

DGCE Bargaining Team Reviews Survey Results, Preps Proposal

Susan Dargan, Chair, DGCE Bargaining Committee

The DGCE bargaining team met at Framingham State University on June 7 to review the results of the recent member survey, discuss bargaining strategy, and outline a draft MSCA proposal based on survey findings. Three hundred twenty-six (326) members responded to the survey, which measured perceptions of job-related issues in DGCE through the use of close- and open-ended questionnaire items. The majority of survey respondents reported that they taught full-time in the day division and DGCE (68%), followed by those who reported that they taught part-time in the day division and DGCE (18%), DGCE only (11%), and other (3%).

After reviewing the survey findings, the bargaining committee prepared a conceptual MSCA proposal. MTA consultant **Robert Whalen** is drafting this proposal for the MSCA Board of Directors to review and approve on a date to be determined. The current agreement expires on December 31, 2011.

The team consists of: **Sue Dargan** (Chair, Framingham), **Glenn Pavlicek** (Bridgewater), **Sean Goodlett** (Fitchburg), **Ben Ryterband** (Mass Art), **Gerald Concannon** (Mass Maritime), **David Goodof** (Salem), **Ken Haar** (Westfield), **Anne Falke** (Worcester) and **C.J. O'Donnell** (MSCA President). Team alternates include: **Jean Stonehouse** (Bridgewater), **Gary Merlo** (Westfield), **Robert Donohue** (Framingham), **Sam Schlosberg** (Mass Art), **Arthur Aldrich** (Mass Maritime), and **Paul McGee** (Salem). MTA consultant **Robert Whalen** will serve as the team's chief negotiator.



MSCA/DGCE Bargaining Committee Chair Sue Dargan (Framingham) attends to business at the 2011 MSCA Delegate Assembly, held at Mass Maritime in April.

Pat Markunas

Thoughts about the Vision Project

C.J. O'Donnell, MSCA President

Donna Sirutis, MTA Consultant

The Vision Project was conceived by **Richard Freeland**, Commissioner of Higher Education, and presented to the Board of Higher Education in October 2009. It set forth Freeland's objective: We will produce the best-educated citizenry and workforce in the nation.

Freeland's Vision Project sets forth five areas in which Massachusetts public higher education would achieve national leadership: (1) college participation (college-going rates of high school graduates), (2) college completion (graduation and success rates of the students we enroll), (3) student learning (academic achievements by our students on campus-level and national assessments of learning), (4) workforce alignment (alignment of our degree programs with key areas of workforce need in the state's economy) and (5) elimination of disparities (achievement of comparable outcomes among different ethnic/racial, economic and gender groups).

The Vision Project announced that, "[t]o hold ourselves accountable for achieving national leadership on these five key outcomes, we will issue an annual report to the people of the state, comparing our work to that of our peer institutions in other states."

Commissioner Freeland presented the Vision Project to the MSCA Board of Directors at its meeting in January 2010. In March 2010 the BHE indicated its intent to implement the Project, without first submitting it to governance committees at the state universities. MSCA filed a consolidated grievance in response, which is pending.

In April 2011 MSCA President **C.J. O'Donnell** appointed an ad hoc committee to analyze and make recommendations on the Vision Project. After preliminary discussion of the Vision Project's founding documents and the Phase One report of the BHE's Working Group on Student Learning and Outcomes Assessment, the ad hoc committee identified a number of concerns.

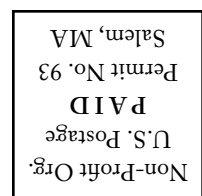
The Vision Project makes questionable assumptions about what constitutes learning and factors that go into learning. For example, Freeland wants the highest college participation rates in the nation. Yet the Vision Project does not address the lack of resources needed to strengthen K-12 schools and fails to acknowledge the opinion of some state university faculty that college preparedness has declined with the implementation of MCAS. These problems are beyond the control of the state universities, yet the state universities will be held accountable for meeting this goal. Is the intent to lower admission standards at the state universities in order to improve college-going rates in Massachusetts? Would admission of less well-prepared students result?

