

Close, But No New Contract DGCE Negotiations Stumble over “Contract Courses” and — What Else — Compensation

C.J. O’Donnell, Chair, DGCE Bargaining Committee

Three months of negotiations on a new contract for the Divisions of Graduate and Continuing Education came close to producing an agreement to succeed the current one, but fell short due to disagreements over two crucial issues: compensation, and the definition of—and limits on the use of—“contract courses.”

Negotiations for a successor DGCE agreement commenced May 3, well in advance of the current agreement’s Aug. 31 expiration date. The teams met eight times before negotiations broke down July 27. By that time, agreement had been reached on all but two issues, and there was hope we would be able to conclude negotiations during the summer and start the fall semester on a positive note. That was not possible, however, when the final offer from the Council of Presidents was not acceptable and we learned that management’s negotiator was unavailable for the month of August.

Consequently, MSCA’s DGCE Bargaining Committee decided to seek mediation from the state Board of Conciliation and Arbitration. The petition for mediation and fact-finding was filed by MSCA in early August. COP declined to file the petition jointly. A mediator has not yet been assigned to the case.

The final economic offer from COP was to increase teaching stipends at the beginning of the spring instructional periods in 2007, 2008 and 2009 at rates of 1.5 percent, 2.0 percent and 2.5 percent, respectively. MSCA was seeking increases in those same periods of 4.0 percent, 4.5 percent and 5.0 percent.

MSCA argued that these increases were needed to bring the DGCE stipend, at the highest rank, in line with that paid to part-time unit members in the day unit: \$4,003 per three-credit course. MSCA’s proposal would increase the rate for visiting professors to \$4,015 in the spring of 2009. COP’s proposal

would result in a top stipend of only \$3,734.

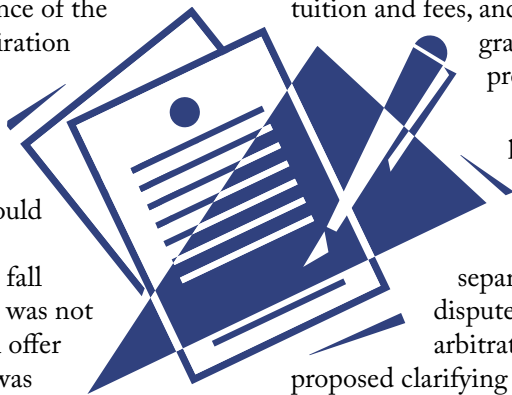
Management claimed it could not afford larger increases, due to decreasing DGCE enrollment, an increase in the cost of doing business, and tuition and fee schedules that are no longer competitive. The MSCA team rejected these claims and filed an extensive information request on DGCE enrollment, tuition and fees, and costs associated with running the graduate and continuing education programs.

The issue of contract courses proved contentious as well. MSCA contends that some colleges have violated the agreement in this area and filed a grievance—separate from the DGCE contract dispute—that will be presented to an arbitrator this fall. At the table, MSCA

proposed clarifying language consistent with the bargaining history of contract courses; our language defines contract courses as courses outside the regular college curriculum, offered by entities outside the college. COP countered with language that broadened the definition and reduced the limitations on the use of contract courses.

I would like to thank the members and alternates of the DGCE Bargaining Committee who gave up a significant part of their summer to work toward an agreement: **Jean Stonehouse** (Bridgewater); **Jack McKeon** (Fitchburg); **Sue Dargan** (Framingham); **Ben Ryterband** (Mass Art); **Len Paolillo** (MCLA); **Nancy Schultz**, **Paul McGee** and **Marty Krugman** (Salem); **Jack Shea** (Westfield); **Dan Shartin** (Worcester); and **Pat Markunas**, MSCA president. **Bob Whalen**, MTA consultant for the DGCE unit, proved an effective and determined voice at the bargaining table.

