

**Massachusetts State College Association  
Delegate Assembly  
April 30, 2011  
Massachusetts Maritime Academy**

The meeting was called to order at 10:10 a.m. by Vice President Amy Everitt. President C.J. O'Donnell was not in attendance due to a sudden emergency.

Vice President Everitt introduced the MSCA officers, Glenn Pavlicek and Nancy George; Catherine Schwenk, the Parliamentarian; Katherine Pomeroy, the Stenographer, Dunn Reporting Services; Admiral Richard Gurnon, President, Massachusetts Maritime Academy; and Donna Sirutis and Bob Whalen from MTA. Special thanks went to Roberta Govoni for her work in making the arrangements for this meeting and help at registration; and L. J. Fritz (Fritzinger) from Chartwells Dining Service and Wayne Raulino from Massachusetts Maritime facilities, for their work in helping with the on-site arrangements. Thanks were given to all delegates who gave up the traditional beautiful last Saturday in April to represent their colleagues and conduct the business of the union.

Admiral Richard Gurnon, President of the Massachusetts Maritime Academy, delivered greetings to the Assembly on behalf of the Massachusetts Maritime Academy.

Gerald Concannon, Massachusetts Maritime Academy, MSCA Chapter President, delivered the welcoming comments to the Assembly on behalf of the MMA/MSCA Chapter.

**First Report of the Credentials Committee:**

Credentials Committee chair, Ann Mrvica, Fitchburg Chapter, delivered the first Credentials Committee Report: 29 registered delegates, 6 guests. It was moved and seconded to adopt the report. The motion passed.

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

It was moved and seconded to adopt the agenda, as received, for the Assembly. The motion passed.

It was moved and seconded to accept the April 24, 2010 Delegate Assembly Minutes. The motion passed.

**MSCA Officers' Reports**

*President's Report – C.J. O'Donnell*

Not present due to sudden emergency, report will be mailed to delegates.

*Vice President's Report – Amy Everitt*

The MSCA Vice President is identified as the officer responsible for the MSCA Conflict of Interest Policy that states that “*MSCA officials have a fiduciary obligation to act in the best interests of MSCA. The purpose of this Conflict of Interest Policy for MSCA Officials (“CI Policy”) is to provide guidance to MSCA officials in complying with this fiduciary obligation.*”

A second policy, known as the MSCA Whistleblower Policy, states that, “*MSCA officials are obligated to comply with the MSCA Constitution and all relevant legal requirements in carrying out their MSCA responsibilities. A failure to meet these obligations – whether intentional or inadvertent – can have adverse consequences for the reputation and operation of MSCA. The purpose of Whistleblower Policy (“WB Policy”) is to establish a procedure by means of which any such failures can be brought to the attention of MSCA, so that appropriate action can be taken.*” The Whistleblower policy charges the MSCA Vice President with implementing, monitoring, reporting, and making recommendations to the MSCA Board of Directors as appropriate. Full text of the policies is located on the MSCA website.

I am pleased to report today that there were no reported incidents with regard to the CI Policy or the Whistleblower Policy.

In addition to my responsibilities as CI and Whistleblower Officer, I have represented the MSCA at several working group sessions, presentations and meetings associated with the Department of Higher Education’s “Vision Project.” This “unfunded mandate” that the DHE initiated has the potential to have a significant impact on faculty and librarians. It is critical to watch, listen, question, and provide as much input as possible as the project continues to unfold. There are many other unit members who have participated in these sessions as well and it is in our best interest to be diligent in having a say with regard to how the “Vision Project” will be implemented.

It has been a pleasure to assist our President, C.J. O’Donnell, when his busy schedule has conflicts. I have represented the MSCA at the MTA’s Higher Education Leadership Council, the Employee Relations Committee, and have chaired our Board of Directors meetings on several occasions this year. Finally, as the first year of this term comes to a close, I would like to express my sincere appreciate for your support. It has been an honor to serve as the MSCA Vice President and I look forward to continuing in this role next year.

*Secretary's Report - Nancy George*

In the past year, as secretary of the MSCA, I attended all MSCA Board meetings; took detailed notes during the meetings; and submitted meeting minutes, in the form of a digital file, to the MSCA President, C.J. O’Donnell, typically no later than a day after each meeting.