Another of the Vision Project's outcomes is college completion. Graduation rates are a dubious measure of institutional success. Even assuming that graduation rates should be used as an indicator, nothing in the Vision Project assures the resources that students need to help them graduate (such as financial aid, more full-time faculty, sufficient course offerings, day care for students with children, the availability of tutoring, additional advising services, etc.) Since the college preparedness of an institution's students is among the most important factors in that institution's graduation rates, would the goal of admitting more students lead to lower graduation rates?

MSCA's ad hoc committee has identified other concerns, such as the Project's implied wish for simplicity and uniformity of content knowledge for all students regardless of field of study, the creep towards use of standardized tests on which to base national comparisons, the potentially short-sighted prioritizing of workforce needs over the liberal arts and the cultivation of innovation, and the failure to demand resources to address disparities.

The ad hoc committee sees the Vision Project as short-changing our students.

President O'Donnell has told Commissioner Freeland and BHE Chair **Charles Desmond** that MSCA is willing to work with the Commissioner and the BHE to try to reconcile our views on what best serves our students and, ultimately, the Commonwealth. Your suggestions should be sent to your chapter president (see page 4).



The Ins and Outs of Grievances

Sandra Faiman-Silva, Chair, MSCA Grievance Committee

All full-time and most part-time faculty, plus all full-time librarians, are covered by *Collective Bargaining Agreements* (CBAs), either the MSCA/BHE Day CBA, the Division of Graduate and Continuing Education (DGCE) CBA, or both. **Grievances are a contractual right** in both CBAs. The grievance procedures are similar; all citations below refer to the day unit CBA (*Art. XI*). Both CBAs are posted at <www.mscaunion.org>.

If you teach for credit or serve as a full-time librarian at a state university in the day, evening or summer school program, your salary and working conditions are governed by one or both of these CBAs. The only exceptions are those part-time faculty teaching in their first or second semester in the state university day programs. Credit-bearing work in DGCE is covered from the first semester.



Sandra Faiman-Silva (standing) gives the report of the MSCA Grievance Committee at the 2011 MSCA Delegate Assembly, held at Mass Maritime in April. Anne Falke (foreground) is the chapter president at Worcester State University.

Initiating the Grievance Process

When members of the bargaining unit believe that a contract provision has been violated, they should consult with the campus **grievance officer** (see box to the right) or **chapter president** (see page 4) *as soon as possible*, in order to avoid missing the grievance filing deadline. Grievances may be filed on any contract provision that you believe has been violated, ranging from course scheduling and office space to reappointment and tenure.

In some instances it is possible to resolve a disagreement informally without filing a grievance. However, *you have only ten days in which to file a grievance*. Talking with management about resolving a problem does not postpone the ten-day deadline for filing a grievance unless you get a written agreement with management to suspend the filing deadline while you discuss the matter. Missing a deadline can cost you the grievance.

How do you know that your work-related problem is grievable? **Grievance officers** and **chapter presidents** are familiar with the **CBAs**, and you should consult them to determine whether your problem is grievable. Our CBAs are long and complicated, and seeking help from your campus union leadership is imperative. Remember, timeliness is important!

Should you file a grievance, even though the issue seems minor? **Yes, you should!** If you tolerate management's contract violations, you send two messages. *First*, that the contract provision being violated is not important and may not need to be part of our CBAs. *Second*, that management can violate contract provisions willy-nilly and the MSCA won't care. We must be vigilant in protecting our working conditions and worker rights.

I encourage each faculty member and librarian to consult with your grievance officer immediately if you are concerned that your contract rights have been violated. If your reappointment letter contains misinformation, *you must grieve within ten days* of receipt of that letter. If you receive a teaching schedule from your department chair that you believe is unfair, *you must grieve within ten days* of receipt of the proposed schedule. If your department is not following written committee procedures in establishing department committees, conducting department business, or conducting searches, *you must grieve within ten days*.

Common Contractual Violations

Grievances about reappointment, promotion, tenure, and post-tenure review are common (*Arts. VIII, IX, XX*), including the *Art. XX.C.7* "added consideration" provision, which stipulates that temporary full-time unit members have special rights when they apply for a full-time tenure-track position within the state university system. *Art. XX.B* allows promotion and tenure candidates to apply for early consideration based on "sound academic reasons."

