

Question 1 Soundly Defeated – Again

C.J. O'Donnell, MSCA president



C.J. O'Donnell

There is little doubt that you heard on the evening of Nov. 4 that Question 1, the ballot initiative to eliminate the state personal income tax by January 1, 2010, was overwhelmingly defeated with 70% of voters (2,063,891) voting against the initiative and only 30% (901,802) voting in favor. MTA was a significant force behind this overwhelming victory, but there is a lot more to the story.

The road to getting this reckless question on the ballot started last spring when about 100,000 signatures were gathered and submitted to Secretary of State **William Galvin**. At that point MTA undertook to question the validity of signatures based, in part, on the manner in which signatures were gathered. It became apparent that this would

be a tedious, time-consuming endeavor with only a short window to act. The decision was made to concentrate on defeating the question.

Just over 76,000 signatures were certified as valid with only 66,593 being required to move the initiative to the legislature. Since the legislature failed to pass the measure by May 7, an additional 11,099 valid signatures were required to be collected by June 18. By July 2 Secretary Galvin had certified more than 12,000 of the nearly 16,000 additional signatures submitted.

On May 31 MTA and the American Federation of Teachers-Massachusetts held a joint “All-Presidents’ Meeting”

at which presidents and other local leaders heard about the joint campaign to defeat Question 1. We were given polling data that showed support for the initiative at 45% and opposition to it at 55%, the same ratio for the defeat of the income tax repeal initiative in 2002. We were told that if we worked very hard, the pollsters thought that we could get the favorable number down to 40% and the opposition number up to 60%. I guess that means we worked very, very hard!

A number of unions and interested groups, including MTA, formed the Coalition for Our Communities. According to campaign finance reports, the Coalition raised more than \$6.6 million as opposed to about \$385,000 raised by the Committee for Small Government, the main force behind the initiative. You no doubt saw the television ads and received mailings from MTA about Question 1.

Although **Carla Howell**, chair of the Committee for Small Government claimed in the election mailing from Secretary Galvin’s office that “Your ‘Yes’ vote will NOT cut, NOR require cuts, of any essential government services”, it appears that 70% of the electorate did not believe that that would be the case. In fact, Question 1 was defeated in every single one of the 351 cities and towns in Massachusetts. To everyone who worked so hard to defeat Question 1 — **thank you!**

Inside this Issue

Bargaining Update page 4

Update on PTR Grievances page 4

NEA-RA Nomination Form page 2

Interview with David Borer page 3

Big Changes at the Board of Higher Education

Patricia V. Markunas, Editor

Major personnel changes were announced at the Nov. 21 and Dec. 5 meetings of the Board of Higher Education. Some were expected; one was quite a surprise for all involved.

At the Nov. 21 meeting, held at Fitchburg State College, **Richard M. Freeland**, former president of Northeastern University, was recommended unanimously to be appointed as Commissioner of the Massachusetts Department of Higher Education by the search committee convened last spring (*MSCA Perspective*, January/February 2008). This recommendation was approved unanimously by the BHE at a special meeting held for this purpose on Dec. 5 in Boston. The recommendation must be finalized by Secretary of Education **Paul Reville**.

G. Peter Alcock, who chaired the search committee, stated in his recommendation letter that Freeland “has demonstrated successful experience in both public and private higher education. Respected nationally and within Massachusetts as a prominent higher education leader, administrator and scholar, he has a demonstrated record of effective collaborative management skill and in high standards of academic excellence.”



Richard M. Freeland

Freeland is president emeritus and university professor at Northeastern University and the Mosakowski professor of higher education at Clark University. For 22 years of his career, Freeland was associated with UMass-Boston, having been involved in its founding and holding several academic positions there. He served on the governor’s task force on higher education and was a member of the Readiness Project subcommittee on public higher education.

Freeland’s vision for public and private higher education was detailed in a recent article in *Commonwealth Magazine* entitled “Turnaround Time” (spring 2007). Freeland noted that “Massachusetts is engaged in a fierce, long term competition for talent, investment, and jobs with other states, regions, and countries. Success is essential to the future of our citizens and institutions. In this struggle, our world class cluster of private and public universities and colleges is among our most important assets.”