This Spring semester I supervised the nomination/election process for the 2011 NEA Representative Assembly to be held in this coming July in Chicago, IL. I would like to congratulate those members who will represent the MSCA at the NEA-RA:

Ron Colbert, Fitchburg  
Gerry Concannon, Mass Maritime  
Joe Ebiware, MCLA  
William Fay, Bridgewater  
Sean Goodlett, Fitchburg  
Ken Haar, Westfield

Joel Litvin, Bridgewater  
C.J. O’Donnell, MMA  
Len Paolillo, MCLA  
Dan Shartin, Worcester  
Charles Wellens, Fitchburg

In closing, thank you so much for allowing me to serve you as the Secretary of the MSCA. I appreciate the chance to serve the MSCA in this way and I will continue to work on various issues that relate to the role of the MSCA Secretary. Thank you again.

*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 of the whole to hear the presentation of the budget and the dues. The motion passed.

Treasurer Pavlicek presented the MSCA budget to the Assembly.

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

It was moved and seconded to adopt the proposed FY 2012 budget, as described in the Treasurer's Report. The motion passed.

It was moved and seconded to adopt the proposed FY 2012 dues as described in the Treasurer's Report. The motion passed.

**Second Report of the Credentials Committee**

Credentials Committee chair Ann Mrvica, Fitchburg Chapter, delivered the second Credentials Committee Report: 32 registered delegates, 6 guests. It was moved and seconded to adopt the report. The motion passed.

**Amendments to the MSCA Constitution**

On behalf of the MSCA Board of Directors, it was moved and seconded to approve the following change to the MSCA Constitution:

**ARTICLE II, Section 1. Purpose.** The purpose of the MSCA shall be to organize and consolidate the efforts of its members to maintain and improve public higher education in the Commonwealth in general and State UniversityCollege education in particular; to develop and advocate policies for improving the welfare of its members; and to negotiate, to submit for approval, and to enforce collective bargaining agreementseontracts for its members.

The motion passed.

On behalf of the MSCA Board of Directors, it was moved and seconded to approve the following change to the MSCA Constitution:

**ARTICLE VII, Section 3. Bargaining Committees.** The Bargaining Committees shall be responsible for preparing bargaining proposals and for negotiating collective bargaining agreementseontracts on behalf of the MSCA. The Bargaining Committees shall submit Bargaining Proposals for approval by the Board before

entering into negotiations. The Bargaining Committees shall bring any tentative collective bargaining agreements to the Board of Directors for its recommendation. The Board shall submit such agreements with its recommendation to the MSCA members of the appropriate unit for their approval or disapproval, unless otherwise specified by law.

The motion passed.

On behalf of the MSCA Board of Directors, it was moved and seconded to approve the following change to the MSCA Constitution:

**ARTICLE VII, Section 4. Grievance Committee.** The Grievance Committee shall be responsible for processing grievances according to the terms and conditions of the collective bargaining ~~agreement~~~~contracts~~ and shall act on grievances upon appeal from any Chapter.

The motion passed.

On behalf of the MSCA Board of Directors, it was moved and seconded to approve the following change to the MSCA Constitution:

**ARTICLE VII, Section 5. Legislation Committee.** The Legislation Committee shall serve as a reservoir and source of information on national and state legislation affecting public higher education and shall recommend appropriate action. It shall endeavor to seek legislation of benefit to the State Universities~~Colleges~~ of the Commonwealth.

The motion passed.

On behalf of the MSCA Board of Directors, it was moved and seconded to approve the following change to the MSCA Constitution:

**ARTICLE VII, Section 6. The Affirmative Action, Equal Opportunity, Diversity Committee.** The Affirmative Action, Equal Opportunity, Diversity (AA/EO/DIV) Committee shall serve as a liaison between, and a resource for, campus AA/EO/DIV committees. It shall disseminate affirmative action, equal opportunity and diversity information to all members; organize statewide workshops/conferences under the direction of the MSCA; and monitor campus AA/EO/DIV practices. The Committee will monitor compliance with the current “Affirmative Action, Equal Opportunity, Diversity Plan of the State Universities~~Colleges~~ of the Commonwealth of Massachusetts,” or its successor. In addition, it shall serve as a resource to the Bargaining Committees to aid ~~them~~ in insuring that the collective bargaining agreement~~contract~~ are~~is~~ in concert with affirmative action, equal opportunity and diversity guidelines.

The motion passed.

On behalf of the MSCA Board of Directors, it was moved and seconded to approve the following change to the MSCA Constitution:

**ARTICLE VII, Section 9. Librarians Committee.** The Librarians Committee shall discuss and monitor issues specifically pertaining to the state ~~universitycollege~~ 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 ~~universitycollege~~ libraries to other members of the MSCA.

The motion passed.