All reappointment, promotion and tenure personnel actions are based on the exercise of **academic judgment** (see *Art. XI.B.5*), the basis for which is defined in *Art. VIII.I*. Management must provide **clear and convincing** reasons to support positive recommendations and **full and complete** reasons for recommendations against reappointment, promotion, or tenure. If you are not satisfied with any

evaluation at any step of the process, **you must grieve within ten days** of your receipt of the evaluation.

Grievances filed concerning the evaluation articles face a high threshold to be successful, since the CBAs stipulate that the grievant must demonstrate that the exercise of academic judgment was "arbitrary, capricious" or made in "bad faith" (*Article XI.C.9*). This should not deter you from filing grievances, however. We have found that management's representatives sometimes impose unreasonable expectations, make unsubstantiated claims, and fail to evaluate members fairly. A successful outcome may mean that evaluations are re-done or negative comments are expunged.

Complaints against faculty members cannot be used except as specified in the *Policy on Handling Anonymous Complaints* and *Memorandum of Agreement* (December 3, 1996). State university management, chairs, and colleagues are expressly prohibited from imposing any **collateral consequences** of grievance filings, and all grievances are confidential filings.

Part-Time and DGCE Faculty

Part-time faculty complaints often involve the loss of teaching assignments and the role of department chairs in assigning unit work (*Art. VI.A; Art. XII.A.4*). Part-time appointments, unfortunately, are not guaranteed from semester to semester under either CBA. Each part-time faculty member, including full-time day faculty teaching in DGCE, is hired to teach for one semester only, with no contractual guarantees of future work. Part-time faculty, however, have rights to be considered for employment from semester to semester as part of the DGCE Pool, and must be evaluated solely based on evaluation material and information contained in their **Official Personnel File** (see *Art. XVI*, or *Art. XI* in the *DGCE CBA*).

Department Chairs and Other Evaluators

A thorny issue is the handling of grievances related to the unit work of department chairs, who are urged to familiarize themselves with their duties, especially *Art. VI* (Selection and Responsibilities), *Art. VIII* (Evaluations), *Art. IX* (Tenure), *Art. XI* (Grievances), *Art. XII* (Workload, Scheduling), and *Art. XVI* (Official Personnel Files). The CBA is clear that department business, including course scheduling, searches, committee formation, and decision-making, must be conducted democratically. Peer evaluations must be confined to the official record, and personal animosities must not interfere with colleague evaluations. Members of peer evaluation committees and the promotion and tenure committees are urged to become familiar with their contractual duties. Chapter presidents and grievance officers are available to assist chairs to uphold the CBAs and promote informal and collegial resolution of department-related problems.

Contact Information for Statewide Grievances

Because emails on university servers are public records, MSCA members are advised to use off-campus email addresses for all grievance-related communications. Please use the following email addresses and telephone numbers to reach the chair and secretary to the MSCA Grievance Committee regarding new Step III or IV submissions, previously submitted grievances, and general grievance related matters.

Sandra Faiman-Silva
Chair, Grievance Committee
Bridgewater State University
<SFaiman@aol.com>
(508) 531-2369

Christine Melin
Grievance Office Secretary
Salem State University
MSCAgrievance@comcast.net
(978) 542-2522

Contact Information for Local Grievances

If you believe that you may have a grievance at the local level under either the day or DGCE CBA, please contact your chapter grievance officer, listed below with appropriate contact information.

Bridgewater	Sandra Faiman-Silva Chair, MSCA Grievance Committee sfaiman@aol.com (508) 531-2369
Fitchburg	Glenda Ouellette glenda-o@comcast.net (978) 665-4617
Framingham	Robert Donohue Vice Chair, MSCA Grievance Committee rdonohue@rcn.com (508) 626-4875
Mass Maritime	Joseph Murphy captmurphy@verizon.net (508) 830-5021
MCLA	Dana Rapp 714shippee@gmail.com (413) 662-5197
Mass Art	David Nolta dnolta@msn.com (617) 879-7585
Salem	Caitlin Corbett caitlin.corbett@caitlincorbettdance.org (978) 542-7153
Westfield	Gregg Neikirk neikirk1@comcast.net (413) 572-5331
Worcester	Hemant Pendharkar pendharkar@alumni.unh.edu (508) 929-8969

Making the Case for Public Higher Education

Ken Haar, President, Westfield Chapter/MSCA

Two recent books written by our colleagues at the University of Massachusetts Amherst have begun to change the conversation about the state of public higher education. While Massachusetts public higher education faces a unique challenge from the presence of a rich array of private colleges and universities that compete for state resources, the general defunding of state institutions of public higher education around the country is exacerbating the increasing gap between the haves and have-nots in our society.