At the end of the Nov. 21 meeting, BHE chairman **Frederick W. Clark, Jr.**, announced his resignation as chair, citing in his letter to the governor, “... serious and sudden economic conditions in my private sector profession (real estate development) [that] sadly prevent me from continuing on in my volunteer capacity as a member and Chairman of the Board of Higher Education.”

Chairman Clark continued, “As a grateful alumnus of the system myself, I understand completely that, but for Massachusetts public higher education,

Continued on page 4

IN THE ASSOCIATION

Nominations Open for 2009 NEA Representative Assembly

The 2009 Representative Assembly of the National Education Association will be held July 1 – 6, 2009 in San Diego, California.

MSCA members in good standing on January 15, 2009, who pay their dues to NEA through the appropriate MSCA chapter, may seek election as MSCA local delegates to the NEA-RA. Stipends may be available to assist with travel expenses.

Only members who pay their dues to NEA through the appropriate MSCA chapter will be entitled to vote in the election for MSCA delegates to the NEA-RA. Members teaching in day or DCGE who pay dues to NEA through another MTA local (e.g., MCCC, APA, or a K-12 local) may seek election as a local delegate only through that local and will be entitled to vote only in that other local election.

Individuals who join NEA through MSCA or another local after January 15, 2009 will not be eligible to seek election as a delegate to the 2009 NEA-RA.

The specific number of delegates allocated to MSCA will be established after January 15, 2009. The specific number of seats will be sent to all candidates and will appear on the ballot, if a run-off election is necessary.

The election timetable is as follows:

- Nomination deadline: March 13, 5:00 p.m., regardless of postmark or indicated fax time.
- Ballots mailed: week of March 16.
- Ballots return deadline: April 3, 5:00 p.m.

Questions should be directed to:

Nancy George, MSCA Secretary
Salem State College
352 Lafayette Street, Salem, MA 01970
(978) 542-7182
(978) 542-2242 FAX
nancy.george@salemstate.edu

Did You Know...About Personal Days?

Did you know that in addition to the ten days of sick leave faculty members accumulate each academic year, they also receive one personal day (7.5 hours) for the spring semester and one for the fall semester. If the personal time in the spring semester is not used, the hours credited for the spring semester will be carried forward to the ensuing fall semester. However, if this time is not used by the end of the calendar year, it is forfeited.

Personal leave was added to the contract in 2001 to allow faculty members the opportunity, for example, to schedule doctor and dentist appointments during the faculty work day. Faculty members may use this time in actual hours unavailable for work that day. One needs no permission to take personal leave, but the department chair or secretary should be informed whenever a faculty member will be absent from campus.

Librarians have three (3) days of personal leave (equivalent to 22.5 hours) that is credited on January 1 of the librarian work year. This leave can be taken in 15-minute increments and must be approved by the vice president of academic affairs. As is true for faculty members, unused personal leave for librarians is forfeited at the end of the work year (December 31).

If you would like to learn more about personal days, or other types of leaves (paid and unpaid), please review Article IV (Supplemental Benefits and Holidays) in the 2004-2007 collective bargaining agreement (pages 31-47), or stop by your MSCA chapter office.

—Margaret Vaughan is chair of the MSCA Grievance Committee. An earlier version of this article was published in the Salem Chapter Newsletter.



Margaret Vaughan

NEA NOMINATION FORM: DEADLINE - March 13, 2009

Name of Candidate (Please Print)

Institution Affiliation

I wish to place my name in nomination as a candidate for MSCA delegate to the 2009 NEA Representative Assembly.

Signature _____ Date _____

Please attach a biography statement (not to exceed 50 words)

Send completed form to: Nancy George, MSCA Secretary
Salem State College
352 Lafayette Street
Salem, MA 01970

MSCA Committee Chairs Elected Oct. 17

MSCA Vice President Amy Everitt convened several MSCA committees on Oct. 17 to elect committee chairs, whose names appear in bold-face italics in the up-to-date committee membership lists below. Chairs and committee members will serve for two years.

