

30 Years Strong!

UPM

United Professors of Marin

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Volume XXXVIII No. 4, April 2008

Union Press

Ponderings of the President

by Ira Lansing

In graduate school there is a term that is commonly heard: “post-thesis letdown”. It refers to a period of blah that follows a very intense period of work and mental energy. The College of Marin seems to be in a post-program review letdown. The period prior to the April 1 WASC visit was so extraordinarily busy producing the necessary information, that just doing the “normal” routine at this time may seem exceptionally low key. Despite these feelings,

there are still numerous issues and problems facing all of the faculty.

Those of you who read the local newspapers—the *Marin Independent Journal* or the *Pacific Sun*—or follow the faculty on line listserv, are aware that there have been numerous articles, letters to the editor and general discussions about the problems, real or perceived, at the College of Marin. One such article in the *Pacific Sun* discussed the recent faculty vote on program

elimination policies, sponsored by the Academic Senate. It is not necessary to have read the article; the letter to the editor that I wrote and subsequently published contains enough original quotes to give a sense of the content. When the *Sun* published my letter, they did so with the caption “We Have to Be Entertaining—and Accurate?!” I find this very telling, given the content of what follows.

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Here is the letter to the editor, in its entirety:

While the ongoing drama of the College of Marin may be entertaining to your readers, at the very least they deserve an accurate reporting of the situation. Regarding your recent story on the faculty vote on three policy options, where it was reported that two of them were authored by “leaders in the faculty union”, none of the authors are *leaders* in the faculty Union—all of them are *members* of the Union, and that is also true for the authors of the proposal that received the majority of votes. Union membership at College of Marin is voluntary; instructors, counselors, librarians and other eligible staff must choose to join. Yet 100% of the permanent and probationary faculty has chosen to belong to the United Professors of Marin.

Discussion of differences is one of the foundations of a healthy instructional environment and what we as faculty attempt to engage in with our students.

In addition, only 20 votes separated the winning proposal from the voters of the other proposals. This is hardly an “overwhelming majority of the faculty,” as was reported, and certainly not a particularly large difference when over 160 votes were cast (and about 240 people did not even vote). Differences of opinion are common, even welcomed, in an academic institution. Discussion of differences is one of the foundations of a healthy instructional environment and what we as faculty attempt to engage in with our students. To label this discussion and the participants as “dissenters” reveals a frightening bias against the basic principles of academia. Ironically, despite the proposal from the faculty, the Board of Trustees adopted their own variation of the policy which included language that even the current Academic Senate President found objectionable.

But perhaps the most frightening element of the entire article, which must be completely erroneous and only raises issues of credibility for the rest of the story, is the quote from CoM President Fran White: “They [some faculty] are doing everything they can do to

kill the institution...doing everything to work against students and full accreditation.” I am outraged and embarrassed that the president of this college dares to accuse ANY member of the faculty of working against students and of working against this college’s future. Shame on her or shame on you for getting it wrong.

Finally, while the reporter said “a message left for a leader of the faculty dissenters was not returned”, be clear that I was never contacted. If the reporter would let me know just whom it was he tried to call, I can let that person know of their new position in the College and perhaps he or she will return future phone calls.

I am outraged and embarrassed that the president of this college dares to accuse ANY member of the faculty of working against students and of working against this college’s future. Shame on her or shame on you for getting it wrong.

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To date, no one from the *Pacific Sun*, the College of Marin administration, nor Fran White herself, has denied the accuracy of her statement. This is highly indicative of the atmosphere on campus that existed before and still exists today, post-Program Review lull or not. The administration and the Board of Trustees continue to allow spurious issues to be raised on arbitrations that have been won. There is still a reluctance, even a resistance, to discussing outstanding issues with UPM representatives. Negotiations on the new successor contract are at a standstill,

heading towards impasse.

The administration and the Board of Trustees continue to allow spurious issues to be raised on arbitrations that have been won.