Both books should be must reading for you and your students. MSCA may distribute them to our legislators, so they can be enlightened and educated on the danger we face from our current unsustainable position and the opportunity that investment in our public system of higher education means to the Commonwealth of Massachusetts.

***Saving State U*, by Nancy Folbre (New Press, 2010)**



Economist and *New York Times* blogger Nancy Folbre's book, *Saving State U* is a call to action for a society in the process of killing off the greatest asset it has in the drive for economic supremacy and social mobility. The picture she draws of the future of public higher education is stark, as she traces the inequalities that limit access and punish the poor and middle class by either keeping them from affording a college education or forcing them into debt loads that cripple their future economic well being.

Professor Folbre traces the decline of public higher education from its heyday in the late 1960's and 1970's to the changing social contract in the 1980s. The earlier social egalitarianism and collective

well-being was exemplified by Social Security and Medicare (largely the province of the elderly) and low cost public higher education (mostly the province of the young). But since the 1980's we have moved to a low-tax market-based system that penalizes those who can least afford it, and rewards those that need no rewards.

This market mentality has led to the boom in for-profit colleges and universities that target students who are most eligible for federal financial aid and least likely to question their policies (like the poor and those with little or no knowledge of the process of applying to or attending college). These students are assisted to apply for financial aid and are often the first to drop out, but not until the for-profit school deposits the student's financial aid in their own bank accounts. For-profit colleges and universities have the lowest graduation rates, the highest default rates on students' loans, and enormous profits. This system of for-profit higher education is a scam on the taxpayers and poor students who succumb to slick advertising.

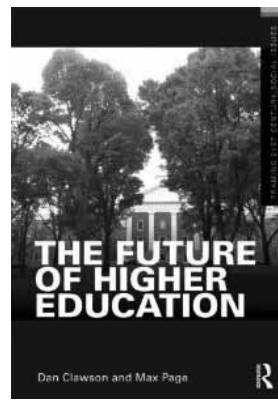
But the problems of the market are not confined to the for-profits. Students at public and private schools fight for a dwindling share of tax dollars devoted to financial aid, the largest share of which goes to private schools, whose students are least in need of it. State appropriations for public higher education decline as other social needs demand resources in a low-tax environment, forcing tuition and fees to rise dramatically. Up to two-thirds of courses in public colleges and universities are taught by part-time faculty earning poverty level salaries without benefits.

In this climate, we are confronted with a business model for education that forces us to sell the product at a time when it is being cheapened and degraded almost daily. Professor Folbre uses the examples of UMass Amherst and Amherst College, just a mile apart. At Amherst College the faculty-student ratio is 1 to 8, while at UMass the ratio is a respectable 1 to 17. However, at Amherst College nearly all courses are taught by tenured or tenure-track faculty. At UMass Amherst fewer than 60% of courses are taught by such faculty.

This problem is growing at Massachusetts' state universities despite the 15% rule in our contract, and is greater still at our community colleges where as many as 90% of courses are taught by adjunct professors. While part-time professors are hard-working and qualified, their need to balance a life working at poverty level wages, often at multiple institutions, leaves them unable to perform the many service, governance, scholarly, and advising tasks that contribute to the life of an institution and the success of students.

***The Future of Higher Education*, by Dan Clawson and Max Page (Routledge, 2011)**

Dan Clawson and Max Page's book *The Future of Higher Education* is part of a series of short books called *Framing the 21st Century Social Issues*. This volume directly attacks the key problems in the current dilemma faced by public higher education. Professors Clawson and Page, both former presidents of the Massachusetts Society of Professors, the union that represents faculty at UMass Amherst, bring into sharp focus the neo-liberal ideology that drives the educational agenda and overlays a business model on most university operations.



After a brief history of public higher education, each chapter deals with a central issue confronting us today: "Who Governs the University?" "Who Pays?" "Who Goes?" "Who Works?"