Contracts Available in Chapter Offices, Online

Copies of the 2004-07 MSCA day unit contract, the 2007-08 day unit agreement, and the 2006-09 DGCE unit contract are available for members at the chapter office on campus. Please contact your chapter president (listed on page 4) for copies of these contracts. All contracts are also posted on the MSCA's website <www.mscaunion.org>.

| Committees Chapter | AA/EO/ DIV | Credentials | Day Bargaining | Day Bargaining Alternate | DGCE Bargaining | DGCE Bargaining Alternate | Elections | Grievance | Legislation | Librarians |
|-----------------------|-------------------|-------------------|--------------------|--------------------------------|---------------------|---------------------------------|---------------------|-------------------------|------------------|---------------------|
| Bridgewater | | Jean Stonehouse | Glenn Pavlicek | Jean Stonehouse | Glenn Pavlicek | Jean Stonehouse | | Sandra Faiman-Silva | | |
| Fitchburg | Diane Caggiano | Ann Mrvica | Ann Mrvica | Michael Turk | John McKeon | Nancy Kelly | Peter Hogan | Glenda Ouellette | Daniel Nomishan | Natasha Kahn |
| Framingham | | Susan Dargan | Susan Dargan | Robert Donohue | Susan Dargan | Robert Donohue | | Robert Donohue | | |
| Mass. Art and Design | | | Sam Schlosberg | Nancy Cusack | Ben Ryterband | Sam Schlosberg | | David Nolta | | Richard McElroy |
| MCLA | | | Deborah Foss | David Eve | | | Deborah Foss | Dana Rapp | | Linda Kaufmann |
| Mass. Maritime | Linda Letourneau | Arthur Aldrich | Joseph Murphy | Gerald Concannon | Gerald Concannon | Arthur Aldrich | Amanda Woods | Joseph Murphy | Gerald Concannon | |
| Salem | Tracy Ware | John Otieno | Amy Everitt | Margaret Vaughan | David Goodof | Paul McGee | Michele Sweeney | Margaret Vaughan | | Nancy George |
| Westfield | Christina Swaidan | Ken Haar | Cheryl Stanley | Gary Merlo | | Jack Szpiller | Gregg Neikirk | Gregg Neikirk | Ken Harr | Judy Carlson |
| Worcester | | Bruce Cohen | Dan Shartin | Anne Falke | Bill O'Brien | Jean Mahoney | Anne Falke | Penny Martin | | Pamela McKay |

An Interview with MTA's New Executive Director, David Borer

Patricia V. Markunas, Editor

David Borer, the new Executive Director-Treasurer of the Massachusetts Teachers Association since July 14, 2008, agreed to be interviewed by the MSCA Perspective via telephone on November 12, 2008.

MSCA Perspective: Thanks for agreeing to be interviewed for our newsletter. How long have you been on the job?

David Borer: Almost four months now.

Perspective: Could you give us a brief recap of your professional background?

Borer: For nearly two decades, I was the general counsel for the Association of Flight Attendants, a union based in Washington, DC, that represents 55,000 US and foreign-based flight attendants at 22 airlines world-wide. The AFA is the largest such union in the world and has a reputation as a tough and smart union. I also helped to direct an organizing campaign for 21,000 flight attendants at Delta Air Lines during my tenure.

The job required me to be a leader of the union and the top staff person, advising and assisting in policy issues. I was responsible not only for legal matters but also negotiations, arbitrations and organizing in a highly competitive and combative atmosphere dealing with the airlines.

Perspective: Higher education members are always interested in one's academic background as well. Tell us about yours.

Borer: I earned a bachelor's degree in political science from the University of Toledo in 1977 and a juris doctorate from The Ohio State University in 1981.

Perspective: What attracted you to the position as executive director of the MTA?

Borer: The last seven years – the time period since Sept. 11, 2001 – have been extremely challenging ones in the airline industry. The AFA has had to negotiate 13 bankruptcy contracts since 9/11. To say this takes all of the fun out of the job is an understatement.

I had held my position with AFA for 20 years and was looking for new challenges. A personal reference led me to the position with MTA, the first one I applied for. MTA has a great history and is a great organization with a wide reach throughout Massachusetts. I love Boston and love union work, so this position was a good fit and the logical next step in my career.

Perspective: Have your expectations for this position been fulfilled so far?

