

30 Years Strong!



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Ponderings of the President

by Ira Lansing

In two months time the College of Marin will be a very different place. From the standpoint of a faculty member every aspect of our work environment will have changed drastically, and not for the better. The road we are on seems to have a fork ahead, and the branching paths are the only two options available.

In two months the impasse process will have concluded. The attempt at mediation between UPM and the District failed and ended, with the last words from the District's bargaining team being a statement that "the Board of Trustees gave them [the District's bargaining team!] no authority to bargain"—no counter offer to UPM's last proposal, no alternative procedure, just no engagement, just no.

The next step is the fact-finding process, which is scheduled for three non-consecutive days, beginning February 24. At the end of this period the three member fact-finding panel will issue a report. Ten days later the report becomes public and there are three options available to the parties: continue to negotiate in good faith,

accept the fact-finding report, impose a contract; the latter may either be accepted by the faculty or the faculty can walk out and refuse to work under the imposed contract. The purpose of the strike is to bring the parties back to the table in an effort to negotiate a mutually agreeable contract. Thus, the two paths at the fork are either accept an imposed contract or walk out.

From my perspective as UPM president it appears that these are the only two possible outcomes, acquiesce or strike, despite the possibilities of an acceptable fact-finding report or further bargaining. If the Board of Trustees and the administration were truly serious about producing a collective bargaining agreement that was acceptable to both parties, they would have responded in meaningful ways to all previous proposals. They have given no counter-proposals to most of their initial positions and have remained, in most instances, at their opening proposals. Remember that one of UPM's last suggestions to the District was one that

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was heavily weighted on both ends of the extreme as proposals go, with high money and benefits, but also most of the language the Trustees wanted. A reasonable response would be along the lines of “the money is ridiculous, but...” Then the bargaining could begin again with give and take and compromises could be reached. But again—no counter offer to UPM’s last proposal, no alternative procedure, just no engagement, just no.

As a member of the UPM bargaining unit you may absolutely question if all other possible avenues have been explored. As President of UPM I would have to say I believe so. When just last month Superintendent/President Fran White publicly stated at a Board of Trustees meeting that the District did not seek impasse and that it was the Union who declared it but they, the District, were still willing to sit at the table, I contacted her directly and asked if that meant they had more to discuss and would return to bargaining. She emphatically responded and said that we are in a process and would not bargain—no counter offer to UPM’s last proposal, no alternative procedure, just no engagement, just no. I have also approached Board members directly to see if there was a forum for discussion, one that could lead to compromise. All I got were half-finished sentences and quick departures—no counter

offer to UPM’s last proposal, no alternative procedure, just no engagement, just no. If it were about personalities, could different people from myself or the bargaining team accomplish something, then that could have been communicated (both sides have in the past expressed an inability to work with certain people, so that is not a sentiment that has not and can not be conveyed). No such assertion has been made.

So it comes down to the final choice and there appears to be only the two forks in the road. We as faculty can go on strike for the first time in the history of the College of Marin or we can accept a contract that changes our wages, benefits and working conditions in extreme ways and wipes out many of the accomplishments achieved over the last 30 years of bargaining (details of the proposals are contained in the Tuesday *De-briefings* and are posted on the UPM web site at www.UnitedProfessorsofMarin.org).

The specifics of what it takes to engage in a strike and what the consequences can be will be explained in future publications as well as at a series of informational meetings. YOU WILL have to make a choice on which road to take. I hope I am wrong, but I do not see an exit miraculously appearing before that fork in the road. Until then it is critical that you stay in touch, stay informed and stay involved.

	<p>Tick-tock, tick, tock, time on the clock. Amount paid to the attorney for the District during the month of November: \$29,400 ... and still no contract</p>	
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CONNECTING THE DOTS

NEWS AND OPINION

By Arthur Lutz

FAIRY TALES AND FIBS

In 1976 child psychiatrist Bruno Bettelheim published a work which was received with great critical acclaim: *"The Uses of Enchantment – the Meaning and Importance of Fairy Tales*. In it, Bettelheim argued that fairy tales were of value and importance for children because they served as outlets for fears and anxieties and "helped children cope with the psychological problems of growing up." Bloody tales like Hansel and Gretel and tales of parental abuse and abandonment like Cinderella, and tales instilling fear in adolescent girls if they ventured outside societally defined gender roles, (e.g. Red Riding Hood), were among the few outlets that reflected, validated, and externalized children's experiences, fears and resentments. The New York Public Library named Dr. Bettelheim's book as "one of the 159 most influential Books of the Century," putting it in the company of the Bible, Ulysses, 1984... and others.

