

MSCA Perspective

Massachusetts State College Association

MSCA Newsletter

Patricia V. Markunas, editor



NEA/MTA/MSCA

Dec 2009/Jan 2010

2010-2011 DGCE Contract Settled at Mediation

Ratification Vote Scheduled for January

Sue Dargan, Chair, DGCE Bargaining Committee

On November 16, the DGCE Bargaining team met for the second time with mediator **Mary Ellen Shea** and representatives of management. At the conclusion of the two-hour meeting, the parties had reached a tentative agreement on a two-year contract. The new contract, if ratified, will commence on January 1, 2010 and expire on December 31, 2011.

The agreement includes a 2% stipend increase effective at the beginning of the spring 2011 instructional period, but there will be no increase for the spring 2010 instructional period. The last increase in DGCE stipends was in the spring 2009 instructional period.

The minimum number of payments will increase from two to three in the fall and spring instructional periods. There will be a modest increase in the semester hours of credit of instruction for supervision of graduate and honors theses from 0.25 to 0.33 effective at the start of the spring 2011 instructional period.

Although management initially proposed a four-year deal, management's final offer prior to mediation was 7% over four years, 1.5% less than every other statewide union had secured for agreements of the same duration. Since management would not agree to larger increases in the later years of the contract, we proposed a two-year deal. The bargaining team felt that it was not in the members' best interest to lock in increases smaller than what other unions had achieved during the later years of their contracts.

The 2% increase in the second year of the agreement is the highest cross-the-board increase of any statewide union. Unfortunately, the DGCE unit, along with every other statewide union, will have one year with no increase in the stipends.

The only significant non-economic change is an agreement to allow a suspension *with pay* in Article VI, Section E (Termination for Cause during an Instructional Period) pending a hearing.

On December 4 the MSCA Board of Directors voted unanimously to recommend ratification of the tentative agreement. A ratification notice will be mailed to DGCE members' home addresses in December. Ballots will be mailed January 4 and must be returned by January 15.

I would like to thank the members of the DGCE bargaining team for their hard work over the past seven months: **Glenn Pavlicek** (Bridgewater), **Jack McKeon** (Fitchburg), **Ben Ryterband** (Mass Art), **Dana Rapp** (MCLA), **Jerry Concannon** (Mass Maritime), **David Goodof** (Salem), **Ken Haar** (Westfield) and **Anne Falke** (Worcester). I would also like to thank MSCA President **C.J. O'Donnell** for his leadership during the process, as well as our MTA consultants, **Beth Boyer**, **Priscilla Lyons** and **Robert Whalen**.



MSCA/DGCE Bargaining Chair Sue Dargan

Sue Dargan

MTA, MCCC Sue Commonwealth for Part-time Faculty Health Benefits

Ground-breaking Lawsuit follows Years of Legislative Inaction

Patricia V. Markunas, editor

On November 23, the Massachusetts Teachers Association (MTA) and the Massachusetts Community College Council (MCCC) filed a lawsuit in Suffolk Superior Court, charging that part-time faculty in the state's public higher education system are unfairly denied health care coverage by their employer — the Commonwealth of Massachusetts.

Attorney **Matthew Jones** has been assigned by the MTA Division of Legal Services to represent the unions. Five community college part-time faculty volunteered to be named as plaintiffs in the suit.

This action follows years of unsuccessful strategies pursued by MTA, MSCA and MCCC to make part-time faculty who teach at least half-time in the state's higher education system, eligible for state health insurance coverage.

The crowning frustration for activists on this issue was the passage of the state's landmark health insurance bill in 2006. This bill placed only minimal requirements on the GIC — requirements that the GIC has yet to meet.

Defendants named in the suit include the Board of Higher Education (BHE, the statutory employer for the state and community colleges), the UMass Board of Trustees (the statutory employer for the university system), the Group Insurance Commission (GIC) and the Commonwealth Health Insurance Connector Authority.