—*C.J. O’Donnell is the MSCA vice president and a professor at the Massachusetts Maritime Academy.*



With Great Power Comes Great Responsibility

Whether you’re a new member or a longstanding fellow traveler, the Massachusetts State College Association—the faculty and librarian union at the nine state colleges—welcomes you, looks forward to serving you and encourages you to get involved. In this issue of *MSCA Perspective*, several items illustrate how the union is working for you and opportunities that are available to you as members:

- Our lead story concerns the negotiations for a new **collective bargaining agreement** for the Division of Graduate and Continuing Education; MSCA also negotiates the contract for the day unit.
- This month’s President’s Message looks at the results of the first year of **post-tenure review**; the implementation of this new, contested process has ramifications for future evaluations of faculty and librarians.
- Membership provides opportunities to attend **conferences and seminars**; page two features items about the MTA Summer Leadership Conference and about a seminar on the conflict of interest law and how to comply with it.
- MSCA frequently does **research** on working conditions and other aspects of our work life, like salaries (see page two).
- Standing and ad hoc **committees**—both within MSCA and our affiliate union, MTA—deal with issues such as grievances, diversity and candidate endorsements (see pages two and four).
- We encourage you to stay informed by reading this **newsletter** as well as to inform others by contributing to it; and stay in touch with your chapter president (see page four).

My fellow faculty and librarians, ask not only what your union can do for you—ask what you can do for your union!

—*Brett M. Rhyne*

PRESIDENT’S MESSAGE

Year One Post-Tenure Review Process Fraught with Problems

Patricia V. Markunas

After careful analysis of 220 initial post-tenure review decisions, 61 reconsideration decisions by academic vice presidents and 34 appeal decisions by college presidents, MSCA filed a consolidated grievance in which we allege serious contractual violations in the implementation of the PTR process. Our hope is to rectify certain procedural errors retrospectively, as well as to prevent them in upcoming academic years.

The distribution of PTR ratings for Year One before and after the appeals process is shown in Figures 1 and 2 on page three. Tables 1 and 2 show the initial and final numbers of “not acceptable” and “exemplary” ratings broken down by campus. The initial and final distribution of all PTR ratings by campus, along with a detailed presentation of the reconsideration and appeals results, can be found at <www.mscaunion.org>.

Alleged Contractual Violations

Violations varied across the campuses. Some administrators violated the contract in several different ways and at least one violation is alleged at every campus. We intend to resolve as many issues as possible through the grievance resolution process at the Employee Relations Committee, but if needs be,

Continued on page 3

IN THE ASSOCIATION

What I Did on My Summer Vacation

MTA's 2006 Summer Leadership Conference

Susan E. Dutch

A small bistro, providing refreshments and cold drinks, welcomed me to the Opening Fair of my second MTA Summer Leadership Conference. The booths were an eclectic mix of exhibits providing free gifts, raffles, books and games, as well as information about diversity and member services. The longest line was at the booth with the free chair-massage... which I never managed to get. (Note to self: Arrive earlier next year!)

At the fair, I met and caught up with friends I had made last year. After a light lunch under the tent at Weston Field, I attended the Opening Ceremony, where musician Livingston Taylor entertained the membership. Colleagues from my campus and I attended the MTA Retired Members Social. There, I met a current MTA leader who, it turns out, rode the school bus with me during grammar school! That night, I attended the Gubernatorial Candidates' Forum, which was standing room only. It was a wonderful opportunity to hear the candidates speak, especially the lesser known Green Party and independent candidates, with whom I was not familiar.

The next two days were a whirlwind of workshops. The ones I attended—"Overcoming Negativity in Yourself and Others," "Wellness over 50," "Tell Me about Yourself" and "What's in Your Skill Set?"—not only provided me with good information and ideas to take back to campus, but also gave me the opportunity to interact with other wonderful teachers.

Besides the workshops, I fit in a brief visit to host Williams College's museum, where an astounding stainless steel replica of the city of Beijing was on special exhibit, as well as a trip to the nearby Clark Museum and an evening at the Berkshire Theatre.

