



THE FEDERALIST

OCTOBER 2018 • AFT Local 1533 Newsletter



A Union of Professionals

State Center Federation of Teachers

Part-Time Faculty Pay in State Center District Lags Behind Rest of State



One of my most dismal memories from the three years that I was a “full-time part-time” philosophy instructor at the Clovis Center (teaching three classes every semester) was the day I handed in my final grades one May. I wanted to celebrate; I had money for the \$5.00 coffee drink which would make my joy complete. But the prospect of my final paycheck for the school year left me too emotionally incapacitated to celebrate or even happily fill my gas tank before I headed to the mountains for a hike. My paycheck would be less than \$2000 and more than a third of it would go for rent. The news for our part-timers has not gotten any better in the inter-

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ADMINISTRATIVE REGULATION NEWS

The senates, board, and administration have been hurrying to approve a revision of one of the curriculum ARs, 4020, “Program and Curriculum Development,” in order to get it to the State Chancellor’s Office by October 19. New language defining a credit hour was needed to comply with state and federal law. The State Chancellor’s Office warned that any delay in approval by our board would lead to delays in the approval of curriculum submitted to their office by the colleges. The senates agreed to expedited approval provided they were allowed to reopen AR 4020 in the near future.

The sticking point for the senates is the power of the Educational Coordinating and Planning Committee (ECPC), a district committee under the supervision of the Vice Chancellor, Educational Services and Institutional Effectiveness.

Title 5 of the California Code of Regulations, §53203(d)(1) states that “the governing board of a district shall adopt procedures for responding to recommendations of the academic senate that incorporate the following: (1) in instances where the governing board elects to rely primarily upon the advice and judgment of the academic senate, the recommendations of the senate will normally be accepted, and only in exceptional circumstances and for compelling reasons will the recommendations not be accepted. If a recommendation is not accepted, the governing board or its designee, upon request of the academic senate, shall promptly communicate its reasons in writing to the academic senate.”

The board has agreed, in AR 2510, to rely primarily upon the advice and judgment of the senates in matters of curriculum. AR 4020 mandates that the ECPC review and approve all curriculum decisions of senates. Presumably, this makes the ECPC the board’s designee for approving curriculum recommendations from the senates. Curriculum decisions still go to the board for final approval, and there is no AR formally assigning an intermediate review function to the ECPC. The ECPC often insists on substantial changes to curriculum submitted by the senates. When the ECPC does not accept a senate recommendation on curriculum, Title 5 requires the committee to communicate its reasons in writing to the academic senate.

There is no history of the ECPC abiding by this requirement of Title 5.

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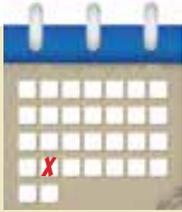
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CALENDAR OF EVENTS

STUDENT LOAN DEBT CLINICS

October 25 AND November 2

EQUITY WEEK

October 22 to 26

ART HOP!

We are an Art Hop stop now. Members (only!) can showcase their art with us. Hit up Inez at scftedo@gmail.com to learn more.

OFFICE SPACE AVAILABLE

Two partially furnished offices available for rent: dedicated parking space; on-site private restrooms; breakroom; all utilities included; 24 hour security. Spread the word!

SOLIDARITY DRIVE

Coming in November. Want to plug in and get active? Let us know!

CHRISTMAS PARTY/OPEN HOUSE

December 7 at 5:00 p.m.

Looking for a few Adjuncts to share their stories...



AFT Online Voter Guide 2018



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SCFT Leadership Profiles: ROGER HITCHCOCK

Clovis math instructor Roger Hitchcock is in his first semester as SCFT Vice President of Academic Affairs for Clovis Community College. Hitchcock has been a full-time math instructor at Clovis since 1998, and before that had nine years of experience teaching math at the high-school level.

Hitchcock hopes to use his VP position to foster greater cooperation at Clovis between the Academic Senate and SCFT. AB 705 is one prominent issue demanding the cooperation of union and senate. The Clovis Math Department has devoted many additional meetings to implementation of AB 705 (a workload issue under the purview of the union). Making sure they have an effective plan is a student-success issue (under the purview of the senate). One statistic cited by Hitchcock captures the magnitude of the problem the math people at Clovis are facing as they try to implement the requirements of AB 705: 800 students are enrolled in remedial and developmental math classes this semester. (At Fresno City College, this number is far higher.) Going forward, except when a student self-selects placement into one of these classes, or the department can demonstrate that a student is “highly unlikely” to succeed in a transfer-level class, AB 705 envisions elimination of classes which do not transfer to a four-year institution.

