the entire process. Kudos to Jean Stonehouse, Jack McKeon, Susan Dargan, Ben Ryterband, Len Paolillo, Paul McGee, Jack Shea and Dan Shartin for a job well-done.

“Our DGCE consultant, Bob Whalen, will take a new assignment within the MTA Division of Higher Education on July 1, 2007. On behalf of the MSCA, I want to thank Bob for his outstanding service to our membership and for his friendship throughout my presidency.

“An important goal for the day negotiations, if at all possible, is to have a settlement in place by the time of the expiration of this agreement on June 30 of this year. If anyone can do this, it's Donna Sirutis, C.J. O'Donnell and our superb day bargaining committee, balanced with veteran members and first-timers: Glenn Pavlicek, Ann Mrvica, Alan Feldman, Sam Schlosberg, Len Paolillo, Amy Everitt, Cheryl Stanley, and Dan Shartin.

“As MSCA President, I am responsible for our communications efforts and maintenance of the organization's archives. I am happy to report that Brett Rhyne, of the Salem State College Communications Department, will continue to serve as the editor of the MSCA Perspective and that Nancy George will continue as the MSCA Webmaster. Susan Edwards has done a superb job as the MSCA Archivist, providing documents and records whenever requested.

“I am proud to report that our programs of professional development continued this fall with a series of workshops, co-sponsored with the Council of Presidents, on the state's conflict of interest law. In light of the tragic events at Virginia Tech and the recognition that faculty members are often the "first responders" to threats posed by students and other employees, discussions have begun concerning a statewide conference on threat assessment, legal issues related to privacy and disclosure, and the impact of domestic violence in the workplace.

“In closing, please allow me to express a personal note of appreciation for all of your help and support this year. Tomorrow marks the anniversary of the accident that resulted in a severely broken ankle and 12 months spent with surgeons, X-ray technicians, physical therapists and insurance adjusters. My life changed in that moment, but many things will never change: the quality of the educational opportunities that we provide to our students, the importance of our union in our professional lives, and the honor and privilege of serving as your president. Thank you again.”

Vice President's Report - C.J. O'Donnell

Vice President O'Donnell thanked the delegates for attending the MSCA Delegate Assembly and for giving him the opportunity to serve as the MSCA's vice president.

Vice President O'Donnell gave delegates an overview of his activities in the past year. Included in this was his service on the Joint Salary Study Committee with MSCA President Markunas and former Salem Chapter President Paul McGee. A joint MSCA and COP salary study, which is available for viewing on the MSCA web site and shows the salary inequities for faculty at the Massachusetts state colleges, was the result of this committee's work.

Over the past year, Vice President O'Donnell attended a meeting of the Governor's Task Force on Higher Education and various hearings at the State House on higher education issues.

Secretary's Report - Nancy George

Secretary George thanked the delegates for attending the Assembly and in particular pointed out and thanked the large number of librarians in attendance this year.

As was the case in the past year, as secretary of the MSCA, Secretary George attended MSCA Board meetings; took detailed notes during the meetings; and submitted meeting minutes, in the form of a digital file, to MSCA President Markunas, no later than 48 hours after each meeting.

During spring semester, Secretary George supervised the nomination/election process for the 2007 NEA Representative Assembly to be held in Philadelphia, PA, June 30-July 5. Secretary George congratulated those members who will represent the MSCA at the NEA-RA: Gerald Concannon (MMA), Patricia V. Markunas (Salem), Ann Mrvica (Fitchburg), Len Paolillo (MCLA), and Charles Wellens (Fitchburg).

In closing, Secretary George thanked MSCA members for allowing her to serve as the MSCA Secretary. She appreciates the chance to serve the MSCA in this way and will continue to work on various issues that relate to the role of the MSCA Secretary.

Treasurer's Report - Glenn Pavlicek

It was moved and seconded to adopt the auditor's report, as presented in the Treasurer's Report. The motion passed.