MSCA President **C.J. O'Donnell** stated, "It's unconscionable that the state requires every citizen to have health insurance, but then fails to offer such insur-

ance to its own lowest paid employees. We are acutely aware of the dire financial realities that Massachusetts faces, but there is no excuse for the state's failure to provide health insurance to these faculty members."

MSCA treasurer **Glenn Pavlicek** reported that, for the current fall semester, MSCA has about 1700 part-time faculty in the combined day and DGCE bargaining units. Pavlicek estimated that between 300 and 800 unit part-time faculty could be eligible for health insurance coverage, depending on the final determination of the eligibility threshold.

An unknown number of part-time faculty teaching in their first or second consecutive semester in the state college day programs are not eligible for day

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Members Urged to Report Address Changes for 2010-2012 MSCA Officers Election

Members are advised that ballots for the 2010 MSCA officers election will be mailed to home addresses. If your home address has changed since the 2008 officers election, send your new address to **Glenn Pavlicek** at the MSCA Treasurer's Office at (508) 531-2793 or <pavlicek@bridgew.edu>.

Non-Profit Org.
U.S. Postage
PAID
Permit No. 93
Salem, MA

MSCA Communications
c/o Salem Chapter/MSCA
Sullivan Building 202B
Salem State College
Salem, MA 01970