### **MSCA Committee Reports**

#### *AA/DIV/EO Committee*

No report submitted.

#### *Bargaining Committee (Day) – Dan Shartin*

No report submitted.

#### *Bargaining Committee (DGCE) – Sue Dargan*

No report submitted.

#### *Elections Committee – Deborah Foss*

No report submitted.

#### *Grievance Committee – Sandra Faiman-Silva*

The statewide Grievance Committee handles grievances that move to Steps 3 and 4 on each of the nine campuses. The committee schedules monthly meetings as necessary, to which grievants are invited to discuss their grievances and committee members vote on whether grievances merit being moved to Step 3 (mediation) and 4 (arbitration). If grievances are not successfully mediated at Step 3, the committee revisits the grievance to determine suitability for Step 4. In an era of drastically decreased union numbers, especially in the private sector, along with increasing suspicion of unions nationwide and vociferous assaults on union rights, the grievance process is crucial to a strong union movement. Grievances represent the process through which members' rights are protected. Fundamental to the grievance process is that each contract provision, regardless of the nature of that provision, should be protected, and when provisions are violated grievance filings are warranted. Otherwise a signal is sent to management that the union does not view particular contract provisions as worthy of fighting for, thereby undermining the strength of our MSCA/BHE Collective Bargaining Agreement. This requires that grievance officers from each of the nine campuses are familiar with lengthy and very complicated contracts. The committee is assisted by MTA labor consultants Donna Sirutis (Day Contract) and Robert Whalen (DGCE Contract), who provide the committee with contract information, background, and legal interpretation of various contract provisions.

I. Statewide Grievance Committee Meetings: 9/23, 10/4, 11/9, 4/7

The committee met on four occasions to review and vote on grievances pending at Step 3. Eighteen cases were advanced to mediation and arbitration, and four grievances were not moved forward. Those proceeding to Steps 3 and 4 include grievances over tenure denial, promotion denial, faculty committee assignments, student complaints, modular courses, and hybrid course compensation.

II. Chapter grievance filings

It is estimated that more than 60 grievances were filed on affiliated campuses, with the majority of filings at Bridgewater (23), and more than ten each at Worcester, Salem, and Framingham. The following campuses filed no grievances: MCLA, MMA, and MCA. The committee is working on ways to insure that grievance filings are uniform across campuses; that Grievance Officers are informed about grievable issues and that they file grievances when circumstances warrant; and that grievances are filed in a timely fashion.

III. Campus advocacy

Grievance officers on each campus must familiarize themselves with two contracts, Day and DGCE, each of which contains complicated and detailed provisions related to the myriad of work-related issues, ranging from working conditions and pay to tenure and post-tenure review. Grievance officers work diligently to resolve matters at Step 1 or Step 2, often assisted by Chapter Presidents. Although the Step 1 hearings are meant to promote collegial complaint-resolution, grievance officers frequently must work with campus administrators who are unwilling to negotiate resolution, even in seemingly blatant contract violation cases.

Much appreciation is owed to the following for members their advocacy at their respective institutions during the past year: Jean Stonehouse, Glenda Ouellette, Sean Goodlett, Robert Donahue, Sam Schlosberg, David Nolta, Dana Rapp, Mike Dalton, Joseph Murphy, Caitlin Corbett, Amy Everitt, Gregg Neikirk, Ken Haar, Penny Martin and Anne Falke. Additionally, MSCA President C. J. O'Donnell deserves credit for his contributions to the resolution of disputes throughout the system. And, the services of MTA labor consultants Donna Sirutis, who assists with day contract grievances, and Robert Whelan DGCE contract consultant, are most appreciated. MSCA Grievance Office Manager, Chris Melin, is also thanked for her assistance through the Salem Chapter office.

IV. Resolutions after Step 2

A. Mediation

Of twenty-six grievances that were mediated during this period, eight settled in the course of mediation. These included tenure denial; part time faculty pay; part time faculty course assignments; delays in adjunct pay; student complaints; a final exam memo; added consideration, governance, and library accessibility issues.

The MSCA uses the services of the Massachusetts Board of Conciliation and Arbitration and for grievance mediation, at substantial cost savings to the parties. We are assessing the efficacy of this service before deciding to continue or to expand its use.

B. Post-mediation settlements

Of eight mediations not resolved successfully, all were moved to arbitration. One set of grievances (four) related to loss of teaching assignments and collateral consequences, was resolved just prior to arbitration.

Parts of another consolidated grievance concerning the first year of post-tenure review were also settled just prior to the fifth day of arbitration.