It was moved and seconded to go into the committee as a whole to hear the presentation of the proposed 2008 MSCA budget and the dues. The motion passed.

Treasurer Pavlicek presented the proposed 2008 MSCA budget and dues to the Assembly. He noted there would be no dues increases for FY 2008.

It was moved and seconded to come out of the committee as a whole. The motion passed.

It was moved and seconded to adopt the proposed FY 2008 budget, as described in the Treasurer's Report, as amended.

It was moved and seconded to amend the proposed FY 2008 budget to increase the budget for the MSCA Webmaster in line 9020 by \$1,671 to \$3,342, and to decrease the Secretarial Services in line 9020 by \$1,671 to \$144,671. The motion passed.

It was moved and seconded to amend the proposed FY 2008 budget to state that the stipends for Day and DGCE Bargaining Chairs be paid in monthly installments for those months during which bargaining is active (e.g., from the preparation of the initial bargaining surveys through execution of the Agreements, inclusive, as well as for those months outside of that period in which there is impact or other special bargaining). The motion passed.

The motion to adopt the proposed FY 2008 MSCA budget, as amended, passed.

It was moved and seconded to adopt the proposed FY 2008 dues as described in the Treasurer's Report. The motion passed.

Second Report of the Credentials Committee

Jean Stonehouse, Bridgewater/MSCA Chapter, delivered the second Credentials Committee Report: 46 registered delegates, 8 guests. It was moved and seconded to adopt the report. The motion passed.

Proposed Amendments to the MSCA Constitution

It was moved and seconded to adopt the proposed amendment to the MSCA Constitution, specifically Article VII, Section 1, add a new committee as follows:

Section 1. Standing Committees. The Standing Committees shall be the Bargaining Committees, a Grievance Committee, a Legislation Committee, an Affirmative Action, Equal Opportunity, Diversity (AA/EO/DIV) Committee, an Elections Committee, a Resolutions Committee, a Credentials Committee, **and a Librarians Committee.**

The motion passed on a vote count of 40 votes in favor, none in opposition.

It was moved and seconded to adopt the proposed amendment to the MSCA Constitution, specifically Article VII, add a new Section 10 as follows and renumber Section 10 (Special Committees) as Section 11; Section 11 (Role of the MSCA President) as Section 12; and Section 12 (General Provisions) as Section 13.

Section 10. **Librarians Committee. The Librarians Committee shall discuss and monitor issues specifically pertaining to the state college libraries and librarians. Working within the structure of the MSCA, the Librarians Committee shall seek to find resolutions to librarians' workplace challenges and advance issues affecting librarians and state college libraries to other members of the MSCA.**

The motion passed on a vote count of 43 votes in favor, none in opposition.

MSCA Committee Reports

AA/DIV/EO Committee - Lori Dawson

No report submitted.

Bargaining Committee (Day) - C.J. O'Donnell

Chair O'Donnell recognized and thanked the members of the Bargaining Committee and MTA Consultant Donna Sirutis for their work in the past year.

In October the Committee began to meet to put together a bargaining survey which was run online. The survey received a 20% increase in response rate by running it online. In addition, with online access, the results were immediately available and put into tables for the Committee by the MTA.

After the survey was completed, the Committee crafted a proposal and the bargaining process began. Chair O'Donnell briefly reviewed the bargaining process and the preparation and work involved in putting together the MSCA contract proposal.

Chair O'Donnell stated that management's team recently submitted their contract proposal and he provided highlights from that proposal. Chair O'Donnell noted that no economic package is on the table at this time. All chapter offices have copies of the MSCA's contract proposal. As soon as management's proposal is available, copies for review will be in chapter offices as well.

Bargaining Committee (DGCE) - C.J. O'Donnell

The DGCE agreement was ratified, executed, printed and distributed. Chair O'Donnell thanked those MSCA members who served on the committee. A special thanks was made to Bob Whalen of the MTA for all of his hard work on the DGCE agreement.