Sleeping in a dorm and walking across campus for three days reminded me of what many college students experience all year. I plan to keep these experi-

ences in mind as I meet my classes this September. Thank you, MTA, for providing this opportunity for our membership's continued professional growth. And thanks, too, to MSCA for providing financial support to MSCA participants.

—Susan E. Dutch is a professor of psychology at Westfield State College.

Salary Study Committee to Release Report Sept. 8

The Joint Committee for the Study of Salaries (Article XIII, Section M of the 2004-07 contract) has completed its report, and will present it to the State College Council of Presidents and to the MSCA Board of Directors at their meetings Sept. 8.

There will be no release or discussion of the report's findings or recommendations until Sept. 8. At that meeting, the MSCA Board will determine how best to distribute the report to the entire membership. Any MSCA member in good standing may attend the Sept. 8 Board meeting, to begin at 10 a.m. in Framingham State College's McCarthy Campus Center in McCarthy's Dining Room on the ground floor. The report will be the first item on the agenda.

On behalf of MSCA, I want to thank Vice President C.J. O'Donnell, Salem's Paul McGee and MTA's Donna Sirutis for their representation of the faculty and librarians on this important committee. Representatives of management included Peter Martel (Bridgewater), David Caruso (Worcester), Nicholas Wojtowicz (Westfield), Mark Peters, Esq. and Frederick Clark, Esq. Special recognition goes to C.J. O'Donnell and Peter Martel, who prepared the statistical analyses that formed the basis of the committee's work.

—President Pat Markunas

Time to Get Involved: 2006-08 Committees Forming

MSCA has several standing and ad hoc committees that carry out important work on behalf of the membership. We need your energy, ideas and participation on these committees to represent the membership's positions on the issues and tasks before us.

Each chapter is entitled to one representative to each committee. You must be a union member (full-time, part-time, or DGCE) in good standing in order to represent your chapter. All positions on all committees are for a two-year term, commencing October 6, 2006. All committees will elect a chairperson for a two-year term, commencing October 13, 2006. Current committee members must be renominated if they wish to continue on the committee.

If you are interested in serving on any of the committees listed below, please contact your chapter president (listed in the sidebar panel on page four) in order to be nominated. Although there is no uniform deadline, it is recommended that you contact your chapter president no later than mid-September if you are interested in any MSCA Committee.

Please do not hesitate to consult the MSCA Constitution or contact MSCA President Pat Markunas at (978) 542-7282 or Pmarkunas@aol.com, if you have any questions.

Standing Committees:

Bargaining Committee (day unit): Members are responsible for the preparation of a bargaining proposal and the negotiation of a contract for the MSCA day unit. The current day unit contract will expire on June 30, 2007. Members of this committee should expect to make a significant time commitment during the spring semester.

Bargaining Committee (DGCE unit): Members are responsible for the negotiation of a contract for the MSCA DGCE unit. Please see page one for the most recent report on the status of these negotiations.

Grievance Committee: Members typically serve as the local chapter grievance officer; the Committee is responsible for processing grievances in accordance with both contracts.

Legislation Committee: Members propose and recommend action on federal and state legislation of benefit to public higher education, the state colleges and public employee unions.

Affirmative Action/Equal Opportunity/Diversity Committee: Members work on affirmative action/equal opportunity/diversity issues related to the campuses, the union and its chapters, and collective bargaining. This Committee is also responsible for monitoring AA/EO/DIV practices on the campuses.

Elections Committee: Members conduct and certify the nominations and elections of MSCA Officers in accordance with the MSCA Constitution. The next MSCA officers election is scheduled for the spring 2008 semester.

Credentials Committee: Members recommend procedures to be followed in the seating of delegates to the annual MSCA Delegate Assembly.

Resolutions Committee: Members review and recommend action on all proposed resolutions to the annual MSCA Delegate Assembly.