V. Arbitration

A. Arbitrations scheduled and/or conducted

Four arbitrations were scheduled and/or conducted. One arbitration was postponed due to a snowstorm and is rescheduled for Fall 2011. Two sets of grievances related to day, DGCE and consolidated grievances were resolved just prior to arbitration.

B. Part-time faculty course assignments and collateral consequences

An arbitration regarding part-time faculty course assignments, and involving collateral consequences of grievance filing issues was successfully resolved just prior to arbitration. The MSCA has been waiting since March 2011 for final wording from management on one of these arbitrations, and is concerned at the lengthy delay.

C. Librarian sick day compensation and use of the sick bank

The MSCA is awaiting an arbitrator's decision on an arbitration related to librarian sick day compensation, and whether librarians must exhaust vacation and personal days prior to going on the sick bank.

VI. Division of Labor Relations

This is the state agency that enforces the Massachusetts public sector collective bargaining law, Chapter 150E. The DLR rules on unfair labor practices as well as questions of bargaining unit composition and union representation.

A. Percentage of part-time assignments rule (the 15% rule)

This is pending at the DLR. It concerns implementation of the provision limiting the number of sections that can be assigned to part-time faculty.

B. Reneging on a settlement agreement

This is pending at the DLR. It concerns changes in a settlement agreement by a university president.

VII. Complaints against unit members

From time to time unit members are the targets of complaints, for example, in a grade dispute or where discrimination is alleged. The MSCA and MTA can be of assistance to the individual and the chapter in providing guidance and support in such crises.

If you have questions about grievances or other employment-related matters, please contact your campus Grievance Officer or your Chapter President promptly.

If you have questions about this report, please contact Sandra Faiman-Silva at [sfaiman@aol.com](mailto:sfaiman@aol.com) or Donna Sirutis at [dsirutis@massteacher.org](mailto:dsirutis@massteacher.org).”

*Legislation Committee*

No report submitted.

*Librarians Committee - Nancy George*

*Committee Membership:*

The committee membership included the following MSCA members:

Millie Gonzalez (Framingham), Nancy George (Salem), Richard McElroy (Mass Art), Brian Hubbard (Westfield), Bill Shakalis (Worcester), Nancy Turnbull (Fitchburg). President O'Donnell served as an ex-officio member; Nancy George served as chair and Millie Gonzalez served as vice-chair of the committee.

*Communication:*

Throughout the year the committee communicated using email, phone, and google docs. Skype was used during meetings to enable those members who could not attend in-person to participate in the meetings.

Nancy George represented the committee at MSCA Board meetings and in librarian-related discussions with other Board members.

*Activities:*

The librarian survey was presented to the MSCA Board spring 2011. A new survey will be written, distributed, and run over the summer. The survey results (old and new) will assist the Day Bargaining Committee in measuring librarians' working conditions satisfaction and help support the Librarians Committee contract language proposals.

The committee submitted language to the MTA for legislation that would allow librarians to participate in the optional retirement plan. The MTA then filed legislation that would include librarians in ORP.



The committee encouraged MSCA librarians to be active in local/state MSCA activities and discussions and to utilize existing contract language to protect their rights as members of the MSCA.

The committee will again propose changes in contract language that have to do with librarian issues to the Day Bargaining Committee.

### **Massachusetts Teachers Association Reports**

*MTA Director – Ron Colbert*

I am pleased to report on my activities as your Massachusetts Teachers Association (MTA) Region 45 H District Director for faculty and librarians. I also serve in other capacities on the Higher Education Leadership Council (HELCC), MTA Center for Policy and Practice Council and the MTA Planning Committee for the National Education Association Representative Assembly for Chicago.

The Board of Directors has control of the affairs of the MTA. It meets approximately seven weekends a year. A representative body, it is composed of the President, Vice President, Executive Director-Treasurer, Regional Executive Committee members, District Directors, At-large Directors for Education Support Professionals, Ethnic Minorities and Retired Members, the NEA Directors and the NEA At-large Director for Education Support Professionals.

As the elected MTA statewide director for the state university faculty and librarian, I attended and participated in numerous business meetings.