Grievance Committee - Margaret Vaughan

2005-2006 academic year - Grievances sent to Step III

- 23 grievances were reviewed by the Grievance Committee and sent to mediation/arbitration
- 9 grievances related to non-reappointment (2 members BSC, 1 member Fitchburg SC)
- 4 grievances related to tenure denial (1 member BSC)
- 2 grievances related to "no added consideration" (1 member from BSC, 1 member from Westfield SC)
- 2 grievances related to promotion denial (1 member BSC, 1 member Framingham SC)

Miscellaneous violations of the contract:

- 1 grievance related to date of promotion (MMA)
- 1 grievance related to DGCE contract courses (SSC)
- 1 grievance related to repair of College owned computer equipment (Westfield SC)
- 1 grievance related to replacement of chair from special appointment (Westfield SC)
- 1 grievance related to role of diversity officer in hiring (Worcester SC)
- 1 grievance related to faculty appointments for administrators (Worcester SC)

2005-2006 academic year-Mediations

8 mediation sessions were held:

- 6 of these sessions, covering such topics as tenure denial, promotion denial, and non-reappointment, ended successfully-grievants received some kind of settlement.
- 2 of these sessions ended unsuccessfully-2 grievants eventually withdrew their grievances.

2005-2006 academic year-Arbitrations

3 arbitrations were scheduled:

2 arbitrations were canceled. The grievants settled individually with management prior to their hearing.

1 arbitration was held. In the end, the arbitrator sided with management. The case involved a member who was not given added consideration for a teaching position. The arbitrator concluded that the applicant did not submit his application in a manner that reflected the advertised position and thus was not entitled to added consideration.

2005-2006 academic year-Committee on Employee Relations

Each month, the MSCA President, Vice President, the statewide Grievance Committee Chair, and the MTA consultants meet with management representatives appointed by the Board of Higher Education acting through the Council of Presidents. The purpose of this Committee is to foster good labor-management relations and to resolve where possible disputes over the collective bargaining agreement and to seek resolution of some grievances. Over the last year, for example, certain pay discrepancies of some unit members were resolved. Some of the procedural problems surrounding post-tenure review were resolved as well. The meetings have proved to be an important venue for finding common ground between the Association and management.

April 2007-Status Report on Grievances

Last year at this time, we had 58 active grievances needing to be resolved. Today, we have 27 active grievances, 18 of which come from academic years 2005-2006 and 2006-2007, and 9 grievances that come from the years 1999 through spring, 2005.

Six of these old grievances relate to Chapter grievances from 2002-2003 and 2003-2004 (BSC), which we are currently attempting to resolve. One grievance (MMA) relates to a promotion denial from 1999-2000, which we are currently attempting to resolve. One grievance from 1999-2000 (SSC) is awaiting an arbitrator's decision. And finally, one grievance (Westfield SC) is still being considered for possible arbitration.

The good news here is that we have basically eliminated the backlog of grievances.

Acknowledgments:

Thanks were given to the member so the MSCA Grievance Committee for their help and support as Chapter Grievance Officers for the state colleges.

Sandra Faiman-Silva, Bridgewater

Rene Reeves, Fitchburg

John Ambacher, Framingham

Sam Schlosberg, MCA

Alla Kucher, MCLA

Joseph Murphy, MMA

Gregg Neikirk, Westfield

Anne Falke, Worcester

A special thank you goes to Bob Whalen, who is leaving our DGCE unit for another position with MTA. He has been a great help in defining the issues that need to be addressed during arbitrations and has played a pivotal role in negotiating settlements for DGCE unit members. His expert advice and his expert sense of humor will be missed.

Donna Sirutis also deserves thanks for her fine work with the day unit. She works behind the scenes to help make chapter grievance officers effective in their dealings with management. She works directly with management to help arrange the most favorable settlements for our members.