AD HOC Committees and Other Chapter Representatives:

Salary Database Committee: Members work on collecting and verifying salary and other unit member information to update and maintain the statewide salary database for the MSCA.

Contributing editors, MSCA Perspective: Members serve as local campus resource persons for articles, guest editorials and general editorial policy for the *MSCA Perspective*.

Seminars on the Conflict of Interest Law

for faculty, librarians & administrators

MSCA and the Council of Presidents will sponsor a seminar on how to avoid potential conflicts that may arise between private interests and public positions. The goal is to provide a basic understanding of the principles of the conflict of interest law (G.L.c.268A) and how to comply with it, by discussing real life situations and conflicts that may arise for faculty and librarians on the job. Topics include: restrictions on receiving gifts; outside employment; contracting with the state; acting on matters in which family members and business associates may receive a financial benefit; and leaving state government to work for companies that have business with the state.

with
**Carol Carson
of the Mass
State Ethics
Commission**

Friday, Sept. 29, 10 am-noon
Bridgewater State College
East Campus Commons 112
www.bridgew.edu

Thursday, Oct. 26, 2 pm-4 pm
Salem State College
Vets Lounge, Ellison Campus
Center, North Campus
www.salemstate.edu

Friday, Dec. 8, 10 am-noon
Worcester State College
Eager Amphitheater,
Sullivan Building
www.worcester.edu

Coffee and refreshments will be available 30 minutes prior to each seminar.
Lunch (morning sessions) or refreshments (afternoon session) will be served after the seminar.

Conflict of Interest Law Seminars Registration Form

___ 9/29 Bridgewater ___ 10/26 Salem ___ 12/8 Worcester
(deadline 9/20) (deadline 10/18) (deadline 11/29)

Name: _____

College: _____

Position: _____

Phone: _____

E-mail: _____

Please return your completed registration form to:

Jane Fiste
MSCA President's Office
Salem State College
352 Lafayette Street
Salem, MA 01970
Or fax: 978-542-7284
Or e-mail:
jane.fiste@salemstate.edu

PRESIDENT'S MESSAGE

Year One Post-Tenure Review Process Fraught with Problems

continued from page one

we will hold a formal hearing with the chairperson of the State College Council of Presidents, MCLA's President **Mary Grant**, to resolve the issues consistently across all nine campuses.

The list of violations and examples provided below is preliminary and illustrative:

- **Failure to provide "clear and convincing" reasons for the ratings.** Two vice presidents wrote short, impersonal letters, using boilerplate language and incidental evaluations to accompany the ratings. Other VPs did not provide any negative comments in their letters, making it impossible to distinguish "meritorious" letters from "exemplary" ones and making it difficult for PTR candidates to present an effective case for reconsideration or appeal.
- **Failure to use the required categories for faculty evaluations.** Several VPs did not evaluate academic advising and one disregarded it deliberately in the reconsideration process. One VP created a unique, non-contractual definition of "teaching" and did not cite any of the contractually required evaluations of "teaching effectiveness," particularly student input, in the PTR decision letters.
- **Failure to use the PTR ratings as specified in the contract.** Nearly every VP came up with some non-contractual way to get around using the term "not acceptable" when denying PTR candidates a pay increase. During negotiations, MSCA's representatives offered other terms for this PTR rating but management's representatives insisted on "not acceptable." If the vice presidents can't bring themselves to rate someone's PTR portfolio as "not acceptable," then they should rate it as "meritorious" or "exemplary" instead.
- **Misuse of student evaluations.** Several VPs treated the results of the SIR-II student evaluation form as "normative" data gathered from faculty at "peer" institutions. The SIR-II data are neither.
- **Use of incidental observations.** One VP denied an "exemplary" rating on the basis of the faculty member's e-mail messages to the campus that the vice president did not like. Another justified "exemplary" ratings by citing faculty participation in commencement, convocation and capping ceremonies for nursing majors, even though PTR candidates did not mention these in their portfolios and attendance at commencement and convocation are required activities, anyway.
- **Failure to apply the "continuing scholarship" and "professional activities" categories consistently with the contract.** Some VPs refused to consider the broad expanse of scholarship and activities that are envisioned in our contract.
- **Disregard of academic freedom.** One VP justified a "meritorious" rating on a faculty member's only using examinations in his courses and included "learning objectives" in all course syllabi as a PTR criterion, even though neither college policy nor the contract requires these.