Spring 2010 MSCA Officers Election Rules for Members

Approved by the MSCA Board of Directors, November 6, 2009

1. Candidacy for election to a position as MSCA Officer in the Spring 2010 MSCA elections shall be open to any MSCA Member in good standing, except for current members of the MSCA Elections and Credentials Committees.
 2. Nomination papers for each MSCA Office will be accepted only from individual members seeking that particular office as per Article IV of the MSCA Constitution. No individual may be a candidate for more than one office. Upon receipt of a request for nomination papers, the Elections Supervisor will transmit nomination papers to the candidate (as prescribed in the MSCA Constitution) and subsequently report the name and office sought to the members of the Elections Committee, the MSCA Board of Directors, and any MSCA member who requests such information.
 3. Candidates for each MSCA Office shall file nomination papers with the Nominations and Elections Supervisor as specified in the MSCA Constitution and the Spring 2010 Elections Calendar (attached to these Rules). The Nominations and Elections Supervisor shall certify each candidate, who will thereafter be designated a *Certified Candidate* for that MSCA office. After the certification of candidates, write-in candidates shall be designated as *Nominees*.
 4. Certified Candidates will be informed of the date and location of the constitutionally mandated lottery to determine the order of names on the ballot. Certified Candidates (or a representative designated by a Certified Candidate) may be present at the lottery.
 5. A draft copy of the ballot, voting instructions, and the outer envelope (mailed by the vendor) will be available for Certified Candidates to review one week before these materials are sent to the printer. The Elections Committee will consider any feedback or requests to these materials.
 6. MSCA Chapters, Standing Committees, Ad Hoc Committees and/or the Board of Directors may not endorse or oppose a particular candidate or nominee in their collective capacities. Individuals serving on such bodies are free to engage in any activity not otherwise prohibited by these rules to advance or oppose the candidacy of any candidate or nominee.
 7. Neither the Elections Committee in its collective capacity, nor its individual members, may endorse or otherwise engage in any activity to advance or oppose the candidacy of any candidate or nominee.
 8. No Chapter funds, equipment, paid personnel or resources may be used, directly or indirectly, to advance or oppose the candidacy of any candidate or nominee.
 9. No MSCA funds, equipment, paid personnel or resources may be used, directly or indirectly, to advance or oppose the candidacy of any candidate or nominee.
 10. No state college funds, equipment, paid personnel or resources may be used, directly or indirectly, to advance or oppose the candidacy of any candidate or nominee. Distribution of materials through the campus mail system, in accordance with the collective bargaining agreement, is allowed.
 11. The use of state college technology ("use" is defined as using state owned property, technology or electronic media controlled by the state colleges, including the origination of messages or the forwarding of messages originated by others) –
 - A. is prohibited to send or receive messages or to create a web page advancing or opposing the candidacy of any candidate or nominee.
 - B. is allowed for logistical information about the election itself (e.g., announcements concerning the election process, candidate forums, materials submitted to the *Perspective*, questions and non-sensitive communications among the members of the Elections Committee). Such communication is for informational purposes and must not contain any information that would advance or oppose the candidacy of any candidate or nominee. The Chapter President (or Chapter Vice President, if the Chapter President is a candidate) will disseminate this information to chapter members.
 12. Each Certified Candidate may choose to receive not more than two sets of mailing labels and/or an electronic database, with the name, address, and chapter affiliation of all members. The MSCA Treasurer will send these to each Certified Candidate as soon as practicable after candidates have been certified. To the extent deemed practicable by the MSCA Treasurer, the names will be separated by campus/unit member status (full-time and non-full-time). Certified Candidates will also be sent a list of eligible voters (i.e., the list submitted to the MSCA Election vendor) that contains updates and changes since the original mailing labels were produced.
 13. Certified Candidates and Nominees shall conduct their campaigns in a positive manner with due regard for the high professional standards expected of college educators and shall refrain from personal attacks. All campaign materials supporting or opposing a Certified Candidate or Nominee must be signed by at least one MSCA member in good standing.
 14. A candidate forum at each campus shall be arranged by the Nominations and Elections Supervisor in consultation with Chapter Presidents. The Nominations and Elections Supervisor, working with the MSCA President's secretary, shall establish a date and place for each forum that is, to the extent possible, agreeable to the Certified Candidates. The Nominations and Elections Supervisor shall notify each Certified Candidate of the date and place of each forum. So that each forum provides consistency for Certified Candidates and MSCA members, the following rules will govern the conduct of each campus forum:
 - A. The Chapter President (or a designated member of the Chapter Executive Committee who is not a member of the MSCA Elections Committee) shall preside as Moderator of the forum.
 - B. The Moderator will be a neutral party to the forum and shall neither pose nor answer questions asked during the forum, nor allow members present to answer questions directed to the Certified Candidates. The Moderator will ensure that each Certified Candidate has an equal opportunity to address the members.
 - C. Within a 60 to 90 minute time frame, the forum structure should allow for opening and closing statements from the Certified Candidates along with questions from the members. The order of statements shall be determined in a random fashion. Certified Candidates shall refrain from questioning each other but should direct their responses to the members' questions.
 - D. In the event a Certified Candidate cannot attend a forum, s/he may send a statement to the Chapter President for distribution (at the start of the forum) by the Moderator.
 - E. The Chapter President shall inform each Certified Candidate of any additional format information of the forum (that is consistent with the above parameters) at least twenty-four hours in advance.
 15. So that all voting members receive the same information regarding election procedures, the membership will be informed of the procedures for the election in a mailing prepared by the Nominations and Elections Supervisor for distribution by Chapter Presidents. This does not preclude others (e.g., Certified Candidates and Nominees) from including voting instructions and procedures to union members in their correspondence, provided that the procedures and instructions are not misrepresented.
 16. Each election contest shall be decided by a plurality, i.e. the individual receiving the most votes shall be elected.
 17. Challenge Procedure
 - A. Any Certified Candidate or Nominee may challenge the election by filing a written challenge with the Nominations and Elections Supervisor no later than 5:00 PM on the sixth day following the official ballot count.
 - B. The Nominations and Elections Supervisor shall notify the designated Arbitrator* that a challenge (or challenges) has (have) been received.
 - C. The Arbitrator* shall prepare a notice of hearing including the date and place of the hearing. The notice, including a copy of the challenge(s), shall be mailed to each Certified Candidate and Nominee.
 - D. At the hearing any Certified Candidate or Nominee may be represented by a representative of his/her choosing and may present documents and witnesses relevant to the challenges filed. Each Certified Candidate or Nominee will be permitted to make an opening and closing statement to the Arbitrator*.
 - E. The Arbitrator* shall file a written report with the Elections Committee. For each challenge filed, the Arbitrator* shall determine whether the challenge has merit and whether the facts as found by the Arbitrator* affected the outcome of the election.
 - F. The Nominations and Elections Supervisor shall promptly provide a copy of the report to each Certified Candidate.
 18. The Elections Committee shall meet to consider the report and certification of the election. The Elections Committee will make a report to the Board of Directors at its next meeting.
- * to be recommended by the MSCA Elections Committee and approved by the MSCA Board of Directors no later than their December 2009 meeting.