Borer: The position has worked out tremendously well so far. MTA is a great organization and the breadth of its reach and its resources are incredible. It has great staff and great local leaders. Everyone has been very supportive of my work here.

Perspective: The resounding defeat of Question 1 probably helps in this regard.

Borer: Yes, the results on the Question 1 initiative [see page 1, this issue] provided the validation that I made the right decision to take the position with MTA. I arrived in the middle of the campaign against this initiative and saw smart and committed people already in place who knew what was needed to defeat the initiative. The field campaign and the media campaign were underway and we all worked hard to accomplish a tremendous victory. It was very gratifying to join that team and see it all come together.

Perspective: What have you liked least about the job so far?

Borer: It's getting cold outside [laughs]. The climate is different from DC, no question about that. I grew up in Ohio and negotiated contracts in Minneapolis and Chicago during the winter months, so I

am aware of what New England winters will be like. But beyond that I honestly cannot think of anything negative.

Perspective: What has been your involvement with Mass higher education issues so far?

Borer: Because of higher education's situation in bargaining, higher education has been a programmatic focus since day one. I have been working with the higher education staff and local leaders to find a way to resolve the issues. This is not an unfamiliar position for me. The economy is sliding out from underneath us, and the employer is pushing back at the table. Our task is to decide how to best respond to the pushback, get the bargaining talks moving again and settle a contract that the membership can support.

Perspective: What is the most pressing issue in Mass higher education? What needs to happen to bring that issue some resolution?

Borer: Negotiations are only part of the broader issue with the state's budget. The budget and negotiations are intertwined, obviously. There are a broad set of issues at the negotiations table right now – not only economic issues but also contract language and other policies. The higher education staff members know best how to handle these issues. My focus right now is on the economic parameters of bargaining.

Perspective: Higher education members sometimes feel that MTA does not address their concerns. How would you reply to that perception?

Borer: In my very first meeting last summer with Gov. Patrick, the very first item that I mentioned was the higher education negotiations and the need to get them going. This meeting helped to shake loose the economic parameters, even if the parameters are not what higher education members need or deserve.

We've been back several times to see the governor and his staff. In fact, [MTA president] Anne Wass, [MTA vice president] Paul Toner and I were at the governor's office just prior to our conversation now. We emphasized that negotiations have to get moving and get settled.

My job is to create an atmosphere where the negotiations can progress and be resolved. We are all working very hard on this.

Perspective: Do you have any broader perceptions on higher education's role in MTA?

Borer: Higher education is an important constituency in MTA. Communication about the work we do for higher education is important to counter the perceptions you noted a minute ago. Some of this issue is structural. MTA is really a loose federation of locals – it is an umbrella organization for the individual affiliates. This structure actually gives us a way to address the needs of all members on Beacon Hill more effectively than individual locals or even a constituency like higher education could do on its own.

I know that there is frustration that, with all of our work with the governor, supporting the casino legislation, defeating Question 1, etc., we should be getting back more in concrete terms at the table. Unfortunately, it is not a quid pro quo and it can't be. What we get is access to the room that allows us to argue our case. We have good access to the governor and we need to move the policy agenda, and we do that best by mobilizing our members in support of our negotiations.

Perspective: The state legislature has been described as the school committee for Mass higher education. How would you characterize your working relationship with our school committee?

Borer: By the time I arrived in July, the formal legislative session was nearly over. We've had some meetings with the legislative leadership and [Secretary of Education] Paul Reville. We have to persuade the gov-



David Borer

ernor and the legislature of the priority of our issues.

The 800-lb. gorilla in this situation is the state's economy. Everyone is holding their breath to see exactly what will happen with the revenue picture and how that will affect any substantive initiatives.

Perspective: The Board of Higher Education is the MSCA's statutory employer of record. How would you characterize your working relationship with the BHE?

Borer: I have met with [BHE chairman] Fred Clark; there is a good relationship between Mr. Clark and MTA. I think the MSCA, of necessity, has more dealings with him than I do. It is MSCA's role, not mine, to work out the policy issues with the BHE directly. I see my role as working the governor's office and the staff in Administration & Finance, and the legislature to create the right background for the current negotiations to proceed.