The Clovis math department must develop a plan which enrolls 800 or more unprepared students in transfer-level classes within their first two semesters of college, and provides the additional support that these students will need in order to succeed in transfer-level courses. The anticipated elimination of Intermediate Algebra (a class which counts towards an Associate degree but does not transfer) will affect the science departments as well, as they use Intermediate Algebra widely as a prerequisite.

Another issue Hitchcock brings up is the differing lengths of opening-day activities at the three colleges in SCCC. While faculty at Reedley and Fresno City had a four-hour workday this past August 9, Clovis faculty had a seven-hour workday. In the past, complaints about these kinds of disparities

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Faculty Rights, or If You Don't Know Your Rights, You Don't Have Any*



In a rare moment of transparency, one of our former managers said, “If employees knew all of the rights that they have, we [the management] would be in all sorts of trouble.” But of course that manager, apart from opening that window of honesty, still held the intention of keeping employees in the dark, ignorant of their rights, in order to ensure his continued control over them. Managers and administrators have been exploiting employee ignorance of workers’ rights long before and since that particular conversation.

We faculty, as employees and professionals, have many rights that protect our careers, as well as our ability to do our jobs with integrity and according to high standards. One great paradox, and a significant source of stress, is that the “direction” we often receive from administrators would lead us, if followed, to do our jobs poorly, dishonestly, and unprofessionally. We can actually “get in trouble” for doing our jobs too *well*. While arguing with an administrator about his raising the enrollment cap for a writing class, the administrator told (one of) us to “assign less writing,” some of the worst professional advice a “budget hawk” administrator could give to a college instructor. *Federalist* readers could provide numerous additional examples from their own experiences. In short, we have not only the responsibility, but

the right, to do our jobs well. We should never let administrators hinder us neither in conducting ourselves professionally, nor in serving our students, nor in protecting the academic integrity of our colleges.

Three of our key rights are (1) Weingarten rights, which are Federal rights, (2) the right of faculty to appoint other faculty “to serve on college or district committees, task forces, or other groups dealing with academic and professional matters” through the college’s Academic Senate under California’s Title 5, Section 53203(f), and (3) the right of faculty, through the collective bargaining representative, which in our case is our own union, SCFT Local 1533, to “seek to appoint faculty members to committees, task forces, or other groups” under the same section of Title 5. The best way for us to protect these rights is to know and consistently exercise them.

Weingarten Rights

Weingarten rights originate from a 1975 Supreme Court decision, *NLRB v. Weingarten, Inc.* They are to faculty as Miranda rights are to those being arrested and investigated for criminal offenses: Weingarten rights give you the right to representation by your union representative during an investigative interview by an administrator. To exercise your Weingarten rights, once you discern that the administrator talking to you is investigating you, you can say, “Union rep!” as someone being questioned about a crime might say, “Lawyer!” The full wording is, “If this discussion could in any way lead to my being disciplined or terminated, or affect my personal working conditions, I respectfully request that my union representative, officer, or steward be present at this meeting. Until my representative arrives, I choose not to participate in this discussion.” Some of us carry these words on a card in our wallet or purse. You can do a quick search for “Weingarten rights” on your cell phone or computer, and you can find this exact wording on the SCFT union website. It might be a good idea to walk into the office of your “immediate supervisor by contract” and read these rights out loud, even if you then say something like, “Just kidding!” in order to let your nearest administrator know that you know them. One of the present writers did exactly that, and it was taken lightly but seriously. I read off of my Weingarten Card and said, “I always wanted to do that!” and my supervisor and I both laughed (or at least smiled). But then *he knew* that I knew my rights, and I

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Brown Act Facts

The Brown Act is the section of the California Government Code which ensures that public agencies debate and make their decisions in meetings open to the public. The law regulates meetings of the SCCC Board of Trustees and the Academic Senates, which are both designated “legislative bodies” under the Act. Here are some excerpts from the Brown Act:

§54954.2(a)(1) At least 72 hours before a regular meeting, the legislative body of the local agency, or its designee, shall post an agenda containing a brief general description of each item of business to be transacted or discussed at the meeting, including items to be discussed in closed session.