For Bettelheim, children were prisoners of an oppressive adult world and fantasy and fibs (tall tales) were among the few mechanisms through which children could escape and establish authenticity, independence and freedom.

As a prisoner at Buchenwald and Dachau during World War II, Bettelheim understood oppressive authority and used his experiences in treating autistic children at the Orthogenic School for

emotionally disturbed children at the University of Chicago. His book and his treatment methods changed the way that children's fantasy lives were understood and valued.

But it's not only children that live fantasy lives and tell fibs to achieve authority and control. Some adults do so as well, (with perhaps less justification.)

I'm thinking of the fantasies and the fibs told by our College of Marin administration. Specifically I'm referring to President White's fantasy that a group of racist faculty conspirators have been attempting to destroy our college. And I'm referring to Dr. White's latest 'tall tale' that UPM is responsible for abandoning Contract negotiations and declaring impasse so as to proceed to Fact Finding.

Concerning the racism charge, an independent District investigator has officially declared this allegation to be false, (although no retraction or apology to those accused has yet been offered by Dr. White.)

And regarding the matter of bargaining impasse, UPM has made offers to negotiate to which the District has refused to respond. And we have repeatedly offered to remain at, and/or return to the bargaining table to try to resolve our differences before going to Fact Finding. Yet in her most recent communication, Dr. White's wrote, *"Thank you for your note [Arthur]. The District is honoring the Fact Finding process. Happy New Year and best wishes for the new semester."* Fran White.

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When children engage in fantasy and fibs, Bruno Bettelheim taught us to be understanding and to be forgiving because, *"When children immerse themselves in the fairy tale, it becomes a deep quiet pool which reflects their own image and experience and offers a*

way for them to gain peace with themselves and with the world." B.B.

But how do we forgive administrators in authority who engage in irrational fantasies and who resort to fibs and tall tales? Were he still alive, surely Dr. Bettelheim would not be so forbearing.



Letters to the Editor

Feel free to voice your comments and/or opinions concerning any article or issue about you, the College or your union. Letters should be signed, but names will be withheld upon request. Please direct your letters to john.sutherland@marin.edu

The following letter written by CoM math professor Laurie Ordin was distributed via the faculty listserv on January 20, 2009—Inauguration Day. In turn, Arthur Lutz forwarded it to President White, whose response follows. President White's non-sequitur illustrates well the District's position towards its faculty and the negotiation process. And, of course, Fact Finding does not prohibit parties from returning to the negotiation process, as President White suggests.

Dear President White:

Today has been a wonderful day! Our country has a new, brilliant president; a man who is, to quote my husband's grandfather, "fine as silk." Our country is full of hope and optimism as we resolve to work together to fix our problems and make this world a better place for our children and grandchildren. I heard the pleasure in your voice at convocation as you invited us to share this historic moment with our students and colleagues at CoM. I feel the difference in the spirits of the people I meet. The feeling of a broad

community coming together for the benefit of all is palpable all around us.

You concluded your convocation piece in the same spirit that I feel in our country. We heard your call to come together to do the work we need to do for the betterment of all of our students and you thanked us for the hard work we have already done. We are a hard working community. The faculty, and all of the staff who support us to help our students become their best selves, have devoted their lives' work to this end.

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After the convocation there was a meeting of the faculty. Over 120 of us attended, most of the full time faculty and a number of part time faculty, as well. Although I'm sure that we want to and will get on with the work of educating our students with the enthusiasm and optimism that they deserve, the morale in the room was very low as we continue to work without a contract and hear our UPM leaders tell us that our District is unwilling to come back to the table to talk to us. It is extremely important that we feel that the entire college community can put aside differences, as President Obama has asked us to, to get the important work done. It is so much better to feel hope rather than despair in difficult times.

In this spirit, and at the dawn of a new, more hopeful era, I call on you to please

lead the District's representatives back to the table to see if we at CoM can emulate this new beginning for our country. President Obama said that you are judged by "what you can build, not what you can destroy." Follow your words of thanks with thankful actions. Come back to the table so that the hard working people at the College of Marin can share and participate in the exuberance of this moment.

Respectfully,

Laurie

Laurie Ordin
Co-Chairperson
Department of Mathematics

And President White's response....

Thank you for your note. The District is honoring the Fact Finding process.
Happy New Year and best wishes for the new semester.

Fran White

The following letter appeared on the faculty listserv in response to Arthur Lutz' December 2008 *Union Press* article entitled "The Huddle." Its author, Erika Harkins, asked that it be reprinted here.

The ancient Greek Sophists were the first known group of philosophers to point out the fallacy of naive empiricism - the natural assumption that what we take in with our senses represents absolute reality.