Officer Nominations Open Nov. 1

Members considering running for an MSCA statewide office for the 2010–2012 term can request nomination papers on or after Nov. 1, 2009. Next spring, candidates will be elected to two-year terms for all four MSCA offices: president, vice president, treasurer and secretary.

To obtain nomination papers, as explained in the MSCA Constitution, Article IV, send a request by certified mail to:

Deb Foss, MSCA Elections Supervisor
Mass. College of Liberal Arts
Advising Services, Bowman 32
375 Church Street
North Adams, MA 01247-4100

To be eligible to appear on the MSCA election ballot as a certified candidate, members must return signed nomination papers — including at least 40 signatures from MSCA members in good standing with no more than 15 counted from any single chapter (campus) — to **Deb Foss** at the above address. Nomination papers must be *received* by 5 p.m. on Jan. 15, 2010, regardless of postmark. To ensure confirmation of receipt of nomination papers, please send them via certified mail.

Specific information concerning the election of officers can be found in the MSCA Constitution, posted on the MSCA website at <www.mscaunion.org>. The 2010 election rules and calendar were approved by the MSCA Board of Directors on November 6, 2009. These documents are available on the MSCA website and appear in this edition of the *Perspective*.

Questions can be directed to Deb Foss at 413.662.5400 or <Deborah.Foss@mcla.edu>.

Spring 2010 MSCA Election Calendar

Approved by the MSCA Board of Directors,
November 6, 2009

November 1, 2009:

Earliest date by which interested parties may secure nomination papers for any MSCA office. Requests should be sent in writing via certified mail or hand delivered to the MSCA Nominations and Elections Supervisor indicating the office sought, as per Article IV(2a).

First Friday in December year prior: December 4, 2009

Date by which Spring 2010 Elections Rules and Calendar must be approved by MSCA Board, as per Article VII(7).

Third Friday in January: January 15, 2010

Date by which candidate must file with Nominations and Elections Supervisor Nomination Papers containing forty (40) signatures from members in good standing, no more than fifteen (15) from any one Chapter, in order to be certified as a Candidate (Article IV(2b)). The signatures must be received by 5:00 PM on this date, regardless of postmark, and should be sent via Certified Mail.

Fourth Friday in January: January 22, 2010

Date by which any written challenges to signatures must be received by the Nominations and Elections Supervisor, by 5:00 PM.

First Friday in February: February 5, 2010

Date by which Elections Committee meets to hear any written challenges to signatures and to certify Candidates.

First Friday in February: February 5, 2010

Date by which Nominations and Elections Supervisor submits to the MSCA Board of Directors, members of the Elections Committee and all those who requested nomination papers, a list of Certified Candidates. A request will be made to Chapter Presidents to publish the list in Chapter Newsletters and the MSCA webmaster will post the list on the MSCA website (consistent with Article IV(2e)). Along with the list, Certified Candidates will receive contact information for the MSCA Board of Directors, Elections Committee, Chapter Presidents, and Communications persons, as well as a copy of the Spring 2010 MSCA Election Rules and Calendar.

Second Friday in February: February 12, 2010

Date by which all Certified Candidates must provide the Editor of the *Perspective* a biographical statement not to exceed 350 words setting forth the Candidate's experience and goals. The statement together with a photo, supplied by the candidate not to exceed 5" x 7" (B & W preferred) will be published in the *Perspective* and distributed to Union members at least one week prior to the mailing of ballots. Certified Candidates must also provide the Nominations and Elections Supervisor with a schedule of their availability during February and March so that a reasonable date can be set for each campus's Candidate Forum. Any Certified Candidate who fails to meet this deadline forfeits the right to contest the scheduling of any campus's Candidate Forum.