§54954.2(a)(3)

No action or discussion shall be undertaken on any item not appearing on the posted agenda, except that members of a legislative body or its staff may briefly respond to statements made or questions posed by persons exercising their public testimony rights under Section 54954.3.

Since the agenda must be posted publicly 72 hours before a meeting, legislative bodies governed by the Brown Act are not permitted to amend the agenda at the beginning of a meeting. The 72-hour posting requirement also makes approving the agenda at the beginning of a meeting an inconsequential exercise.

The by-laws of bodies governed by the Brown Act usually call for the body’s officers to set the agenda. An agenda not

posted 72 hours in advance is invalid; an amended agenda would not meet the 72-hour posting requirement, and therefore would not be a valid agenda. The Brown Act does provide for exceptions to these strictures in cases of emergency.

§54953.3

A member of the public shall not be required, as a condition to attendance at a meeting of a legislative body of a local agency, to register his or her name, to provide other information, to complete a questionnaire, or otherwise to fulfill any condition precedent to his or her attendance. If an attendance list, register, questionnaire, or other similar document is posted at or near the entrance to the room where the meeting is to be held, or is circulated to the persons present during the meeting, **it shall state clearly that the signing, registering, or completion of the document is voluntary, and that all persons may attend the meeting regardless of whether a person signs, registers, or completes the document.**

With respect to §54953.3, those who have attended SCCC Board of Trustees meetings have seen sign-in sheets for attendees, but have not seen the legally required notice that signing in is voluntary. To their credit, the board does not insist that members of the public sign in as a condition of attendance. However, the board does insist that members of the public who wish to address the board during the public-comment session of their meetings identify themselves on a form monitored by the Vice Chancellor, Human Resources. If members of the public are not required to sign in to attend a board meeting, they should not be required to sign in to address the board.

NOMINATIONS OPEN FOR THE 2019 HAYWARD AWARDS

Deadline to Register/Apply:

Monday, December 17, 2018 - 5:00pm

The Hayward Award is conferred upon four faculty members annually who have been nominated by peers from their college. Named for former California Community College Chancellor Gerald C. Hayward, the award honors outstanding community college faculty who have a track record of excellence both in teaching and in professional activities and have demonstrated commitment to their students, profes-

sion, and college. Recipients of the Hayward Award receive a plaque and a \$1,250 cash award. A call for nominations goes out in November with an announcement letter, application, criteria and scoring rubric. This is a Board of Governors award, is sponsored by the Foundation for California Community Colleges, and recipients are recognized by the Board each March. The award winners are invited to attend a dinner with the Academic Senate President on Sunday night before the award ceremony and to attend the Board meeting to receive the award the next day.

Fresno City College part-time instructor Shushanek Silvas was one of four who earned the 2017-2018 Gerald C. Hayward Award for Excellence in Education. Silvas demonstrated academic commitment and forward-thinking progress to her college. Dr. Silvas believes in working with departments to create student success outcomes. Through her role in tutorial, specifically with reading and writing, she has implemented Essential Skills Workshops, while working with counseling and financial aid departments to create a platform of college success skills needed by students. Prior to implementing multiple measures, Dr. Silvas, along with support from the humanities and the assessment team, designed English Placement Test Prep, which assisted students to place more accurately. As a researcher, her work has taken her across the state to train campuses to better meet the needs of diverse students. Dr. Silvas' recent research aims to understand the plight of adjunct faculty, in particular the psychology of adjunct faculty. Her findings uncovered a relationship between the outcome of low psychological safety for adjunct staff and potential negative effects for students. In response to this finding, Dr. Silvas is developing a program to increase institutional cohesiveness and psychological safety, which will, as a result, improve the student experience. Fresno College Academic Senate President Bruce Hill poses the question in response to Dr. Silvas' self-professed unorthodox instruction by asking, "What is education but a continuing process by which a person begins to learn how to learn?" Dr. Silvas' commitment to the California community colleges begins with improving student lives by supporting their educational process and extends to the research and support of adjunct faculty who comprise a large portion of the student's journey.