A Sophist argument might be something to the effect that in a rapidly changing and evolving world, no one can get a true reading on reality. As

Heraclitus said "the only constant is change."

Sophists, such as Gorgias, Sicilian philosopher, orator, and rhetorician, took this to the extreme of nihilism, thereby denying that anyone could know anything (unfortunately negating his own assertion, but that is another story.)

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Another significant aspect of Sophistry is the ability to make the weaker argument the stronger or make what is utterly and objectively absurd appear plausible.

It is the latter supposition that inspires me to comment on the most recent UPM newsletter.

To what end does it benefit us as a faculty to denigrate the achievements of our students and our colleagues?

Who benefits by saying that the success and promoting the success of our own students or faculty colleagues is “bogus”.

Does this make us as a whole more relevant? Or does it reflect the deeply petty and jealous nature of the individual who puts ink to pen and then distributes it on behalf of his or her fellows?

The same such Sophistry and rhetoric has been used by our colleagues to

absurdly compare members of the administration and board to “Nazis,” to the “Dalai Llama” (in a negative way), and also to repudiate the accomplishments of Mother Theresa and Mahatma Ghandi to cast certain individuals in an ugly light.

How does this tone help us look credible in the eyes of the general community?

Why is a pen so poisoned that it can not even celebrate the fact that faculty contribute to the success of our students?

Why is a pen so poisoned that it can not bear to acknowledge our own talented colleagues without including a nasty barb?

Have we become so cynical that we are now willing to debase ourselves and each other to achieve an end?

Erika Harkins

Grievance Update

This past year, Mercury must have been in retrograde for longer than usual, yielding vindictive and poorly thought through decisions by our administration. Or maybe District representatives ate too much fish out of the SF Bay. In either case, current grievances illustrate the District’s willingness to violate the contract, and its refusal to negotiate in collective bargaining says a lot about its mercury tainted attitude towards faculty (See President White’s response to Laurie Ordin’s letter of good faith in

“Letters to the Editor.”) Here’s a synopsis of the grievances that we currently are dealing with:

1. Heading to Arbitration: Last year an instructor was denied his summer session schedule because then-Vice President Anita Martinez put an arbitrary cap on summer session teaching units. Initially OIM said the cap was nine units; then VP Martinez said it was 6; she soon agreed to 7 units for this instructor; later still, she agreed to 8 units.

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She imposed these limitations because she believed that instructors should not over extend themselves... all while she was working full time as CoM VP AND as an ESL instructor at CCSF! Summer session has NEVER been subject to unit caps and the contract clearly delineates the process for assignments.

2. A full-time instructor was denied reimbursement for approved conference leave even though the contract clearly states that "The PAC shall award conference money for travel expenditures (including meals) to all approved conference leaves." Apparently mercury poisoning does something to one's ability to understand the meaning of "all approved conferences." Heading to arbitration.

3. Last semester, several instructors were denied overload assignments as a result of then-VP Martinez' policies. Again, the contractual language is clear, and past practice has been to limit overload to "one class or 20% of the full-time load." Retrograde has again damaged District representatives' capacity to think clearly. Result: Another arbitration.

4. PAC/Upgrade: Article 16 states that "the PAC shall be supplied with data to rank each discipline's need for new permanent faculty. The PAC shall complete the ranking and allocate positions based on this ranking by December 15 of each academic year." However, the District, having over-consumed bottom fish, neglected to

provide the PAC with the contractually mandated data. This is really no surprise since the District wants to eliminate Article 16 altogether from the contract. But doing so would require negotiating a change, and the quicksilver in the District system has all but degraded its ability to understand upgrading. Arbitration.

5. Once again the District has failed to fulfill its obligation to submit a 16 week calendar. UPM has given the District passes on this before, but now the District has not even attempted to ask for another sidebar. The irony is that it was the District's idea to institute the 16 week calendar and UPM, by vote of the membership, agreed. Arbitration.

6. Last year, the District conducted an investigation into charges of racism. In its initial notification to the unit members involved, it cited Article 24 as its basis for the investigation. Now that the investigation has concluded and UPM has, per Article 24, requested a copy of the investigation report, the District is claiming that the investigation did not fall under Article 24 and so it will not turn over the report. Moral: Mercury poisoning causes number confusion. Arbitration.

7. Finally, last year the District refused to fulfill its obligation to give a full-time instructor his full teaching load. Instead, it argued that the instructor would have to use his department chair overload to fill his assignment.