Two arbitrations have concluded, two more are scheduled in the coming months, with the potential for 4 more to take place. Nothing has changed except the exertion of tremendous amounts of energy to meet the perceived needs of the accreditation team (that is not to say this effort was a bad thing or unneeded). But it

would seem that the administration has what it wants, so once again the faculty do not matter.

The coming months, moving into the summer and the beginning of the fall semester, will see many of the above items escalate. It will be even more critical that, as always, you stay informed, stay involved, stay in touch. To assist in this process, e-mail me at ira@UnitedProfessorsofMarin.org and I will add you to the list that receives “alert notices” (no spam, promise).

It will be even more critical that, as always, you stay informed, stay involved, stay in touch.



**Tick-tock, tick, tock, time on the clock.
Amount paid to the attorney for the District during the month of February: \$24,300**



**CONNECTING THE
DOTS**
News and Opinion
by Arthur Lutz

DER DOLCHSTOSS

After World War I there was a myth circulated in Germany that Germany was defeated because of domestic factors rather than because of inadequacy on the battlefield. The myth was called *Der Dolchstoss*, (“Stab-in-the-Back.”) It suggested that Germany did not lose the war because of failure in battle, but rather because of betrayal on the home-front by socialists, communists and Jews who failed to show sufficient patriotic fervor and who, it was claimed, intentionally sabotaged the war effort; i.e. stabbed Germany in the back.

The myth was false because most Germans, (Jews and socialists included) fully supported German participation in WW I, and military historians agree that Germany was defeated because of flawed military strategy, not because of inadequate

home-front support. In fact, Jews enlisted and served in combat at a higher percentage than non-Jews, and died at a higher rate. But the *Dolchstoss* myth of Jewish betrayal and sabotage persisted and was exploited by Adolph Hitler in his subsequent rise to power. It was the central lie upon which Nazi ideology was based.

Adolph Hitler was not the only autocratic leader to use bogus claims of betrayal and sabotage. In the 1950’s Senator Joseph McCarthy claimed that communists in our State Department were responsible for the “loss of China” to the communists. And currently the Bush administration is reviving the *Dolchstoss* myth and accusing Democratic lawmakers of undercutting our troops in Iraq.

It’s hard to understand how a responsible college president could charge some of her own faculty with betrayal and sabotage

And even here at College of Marin we have a leader who is invoking the *Dolchstoss* myth, and using it to account for the failings of our college.

I’m referring to the recent comments made by President White in the *Pacific Sun* (2/22; 3/28) where she states: “A *handful of faculty [dissenters] has held this college hostage for the last 30 years.*” “*They engage in bullying, unprofessional behavior, personal attacks, racism and sexism.*” “*It is a special interest group that is doing everything to work against students and full accreditation.*” “***They are doing everything they can to kill the institution.***” [Emphasis mine.]

It’s hard to understand how a responsible college president could charge some of her own faculty with betrayal and sabotage, especially when there is abundant evidence of the dedication, support and service that our senior faculty has provided to our college over the years.

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But it's even more bewildering because statements like these are so terribly damaging to our public image at a time when we can least afford to have our school's reputation tarnished.

Statements like these are so terribly damaging to our public image at a time when we can least afford to have our school's reputation.

These are not the kind of remarks that will increase our student enrollment. Or inspire parents to entrust us with their children's educational development; especially in an allegedly "racist" or "sexist" or "bullying" environment. Or inspire funders to donate to college programs. Or impress WASC with our

administration's claim of collegiality. If anyone is "**doing everything they can to kill the institution**" it is Dr. White herself, because of her irresponsible comments.

If some of our faculty are not overly supportive of Dr. White's policies and practices, then maybe Dr. White ought to take a closer look at her policies and practices, rather than attack the faculty who question them. Perhaps she could learn a few things from a senior faculty that has been overwhelmingly admired and respected by current and former students.