Other winners from 2017-2018 included Dr. Adam Wetsman, an Anthropology instructor from Rio Hondo College, Edwina Williams, a part-time Sociology instructor at MiraCosta College, and Brenda Chan who served as a nurse clinician, educator, grant writer, and researcher at East Los Angeles College,

The 2017-18 Hayward Awards are supported through a grant from the Foundation for California Community Colleges. The award is named in honor of Gerald C. Hayward, who served as chancellor of the California Community Colleges from 1980 to 1985.



FCC part-time instructor Shushanek Silvas (center) was presented with the Hayward Award in March 2018. She was one of four in the state to be recognized.

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Hourly pay for part-time instructors in the State Center Community College District now ranks near the bottom in the state of California. Out of 72 community college districts in the state, only eight pay part-timers worse than State Center.

vening ten years since I indulged in a few hours of self-pity on that sad day in May. If anything, the news has gotten worse.

Hourly pay for part-time instructors in the State Center Community College District now ranks near the bottom in the state of California. Out of 72 community college districts in the state, only eight pay part-timers worse than State Center. The first- and second-highest paying districts are San Francisco and El Camino (L.A. County).

In the State Center District, a newly hired part-time instructor with an M.A. begins at \$50.78 per hour. After nine semesters his or her hourly wage goes up to \$52.82. In San Francisco, a part-time instructor with an M.A. begins at \$95.83 and goes up to \$104.58 after nine semesters. Not only does the SF part-time instructor start at an hourly rate almost twice that of the State Center part-time instructor; the SF instructor sees his or her pay increase by 9.1% after nine semesters compared to a 4% increase for SCCCDC part-timers. In the El Camino Community College District (which, like San Francisco, is a single-college district), part-time instructors with an M.A. begin at \$87.55 per hour and earn \$101.88 after nine semesters, a 16.4% increase compared to State Center's 4% increase after nine semesters.

Gross monthly-income figures make the contrast even starker. An instructor at San Francisco City College with nine semesters of experience teaching three three-unit classes grosses \$4047 per month; at El Camino College, \$3943 per month. For State Center, the figure is \$2044 per month.

No one should think that cost-of-living differences in the respective regions of California justify these wage disparities. In Fresno, median gross rent (rent plus utilities) was \$913 in 2016. El Camino College is located in the unincorporated Alondra Park area of Los Angeles County. Median gross rent in Alondra Park in 2016 was \$1046. In other nearby cities: Gardena, \$1241; Lawndale, \$1409; Hawthorne, \$1046; El Segundo, \$1723; Manhattan Beach, \$2348. In San Francisco in 2016,

median gross rent was \$1784. (These rent figures come from <http://www.city-data.com/>.)

A part-time instructor in SCCCDC who spends \$1500 on rent has not much more than \$200 left from a take-home pay of around \$1700. A part-time instructor in the El Camino or San Francisco District who spends \$2000 on rent has \$1500 left to spend on other necessities and a few non-essentials as well.

Part-time salaries are taken from the 2017-18 salary comparison prepared by the California Federation of Teachers.
- Michael Stannard, *Editor, Federalist*

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have been greeted with the remark, "This is the culture of Clovis," or, "That's a union issue. Tell your leadership to bring it up in negotiations."

Hitchcock thinks that Clovis needs to develop a different mentality since it has become an independent college and continues to grow beyond its small, close-knit origins as a college center. Part of that mentality is faculty asserting their rights more forcefully through their senate and union.

Too often administrators manage with insufficient regard to legal and regulatory constraints, often to the detriment of students as well as faculty. Hitchcock cites the example of a newly hired full-time college instructor assigned to teach a class at a high school. Administration claimed they were justified in taking this action under their "right of assignment." Hitchcock questions whether the college and high school administrations acted responsibly by cooperating to place an instructor in a high-school classroom who (1) had been hired specifically to teach at a college, and (2) did not have a high-school credential, and (3) had not been fingerprinted, a requirement of high-school employees. In the first or second year of a contract, it is very difficult for a full-time instructor to refuse to be placed in such an awkward position by administration (and the problem is always worse for part-timers). The senate and union need to protect faculty from these sorts of cavalier management decisions, partly by changing the culture which hires managers who even consider making such decisions, and partly by backing down managers who actually seek to make such decisions. All of this will be part of the job of the new VP of Academic Affairs at Clovis.