Because of Donna Sirutis, many grievances are resolved early, and to our advantage, and mediation has been a great success.

Thanks were given to all of the attorneys and staff at MTA. It turns out that the MTA attorneys are the smartest and most effective group of legal experts one could ever hope to work with.

Finally, thanks were given to Mary Buckley, who has been invaluable in organizing the state grievance office.

Legislation Committee - Robert Bence

No report submitted.

Committee on Librarian Concerns - Nancy George

Written report submission.

Salary Database Committee - C.J. O'Donnell

No report submitted.

Massachusetts Teachers Association - Reports

MTA Director - Leonard Paolillo

Director Paolillo submitted an extensive written report. He noted that all MTA higher education units are working to:

- Increase funding to our institutions.
- Increase state revenues.
- Fund current and future contracts.
- Keep our health care costs affordable.
- Provide health care benefits to part-timers.

He listed the following issues and activities:

- In June 2006, the MTA Board voted to increase the MTA Retirement Life Membership from its current \$225 to \$345 effective July 1, 2007.
- In August 2006, the MTA Board appointed Arthur Pippo to the position of Director of Higher Education and thanked Priscilla Lyons for her years of service in that position.
- In September 2006, the MTA began its "100,000 Conversations" plan for the governor's race which, was a new approach to encourage our members to vote for our recommended candidate by encouraging face-to-face conversations among MTA members.
- In September 2006, the MTA decided to make a substantial independent expenditure in the governor's race supporting Deval Patrick's candidacy in the general election.
- In October and November 2006, MTA produced television and radio ads favorable to Deval Patrick which were broadcast all over the state. MTA also sent members and the public direct mail pieces urging them to vote for Deval Patrick.

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- In October 2006, MTA's Higher Education Leadership Council (HELC) supported a substantially reworked draft of MASSPIRG's Bill on textbook legislation.
- In November 2006, Governor Romney ordered \$425 million in Section 9C cuts to the '07 state budget. This would have meant a \$3.7 million reduction in funding for our state colleges. MTA vowed to reverse these cuts.
- In January 2007, newly-elected Governor Deval Patrick restored all the monies that would have been removed from our budgets by the 9C cuts of former Governor Romney.
- In January 2007, MTA President Anne Wass, MTA Vice President Paul Toner, MTA Executive Director-Treasurer Ed Sullivan and NEA President Reg Weaver met privately with Governor Patrick and stressed the need to increase funding to public education (PreK-G) in the Commonwealth.
- In the first week of April 2007, MTA President Anne Wass and MSCA President Markunas testified before the Joint Committee on Higher Education. They urged support of both the House (H1188) and Senate (S732) bills that call for "supporting access and excellence in public higher education". In addition, they testified in support of S739, the higher education bond bill.
- This week, MTA and MSCA are lobbying to pass Rep. Paul Kujawski's amendment to the state budget that would make the state college budget base "whole" by restoring \$5 million that has been incurred and paid to our members in our current contract.
- MTA continues to support NEA's efforts to repeal the social security offsets.
- At its last meeting, the MTA Board of Directors passed the following two motions:

To recommend to the Annual Meeting of Delegates, the adoption of the annual operating budget of \$34,987,893 and an operating budget dues level of \$373, based on 80,500 full-time equivalent active members for the 2007-2008 fiscal year.

To recommend to the Annual Meeting of Delegates, the adoption of the Public Relations/Organizing Campaign budget of \$2,415,000 and a public relations/organizing campaign dues level of \$30 based on 80,500 full-time equivalent active members for the 2007-2008 fiscal year.

Unless the delegates to the Annual Meeting change these numbers, there will be a \$9.00 dues increase for next year.

BHE/MTA Health and Welfare Trust - Glenn Pavlicek

A brief report of the Health and Welfare Trust was provided to delegates. Delegates were informed that the state colleges' human resources departments are now distributing information on the new, free vision discount plan. In addition, delegates were informed that the Met Life dental plan contract is up in June 2008.