Possible Age and Sex Discrimination

The PTR ratings also indicate possible age and sex discrimination on the part of college administrators. The young fared better than the old: Year One PTR candidates ranged in age from 50 to 80 years, with a median age of 63, yet older PTR candidates were less likely to receive final ratings of "exemplary" and more likely to receive final ratings of "not acceptable."

And women fared better than men. About a third of Year One candidates were women. However, 87 percent (62) of women received final ratings of "exemplary," compared to 66 percent (99) of men. Remarkably, only one woman received a final "not acceptable" rating, compared with 12 men.

We will pursue these analyses, as there is a relationship between chronological age and sex for this group of PTR candidates: men are older, on average, than

women, and so may be doubly discriminated against. We will also pursue these analyses on the individual campuses. When these results are available, they will be posted on the MSCA Web site and we will consider what action to take regarding them.

Six librarians, all women, were part of the Year One PTR candidate pool. Four librarians received ratings of "exemplary," two received ratings of "meritorious," and no librarian received a "not acceptable" rating. A chi-square analysis did not reveal this distribution of ratings to be significantly different from that of faculty members.

Closing Thoughts

Although this was only the first year of post-tenure review and in all likelihood we have three more years of PTR to go, my conclusion about it is this: It cost hundreds of state college faculty, librarians and administrators a vast amount of work, energy,

anguish, anger, confusion, division and most importantly, time. For what? So that 13 faculty members could be denied another pay increase after a career blemished by several zero pay increases from the state. The points noted in the consolidated grievance demonstrate how arbitrary and capricious many of the PTR decisions were.

Bottom line? We all would have been much better off distributing this money across-the-board or using it to address salary inversion and compression in a systematic and objective fashion.

We will request that negotiations for the successor agreement begin in January. We'll see what lessons have been learned from this first year of post-tenure review.



Patricia V. Markunas

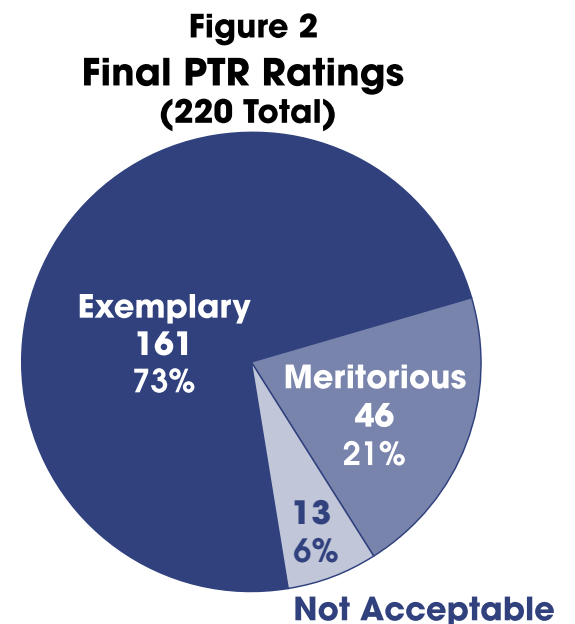
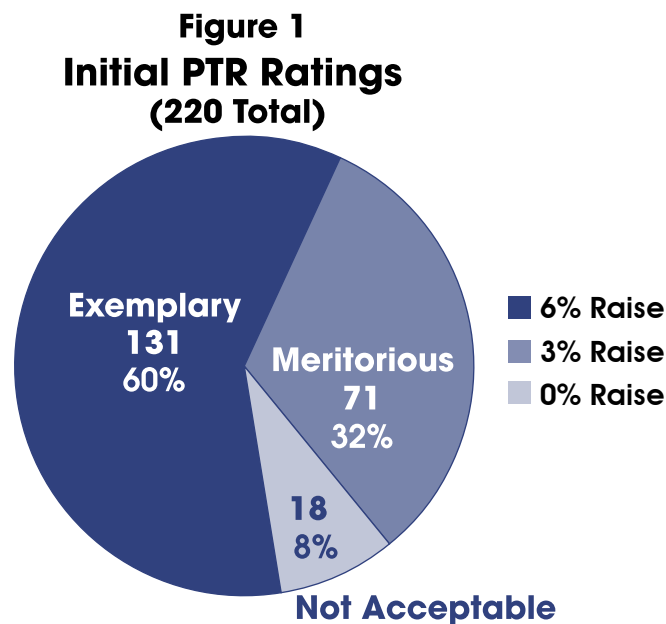