#### MTA Board Scheduled Events/Meetings

Saturday, August 7, 2010  
Sunday, August 8, 2010  
Friday, October 22, 2010  
Saturday, October 23, 2010  
Friday, December 3, 2010  
Saturday, December 4, 2010  
Saturday, January 8, 2011  
Friday, February 4, 2011  
Saturday, February 5, 2011  
Friday, March 25, 2011 – NEA Higher Ed Conference  
Saturday, March 26, 2011  
Friday, May 13, 2011 – Annual Meeting, Boston  
Saturday, May 14, 2011  
Friday, June 17, 2011  
Saturday, June 18, 2011

#### HELCC Meetings

Friday, September 10, 2010  
Friday, October 8, 2010  
Friday, November 12, 2010  
Friday, December 10, 2010  
Friday, January 14, 2011  
Friday, February 11, 2011  
Friday, March 11, 2011  
Friday, April 8, 2011  
Friday, June 10, 2011

I regularly attend monthly meetings of the MSCA Board of Directors at Framingham State University or Worcester State University.

I represent our State University faculty and librarians on the MTA Center for Educational Policy and Practice Council. These meetings are held in Marlborough on:

Thursday, September 16, 2010  
Thursday, October 28, 2010  
Thursday, December 9, 2010  
Thursday, January 20, 2011

Thursday, March 3, 2011  
Thursday, April 7, 2011  
Thursday, May 26, 2011  
Thursday, June 15, 2011

As I finish my third year on the Board, I report that my work as a director includes:

- Provide higher education opinions on advocacy issues,
- Review and evaluate the performance of MTA professional leadership,
- Provide guidance in decisions about personnel management,
- Establish priorities and ensure the organizations capacity to carry its agenda,
- Review the fiscal accountability of the association
- Approve the budget,
- Accept and formulate policies, and
- Monitor the organization's programs and services.

This year the MTA Board wrestled and debated numerous political issues. Contentious but respectful dialogue focused on the following:

- Municipal Health Insurance policy and legislation regarding savings in this area while preserving the rights of municipal employees to bargain.
- K-12 Teacher and Administrator Evaluation Processes to include student learning measures as a part of educators' evaluations.
- The FY 12 \$30.5 billion budget and lack of federal stimulus funds for funding essential services.
- Issues related to the Optional Retirement Program.
- Pension Reform and Benefits Modernization
- State House Rally for Wisconsin Workers Rights.
- Advocacy issues related to PHENOM, the Public Higher Education Network of Massachusetts.
- Grassroots organizing, policy analysis, education and advocacy discussions.
- The recommendation of Deval Patrick for Governor.
- The defeat of Question 3 on the fall ballot.
- Translating member energy to activism in campaigns and legislative agenda.
- Single-payer financing system for health care.

There continues to be support for MSCA positions from our community college and the university directors.

This report is only a snapshot of what took place this academic year. A compilation of MTA activities, and summaries of MTA actions and initiatives, are available on the MTA website.

I am grateful to my MSCA colleagues for allowing me to represent you. I remain committed to serving Region 45-H. Lastly, I continually appreciate the guidance of our MSCA President Christopher O'Donnell.

Respectfully submitted to MSCA Delegate Assembly.

*BHE/MTA Health and Welfare Trust - Glenn Pavlicek*

The Board of Higher Education/MTA Health and Welfare Trust Fund administers the Dental Plan and Vision Discount plan for all employees in public higher education who are affiliated with the MTA. There are twelve Trustees, six appointed each by management and by labor. Currently, the fund represents approximately 8500 individuals who hold either individual or family dental plans. Funding is provided solely by negotiated state contributions of between \$13 and \$13.50 per week per employee (depending on the employee's bargaining unit).

The Dental Plan is currently administered by MetLife. As of April 1, 2011, coverage now includes dental implants up to the annual maximum benefit of \$1,000. We were able to add this benefit at no extra cost to the plan. We are presently negotiating our contract with MetLife for the 2011-2012 year and are investigating whether we can afford to increase the annual maximum benefit to participants. This will be settled within the next month.

Any members having issues with their dental or vision plans can contact any Trustee who can put them in touch with either McKenzie and Company (eligibility manager for the trust) or with our direct representative at MetLife.

**Final Report of the Credentials Committee**

Credentials Committee chair, Ann Mrvica, Fitchburg Chapter, delivered the final Credentials Committee Report: 32 registered delegates, 6 guests. It was moved and seconded to adopt the report. The motion passed.

**New Business**

It was requested that MSCA leadership find out if there was an ad hoc committee created to consider the process of distribution of the MSCA. This was in regards to the motion made during the 2010 Delegate Assembly, under the heading of new business.

It was strongly requested that an investment committee be formed to study the MSCA's investments.

**Adjournment**

The meeting adjourned at 12:30 p.m.

Respectfully submitted,  
Nancy George  
MSCA Secretary