February 15, 2010 – March 12, 2010:

A Candidate Forum will be held on each campus. Consideration will be given to Certified Candidates' stated availability, winter and spring breaks and scheduling two nearby campuses on the same day.

March 11, 2010:

Ballots are mailed to all eligible Union members to their home addresses by the Supervising Agency (to be determined by the MSCA Board of Directors) using the double envelope system (specific date to be determined in consultation with Supervising Agency).

March 15, 2010:

Date by which dues must be paid for an MSCA member to be eligible to vote, determined by Articles III(2) and IV(2d).

Three weeks following Ballot mailing: April 1, 2010

Date by which all ballots must be received by the Labor Guild (the Supervising Agency), no later than 5:00 PM regardless of postmark.

The next business day following official return of Ballots: April 5, 2010

Date by which ballots will be counted and Certified Candidates will be notified of election results by Nominations and Elections Supervisor.

Six days following official ballot count: April 12, 2010

Date by which all written challenges must be received by Nominations and Elections Supervisor, by 5:00 PM, and submitted to the Arbitrator by the next business day.

Third Friday in April: April 16, 2010

Date by which all written challenges to the Election shall have been heard and adjudicated by Elections Committee.

MSCA Delegate Assembly: April 24, 2010

Nominations and Elections Supervisor reports official Election results to the Delegate Assembly.

MTA, MCCC Sue Commonwealth

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Sarah Nathan, MTA

MCCC vice president Donnie McGee testifies at a legislative hearing in September.

unit status. Part-time day unit faculty can lose their unit eligibility for interruption in teaching service of more than a semester. Unit status notwithstanding, some percentage of non-unit part-time state college faculty members could also benefit, should the lawsuit be successful.

MCCC has considerably more part-time faculty than MSCA does. MCCC membership data cited in the November 24 issue of the *Boston Globe* showed over 4,300 part-time faculty who teach at the community colleges. Some overlap likely exists between community college and state college numbers, as many part-time faculty teach at different institutions across the system's segments.

MCCC vice president Donnie McGee said in a telephone interview, "The creation of this entire underclass of professionals, who are called upon to meet increased enrollment demands at the community colleges, is appalling. Part-time faculty deserve this basic right — the right to health insurance for themselves and their families."

Beginning in 2001, legislative strategies to make part-time faculty eligible for health insurance and retirement benefits were developed by the MTA Higher Education Leadership Council (HELIC), of which MSCA and MCCC leadership are members. MTA filed legislation to provide health insurance benefits for part-time faculty in every legislative session for the past 10 years.

"It's unconscionable that the state requires every citizen to have health insurance, but then fails to offer such insurance to its own lowest paid employees. We are acutely aware of the dire financial realities that Massachusetts faces, but there is no excuse for the state's failure to provide health insurance to these faculty members."

—C.J. O'Donnell

MSCA and MCCC full-time and part-time faculty testified at hearings before the Joint Committee on Public Service nearly every year in order to achieve coverage. In 2005, an entire day of lobbying by MTA, MSCA and MCCC members was held to attract action to achieve health insurance coverage for part-time faculty. These efforts were to no avail.

Cynthia Duda, one of the named plaintiffs in the lawsuit, was one of those part-time faculty members involved in legislative efforts since 2001. This semester, she is teaching six courses, including one online, for part-time stipends at Bunker Hill and North Shore Community Colleges.

In an interview with Stacie N. Galang published in the November 30 issue of the *Salem News*, Duda said, "I love what I do. I think I do it well ... I have 20 years of teaching experience at the community college level. It's rewarding and very fulfilling."

But financial circumstances caused her to change insurance plans to a cheaper but less beneficial program. She agreed to be listed as a plaintiff because "I'm tired of being exploited by the state and gouged by insurance companies."

Earlier this year, MTA decided to take another look at the GIC's rationale for denying coverage to part-time faculty. In the absence of any statutory or regulatory basis, MTA decided to challenge that rationale in court.

MCCC president Joseph LeBlanc summed up the frustrations of leadership and membership in an interview with *Boston Globe* staffer Tracy Jan that was published in the November 24 in the *Boston Globe*/Metro section.