Final Report of the Credentials Committee

Jean Stonehouse, Bridgewater/MSCA Chapter, delivered the final Credentials Committee Report: 46 registered delegates, 8 guests. It was moved and seconded to adopt the report. The motion passed.

New Business

It was moved and seconded that the MSCA oppose the insertion of language from the Academic Bill of Rights Movement in the Federal Higher Education Act. The MSCA will communicate our opposition of this language to Senator Kennedy. The motion passed.

The following motion was moved and seconded: Whereas the 2005 MSCA Delegate Assembly voted to call on the Massachusetts Congressional delegation to support House Resolution 35, introduced by Rep. Lynn Woolsey "[e]xpressing the sense of Congress that the President should develop and implement a plan to begin the immediate withdrawal of United States Armed Forces from Iraq;" and,

Whereas two years later the President has not only not developed and implemented such a plan, but has rather escalated the war, leading to further U.S. and Iraqi casualties;

Be it resolved that the MSCA Delegate Assembly call on the Massachusetts Congressional delegation to introduce and support legislation to block any further funding of the war in Iraq and to provide funds only for the immediate and safe withdrawal of United States Armed Forces from Iraq.

The motion passed.

The following motion was moved and seconded: Whereas, George W. Bush and Richard B. Cheney have committed acts which many serious Constitutional scholars consider to be impeachable offenses, including the following:

1. George W. Bush ordered the National Security Agency to conduct electronic surveillance of U.S. citizens without seeking warrants from the Foreign Intelligence Surveillance Act (FISA) Court, duly constituted by Congress in 1978 for the purpose of approving such warrants, thus violating Title 50 United States Code, Section 1805;
2. George W. Bush and Richard B. Cheney conspired to commit the torture of prisoners in violation of the "Federal Torture Act" Title 18 United States Code, Section 113C, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the Geneva Convention, which under Article VI of the Constitution are part of the "supreme Law of the Land";
3. George W. Bush and Richard B. Cheney conspired with others to defraud the United States by intentionally misleading Congress and the public regarding the threat from Iraq in order to justify invading and attacking that country in violation of Title 18 United States Code, Section 371 and the United Nations Charter;
4. George W. Bush and Richard B. Cheney attempted to strip U.S. citizens of their constitutional rights by ordering their indefinite detention without access to legal counsel, without charge and without the opportunity to appear before a civil judicial officer to challenge their detention, based solely on President's designation of U.S. citizens as "enemy combatants", all in subversion of law;
5. As part of the continuing war in Iraq, George W. Bush and Richard B. Cheney have violated the constitutional and international human rights of non-citizens by arbitrarily detaining hundreds of persons at Guantanamo Bay and other locations for more than four years without due process, without charges, and with limited - if any - access to counsel or courts;

6. George W. Bush and Richard B. Cheney have arrogated excessive power to the executive branch in violation of basic constitutional principles of the separation of powers while acting to undermine the authority of the legislative branch and the judiciary by issuing "signing statements" that claim that the executive branch may disregard laws enacted by Congress when the President or his subordinates deem it appropriate, and by the above referenced conduct; and,

NOW, THEREFORE, BE IT RESOLVED that George W. Bush and Richard B. Cheney, by such conduct, warrant impeachment, trial, removal from office, and disqualification to hold and enjoy any office of honor, trust or profit under the United States;

BE IT FURTHER RESOLVED, that the MSCA Delegate Assembly call on our representatives and senators in the United States Congress to request to cause to be instituted in the Congress of the United States proper proceedings for the investigation of the activities of George W. Bush and Richard B. Cheney, to the end that they may both be impeached and removed from such office.

The motion passed.

Adjournment

The meeting adjourned at 12:30 p.m..

Respectfully submitted,
Nancy George
MSCA Secretary