If anyone is "doing everything they can to kill the institution" it is Dr. White herself, because of her irresponsible comments.

Germany lost WW I because of failures on the field of battle, not because of domestic sabotage. Those who argued otherwise misrepresented history and absolved the German leadership of mismanagement.

At College of Marin, let's not repeat this error by endorsing Dr. White's recycling of the *Dolchstoss* myth in her attempt to absolve *herself* of mismanagement. The real reason we are losing the 'battle' for student enrollment, financial stability, and community support and respect, has nothing to do with so-called 'backstabbing' by our senior faculty. It has to do with the blunders of an incompetent and bellicose administration. It's time that our Board of Trustees recognized that Dr. White's leadership is a liability to the College of Marin.

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Sponsored by the American Federation of Teachers, AFL-CIO

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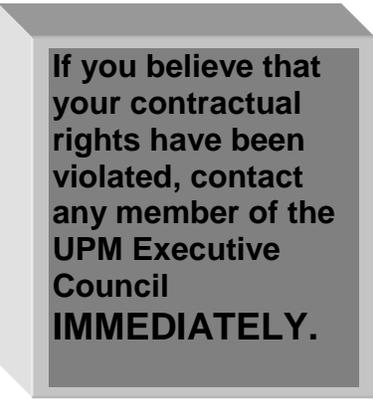
For more information, go to: <http://www.cft.org/about/training/ulibrochure08.pdf>

Grievance Update

Over the past months, UPM has filed quite a few grievances, several of which are now headed to arbitration even though in meetings with the District, we have made sincere attempts to settle and to avoid going before an arbitrator. In one case, we were successful even though the 30 day limit to file for arbitration had passed. In another, however, because we had understood that the District wanted to resolve the grievance by agreeing to continue talks, we exceeded the 30 day limit, and (almost certainly because the District knew it would lose), the District representative cited the contractual limitation and ceased discussion. A dirty trick? Perhaps. Still, in another violation, a wronged unit member didn't bring his grievance to our attention soon enough, and so we once again missed the filing deadline. Will there be more grievances to rectify? We all know that answer to this one: YES.

As a reminder of the timelines and the nuances of the

grievance procedure, I'd like to cite one of the most pressing aspects of our Contract: Timing. If you believe that your contractual rights have been violated, contact any member of the UPM Executive Council IMMEDIATELY. We/you have 30 working days to file a grievance; after the 30 day limitation, you can (and probably will) kick yourself often, but legally, there's little we can do. In one case this year (referenced above), a unit member was wrongly denied conference leave funding, but because he presented the issue after the 30 day limit, he had no chance of recovering the \$1,000 he spent travelling to and attending his conference.



If you believe that your contractual rights have been violated, contact any member of the UPM Executive Council IMMEDIATELY.

Article 12 (Grievance) is complex, so we should all review it periodically,

and, of course, to know if our rights are violated, we should all familiarize ourselves with every article in the Contract (as if we didn't have enough to do down this home stretch). Even if you do not know which Article has been breached, contact an Exec member ASAP to determine if you were wronged. Your communication will remain confidential.

Aside from understanding timelines, because student complaints are now central to two separate issues that may well end up as grievances, I'd also like to cite parts of Article 24, Faculty Rights: A student complaint is defined as:

A specific allegation by the complainant that a unit member has engaged in behavior towards a student or students that violates State law or Federal law regarding unsafe assignments, harassment or unlawful discrimination (CBA 24.13).

Student complaints must follow a defined procedure (See Article 24), or they are not official "complaints."

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If an administrator calls you to speak about an informal complaint, that is, one that has not gone through the agreed upon process, you are not obligated to discuss the matter.