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knew that he knew that I knew them. We were friendly, but we were from different worlds, or at least held very different positions at the college, with potentially conflicting points of view.

The Supreme Court gave three rules regarding Weingarten rights, and invoking your Weingarten Rights comes under the first rule: “Rule 1: The employee must make a clear request for union representation before or during the interview. The employee cannot be punished for making this request.”

The second rule: “Rule 2: After the employee has made the request, the employer must choose from among three options.” To paraphrase, once you have said the magic words from your Weingarten Card, the administrator should do only one of three things: (1) Deny your request and end the interview, or (2) Grant your request, and allow you to contact your representative and consult with your representative in private before continuing the interview, and only then proceed with the interview *with your representative present*, or (3) Explicitly offer you the “clear choice” to *end* the interview, or to *continue* the interview *without* your union representative present.

The last Weingarten rule is “Rule 3: If an employer denies the request for union representation, and continues to ask questions, he or she commits an unfair labor practice, and the employee has the right to refuse to answer. The employer may not discipline the employee for such a refusal.”

The Academic Senate’s Right to Appoint Faculty

Faculty must be appointed to committees and other work groups by the college’s Academic Senate. The relevant section of Title 5 does include, “...after consultation with the chief executive officer or his or her designee...,” but the appointment is still *by the Academic Senate*. In the recent past, one college president got all of this exactly backwards, asserting as normative *her* appointment of faculty to committees, etc., *independently* of the Academic Senate, *followed* by consultation with the Academic Senate. Because of this confusion of the Title 5 language, it’s crucially important to be crystal clear about the proper order of consultation, and to consistently exercise our right to appoint faculty through the Academic Senate.

The Union’s Right and Role

The faculty union also has the right to “seek to appoint” faculty members to committees, etc. Faculty can, therefore, make appointments of faculty through the senates, and *may seek to appoint faculty* through their union. These faculty rights through the academic senates and through the union both come from Title 5, Section 53203 (f): “The appointment of faculty members to serve on college or district committees,

task forces, or other groups dealing with academic or professional matters, shall be made, after consultation with the chief executive officer or his or her designee, by the academic senate. Notwithstanding this Subsection, the collective bargaining representative may seek to appoint faculty members to committees, task forces, or other groups.” Beware of the argument that goes, “Well, that’s union business, so it’s not the business of the academic senate.” Such an argument is *always* invalid because there is *sometimes* an overlap between the business of the union and that of the academic senate. The appointment of faculty to committees, work groups (etc.) falls within the overlap: both groups have the right to appoint, or at least to seek to appoint.

Our rights are threatened especially in any college culture which involves a willful, autocratic “chief executive officer,” a co-opted or pliable academic senate president, and/or a body of faculty who are not paying attention, or who are satisfied to serve under a “top down” organizational structure. The faculty have a key role in governing a college. If we stay active, informed, and alert, we can help protect the whole world from dysfunctional community colleges.

- Lacy Barnes, *SCFT Past President*, *CFT VP*, and Jim Druley, *VP of Academic Affairs for Reedley, Madera, and Oakhurst*

**Attend the:
The AFT Student Loan Debt
Clinic for SCFT Members**

**Thursday, October 25 or
Friday, November 2
Beginning at 5:00 p.m.
SCFT Office:
1575 N. Van Ness
Fresno 93728**

Seating is limited: REGISTER NOW!

**Click the link below to register:
<http://aft.to/StudentDebtClinicRSVP>**

On the drop-down menu, select either “State Center Federation of Teachers 10/25/2018” or “State Center Federation of Teachers 11/02/2018.”



Everyday Savings

Save every day with union member-only discounts on everything from fashion and beauty to electronics and everyday household items. And whether it's date night or a fun family night out, enjoy delicious, union family discounts at select restaurants.

Find out more about this and other great Union Plus programs by visiting unionplus.org.



Learn more at
unionplus.org/aft