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UPM filed a grievance and it was recently arbitrated in UPM's favor. The

following notice is posted outside HR:

**NOTICE TO EMPLOYEES
POSTED BY ORDER OF THE ARBITRATOR**

After a hearing in the matter of arbitration involving Marin Community College District (District) and United Teachers of Marin, AFT Local #1610 (Union), American Arbitration Association Case No. 74 300 00051 08, in which all parties had the right to participate, it has been found that the District violated the parties' contract, specifically Articles 18 and 20.3, by taking reprisals against and discriminating against grievant Paul Christensen in violation of those contract provisions.

As a result of this conduct, the District has been ordered to post this Notice and we will:

- A. CEASE AND DESIST FROM:
 - 1. Imposing or threatening to impose reprisals, discriminating or threatening to discriminate against, or otherwise restraining or coercing Paul Christensen, because of his exercise of rights guaranteed by both the contract and the Educational Employee Relations Act.

- B. TAKE THE FOLLOWING AFFIRMATIVE ACTIONS DESIGNED TO EFFECTUATE THE POLICIES OF THE EERA AND THE PROVISIONS OF THE CONTRACT:
 - 1. Make grievant Paul Christensen whole for any loss of pay he experienced as a result of the District's improper denial of assignment of him of an additional Sociology 110 class, when his Sociology 114 class was canceled due to lack of necessary enrollment in the Fall, 2007 semester.

Dated 12/12/08

Marin Community College District

By 
Authorized Agent

THIS IS AN OFFICIAL NOTICE. IT MUST REMAIN POSTED FOR AT LEAST THIRTY (30) CONSECUTIVE WORKDAYS FROM THE DATE OF POSTING AND MUST NOT BE REDUCED IN SIZE, DEFACED, ALTERED OR COVERED WITH ANY OTHER MATERIAL.

**United Professors of Marin
UPM-PAC Payroll Deduction Form**

The UPM-PAC (Political Action Committee) provides financial support to candidates and measures that support or benefit education in Marin County and the College of Marin in particular. If you would like to support the UPM-PAC with a monthly contribution, small or large, please fill out the form below and send it to the Payroll Office.

To: Payroll, College of Marin
Date: _____

I hereby authorize the Marin Community College to deduct from my earnings the sum of _____ beginning in the month of _____, _____ (year), and each month thereafter, and to remit this sum to the United Professors of Marin PAC #990958 until I revoke this authorization in writing.

Signature: _____

Print Name: _____

Address: _____

City: _____

Zip: _____

SSN: _____

UPM Membership Application

I hereby apply for membership in the United Professors of Marin, AFT Local 1610

Date: _____ Email: _____

Name _____ SS #: _____

Address: _____ Department: _____

City: _____ Zip: _____

Home Phone: _____ Campus Ext.: _____

Check the appropriate category:

____ I am a permanent credit or non-credit employee or leave replacement.

____ I am a temporary non-credit employee on the quarter system.

____ I am a temporary credit or non-credit employee on the semester system.

Return to UPM Kentfield campus mailbox or UPM Office, Science Center 136

UPM Committees and Staff

<p>PRESIDENT Ira Lansing</p> <p>BARGAINING TEAM Paul Christensen (Chief Negotiator) Hank Fearnley, Theo Fung, Arthur Lutz Mike Ransom, John Sutherland</p> <p>UPM-PAC Arthur Lutz</p> <p>GRIEVANCE OFFICER John Sutherland</p> <p>TREASURER Theo Fung</p> <p>BUDGET MONITOR Deborah Graham</p> <p>BAY 10 REPRESENTATIVE Rinetta Early</p> <p>CCC REPRESENTATIVE Laurie Ordin</p>	<p>NORTH BAY LABOR COUNCIL REPRESENTATIVE George Hritz</p> <p>PROFESSIONAL AFFAIRS COMMITTEE Mike Ransom, David Rollison</p> <p>WORKLOAD COMMITTEE Carl Cox, Deborah Graham</p> <p>HEALTH AND SAFETY COMMITTEE Jamie Deneris, George Adams</p> <p>PROFESSIONAL STANDARDS COMMITTEE Arthur Lutz Mike Ransom</p> <div style="text-align: center;"> <p><i>30 Years Strong!</i></p>  </div>	<p>SABBATICAL LEAVE COMMITTEE Jamie Deneris, Don Foss, Chris Schultz, Toni Yoshioka</p> <p>CRA TRUST Ed Essick(Chair) Sarah Brewster, Ira Lansing Ron Palmer</p> <p>UPM EXECUTIVE COMMITTEE Ira Lansing, Paul Christensen Carl Cox, Hank Fearnley Arthur Lutz, Deborah Graham Mike Ransom, John Sutherland Tom Behr</p> <p>WEB MASTER Mike Ransom</p> <p>UNION PRESS EDITOR John Sutherland</p> <p>EXECUTIVE SECRETARY Teresa Capaldo</p>
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