Perspective: To close, what other points would you make about your role, to our readers?

Borer: The next big effort in terms of negotiations is to meet with the other state employee unions. We are putting together a bargaining summit on December 17 in Boston. Since we are all facing many of the same challenges, we want to meet and discuss how we can come to grips with them and what actions to take in response. I am very excited about this meeting and look forward to helping to develop a statewide strategy in the months ahead.

MSCA Perspective

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

Editor:

Patricia V. Markunas, Salem State College
352 Lafayette Street, Salem, MA 01970
(978) 542-7282
Pmarkunas@aol.com

Design and layout:

Susan McCarthy, Salem State College

MSCA webmaster:

Nancy George, Salem State College
skinut97@yahoo.com

Web sites:

Massachusetts State College Association:
www.mscaunion.org

Massachusetts Teachers Association:
www.massteacher.org

National Education Association:
www.nea.org

Bargaining Updates Posted on MSCA Website

As we go to press, the status of negotiations is still in flux. Bargaining updates will be posted on the MSCA website as warranted. Please go to <www.mscaunion.org> for information about bargaining.

The hearing to consider MSCA's unfair labor practice charge against the Board of Higher Education for its failure to bargain in good faith has been scheduled for Dec. 15 in Boston. The hearing for the university faculty and staff unions on their charges against the UMass board of trustees for its failure to bargain in good faith is scheduled for Dec. 22 in Boston.

Gov. **Deval Patrick** will meet with the MTA Board of Directors and affiliate leadership and staff to provide an update on the state budget and the Readiness Project recommendations on Jan. 8, 2009, at the Crowne Plaza Hotel in Natick.

MSCA president **C.J. O'Donnell** will be in attendance, along with MTA director **Ronald Colbert** and the MTA staff consultants assigned to MSCA, **Donna Sirutis** and **Robert Whalen**.

STATUS REPORT:

Post-Tenure Review Consolidated Grievances

Margaret Vaughan and Donna Sirutis

Since its inception in the 2004-2007 collective bargaining agreement, post-tenure review, Alternative One (PTR) has underscored some of the most intractable problems addressed by MSCA. Each year, consolidated grievances on post-tenure review have been filed by MSCA and heard by the chair of the Council of Presidents (COP). Each year we address many of the same concerns. Little progress has been made.

On November 13, 2008, President **Robert Antonucci**, chair of the COP, heard the third consolidated grievance on post-tenure review, covering year three. He showed an interest in resolving at least some of the issues addressed in the grievance, and we are cautiously optimistic about this. The MSCA Grievance Committee has already voted to send the PTR grievance from 2005-2006 to arbitration, now scheduled for March 10, 2009. Any issue not resolved by then will be submitted to the arbitrator.

While recognizing that we cannot prevail in every arbitration, MSCA decided that the problems with PTR need to be resolved. These problems are not exclusive to PTR; they appear in reappointment, promotion, and tenure evaluations as well. A few are listed here:

- misuse of SIR II data. An individual mean score below the "comparative mean" does not mean one is an ineffective teacher. For example, a score of 4.1 may be below the comparative mean but it still falls between 5 (very effective) and 4 (effective).

- a glowing evaluation by a VPAA who then rates the unit member as "meritorious" rather than "exemplary." The contract states that each member has the right to "clear and convincing reasons" for the rating received.
- downplaying research and publications because they are not "peer reviewed." This standard is not part of the collective bargaining agreement.
- requiring "college-wide" service. No such requirement exists in the collective bargaining agreement, and thus it is improper to find deficient a unit member whose service has been concentrated in a department or program.
- requiring that public service be related to one's academic field.

MSCA's position is that these problems represent procedural violations of the collective bargaining agreement rather than disputes over the evaluator's judgment. Only procedural questions about PTR can be grieved. Management has argued that these matters are "academic judgment" and are therefore outside the arbitrator's jurisdiction. This divergence of opinion will be at the heart of the arbitration in March.

—*Margaret Vaughan is chair of the MSCA Grievance Committee. Donna Sirutis is the MTA consultant for the MSCA day bargaining unit.*

Big Changes at the BHE *Continued from Page 1*

hundreds of thousands of students would simply not have had an opportunity to reach their full intellectual, economic, social or cultural potential. Mindful of the serious purpose served by our public colleges and university, [the governor's] allowing me to work with and speak for the heroic faculty, staff, and administrators of these fine institutions has been a high honor for me — for which I am deeply thankful."