Table 1

Post-tenure Review Ratings of "Not Acceptable" by Campus
(in decreasing order by initial percentage of PTR candidates)

Campus	# (%) Initial Ratings	# Appealed / # Granted	# (%) Final Ratings	President/Vice President
Westfield	4 (16%)	3 / 0	4 (16%)	Carwein/Rasool
Worcester	3 (13%)	3 / 0	3 (13%)	Ashley/Caruso
Fitchburg	3 (12%)	3 / 1	2 (8%)	Antonucci/Fiorentino
Overall	18 (8%)	16 / 5	13 (6%)	
Mass Art	1 (7%)	1 / 0	1 (7%)	Sloan/Branson
MCLA	1 (7%)	1 / 1	0 (0%)	Grant/Green
Salem	3 (6%)	3 / 1	2 (4%)	Harrington/Lapkin
Framingham	1 (5%)	0 / 0	1 (5%)	Dooher/Martin
Bridgewater	2 (5%)	2 / 2	0 (0%)	Mohler-Faria/Kleniewski
Mass Maritime	0 (0%)	N. A.	0 (0%)	Gurnon/Lima

Table 2

Post-tenure Review Ratings of "Exemplary" by Campus
(in decreasing order by final percentage of PTR candidates)

Campus	# (%) Initial Ratings	# (%) Final Ratings	President/Vice President
Framingham	15 (68%)	18 (82%)	Dooher/Martin
Mass Maritime	7 (78%)	7 (78%)	Gurnon/Lima
Bridgewater	24 (63%)	29 (76%)	Mohler-Faria/Kleniewski
Fitchburg	15 (58%)	19 (73%)	Antonucci/Fiorentino
Salem	29 (60%)	35 (73%)	Harrington/Lapkin
Overall	137 (62%)	161 (73%)	
Westfield	16 (64%)	18 (72%)	Carwein/Rasool
MCLA	9 (64%)	10 (71%)	Grant/Green
Mass Art	10 (67%)	10 (67%)	Sloan/Branson
Worcester	12 (52%)	15 (65%)	Ashley/Caruso

BEACON HILL BEAT

Legislature and Romney Spar over FY07 Budget

Massachusetts Teacher Association lobbyists worked with legislators until the last possible moment to overcome Gov. Mitt Romney's obstacles and secure funding for public higher education in the fiscal year 2007 state budget. Highlights include:

- Funding for state colleges increased over last year by \$7.1 million, or 3.6 percent. By comparison, the UMass system received a \$29.4 million boost, or 6.6 percent, while the community colleges received an increase of \$5.4 million, or 3.6 percent.
- Romney vetoed numerous line items for public higher education campuses. All those vetoes were subsequently overridden by the legislature.
- Efforts to increase the amount state employees pay for their group health insurance premiums were beaten back. As a result, state employees' premiums will remain at the current levels: 15 percent for employees hired before June 30, 2003 and 20 percent for employees hired after that date.
- A bill granting up to four years of creditable service for certain state employees who were previously paid as 03 consultants was initially rejected via amendment by Romney July 5. The legislature subsequently rejected Romney's amendment and it was signed into law two weeks later.
- Romney vetoed two line items that provided the funding for the retroactive payments due all retirees who are owed this money. He also rejected the outside section—Section 15—that provided retirees with access to these retroactive payments. Had Romney made an 'outright veto' of Section 15, the legislature could have overridden it. Unfortunately, he sent it back with an amendment, so that a simple override would not suffice. As the session drew to a close July 31, MTA and the labor

coalition worked together to speed the process of overriding Romney's actions. At 11:50 p.m., we attempted to get the legislature to complete enactment in both houses, but unfortunately, they ran out of time before the session ended at midnight.

We are working to get the legislature to take final action on this provision in an informal session. After enactment, the provision will return to the governor's desk; we will then try to convince him not to veto the retirees' retroactive pay provision. If he does veto, we will work to get it through the legislature at the beginning of the '07 formal session.

—*Arline Isaacson is a lobbyist for MTA.*

MTA Declines to Endorse Candidates

MTA's Candidate Recommendation Committee considered candidates for governor and lieutenant governor, but, in conjunction with the MTA Executive Committee, declined to recommend any candidate in either party's primary.

Two MTA members are elected to CRC from each congressional district in the Commonwealth. CRC meets mostly during election cycles to interview statewide candidates, and to vote on MTA endorsements of candidates for office at or above the level of state representative. CRC gathers information about candidates from questionnaires we send to candidates and from their voting record, if they are incumbents. Additionally, we interview the candidates for state representative and state senator. As is the case this year, the MTA Executive Board votes on CRC's recommendations for statewide offices such as governor and lieutenant governor.

—*Ken Haar is MSCA chapter president at Westfield State College and a CRC member.*

Why Me?

Brett M. Rhyne here, assistant professor of communications at Salem State College, union man and now, editor of this newsletter. Why me? Well, I've worked as a newspaper reporter and currently teach journalism and advise the student newspaper, *The Salem State Log*.

My feelings about organized labor are best described by Clarence Darrow, who said trade unions "have done more for decency, for honesty, for education, for the betterment of the race, for the developing of character in man, than any other association of men."

I appreciate the confidence President **Pat Markunas** has shown by appointing me to this position. I thank her, as well as former editor **Ben Jacques**, designer **Susan McCarthy**, MTA consultant **Donna Sirutis**, my Salem colleague **Paul McGee** and all the contributing editors for making me feel welcome and helping make a smooth transition between editors. My communications department colleagues, particularly chair **Sandra Fowler**, have been most gracious in allowing me to take on this additional responsibility. My wife has my eternal gratitude for her enduring support. I also thank you, our member-readers, in advance, for giving me the opportunity to serve and inform you. My contact information is in the staff box, below; please, feel free to get in touch, any time.



Brett M. Rhyne

MSCA Perspective

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

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www.massteacher.org
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www.nea.org

MSCA Board Meetings Fall 2006

Regular meetings of the MSCA Board of Directors begin at 10:00 am and usually adjourn around 3:00 pm. Meetings are open to all MSCA members in good standing — full-time, part-time and DGCE. Time is set aside on the agenda each month for visiting speakers. If you are an MSCA member and wish to address the Board on an issue of concern, please contact the MSCA President's Office <Pmarkunas@aol.com> to request a place on the agenda or with any other question about Board meetings.

- September 8** Framingham State College
Campus Center, McCarthy's
- October 6** Framingham State College
Campus Center 309
- November 3** Mass College of Liberal Arts
Amsler Campus Center 324 A & B
- December 1** MTA Regional Office Auburn
Large Conference Room

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