In more than a few instances, we have seen managers misinterpret the contract regarding such complaints, as well as in regard to many other matters, and often

their mantra is that the contract prevents them from managing. Indeed, the UPM /MCCD Contract has been the source of much frustration for many of our administrators. In protecting our rights, the Contract limits what managers can do to us. Knowing our contract and our rights under it, we must remind management that the Contract is a mutually

agreed upon document that has been refined over decades, always signed off on by both UPM and the District when negotiations conclude. The UPM/MCCD Contract does not belong to us alone. It is a joint document designed to offer protection to all involved and must be respected as such.

J Sutherland



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

Editor:

Next Thursday is May Day – *International Workers' Day*. Every year on May Day, workers around the world hold demonstrations to honor the struggles and contributions that working people have made in helping make this world a better place for all people. May Day was a holiday started in our United States in 1884 in support of the 8-hour day, and before the politically repressive, anti-labor, McCarthy era of the 1950's, most U.S. cities held May Day parades. At a time when our own

faculty is being rebuffed at the bargaining table by management, it's good to remember and honor the working people throughout the world who have fought for the same things for which our union is fighting – decency and respect in the workplace, and an equitable wage. On Thursday, let's show our support for Labor (and for UPM) by wearing the color of labor solidarity – on Thursday, wear something red.

Arthur Lutz

"Letters" Continued on 8

Editor:

The Cost of Negotiations at the College of Marin

Labor negotiations for the three unions at the College of Marin are at a standstill after two years of bargaining. This is the first contract fully negotiated under Fran White's tenure. The three unions are represented by employees from the various staff segments. The United Professor of Marin is at impasse for the first time in over twenty-five years; CSEA, which represents the clerical staff, has recently filed an unfair labor practice and neither they nor SEIU has made any substantive progress in their negotiations.

In fiscal year 05-06, the District budgeted \$130,000 for Legal and spent \$123,000. However, the following year, the District more than doubled its budget for Legal (\$299,439) and then proceeded to spend \$400,869, thereby more than tripling the 05-06 budget allocation.

For his services from April 2006 through April 2008, District legal counsel and chief negotiator Larry Frierson has received a total of \$421,429. He is being paid as a lawyer for negotiating, yet after two years, there are no contracts. He is also being paid for litigating lawsuits and arbitrations filed against the District, actions which have been necessitated by the policies and practices of the District as advised by none other than Mr. Frierson. The number of litigations—grievances,

arbitrations and lawsuits—has grown alarmingly under the White/Frierson tenure at the College. There is an appearance of Conflict of Interest because the cases between College employees and the District under best practices could have been settled long before they cost the District and the unions tens of thousands of dollars. It must be noted that the unions pay for their own legal costs through dues but the District's costs are paid out of the District's \$65,000,000 annual budget bankrolled by the taxpayers of Marin.

In fiscal year 05-06, the District budgeted \$130,000 for Legal and spent \$123,000. However, the following year, the District more than doubled its budget for Legal (\$299,439) and then proceeded to spend \$400,869, thereby more than tripling the 05-06 budget allocation. As of this month, the District has 10 cases pending in various legal venues, an all time District record. The District is behaving as if the UPM/District Contract that expired on July 1, 2007 but is still in force didn't exist and the Contract in their mind, the one they hope to get through in this round of bargaining, is in force. Recently, a top manager and member of the District's bargaining team stated to faculty at a Union/District committee meeting, "Go ahead and grieve. Bring it on!"

In the 27 years before Fran White, the United Professors of Marin had only three grievances that went to arbitration. Since 2004, under the White Administration, there have been two arbitrations and seven more are pending.

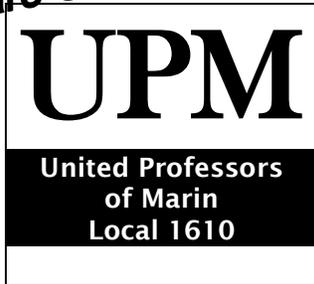
"Letters" Continued on 9

Prior to Fran White's arrival, the District's chief negotiator was paid between \$15,000-\$20,000 per union to negotiate each three-year contract for a total of between \$45,000-\$60,000. After nearly a half million dollars paid to Larry Frierson over a two year period, the District still has not finalized one contract but Mr. Frierson is doing very well at making a handsome living off the Marin taxpayers as the most highly paid employee at the College of Marin. In fact, with 10 weeks still left in the fiscal year, he has already made \$9,201 more than Superintendent/President Fran White's salary this year of \$213,000.