In "Who Governs?" we learn about the stark transformation from institutions governed by faculty and guided by academic values to institutions run by non-academic administrators using a business model. We can identify the debilitating effects this has on the missions of public higher education institutions as CEO presidents, boards of trustees, industry-based think tanks and consultants attempt to impose business models that do not readily fit higher education.

In "Who Pays?" the authors trace the decline in public support for public higher education and the impact that has had on students and their ability to afford, and complete, a college education. In the 1970's a student working 10 hours a week at minimum wage could afford to attend an institution of public higher education full-time and graduate after four years with no debt. Today that same student working full-time at a minimum wage job could not afford to attend college full-time and would be burdened by an average debt of \$24,000 upon graduation.

In "Who Goes?" we learn about the poor being priced out of a chance to attend college and the skewing of financial aid dollars to wealthier students, away from those who most need it. This process results from the business model approach to students as consumers and the desire of public universities to maximize their non-state-appropriation income. Luring out-of-state students and their higher tuition and fee payments and funneling financial aid to richer students who are more likely to finish sooner and pay up become strategic best-practice business plans in the new public system.

In "Who Works?" Professors Clawson and Page expose the "Wal-Marting" of public higher education with the outsourcing of many services, the increased use of part-time workers without benefits, and the burgeoning ranks of top-level administrations to control both the product (marketing) and the consumer, who happen in this case to be the same: our students.

The book concludes with an argument for a daring transformation of both our system of public higher education and, by consequence, our society. The authors argue for democratically governed public higher education, where all constituencies have a stake in the future of the system. *The Future of Higher Education* proposes a free public higher education system, just as high school education became free in the early 20th century. To the inevitable argument concerning the costs of such a proposition, the answer is not a funding problem, but a priority problem. For example, removing the cap on the payroll tax for Social Security for people who make over \$106,000 would provide enough revenue relief to pay for public higher education for everyone.

The bigger question deals with priorities of the society as a whole. The \$100 billion it would cost to make public higher education free is dwarfed by repealing the Bush tax cuts (\$1.3 trillion), the Iraq and Afghanistan wars (\$1.0 trillion) or the bank bailout (\$800 billion). Such a program would be popular, provide an economic boost to the country that would rival the post World War II boom, and return us to the egalitarian promise of our founders.

I recommend buying these books through the PHENOM website, at <www.phenomonline.org>. At no extra cost, PHENOM will receive a small contribution when these books are purchased through the website from Amazon, Barnes & Noble, and Powell's Books, a unionized and independent bookstore.



— Ken Haar is a professor of computer science at Westfield State University and serves as the vice president of PHENOM in addition to the MSCA chapter presidency at Westfield.



Dan Clawson, professor of Sociology at UMass Amherst, a representative on the Board of Directors of the Massachusetts Teachers Association



Max Page, professor of Architecture and History at UMass Amherst, and the current higher education member of the Executive Committee of the Massachusetts Teachers Association



Nancy Folbre, professor of Economics at UMass Amherst

Michael Jacobson-Hardy

Laura Clawson

Paul Johansen

TRANSITIONS

Toner Appointed to Board of Higher Ed

Paul Toner, president of the Massachusetts Teachers Association, has been appointed by Gov. **Deval Patrick** to the Massachusetts Board of Higher Education. Toner's appointment took effect in May and will last four years.

The BHE is the statutory executive branch agency that oversees degree-granting authority for all institutions of higher education in Massachusetts, as well as the statutory employer for the state universities and community colleges. It has 13 members, all of whom are gubernatorial appointees with the exception of the three education commissioners, who serve ex-officio.

The current BHE chair is **Charles Desmond** of Danvers. Desmond appointed Toner to serve on the Fiscal Affairs and Administrative Policy (FAAP) Committee.

In a recent email, Toner remarked that "I am honored to have been appointed to the Board of Higher Education by Governor Patrick. I look forward to working with Commissioner Freeland, Chairman Desmond, Secretary of Education Reville and all BHE members to provide the students of the Commonwealth with an excellent system of public higher education. As the labor representative on the Board of Higher Education I take my role representing the views of the faculty and staff seriously and I am especially interested in hearing their views on issues that come before the board." Toner can be reached at <PToner@massteacher.org>.