Frederick W. Clark, Jr.

MSCA President **C.J. O'Donnell** addressed the BHE immediately following Clark's announcement, stating that "Chairman Clark has been an outstanding advocate for public higher education" and that he was "proud to be the first to thank Fred for his years of service, including his time working for the state college presidents and chairing the Bridgewater State board of trustees."

Chairman Clark's resignation took effect on Dec. 6.

Gov. **Deval Patrick** has appointed **Charles Desmond**, executive vice president of the Trefler Foundation, to serve as the new chairman of the BHE.

Desmond, who resides in Danvers, worked for 30 years at UMass-Boston with a focus on student affairs and community collaboration. The Trefler Foundation is a non-profit organization that provides educational opportunities to Boston's youth.

Gov. Patrick announced the appointment of **Nancy Hoffman** to the BHE as well. Hoffman is vice president at Jobs for the Future, where she guides the activities of JFF's youth cluster activities, the early college high school initiative, dual enrollment policies and practices, and efforts to make college opportunities affordable.

Hoffman earned a Ph. D. in comparative literature from the University of California at Berkeley and has held positions at Brown University, Temple University, Harvard's Graduate School of Education and UMass-Boston.

The 13-member BHE includes a chair, appointed by the governor, as well as eight additional gubernatorial appointments, the secretary of education, and segmental representatives for the UMass system, the state colleges and the community colleges.

MSCA Officers

C.J. O'Donnell
MSCA President
c/o Massachusetts Maritime Academy
Buzzards Bay, MA 02532
(508) 830-6684
msca@comcast.net

Amy Everitt
MSCA Vice President
Salem State College Chapter
Salem, MA 01970
(978) 542-6366
amy.everitt@salemstate.edu

Nancy George
MSCA Secretary
c/o Salem State College
Salem, MA 01970
(978) 542-7182
skinut97@yahoo.com

Glenn Pavlicek
MSCA Treasurer
c/o Bridgewater State College
91 Burrill Avenue
Bridgewater, MA 02325
(508) 531-2793 or (508) 531-2794
(508) 697-9421 Fax
pavlicek@bridgew.edu

MSCA Chapter Presidents

Jean Stonehouse, President
Bridgewater State College Chapter
Bridgewater MA 02325
(508) 531-2271
jstonehouse@bridgew.edu

Ann Mrvica, President
Fitchburg State College Chapter
Fitchburg, MA 01420
(978) 665-3303
amrvica@fsc.edu

Robert Donohue, President
Framingham State College Chapter
Framingham, MA 01701
(508) 626-4875
rdonohue@frc.mass.edu

Samuel Schlosberg, President
Massachusetts College of Art and Design Chapter
Boston, MA 02115
(617) 879-7588
sschlosberg@massart.edu

Deborah Foss, President
Massachusetts College of Liberal Arts Chapter
North Adams, MA 01247
(413) 662-5461
Deborah.Foss@mcla.edu

Gerald Concannon, President
Massachusetts Maritime Academy Chapter
Buzzards Bay, MA 02532
(508) 830-5000 ext. 2272
gconcannon@maritime.edu

Amy Everitt, President
Salem State College Chapter
Salem, MA 01970
(978) 542-6366
amy.everitt@salemstate.edu

Kenneth Haar, President
Westfield State College Chapter
Westfield, MA 01086
(413) 572-5339
KennyHaar@comcast.net

Anne Falke, President
Worcester State College Chapter
Worcester, MA 01602
(508) 929-8722
Afalke@worcester.edu

Support for NCHE Conference

The MSCA Board approved support for members to attend the National Council for Higher Education conference March 27-29 in Portland, OR. Current members of NCHE can be reimbursed for travel, lodging and meals up to \$1,500. For more information on the conference visit <www2.nea.org/he/conf.html>. For more information on reimbursement contact MSCA Treasurer **Glenn Pavlicek**, <pavlicek@bridgew.edu>, (508) 531-2793.