In the 27 years before Fran White, the United Professors of Marin had only three grievances that went to arbitration. Since 2004, under the White Administration, there have been two arbitrations and seven more are pending.

Deborah Graham
Marin County Taxpayer, College of Marin employee

30 Years Strong!



United Professors of Marin

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Executive Council Election Results

<p><u>Permanent:</u> Christensen 41 Votes Cox 43 Votes Lutz 38 Votes</p> <p><u>At-Large:</u> Borenstein 29 Votes Lansing 70 Votes</p> <p><u>Temporary:</u> Behr 29 Votes Graham 15 Votes</p>	<p><u>Permanent:</u> Christensen Cox Lutz</p> <p><u>At-Large:</u> Lansing</p> <p><u>Temporary:</u> Behr (2 Year Position) Graham (1 Year Position)</p>
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AFT Advantage

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The AFT is pleased to announce the "AFT Advantage" -- a new selection of online discounts and privileges at a wide variety of retailers, restaurants and local merchants.

As an AFT member, you have access to AFT Advantage offerings from any computer with an Internet connection. Visit the dynamic AFT Advantage site often to see what's new, or to suggest the addition of local businesses from your area.

Recent offers include:

- 20% off FTD.com
- 20% off Ann Taylor Loft
- Save up to \$500 at Philips Electronics
- 10% off at Target
- 20% off at Hallmark
- 20% off at Running Warehouse

To connect to the new AFT Advantage and to AFT + member benefits, you will need your new national AFT membership card, which holds your unique ID number.

Go to: www.aft.org/members to activate your card and establish a password.

You will be able to link to exclusive AFT member benefits, services and resources, including AFT Advantage. If you have already activated your membership card, all you will need is your user ID and password to begin taking advantage of the AFT Advantage!

AFT Advantage also has a link to the AFT + member benefit programs, which include popular AFT-endorsed voluntary insurance plans; credit subscription discounts; and entertainment features.

Thanks for participating.

District Lawyer Paid \$ 400,000.00 to negotiate?

Fran White's Contract?

UPM Requests PERB to Declare Impasse!

The UPM Executive Council's Weekly Debriefing handout will keep unit members informed on current contract negotiations as well as other important issues.

Read the latest issue @

www.unitedprofessorsofmarin.org

<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 Radica Portello</p> <p>GRIEVANCE OFFICERS Theo Fung/John Sutherland</p> <p>TREASURER Theo Fung</p> <p>BUDGET MONITOR Deborah Graham</p> <p>BAY 10 REPRESENTATIVE Bonnie Borenstein</p> <p>CCC REPRESENTATIVE Bonnie Borenstein</p>	<p>NORTH BAY LABOR COUNCIL REPRESENTATIVE Carol Costa</p> <p>PROFESSIONAL AFFAIRS COMMITTEE Mike Ransom David Rollison</p> <p>WORKLOAD COMMITTEE Carl Cox Don Foss</p> <p>HEALTH AND SAFETY COMMITTEE Jamie Deneris Carol Lacy</p> <p>PROFESSIONAL STANDARDS COMMITTEE George Adams Paul Christensen</p> <p>SABBATICAL LEAVE COMMITTEE Paul Da Silva David Rollison Chris Schultz Toni Yoshioka</p>	<p>CRA TRUST Ed Essick (Chair) Sarah Brewster Ira Lansing Robin Lavin 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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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: _____
Name: _____
Address: _____
City: _____ Zip: _____
Home Phone: _____ Campus Ext.: _____
Email: _____
SS#: _____
Department: _____

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