Paul Toner, president, Massachusetts Teachers Association

Erico Studios

Worcester State Selects Westfield's Maloney for President

Barry M. Maloney, twice an interim president at Westfield State University, will now get a term as a permanent president of a state university. On May 3, Maloney was appointed by the Board of Higher Education to assume the presidency at Worcester State University, effective July 1. Maloney will succeed **Janelle Ashley**, who is retiring after nine years as president.

Maloney has served in a wide variety of roles at Westfield State, where he was the APA chapter president, assistant to former Westfield State president **Frederick Woodward**, and vice president of both institutional advancement and student affairs. While in administration, Maloney taught a career development course as a part-time faculty member in the psychology department and a First Year Experience seminar. His application letter stressed the importance of the campus governance structure and the need for the university president to inspire confidence and maintain a personal touch with all campus constituencies.

Markunas to Step Down as *Perspective* Editor

On a point of personal privilege, I will switch from third to first person to announce that this issue of the *MSCA Perspective* will be my last one.

I have been involved in statewide MSCA activities since my first MSCA Delegate Assembly in 1984 at Mass Maritime Academy. I was honored to have been elected by the membership to three statewide offices (secretary, vice president and president) and to chair the MSCA Bargaining Committee for five years.

I appreciated **C.J. O'Donnell's** appointment for me to serve as editor of the *MSCA Perspective* when he assumed the MSCA presidency in 2008. It was great to remain involved with MSCA without the hassles of driving around the state or attending meetings. I loved being able to tackle some issues for the *Perspective* that I couldn't as president, particularly the research on the impact of post-tenure review and the "do's and don'ts" of evaluation portfolio preparation.



Sarah Nathan, MTA

Pat Markunas

Last spring, my colleagues selected me to serve as chair of the psychology department at Salem State. Being a department chair is sometimes harder than being a chapter president. I joke now that I wish I had been a chair before I helped to bargain Article VI (Department Chairs) all those years. Psychology has the largest major in the SSU College of Arts & Sciences, with two masters programs to boot.

My colleagues provided me with incredible support and assistance throughout my MSCA service. I want to spend the remaining years in my academic career devoting my time, energy and organizational skills to the growth and success of our faculty and students.

In closing, I want to express my appreciation to **C.J. O'Donnell** and every MSCA officer and director over the past 20 years; to **Donna Sirutis**, **Fred Doherty**, **Bob Whalen** and all the MTA staff and officers who helped to make MSCA successful; and to the MSCA membership who elected and re-elected me to office. It was a great ride and I wouldn't have missed it for anything.

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Patricia V. Markunas, Editor
c/o Salem State University
352 Lafayette Street, Salem, MA 01970
(978) 542-7282 (voice mail only)
Pmarkunas@aol.com

Susan McCarthy, design and layout
Salem State University

MSCA Officers

C. J. O'Donnell, MSCA President
c/o Massachusetts Maritime Academy
Buzzards Bay, MA 02532
(508) 830-6684
(508) 830-6699 Fax
msca@comcast.net

Amy Everitt, MSCA Vice President
c/o Salem State University
Salem, MA 01970
(978) 542-6366
amy.everitt@salemstate.edu

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

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

Chapter Presidents

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

Sean Goodlett, President
Fitchburg State University Chapter
(978) 665-3303
sgoodlett@fsc.edu

Robert Donohue, President
Framingham State University Chapter
(508) 626-4875
rdonohue@framingham.edu

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

Dana Rapp, President
Massachusetts College of Liberal Arts Chapter
(413) 662-5197
D.Rapp@mcla.edu

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

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

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

Anne Falke, President
Worcester State University Chapter
(508) 929-8722
Afalke@worchester.edu

MSCA Delegates Elected to 2011 NEA Representative Assembly

The following members were elected to represent MSCA at the 2011 NEA Representative Assembly, to be held July 1-6 in San Diego, CA:

Ronald Colbert, Fitchburg State University
Gerald Concannon, Mass Maritime Academy
Joseph Ebiware, Mass College of Liberal Arts
William Fay, Bridgewater State University
Sean Goodlett, Fitchburg State University
Kenneth Haar, Westfield State University

Joel Litvin, Bridgewater State University
C.J. O'Donnell, Mass Maritime Academy
Leonard Paolillo, Mass College of Liberal Arts
Daniel Shartin, Worcester State University
Charles Wellens, Fitchburg State University