"We've been trying on the Hill to persuade the state to do the right thing and, to be frank, I just ran out of patience. It's a case of justice. The state ought to be providing a large chunk of these people with a health insurance plan."

FACULTY/LIBRARIAN SPOTLIGHT

Mass Art DGCE Professor Creates Unique Learning Experiences for Budding Architects, Students with Special Needs

Patricia V. Markunas, editor

In summer 2009, **Sam Batchelor** was a first-time instructor in architecture at the Massachusetts College of Art and Design. His course comprised the inaugural class of five men and five women in the new masters program in architecture.

Batchelor was not content to have his students design an architectural project. He wanted them to have the experience of designing and building a community structure within the 10-week time frame of summer school. Having taught comparable courses in the masters of architecture program at the University of Washington at Seattle, Batchelor knew that this could be done.

A personal connection led Batchelor to the William E. Carter School in the spring of 2008. The Carter School, located at 396 Northampton Street between Boston's South End and Roxbury, is a public school that educates students with multiple and profound disabilities. Most students travel in special vans to the school, which lacked shelter or protection for students and their aides from the elements during the time-consuming process of loading and unloading the students in wheelchairs from their vehicles.

The school's principal, **Marianne Kopaczynski**, worked with Batchelor for nearly a year to prepare for this ambitious undertaking. Batchelor had to navigate the bureaucracies of the Boston Public Schools and the Boston Public Health Department to get the necessary approvals and permits — an experience comparable in itself to a public policy course.

The Mass Art students toured the Carter School last June to gather ideas. Like Batchelor, they were not satisfied to design and build a bus stop shelter. They wanted to build a structure that would provide stimulation and enjoyment for the students as well as protection during inclement weather.

Batchelor's students deemed their project an "interactive rain garden." They designed a shelter to sound like a xylophone during a rainstorm and channel rainwater into buckets, rock basins and plants for the students to touch. Colorful seats were designed for aides to sit with students while they waited for buses. Colored panels comprised the walls of the bus



Mass Art DGCE professor **Sam Batchelor** (far right) confers with his architectural design students (l. to r., **Amanda Prachanronarong**, **Laura Watson** and **Jamie Drysdale**).



Mass Art students do roofing on the Carter School bus shelter.

stop to allow sunshine to light up the sidewalks.

There were challenges, of course. Readers will recall that June 2009 was one of the rainiest months in recent years. The rain gave way to 100 degree heat. When the project was completed, the participants wished fervently for a return of the rain, to test whether the interactive rain garden would work as designed.

In a telephone interview, Batchelor said that getting the students to work together was also a challenge. Some students had taken design courses, others were brand-new to the experience, and there were frustrations at the start. Eventually, the students came together as a group and took on the project as their own. "Don't whine — solve it" became the students' motto. Batchelor said that guiding this transformation of 10 individuals into a cohesive, problem-solving team was especially satisfying.

The official dedication of the entranceway, attended by the Mass Art students, Boston mayor **Thomas Menino**, Mass Art and Design president **Kay Sloan**, and Carter school students and staff, was a moving and emotional experience for Batchelor. "At the opening, President Sloan remarked to the audience that this project was perfectly aligned with the institutional mission of Mass Art," he reported. Mass Art donated \$15,000 to the project's completion, which relied on donations from two dozen other organizations and agencies as well.

And yes, it works in the rain.

Sam Batchelor earned his bachelor's degree in architecture from Yale University and his master's from the University of Washington at Seattle. He grew up in Brookline and returned to Boston five years ago. Sam has experience teaching furniture-making at the Boston Architectural College and professional architectural experience at Design Lab Architects. He hopes to accomplish an equally challenging and successful project when he teaches this graduate course again next summer.

—Appreciation is given to **Patricia Wen** of the Boston Globe staff for her coverage of this project in the September 14, 2009 Metro section of the Boston Globe.



The finished project: After a downpour (note the puddles in the foreground), the interactive rain garden is deemed a success.

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A publication of the Massachusetts State College Association, the faculty and librarian union for the nine state colleges in Massachusetts.

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